STATE OF HAWAII
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
KAKAAKO
Honolulu, Hawaii, 96813

June 5, 2019

Chairperson and Members
Hawaii Community Development Authority
State of Hawaii
Honolulu, Hawaii

HCDA Board Members:

SUBJECT:

Shall the Authority Assign Kakaako Land Company LLC's Petition For A Contested Case Hearing for the Notice of Order Dated April 18, 2019 (NOO 01-2019) for Further Proceedings Before the Authority or a Hearings Officer?

SUMMARY:

Kakaako Land Company (KLC) has petitioned the Hawaii Community Development Authority (HCDA) for a contested case hearing regarding Notice of Order, Violation Number NOO-01-2019, dated April 18, 2019. The petition is attached as Exhibit A.

AUTHORITIES:

Hawaii Administrative Rules (HAR) § 15-219-48 requires that upon the commencement of a contested case proceeding, the Authority shall assign the contested case for further proceedings before (1) the Authority or (2) appoint a hearings officer.

HCDA's Rules of Practice and Procedure HAR § 15-219-26, provides that to the extent permitted by law, the Authority may duly appoint a hearings officer pursuant to Hawaii Revised Statutes (HRS) § 91-1, § 91-8.5, § 91-9, and § 92-16. A hearings officer appointed shall have all of the powers which would be held by the Chairperson or Authority or any member thereof in connection with the hearing.

BACKGROUND:

The Executive Director of HCDA issued a Notice of Violation (NOV 02-2018) to the Kakaako Land Company on December 13, 2018 for violation of Act 009 of the 2018 Session Laws of Hawaii. NOV 02-2018 is attached as Exhibit B. Subsequently, on April 18, 2019, the Executive Director issued a Notice of Order (NOO 01-2019) ordering KLC to pay a fine of $250,000 and to correct the violation. The Notice of Order noted that pursuant to HAR 15-19-46, KLC had 30 days to petition HCDA for a contested case hearing or the order would become final. NOO 01-2019 is attached as part of KLC's petition in Exhibit A.

On May 17, 2019, KLC petitioned HCDA for a contested case hearing.

ANALYSIS:

Pursuant to HAR § 15-219-48 the Authority must assign the contested case for further proceedings before the Authority or appoint a hearings officer.

HAR § 15-219-26 states a hearings officer "shall have all the powers which would be held by the chairperson or authority or any member thereof in connection with the hearing."

Appointing a hearings officer will allow flexibility in scheduling the contested case hearings. The hearings officer will preside over these matters and provide the Authority a report and recommended Findings of Fact, Conclusions of Law, and Decision and Order on the proceedings. The services of a hearings officer can be procured by utilizing the State procurement process, as done previously. Staff has prepared a scope of services for the hearings officer which is provided as Exhibit C.

RECOMMENDATION

HCDA staff recommends that the Board consider its Rules of Practice and Procedure in making its decision.

Respectfully submitted,

Garett Kamemoto
Interim Kakaako Planning and Development Director

Exhibit A – Kakaako Land Company Petition
Exhibit B – Notice of Violation 02-2018
Exhibit C – Hearings Officer Scope of Services

ORTIZ & ASSOCIATES
A LAW CORPORATION
SUITE 2121 DAVIES PACIFIC CENTER
841 BISHOP STREET
HONOLULU, HAWAII 96813

Jonathan L. Ortiz — jonathan@ortizlawhawaii.com
Christine S. Prepose-Kamihara — christine@ortizlawhawaii.com
Cathy S. Juhn — cathy@ortizlawhawaii.com

May 17, 2019

RECEIVED
2019 MAY 20 PM 1:18
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Via Certified Mail/Return Receipt Requested

To: Hawaii Community Development Authority
Kakaako Kalaeloa
547 Queen Street
Honolulu, Hawaii 96813

Date: May 17, 2019

KAKAAKO LAND COMPANY LLC'S PETITION FOR A CONTESTED CASE
HEARING OF ORDER DATED APRIL 18, 2019 (VIOLATION NUMBER NOO 01-2019)

COMES NOW Petitioner KAKAAKO LAND COMPANY, LLC, by and through its undersigned counsel, and hereby petitions the Hawaii Community Development Authority for a contested hearing regarding Notice of Order, Violation Number NOO 01-2019, dated April 18, 2019, attached as Exhibit 'A".

JONATHAN L. ORTIZ
CHRISTINE S. PREPOSE-KAMIHARA
Attorneys for Petitioner
KAKAAKO LAND COMPANY LLC

Exhibit A

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

KAKAAKO KALAEOA

David Y. Ige
Governor

John Whalen
Chairperson

Aedward Los Banos
Executive Director

547 Queen Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 587-0299

E-Mail
dbedt.hcda.contact@hawaii.gov

Website
w.dbedt.hawaii.gov/hcda

NOTICE OF ORDER

VIOLATION NUMBER: NOO 01-2019

DATE OF NOTICE: April 18, 2019

TO: **HAND DELIVERED**
Calvert Chun
Cedric Chun
Kakaako Land Company, LLC
1054-A Alewa Drive
Honolulu, Hawaii 96817

Who is the: Owner

The Owners purport to own all or portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai streets within the Kakaako Community Development District (KCDD). Portions of these streets are being used for parking and the owners are charging a parking fee, and the streets to not meet county construction and maintenance standards in violation of Act 009 of the 2018 Session Laws of Hawaii.

As a result, a Notice of Violation (NOV) NOV 02-2018 was issued on December 13, 2018 (copy attached). As of this date, the violation described in the NOV has not been corrected. Pursuant to the authority granted by the Hawaii Revised Statutes Chapter 206E-22, you are hereby ordered to:

1. Pay a fine of **$250,000.00** by May 15, 2019. (Fine total is calculated at $500 per day for five (5) violations multiplied by 100 days elapsed since the fines started accruing on January 16, 2019.)

2. Correct the violation. If corrective action is not taken by April 18, 2019, a daily fine of $500 per day per violation until the correction is complete. You are responsible for contacting Garett Kamemoto at (808) 594-0300 to verify the corrective action.

Checks (with the Notice of Order number noted on it) are payable to the Hawaii Community Development Authority and should be mailed or delivered to the Hawaii Community Development Authority 547 Queen Street, Honolulu, Hawaii, 96813.

If the fine is not paid and/or the violation is not corrected by the due date, this matter may be referred to the Attorney General's office for civil remedy and/or for criminal prosecution.

EXHIBIT A

Pursuant to HAR 15-19-46, you have 30 days to petition the Authority for a contested case hearing or this order becomes final. However, a petition does not suspend any provision of the order, including the imposition of civil fines.

Should you have any questions regarding this order, please contact Garett Kamemoto at (808) 594-0300.

Signed:

Aedward Los Banos
Executive Director

Attachments
c: Jonathan L. Ortiz, Ortiz & Associates
Christine S. Prepose-Kamihara, Ortiz & Associates

PETITIONER'S NAME, MAILING ADDRESS, AND TELEPHONE NUMBER

KAKAAKO LAND COMPANY LLC
PO Box 61422
Honolulu, HI 96839-1422
(213) 545-1710

PETITIONER'S COUNSEL'S NAME, MAILING ADDRESS, AND TELEPHONE NUMBER

Jonathan L. Ortiz, Esq.
841 Bishop St Suite 2121
Honolulu, HI 96813
(808) 524-6696

FACTUAL BACKGROUND OF PETITIONER'S CLAIM

In 1986, KAKAAKO LAND COMPANY LLC ("KLC") acquired the Desky roadways. Then, in 2010, HCDA contacted KLC seeking permission to trespass onto the shoulder of Queen Street to relocate homeless. (See attached HCDA email dated July 14, 2010; Exhibit "1".)

