
A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. (a) Notwithstanding any other law to the
2 contrary, the fee simple interest to the following parcels of
3 land with the existing improvements thereon (hereinafter "the
4 properties") (but not including submerged land, accreted land,
5 or any land makai of the shoreline), shall be conveyed by the
6 city and county of Honolulu to the department of education as
7 grantee, as of July 1, 2018, as is, where is:

- 8 (1) TMK 1-4-4-3-16 (Aikahi Elementary);
9 (2) TMK 1-4-5-16-1 (Ben Parker Elementary);
10 (3) TMK 1-4-5-34-14 (Castle High);
11 (4) TMK 1-4-2-2-37 (portion) (Enchanted Lake Elementary);
12 (5) TMK 1-4-6-31-20 (Heeia Elementary);
13 (6) TMK 1-4-7-12-24 (portion) (Kahaluu Elementary);
14 (7) TMKs 1-5-6-6-9, 1-5-6-6-10, and 1-5-6-6-25 (Kahuku
15 High and Elementary);
16 (8) TMK 1-4-3-56-9 (portion) (Kailua Elementary);
17 (9) TMK 1-4-3-56-9 (portion) (Kailua Intermediate);



- 1 (10) TMK 1-4-3-76-15 (Kainalu Elementary);
- 2 (11) TMK 1-4-4-34-24 (Kalaheo High);
- 3 (12) TMK 1-4-5-103-11 (Kaneohe Elementary);
- 4 (13) TMK 1-4-5-78-14 (portion) (Kapunahala Elementary);
- 5 (14) TMK 1-4-2-92-1 (portion) (Keolu Elementary);
- 6 (15) TMK 1-4-6-4-2 (King Intermediate);
- 7 (16) TMK 1-5-5-15-23 (Laie Elementary);
- 8 (17) TMK 1-4-2-55-12 (Lanikai Elementary);
- 9 (18) TMK 1-4-2-43-2 (portion) (Maunawili Elementary);
- 10 (19) TMK 1-4-5-30-38 (portion) (Puohala Elementary);
- 11 (20) TMKs 1-4-8-9-9, 1-4-8-9-11 (Waiahole Elementary);
- 12 (21) TMK 1-9-4-59-73 (August Ahrens Elementary);
- 13 (22) TMK 1-9-1-1-2 (portion) (Campbell High);
- 14 (23) TMK 1-9-1-115-13 (Ewa Beach Elementary);
- 15 (24) TMK 1-9-1-17-37 (Ewa Elementary);
- 16 (25) TMK 1-9-7-36-124 (Highlands Intermediate);
- 17 (26) TMK 1-9-1-1-2 (portion) (Ilima Intermediate);
- 18 (27) TMK 1-9-1-1-3 (Iroquois Point Elementary);
- 19 (28) TMK 1-9-7-17-2 (portion) (Lehua Elementary);
- 20 (29) TMK 1-8-7-4-42 (portion) (Maili Elementary);
- 21 (30) TMK 1-8-4-25-10 (Makaha Elementary);



- 1 (31) TMK 1-9-7-93-16 (portion) (Palisades Elementary);
- 2 (32) TMK 1-9-7-24-2 (Pearl City Elementary);
- 3 (33) TMK 1-9-7-36-122 (Pearl City Highlands Elementary);
- 4 (34) TMK 1-9-1-1-2 (portion) (Pohakea Elementary);
- 5 (35) TMK 1-8-5-1-67 (Waianae Elementary);
- 6 (36) TMK 1-8-5-15-1 (Waianae High);
- 7 (37) TMK 1-9-4-10-98, 1-9-4-29-1 (Waipahu Elementary);
- 8 (38) TMK 1-9-4-8-20 (Waipahu High);
- 9 (39) TMK 1-9-4-1-29 (portion) (Waipahu Intermediate);
- 10 (40) TMK 1-9-8-31-17 (Aiea High);
- 11 (41) TMK 1-1-1-10-33 (portion) (Aliamanu Elementary);
- 12 (42) TMK 1-1-1-10-33 (portion) (Aliamanu Intermediate);
- 13 (43) TMKs 1-9-8-29-2, 1-9-8-29-29 (Alvah Scott Elementary);
- 14 (44) TMKs 1-6-6-13-11, 1-6-6-13-13, 1-6-6-14-15 (Haleiwa
- 15 Elementary);
- 16 (45) TMK 1-7-1-2-17 (Helemano Elementary);
- 17 (46) TMK 1-7-5-27-2 (portion) (Iliahi Elementary);
- 18 (47) TMK 1-7-3-19-13 (Kaala Elementary);
- 19 (48) TMK 1-9-5-21-2 (portion) (Kipapa Elementary);
- 20 (49) TMK 1-7-4-18-1 (Leilehua High);
- 21 (50) TMK 1-1-1-34-42 (Moanalua Elementary);