KLC cooperated with the Attorney General's office and HCDA, and provided the necessary Right of Entry. (See attached Right of Entry dated July 9, 2010; Exhibit "2".)

Then, at the urging of HCDA, KLC installed paid parking stalls to prevent homeless from returning. (See attached HCDA email dated December 8, 2010 (Exhibit "3") and HCDA letter dated December 9, 2010; Exhibit "4".)

To facilitate paid parking stalls, HCDA even sent a title report identifying KLC as the owner of Queen Street, to a prospective parking tenant. (See attached email dated December 14, 2010; Exhibit "5".)

HCDA now seeks to penalize KLC via Legislative Act 009 which states that *"any owner or owners who charge a fee for the use of all or any portion of a private street, highway, or thoroughfare that is located within the Kakaako community development district and used continuously by the general public for a period of not less than six months, shall be responsible for the costs of conforming and maintaining that private street, highway, or thoroughfare to meet the construction and maintenance standards established for county highways, pursuant to section 46-1.5(19)(A) and section 265A-1 by the county in which the development district is located."*

DEFENSES

- Act 009 conflicts with established case law.

It is well-settled that the easement-holder is responsible for liability and maintenance, not the fee owner. Since the public has an easement to drive over the Desky roadways, the government is responsible for maintenance, not KLC. (*Wemple v. Dahman*, 83 P.3d 100)(Haw. 2004).

- Act 009 is unconstitutional:

1. It violates the equal protection and due process clauses of the Federal and State Constitutions.

2. It discriminates based on geographic area and use insofar as it only applies to persons owning streets in the Kakaako area who charge a fee for the use of all or a portion of the street. All other private road owners are exempt. (See attached HCDA Statement dated February 23, 2018.) Act 009 was tailored to only apply to KLC.

3. It requires that the owner maintain the entire private street at the same standards established for the county, thereby constituting a taking of property without just compensation.

4. It violates the grandfather clause by penalizing a practice - paid parking stalls – which HCDA initiated and condoned for nine years.

- HCDA has unclean hands and cannot penalize KLC for doing as HCDA asked.

LEGAL BASIS FOR RIGHT TO A CONTESTED CASE HEARING

HAR §§ 15-219-34, 15-219-45 and 15-219-46.

RESPONDENTS OR IDENTITIES AGAINST WHOM PETITION IS BROUGHT

Hawaii Community Development Authority

RELIEF REQUESTED

Dismissal of Violation Number NOV 02-2018 and all related fines

From:	Chris J Sadayasu
To:	Cedric Chun
Cc:	Craig.Y.Iha@hawaii.gov; CUemura@hcdaweb.org; Richard@hcdaweb.org; Anthony Ching
Subject:	RE: Final Queen Street Right of Entry
Date:	Wednesday, July 14, 2010 5:30:09 PM
Attachments:	2010 0712 QS Before Picture.jpg 2010 0713 QS After Picture.jpg

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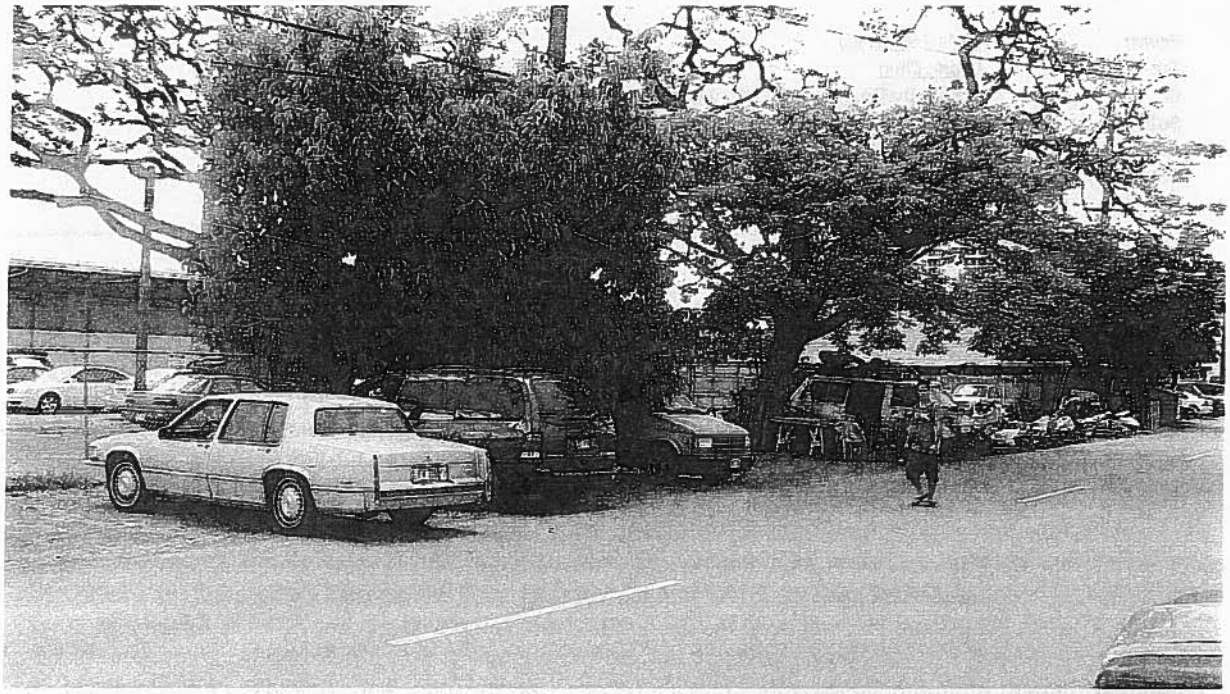
Cedric,

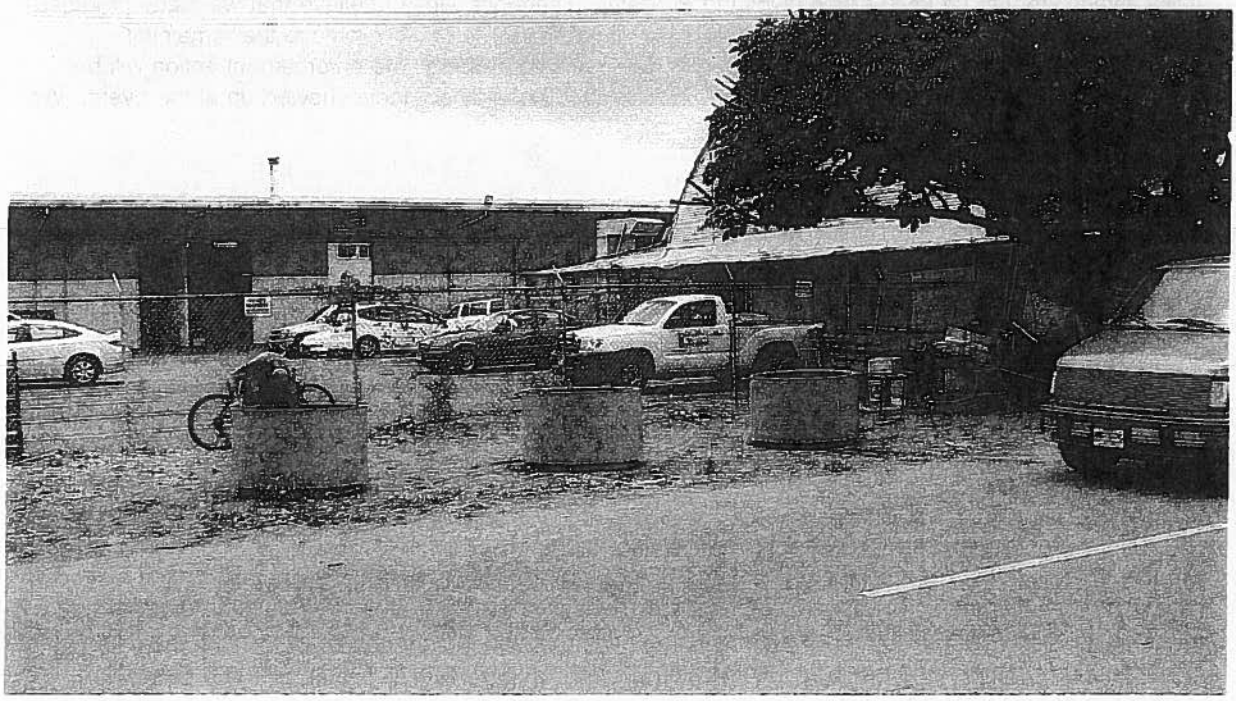
Thank you for signing the Right of Entry (ROE) and allowing HCDA and its partners to move forward with the Queen Street Beautification project. Yesterday, through a joint effort by General Growth Properties, H-5: Hawaii Helping the Hungry Have Hope, Sheriff's Office and HCDA, we were able to clear a good portion of the "Property" as identified in the ROE and place eight planters to beautify the area and discourage parking on the Property. Attached is before (taken 7/12) and after (taken 7/13) pictures for your information.

Unfortunately, several occupants, and consequently five vans, refused to move off the Property during our clean-up. Their presence stopped us from trimming some of the trees and removing all of the trash. Moving forward, it appears you will need to sign a statement/complaint with the Sheriff's Office and authorize the Sheriff's to remove the persons and personal property from the Property. Furthermore, a "squatter" named Kimo mentioned your brother's name, "Calvert Chun" and "Kakaako Land Company" to Tony, indicating that he knows who owns the Property. Therefore, while I believe that we made progress, it will ultimately take your willingness to "prosecute" if necessary to forcibly remove the remaining "squatters." Please note that my own belief that if sequenced properly, the enforcement action will be without controversy. Please also note that no homeless advocates or media showed up at the event. We look forward to hearing from you.

Chris J. Sadayasu
Compliance Assurance and Community Outreach Officer
Hawaii Community Development Authority
461 Cooke Street
Honolulu, Hawaii 96813
Tel: 808-594-0343
Fax: 808-594-0299
Email: Chris.J.Sadayasu@hcdaweb.org

EXHIBIT 1





RIGHT OF ENTRY

THIS RIGHT OF ENTRY, made this 9th day of July, 2010 between the HAWAII COMMUNITY DEVELOPMENT AUTHORITY, a body corporate and a public instrumentality of the State of Hawaii, whose principal place of business and mailing address is 461 Cooke Street, Honolulu, Hawaii 96813 ("The HCDA"), and KAKAAKO LAND COMPANY, INCORPORATED, a Hawaii corporation, whose place of business and mailing address is 1054-A Alewa Drive, Honolulu, Hawaii 96817 ("Owner");

WITNESSETH THAT:

WHEREAS, Owner is the owner of the real property, identified as the Desky roadway remnant hereinafter referred to as the "Property" and highlighted by hatchmarks on Exhibit A;

WHEREAS, the HCDA, a body corporate and public instrumentality of the state, is charged with regulatory oversight of the development of the Kakaako Community Development Districts, which includes the Property. The HCDA's regulatory purposes include ensuring that the development and use of lands within the Kakaako Districts are consistent with the Districts' rules and plans and in the best interests of the public health, safety and welfare;

WHEREAS, The Property comprises a portion of Queen Street, which is a mapped street designated on the HCDA's Kakaako Mauka Plan. Queen Street, including the Property, serves as a critical public thoroughfare providing access to Kakaako residences, business, parks, schools and services for thousands of people;

WHEREAS, a number of illegal structures and debris have accumulated within and around the roadway area on the Property, impeding the public's use of Queen Street;

WHEREAS, the HCDA desires to clear debris, structures, and other encroachments and impediments to the public's use of Queen Street, and to construct improvements to protect the health, safety and welfare of the public; and, enhance the flow of vehicular and pedestrian traffic through the area;

WHEREAS, Owner is willing to permit the HCDA, its assignees, designees, contractors and consultants to enter the Property and commence construction of the improvements, subject to the terms and conditions of this Right of Entry.

EXHIBIT 2

NOW, THEREFORE, it is mutually understood and agreed by the parties that this Right of Entry is granted upon the following terms and conditions:

1. Owner hereby grants a non-exclusive right of entry on the Property for the purpose of constructing roadway improvement work to include removal of all vehicles, structures and debris currently on the premises, trimming of vegetation including trees, posting of signs and installation of planters alongside the roadway right of way (the "Work"). Said improvements shall be constructed in a portion of the area as shown on the attached Exhibit A labeled "Area of Improvements";

2. Owner authorizes the HCDA and/or its designees to remove all debris and to clear the Property as required for performance of the Work. Owner agrees to cooperate with the HCDA in filing all required reports or complaints to applicable governmental authorities such as the City and County of Honolulu, State Sheriffs Division, and the Honolulu Police Department; HCDA understands that this section of roadway may be subject to an implied easement to the City and County of Honolulu.

3. The HCDA or its designees shall commence construction of the Work on or about July 13, 2010 and proceed diligently thereafter to complete the same. This Right of Entry shall remain in effect until completion of the Work but shall expire on August 13, 2010.

4. The parties agree that this Right of Entry may be executed in counterparts, each of which shall be deemed an original, and the counterparts shall together constitute one and the same instrument, binding all parties notwithstanding that all of the parties are not signatory to the same counterparts. For all purposes, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have executed this Right of Entry as of the day and year first above written.

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

By: _____
Its Executive Director

"The HCDA"

APPROVED AS TO FORM:

_____
Deputy Attorney General

KAKAAKO LAND COMPANY, INCORPORATED

By: _____
Its: OFFICER

"OWNER"