- 1 (51) TMK 1-1-1-9-5 (portion) (Moanalua Intermediate);
- 2 (52) TMK 1-1-1-2-6 (Nimitz Elementary);
- 3 (53) TMK 1-1-1-10-27 (Pearl Harbor Elementary);
- 4 (54) TMK 1-9-9-2-23 (Radford High);
- 5 (55) TMKs 1-7-1-2-8, 1-7-5-5-7, 1-7-5-5-3 (Wahiawa
- 6 Elementary);
- 7 (56) TMK 1-6-7-1-10 (Waialua Elementary);
- 8 (57) TMK 1-6-7-2-10 (Waialua High and Intermediate);
- 9 (58) TMK 1-9-8-8-7 (portion) (Waimalu Elementary);
- 10 (59) TMK 1-3-6-11-9 (portion) (Aina Haina Elementary);
- 11 (60) TMKs 3-4-004-006, 3-4-004-007 (Anuenue Elementary);
- 12 (61) TMKs 2-1-005-001 (portion), 2-1-009-002, 2-1-009-003
- 13 (Central Intermediate);
- 14 (62) TMKs 1-3-024-005, 1-3-024-004 (portion) (Dole
- 15 Intermediate);
- 16 (63) TMKs 1-6-003-048, 1-6-021-005 (Farrington High);
- 17 (64) TMKs 1-3-001-023, 1-3-001-017 (portion) (Fern
- 18 Elementary);
- 19 (65) TMK 3-9-038-001 (portion) (Hahaione Elementary);
- 20 (66) TMKs 2-8-029-010, 2-8-029-011 (Hokulani Elementary);
- 21 (67) TMK 2-4-012-002 (Kaahumanu Elementary);



- 1 (68) TMKs 1-3-024-001, 1-3-024-002 (Kaewai Elementary);
- 2 (69) TMK 3-5-011-027 (Kahala Elementary);
- 3 (70) TMK 2-7-024-001 (Kaimuki High);
- 4 (71) TMK 3-2-059-002 (Kaimuki Intermediate);
- 5 (72) TMK 3-9-005-027 (Kaiser High);
- 6 (73) TMKs 1-5-024-040, 1-5-025-002 (portion) (Kalakaua
- 7 Intermediate);
- 8 (74) TMK 3-5-020-004 (Kalani High);
- 9 (75) TMK 1-4-007-002 (portion) (Kalihi Elementary);
- 10 (76) TMK 1-5-025-002 (portion) (Kalihi-Kai Elementary);
- 11 (77) TMKs 1-3-035-001 (portion), 1-3-036-079 (Kalihi-Uka
- 12 Elementary);
- 13 (78) TMK 3-9-005-061 (Kamiloiki Elementary);
- 14 (79) TMK 1-6-026-022 (Kapalama Elementary);
- 15 (80) TMK 1-7-023-042 (Kauluwela Elementary);
- 16 (81) TMK 2-2-009-011 (Kawananakoa Intermediate);
- 17 (82) TMK 3-9-022-037 (Koko Head Elementary);
- 18 (83) TMKs 2-7-017-030, 2-7-027-010 (portion) (Kuhio
- 19 Elementary);
- 20 (84) TMK 3-2-021-035 (Liholiho Elementary);



- 1 (85) TMKs 1-6-008-016, 1-6-008-022, 1-6-008-024, 1-6-008-
- 2 038, 1-6-008-058 (Likelike Elementary);
- 3 (86) TMK 1-3-039-005 (Linapuni Elementary);
- 4 (87) TMKs 2-3-030-055, 2-3-030-056 (Lunalilo Elementary);
- 5 (88) TMK 2-9-036-003 (portion) (Manoa Elementary);
- 6 (89) TMK 3-7-003-010 (portion) (Niu Valley Intermediate);
- 7 (90) TMK 2-9-023-023 (Noelani Elementary);
- 8 (91) TMK 2-2-043-011 (Nuuanu Elementary);
- 9 (92) TMK 3-4-002-001 (Palolo Elementary);
- 10 (93) TMK 2-2-016-020 (portion) (Pauoa Elementary);
- 11 (94) TMK 1-2-008-001 (Puuhale Elementary);
- 12 (95) TMK 3-2-045-003 (Waialae Elementary);
- 13 (96) TMK 3-1-025-001 (portion) (Waikiki Elementary);
- 14 (97) TMK 2-3-026-001 (Washington Intermediate); and
- 15 (98) TMI 3-5-017-012 (portion) (Wilson Elementary).
- 16 (b) The city and county of Honolulu shall:
- 17 (1) Prepare and execute deeds warranting title only, and
- 18 such other instruments appropriate and necessary to
- 19 convey fee title and interest to the above-listed
- 20 parcels with all existing improvements, to the
- 21 department of education, as grantee; and



1 (2) Record the deeds and such other instruments within a
2 reasonable period of time after the effective date of
3 this Act, in the land court or bureau of conveyances,
4 as appropriate.