EXHIBIT A
The Property

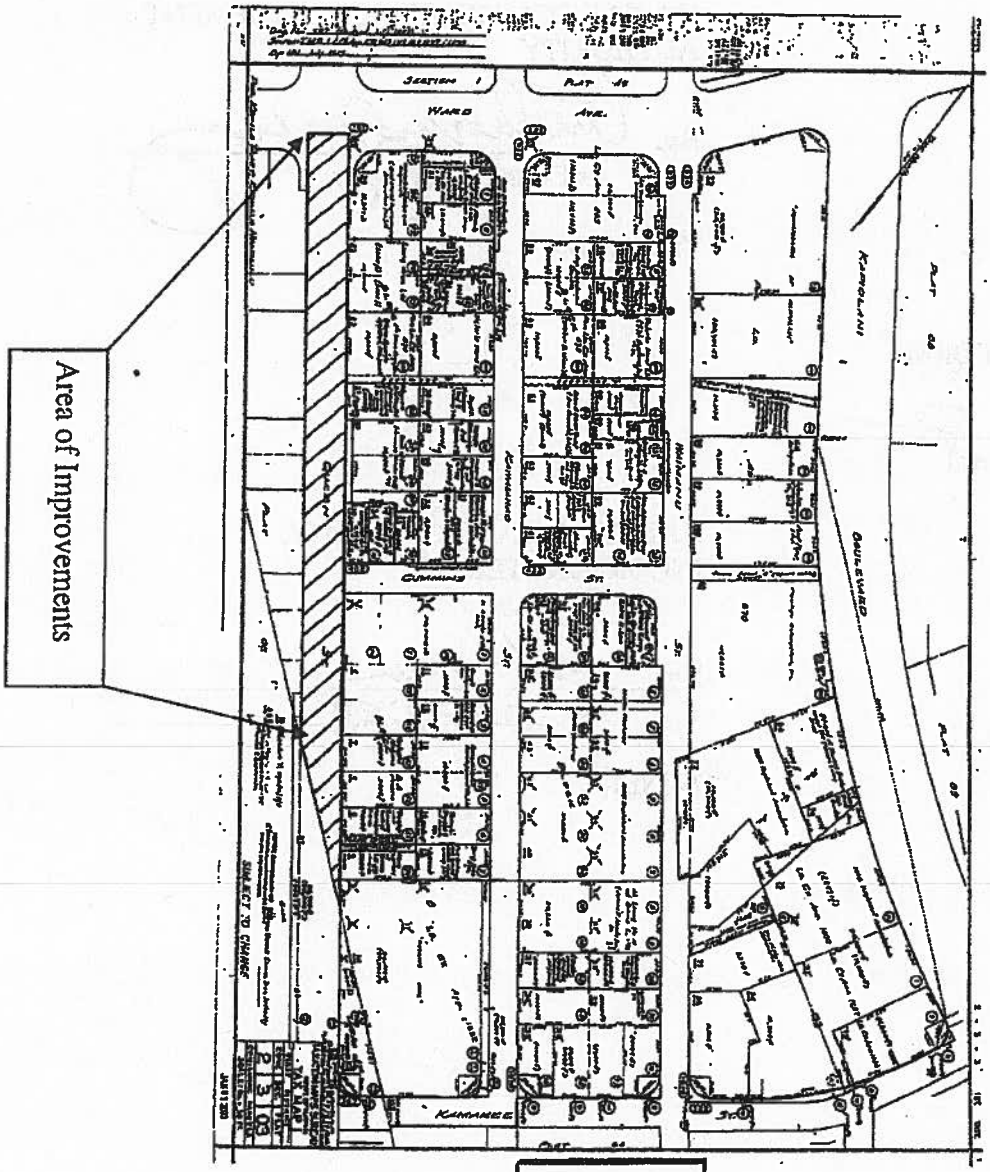


EXHIBIT "A"

From: Anthony Ching
To: Cedric Chun
Subject: Re: Queen Street Beautification
Date: Wednesday, December 8, 2010 1:19:34 PM

Cedric:

Question #1 seeks advice from the HCDA which should more appropriately come from your legal counsel. I have stated to you that the 2003 title search performed by Title Guaranty which I am in possession on indicates that the Kakaako Land Company has title to the subject area (portion of Queen Street). Any assertions as to the privileges and rights associated with this type of title for the subject parcel should be a matter of logic and common sense. From that perspective, one might conclude as you state, that the shoulder area of that portion of Queen Street for which the Kakaako Land Company has title is subject to the control of the same.

Question #2 - As a function of the previous beautification projects that the HCDA participated in earlier this year, we secured permission from the GGP (Donna Farrell) to post no parking and no trespassing signs on the chain link fence that you reference.

I hope that this email response is suitable for your needs.

Anthony J.H. Ching
Hawaii Community Development
Authority 461 Cooke Street
Honolulu, Hawaii 96813
(808) 594-0300

Please note our CHANGE OF ADDRESS and NEW TELEPHONE NUMBER

From: "Cedric Chun" <cedric@hawaii.rr.com>
To: '"Anthony Ching"' <Tony@hcdaweb.org>
Date: 12/07/2010 08:48 AM
Subject: Queen Street Beautification

Aloha Tony,

Please send me a letter confirming the following:

1. Although Queen Street is impliedly dedicated, Kakaako Land Company can control the area occupied by the homeless, rent it for parking, and do anything with it except erect a permanent structure.

2. Kakaako Land Company is permitted to post signs on the chain link fence bordering the area occupied by the homeless.

Cedric

EXHIBIT 3

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

KAKAAKO KALAEOA

Neil Abercrombie
Governor

C. Scott Bradley
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

December 9, 2010

Mr. Cedric Chun
Kakaako Land Company
c/o 271 Kolonahe Place
Honolulu, Hawaii 96813

Dear Mr. Chun:

Re: Queen Street Beautification

This will confirm and reiterate my response to your email of December 7, 2010 requesting a response to the following statements.

1. Although Queen Street is impliedly dedicated, Kakaako Land Company ("KLC") can control the area occupied by the homeless, rent it for parking, and do anything with it except erect a permanent structure.

2. Kakaako Land Company is permitted to post signs on the chain link fence bordering the area occupied by the homeless.

Question #1 seeks advice from the Hawaii Community Development Authority ("HCDA") which should more appropriately come from your legal counsel. I have stated to you that the 2003 title search performed by Title Guaranty which I am in possession of indicates that the Kakaako Land Company has title to the subject area (portion of Queen Street). Any assertions as to the privileges and rights associated with this type of title for the subject parcel should be a matter of logic and common sense. From that perspective, one might conclude that the shoulder area of that portion of Queen Street for which the Kakaako Land Company has title is subject to the control of the same. With respect to the zoning rules that the HCDA administers for the Kakaako Community Development District, there does not appear to be any prohibition should the KLC choose to exert control over the shoulder portion of the roadway parcel and utilize the area for parking.

Question #2 - As a function of the previous beautification projects that the HCDA participated in earlier this year, we secured permission from General Growth Properties (Donna Farrell) to post "no parking" and "no trespassing signs" on the chain link fence bordering the area occupied by the homeless.

Sincerely,

Anthony J.H. Ching
Executive Director

AJHC:py

EXHIBIT 4

From: Chris J Sadayasu
To: butchburke@hotmail.com; Cedric Chun
Cc: Craig Uemura
Subject: Queen Street Parcel - Title Report
Date: Tuesday, December 14, 2010 9:28:59 AM
Attachments: 2003 Title Report - Queen Street Parcel.pdf

Butch and Cedric,

Per your request, attached is a copy of the title report indicating the Kakaako Land Company's ownership of the Queen Street parcel. We hope everything works out. Please feel free to contact us if you have any questions or need anything else.

Chris J. Sadayasu
Compliance Assurance and Community Outreach Officer
Hawaii Community Development Authority
461 Cooke Street
Honolulu, Hawaii 96813
Tel: 808-594-0343
Cel: 808-342-5439
Fax: 808-594-0299
Email: Chris.J.Sadayasu@hcdaweb.org

EXHIBIT 5

STATUS REPORT

Maximum liability limited to
$2,500.00

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it.

SCHEDULE A

Title Guaranty of Hawaii, Incorporated, hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

HEIRS AND/OR ASSIGNS OF CHARLES S. DESKY,
TRUSTEE,
as to Parcel First,
and
THE CITY AND COUNTY OF HONOLULU,
a municipal corporation of the
State of Hawaii,
as to Parcels Second, Third and Fourth,
as Fee Owner

This report is dated as of November 6, 2003 at 8:00 a.m.

Inquiries concerning this report
should be directed to
COLLEEN UAHINUI.
Email cuahinui@tghawaii.com
Fax (808) 533-5854
Telephone (808) 533-5834.
Refer to Order No. 200359770.

SCHEDULE B
EXCEPTIONS

1. Any and all Real Property Taxes that may be due and owing.

   Tax Key: (1) 2-3-003-___ Area Assessed:

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

3. -AS TO PARCEL FIRST:-

   (A) Administration of the Estate of CHARLES S. DESKY, TRUSTEE, deceased.

   -Note:- (A) CHARLES S. DESKY died on September ---, 1924 at San Francisco, California.

   (B) No probate proceedings for the Estate of CHARLES S. DESKY, TRUSTEE, deceased, has been located.

   -Note:- Title to the land under search as hatched on map attached hereto and marked as EXHIBIT "A" was vested in CHARLES S. DESKY, TRUSTEE, by virtue of that certain Deed dated September 15, 1896, recorded in Liber 164 at Page 255. This deed is silent as to the provisions of the trust and its beneficiaries.

   By Affidavit dated January 14, 1897, recorded in Liber 162 at Page 222, CHARLES S. DESKY, TRUSTEE sets forth the plot of Kewalo Tract.

   No conveyances appear of record by CHARLES S. DESKY, TRUSTEE, dealing with the subject land. Nor is there a record of his death in the Bureau of Health Statistics or a probate of his estate. However appearing in the October 1, 1924 issued of the Honolulu Advertiser is the following obituary:

   "CHARLES S. DESKY FOUND DEAD IN HIS BED AT S.F.

CHARLES S. DESKY, once prominently identified with real estate dealings in Honolulu, who built the Progress block and other buildings, was found dead in his bed in a hotel opposite the Stewart Hotel, San Francisco, about a week ago.

Capt. Paul Smith, who returned yesterday on the Wilhelmina from the coast, says that Desky had been living in the small hotel several years. He was found dead in his bed and it was stated that he had died in sleep.

Desky left here about seven or eight years after a residence of more than a quarter of a century. He was actively interest in building and real estate ventures and put many tract on the market.

He was first interested in Cyclomere Park, where bicycle races were staged. He built the Progress block, but lost it years later in litigation. He purchased Pacific Heights from the late Charles Booth and laid it out into building lots and built an electric railway up the slopes to the site that he proposed for a modern hotel. The railway was a tourist attraction. On "steamer days" the cars were always loaded with sightseers. The road, however, fell into disuse and finally taken out.

He had an interest in the old Orpheum block and developed Woodlawn as a building tract at the end of Manoa Valley.

His wife died in 1903. He had a daughter, who married and lived here several years but went to the mainland to reside."

The records at the Bureau of Health Statistics reveal the marriage of FLORENCE G. DESKY to Henry B. Christian on January 1, 1910 in Honolulu. This marriage record shows the bride's parents being, CHARLES S. DESKY, father and Minnie Desky, mother.

FLORENCE D. CHRISTIAN was divorced from Henry B. Christian on July 3, 1917 in Honolulu. Proceedings had therein show the couple had two children, namely PAUL B. CHRISTIAN, son, and ADELE M. CHRISTIAN, daughter. No conveyances appear of record by FLORENCE G. DESKY or FLORENCE D. CHRISTIAN dealing with the subject land, nor is there a probate proceeding of her estate.

The records at the Bureau of Health Statistics reveal the marriage of PAUL BERNARD CHRISTIAN to Letitia Cook on January 12, 1946 at Honolulu. This marriage record shows the groom's parents to be HENRY B. CHRISTIAN, father, and FLORENCE DESKY, mother. No conveyances appear of record by PAUL BERNARD CHRISTIAN, nor is there a probate proceeding of his estate.

By Quitclaim Deed dated December 17, 1985, recorded in Liber 19153 at Page 336, ADELE M. CHRISTIAN, granddaughter of Charles S. Desky, single, conveyed to CALVERT J. T. CHUN, all her interest in the subject land, besides other land.

By Quitclaim Deed dated January 10, 1986, recorded in Liber 19217 at Page 109, CALVERT J. T. CHUN conveyed to KAKAAKO LAND COMPANY, INCORPORATED all his interest in the subject land, besides other land.

No further conveyances appear of record by KAKAAKO LAND COMPANY, INCORPORATED dealing with the subject land.

(B) EASEMENT for right-of-way over, under, through and across the following described parcel of land for sewer purposes as acquired by the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, by FINAL ORDER OF CONDEMNATION dated September 20, 1960, filed in the Circuit Court of the First Circuit, State of Hawaii, in Civil No. 5947, on September 20, 1960, and recorded in the Bureau of Conveyances in Liber 3929 at Page 312 on October 3, 1960. Said easement more particularly described as follows:

PARCEL C. Being a portion of Queen Street between Blocks 4 and 7 of the Kewalo Tract, being also a portion of R. P. 5716 to Piikoi, Kamakee for Maria M. Cummins on a portion of L.C. Aw. 10,605, Apana 7 to Kamakee Piikoi, recorded in Liber 162, page 222, in the Bureau of Conveyances, at Honolulu, Hawaii. Situate on the southeast side of Ward Avenue, at Kukuluaao, Honolulu, Oahu, Hawaii.

Beginning at the west corner of this parcel of land, being also the north corner of Land Court Application 971, and the south corner of Ward Avenue and Queen Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,357.19 feet south and 1,766.52 feet west, thence running by azimuths measured clockwise from true South:

1.	231°	52'	56.00	feet along the southeast side of Ward Avenue;
2.	321°	52'	635.00	feet along the southwest side of Block 7 of the Kewalo Tract and Land Court Application 670;
3.	51°	52'	56.00	feet along Queen Street;
4.	141°	52'	635.00	feet along Block 4 of the Kewalo Tract, Land Court Application 670, and Land Court Application 971 to the point of beginning and containing an area of 35,560 square feet, more or less.

(C) Rights of others who own undivided interest(s) in the land described in Schedule C.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

-Note:- A current survey, with metes and bounds description, should be made of said premises.

END OF SCHEDULE B

SCHEDULE C

-FIRST:-

All of that certain parcel of land (being portion of the land described in and covered by Royal Patent Number 5716, Land Commission Award Number 10605, Apana 7 to Kamakee no Piikoi) situate, lying and being at Kewalo, Honolulu, City and County of Honolulu, State of Hawaii, being a PORTION OF QUEEN STREET, and containing an area of _____ square feet, more or less, and hatched on map attached hereto and marked as EXHIBIT "A".

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : LYDIA K. DAVIS (nee Cummins), an unmarried woman, ELIZABETH K. FAIRCHILD, wife of George H. Fairchild, and MARIA K. KING (nee Cummins), wife of Steven G. O. King

GRANTEE : CHARLES S. DESKY, TRUSTEE

DATED : September 15, 1896
RECORDED : Liber 164 Page 255

-SECOND:-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 5716, Land Commission Award Number 10605, Apana 7 to Kamakee Piikoi) situate, lying and being on the northeast side of South Queen Street between Ward Avenue and Cummins Street, Honolulu, City and County of Honolulu, State of Hawaii, being PORTION OF LOTS 19, 20 and 21, BLOCK 7 of the KEWALO TRACT, as shown and designated on the "Map of Lots at Kewalo", recorded in Book 162 on pages 222 to 227, and thus bounded and described:

SCHEDULE C CONTINUED

Beginning at the northwest corner of this parcel of land on the present northeast side of South Queen Street, the true azimuth and distance from the south corner of Lot I of Land Court Application 670 (Map 1) being 321° 52' 50.0 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,633.31 feet south and 1,478.57 feet west and running by azimuths measured clockwise from true South:

1.	231°	52'	10.00	feet;
2.	321°	52'	117.00	feet along the new northeast side of South Queen Street;
3.	51°	52'	10.00	feet;
4.	141°	52'	117.00	feet along the present northeast side of South Queen Street to the point of beginning and containing an area of 1,170 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : BANK OF HAWAII, a Hawaii corporation

GRANTEE : THE CITY AND COUNTY OF HONOLULU, a municipal corporation of the Territory of Hawaii

DATED : December 24, 1949
RECORDED : Liber 2326 Page 408

-THIRD:-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 5716, Land Commission Award Number 10,605, Apana 7 to Kamakee Piikoi) situate, lying and being at Kewalo, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

PARCEL 25 - of WARD AVENUE WIDENING, Ala Moana to Kapiolani Boulevards, Improvement District No. 189: Being a portion of Lot 28, Block 7 of the Kewalo Tract, and being also a portion of R. P. 5716, L. C. Aw. 10,605, Apana 7 to Kamakee Piikoi, situate at Kewalo, Honolulu, Oahu, Hawaii, and more particularly described as follows:

Beginning at the south corner of this parcel of land, on the present northeast side of Queen Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,385.98 feet south and 1,673.37 feet west, as shown on Division of Land Survey and Acquisition Parcel Map File No. 15-8-1-30, and running by azimuths measured clockwise from true South:

1.	141°	52'		35.00	feet along the present northeast side of Queen Street;
2.	231°	52'		11.38	feet along Lot 29, Block 7 of the Kewalo Tract;
3.	Thence along the new east corner of Ward Avenue and Queen Street along remainder of Lot 28, Block 7 of the Kewalo Tract, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:				
	330°	35'	43.5"	9.11	feet;
4.	321°	52'		26.00	feet along the new northeast side of Queen Street along remainder of Lot 28, Block 7 of the Kewalo Tract;

5.	51°	52'	10.00	feet along remainder of Lot 28, Block 7 of the Kewalo Tract to the point of beginning and containing an area of 354 square feet, more or less.