5 (c) The aforesaid executed deeds and other instruments
6 shall be delivered to the office of the superintendent of
7 education by the city and county of Honolulu no later than
8 thirty days after they are recorded. As these are conveyances
9 in which the city and county of Honolulu and the State and its
10 agencies are the only parties, the tax imposed by section 247-1,
11 Hawaii Revised Statutes, shall not apply to them.

12 (d) For purposes of this section and this Act, "as is,
13 where is" means that the department of education is accepting
14 the properties in their existing condition as of March 1, 2018,
15 the close of the department's period for due diligence, without
16 representations or warranties of any kind or nature.

17 (e) Except as set forth in the aforesaid deeds, the city
18 and county of Honolulu makes no warranty or representation of
19 any kind or nature, either express or implied, or arising by
20 operation of law, including any warranty of quantity, quality,
21 condition, habitability, reliability, merchantability,



1 workmanlike construction, suitability or fitness for a
2 particular purpose, about the parcels of real property described
3 in this section, any building or other improvement located on
4 those parcels of land, any environmental contamination or
5 conditions of those parcels of land, and the soil conditions
6 related to those parcels of land.

7 (f) The department of education shall complete all due
8 diligence investigations of the parcels necessary to satisfy
9 itself as to the physical, environmental, economic and legal
10 conditions relating to the parcels of land, and shall rely
11 solely on the information it secured from its due diligence, and
12 not on any information provided by or on behalf of the city and
13 county of Honolulu, to determine whether it wishes to accept and
14 acquire title to those parcels of land.

15 (g) All claims and liabilities against the city and county
16 of Honolulu, if any, which the department of education has, may
17 have had, or may have in the future, regarding any injury, loss,
18 cost, damage or liability, including reasonable attorney's fees,
19 concerning the physical, environmental, soil, economic and legal
20 conditions of the properties, are released, waived and
21 extinguished.



H.B. NO. 111

1 (h) The properties conveyed shall be and remain subject to
2 all encumbrances (whether or not of record), the rights of
3 tenants, leases, contracts, agreements, permits, easements,
4 profits, licenses, rights-of-way or other instruments applicable
5 to any of the properties effective or ongoing on the effective
6 date of this Act unless they expire or are terminated pursuant
7 to their respective terms. These rights and encumbrances shall
8 be set forth in the deeds conveying the properties to the
9 department of education or set forth in a license or similar
10 agreement, a memorandum of which may be recorded concurrently
11 with the deeds conveying the properties to the office.
12 Effective July 1, 2018, every reference to the present
13 titleholder or the head of the department or agency in each
14 instrument, if the titleholder is a department or an agency,
15 shall be construed as a reference to the department of
16 education.

17 (i) The properties shall be subject to all laws, except as
18 otherwise provided in this Act, provided that the city and
19 county of Honolulu may acquire by condemnation, pursuant to
20 chapter 101, Hawaii Revised Statutes, easements, rights-of-way,
21 rights of entry, or other rights of access in favor of lands



1 adjoining the properties conveyed that are under the control and
2 management of public agencies, provided the department of
3 education is paid just compensation for the same. The
4 department of education shall administer the properties in
5 accordance with its duties under the Hawaii constitution and as
6 provided by law.

7 (j) The instruments of conveyance executed and recorded
8 pursuant to this Act shall specify that the department of
9 education and any successor owner of any of the properties shall
10 cooperate with the city and county of Honolulu and its agencies
11 to designate and grant the access rights and easements to the
12 city and county of Honolulu or its agencies as may be reasonably
13 necessary for the benefit and use of properties owned by the
14 city and county of Honolulu or its agencies and which are
15 adjacent to one or more of the properties. Each of the
16 instruments creating those access rights or granting those
17 easements shall provide that the department of education, or any
18 successor owner of the servient property, shall have the right
19 to reasonably relocate any access areas or easements so
20 granted. The cost of initially identifying access areas or
21 designating and granting any easements shall be paid by the city



H.B. NO. 114

1 and county of Honolulu. The cost of relocating any access areas
2 or easements shall be paid by the department of education or any
3 successor owner, as the case may be. Each of the instruments
4 creating access rights or granting easements also shall provide
5 that the city and county of Honolulu and its agencies shall be
6 responsible for only a reasonable share of the cost of
7 maintaining any access areas and easement areas, as the case may
8 be, and that the department of education, its tenants,
9 licensees, concessionaires, successors, and assigns shall not be
10 liable for injuries or damages arising from the use of those
11 access areas or easement areas and caused by the acts or
12 omissions of the city and county of Honolulu, its agencies or
13 employees, or their invitees.

14 SECTION 2. This Act shall take effect on July 1, 2017.

15

INTRODUCED BY:

Donner. Ann

Bale

Ryan
JAN 19 2017



H.B. NO. 116

Report Title:

Public Schools; Property; Title; Transfer

Description:

Requires the City and County of Honolulu to transfer to DOE all property upon which a public school is situated.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