PARCEL 26 - of WARD AVENUE WIDENING, Ala Moana to Kapiolani Boulevards, Improvement District No. 189: Being a portion of Lot 29, Block 7 of the Kewalo Tract, and being also a portion of R. P. 5716, L. C. Aw. 10,605, Apana 7 to Kamakee Piikoi, situate at Kewalo, Honolulu, Oahu, Hawaii, and more particularly described as follows:

Beginning at the west corner of this parcel of land, being also the present east corner of Ward Avenue and Queen Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 5,323.05 feet south and 1,722.77 feet west, as shown on Division of Land Survey and Acquisition Parcel Map File No. 15-8-1-30, and running by azimuths measured clockwise from true South:

1.	231°	52'	100.00	feet along the present southeast side of Ward Avenue;
2.	321°	52'	24.00	feet along Lot 6, Block 7 of the Kewalo Tract;
3.	51°	52'	60.00	feet along the new southeast side of Ward Avenue along remainder of Lot 29, Block 7 of the Kewalo Tract;

4. Thence along the new east corner of Ward Avenue and Queen Street along remainder of Lot 29, Block 7 of the Kewalo Tract, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

15°	35'	43.5"	35.50	feet;

5.	51°	52'	11.38	feet along Lot 28, Block 7 of the Kewalo Tract;
6.	141°	52'	45.00	feet along the present northeast side of Queen Street to the point of beginning and containing an area of 2,799 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : HENRY G. FUJISHIGE and SHIZUKO FUJISHIGE, husband and wife

GRANTEE : CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii

DATED : June 16, 1966
RECORDED : Liber 5360 Page 177

-FOURTH:-

All of that certain parcel of land situate at Kewalo, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 2, area 5,247 square feet, more or less, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 971 of C. Q. Yee Hop & Company, Limited;

Being the land(s) described in Transfer Certificate of Title No. 129,920 issued to CITY AND COUNTY OF HONOLULU..

SCHEDULE C CONTINUED

Said above described parcel of land having been acquired by the CITY AND COUNTY OF HONOLULU by FINAL ORDER OF CONDEMNATION dated July 31, 1969, filed in the Circuit Court of the First Circuit, State of Hawaii, in Civil No. 20000, on August 1, 1969, and filed as Land Court Document No. 480488 on August 11, 1969.

END OF SCHEDULE C

GUIDELINES FOR THE ISSUANCE OF INSURANCE

A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.

B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.

C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.

D. If the transaction involves a construction loan, the following is required:

(1) a letter confirming that there is no construction prior to recordation; or

(2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Title Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from Title Guaranty of Hawaii.

E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.

F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.

G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from Title Guaranty of Hawaii or on our website at www.tghawaii.com.

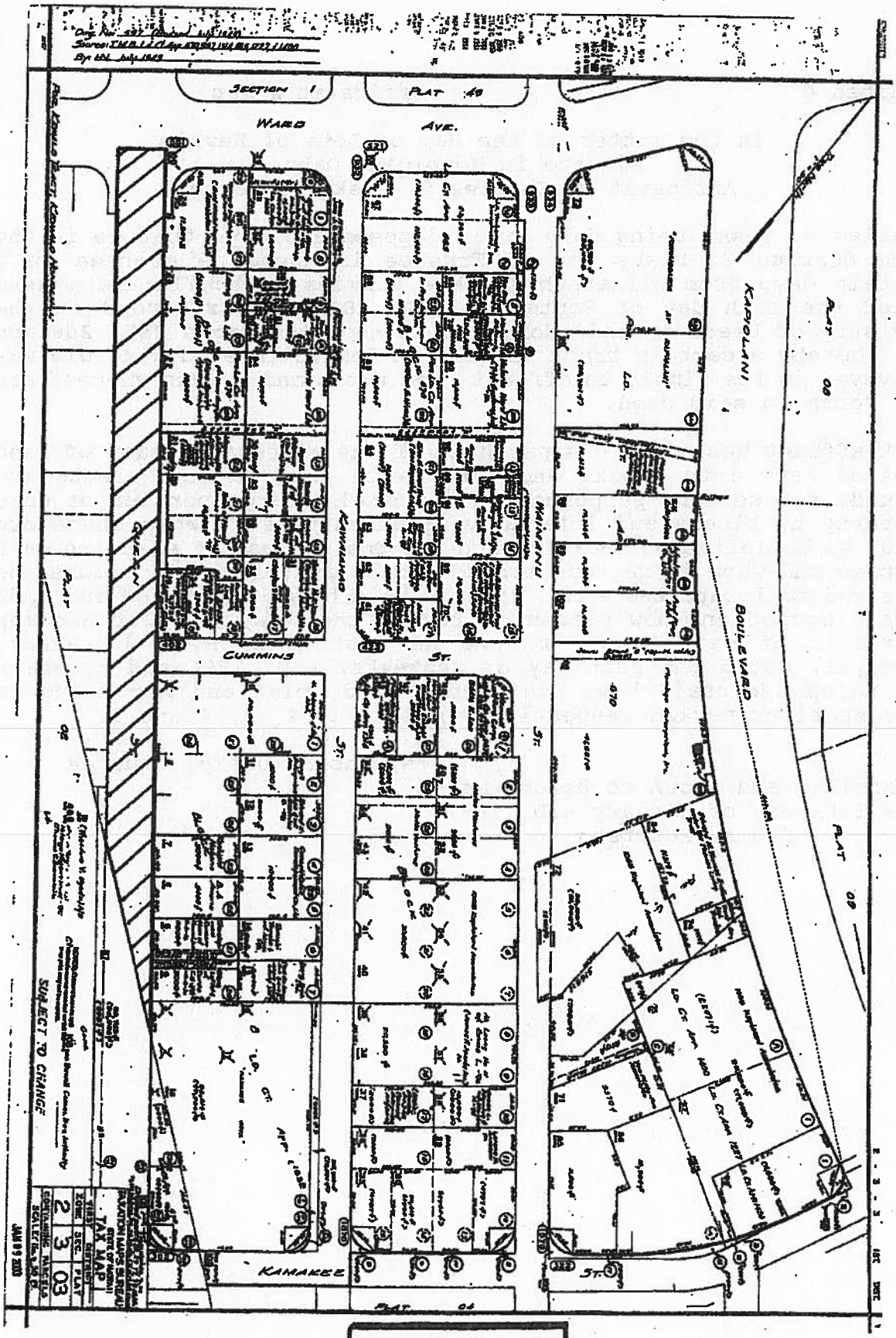

SECTION 1
PLAT 49
WARD AVE.
KAPIOLANI BOULEVARD
KAWAIAHAO ST.
WAINANI ST.
CUMMINS ST.
KAMAKEE ST.
PLAT 08
PLAT 09
PLAT 04
SUBJECT TO CHANGE
TAX MAP
ZONE 2
SEC. 3
PLAT 03

EXHIBIT "A"

Stamped 0 Affidavit & Map

In the matter of the Map of Lots of Kewalo
situate in Honolulu, Oahu
Affidavit of Charles S. Desky, Trustee

Charles S. Desky being duly sworn deposes and says that he is the same Charles S. Desky who as Trustee is named as grantee in a certain deed from Elizabeth Kamakee Cummins Fairchild and others dated the 15th day of September A.D. 1896, and recorded in the Registry of Deeds in said Honolulu in Book 164 Pages 255, 256 and 257 whereby a certain tract of land in Kewalo in said Honolulu was conveyed in fee simple to affiant, the metes and bounds whereof are set forth in said deed.

That affiant has since his purchase of the aforesaid tract of land plotted same into blocks and lots, with intervening streets and grounds for selling purposes and has sold a large portion of said property by blocks and lots to various parties to whom deeds are about to be delivered therefor and for the purpose of enabling said parties and whom it may concern to indentify (sic) said blocks and lots and to locate the same, affiant hath hereto attached and made a part hereof and now places on record the original plot and map aforesaid of said tract of land as plotted by M.O. Monsarrat, Surveyor, dated the 28th day of September A.D. 1896 and by which the sales aforesaid have been made, said, plat and map being in five sections marked respectively sheets 1, 2, 3, 4 and 5.

/s/Chas S. Desky, Trustee

Subscribed and sworn to before me
this 14th day of January A.D. 1897.
P.G.A. Peterson

FIRST AMERICAN TITLE COMPANY OF HAWAII, INC.
923 Nuuanu Avenue, Honolulu, Hawaii 96817
Telephone No. 808-524-4050

Date: July 28, 1994

From: Alton Fujisaki

To: Hawaii Community Development Authority
677 Ala Moana Blvd. #1001
Honolulu, HI 96813
Attn: Gayle Ito

Subject: Copy of Document

Attached please find a copy of the Affidavit recorded in Liber 162 Page 222.

me Tom Yen Nam Kim and Leong Ming and satisfactorily proved to me to be the persons described in and who executed the foregoing instrument by the oath of Luke Chan, a credible witness for that purpose, to me known and by me duly sworn, and severally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein set forth.

H. L. Stanley
Notary Public First Judicial Circuit

Recorded and compared this 19th day of January A.D. 1897 at 10:12 O'clock A.M.
Thos. G. Thrum, Registrar of Conveyances

Plot of Kewalo Tract

Stamped 5 Affidavit & Receipt.

In the matter of the Map of Lots of Kewalo situate in Honolulu, Oahu.
Affidavit of Charles S. Desky, Trustee

See Instruments Book 77-11 Page 1

Hawaiian Islands }
Island of Oahu. } ss

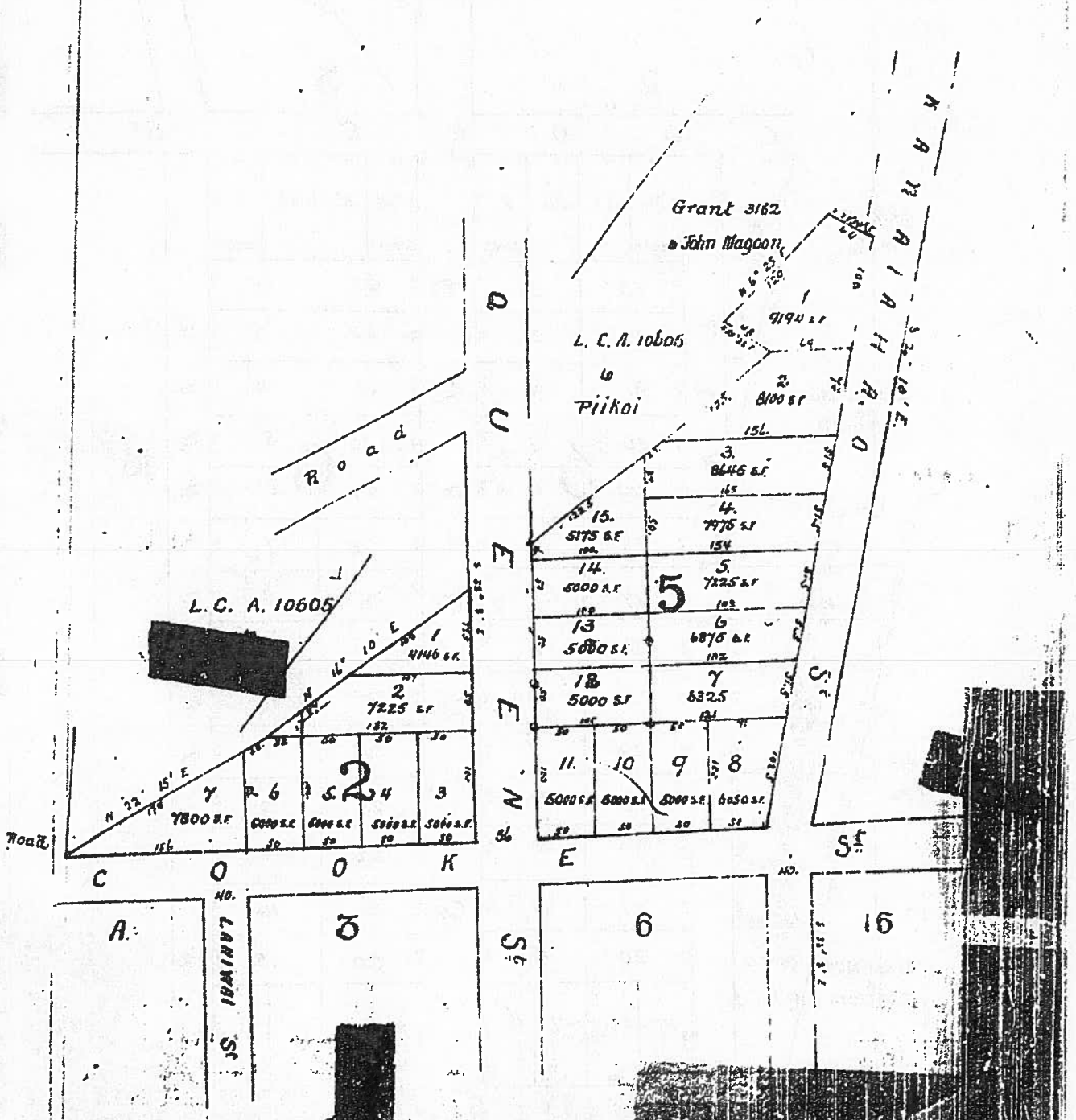
Charles S. Desky being duly sworn deposes and says that he is the same Charles S. Desky who as Trustee is named as grantee in a certain deed from Elizabeth Kamakee Cummins Fairchild and others dated the 15th day of September A.D. 1896, and recorded in the Registry of Deeds in said Honolulu in Book 164 Pages 255, 256 and 257 whereby a certain tract of land in Kewalo in said Honolulu was conveyed in fee simple to affiant, the metes and bounds whereof are set forth in said deed.

That affiant has since his purchase of the aforesaid tract of land platted the same into blocks and lots with intervening streets and grounds for selling purposes and has sold a large portion of said property by blocks and lots to various parties to whom deed's are about to be delivered therefor and for the purpose of enabling said parties and whom it may concern to indentify said blocks and lots and to locate the same, affiant hath hereto attached and made part hereof and now places on record the original plat and map aforesaid of said tract of land as platted by M. O. Monsarrat, Surveyor, dated the 28th day of September A.D. 1896 and by which the sales aforesaid have been made, said plat and map being in five sections marked respectively sheets 1, 2, 3, 4 and 5.

Chas. S. Desky
Trustee

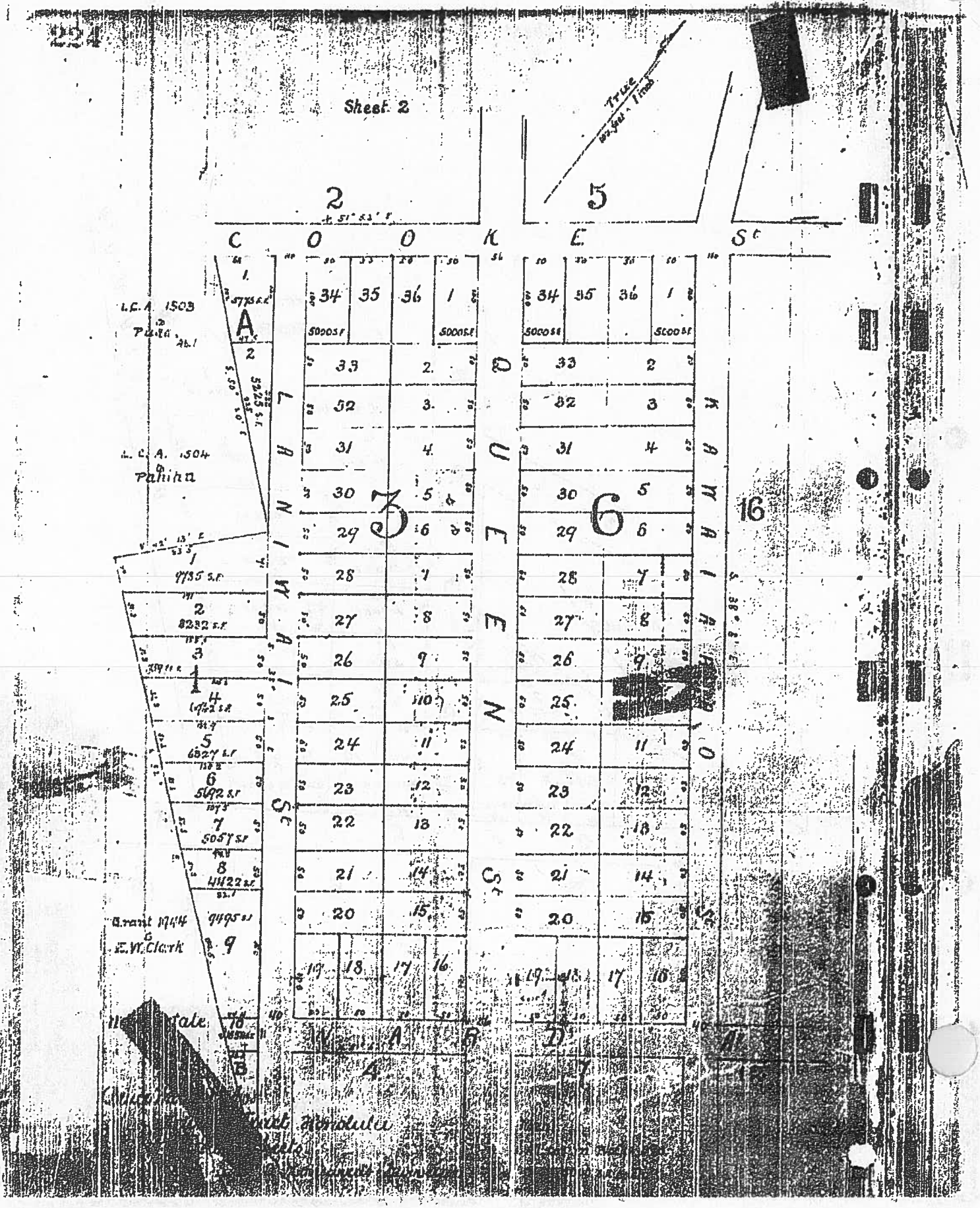
Subscribed and sworn to before me
this day of January A.D. 1897.
C. E. A. Gibson

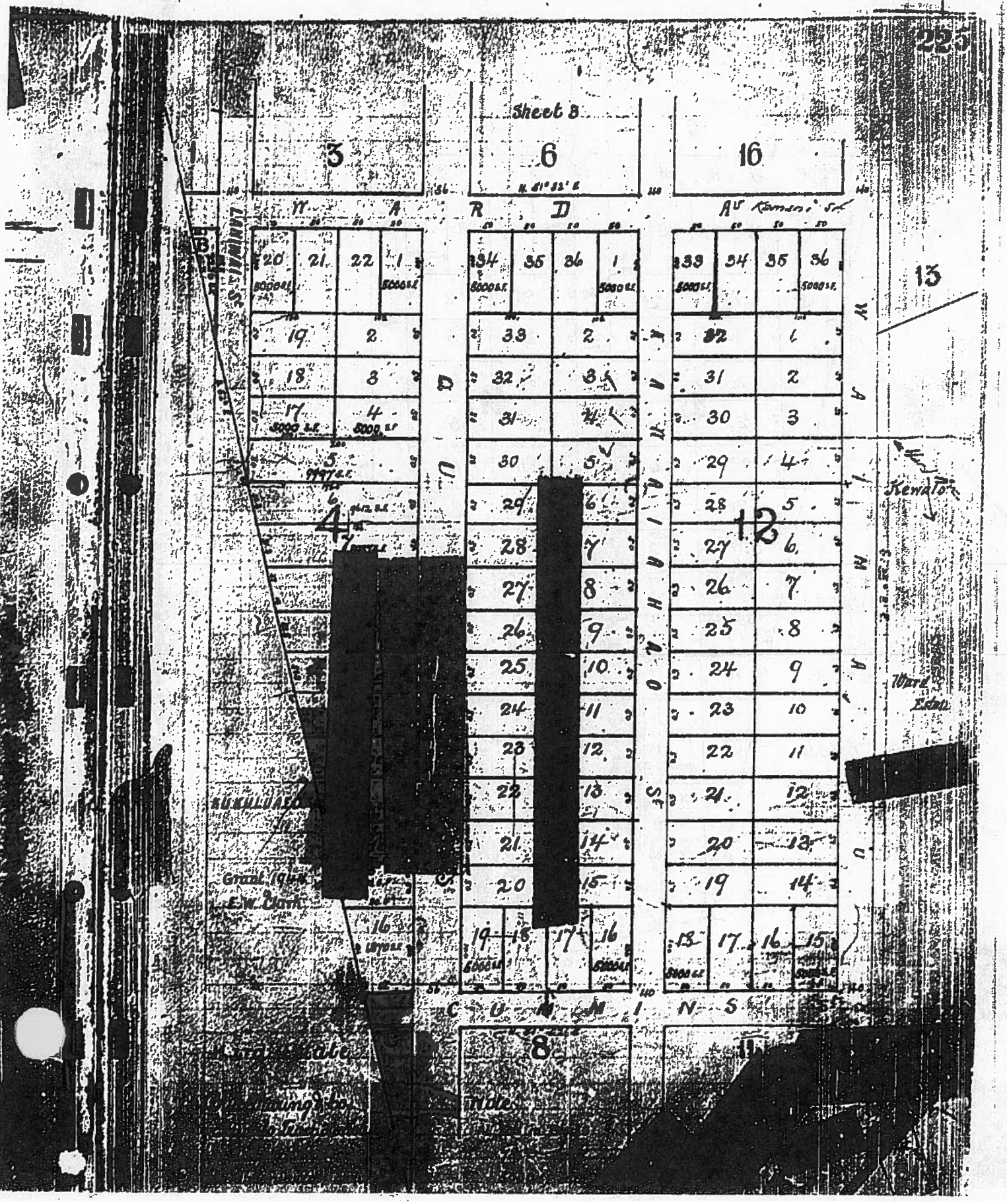
Sheet No 1.

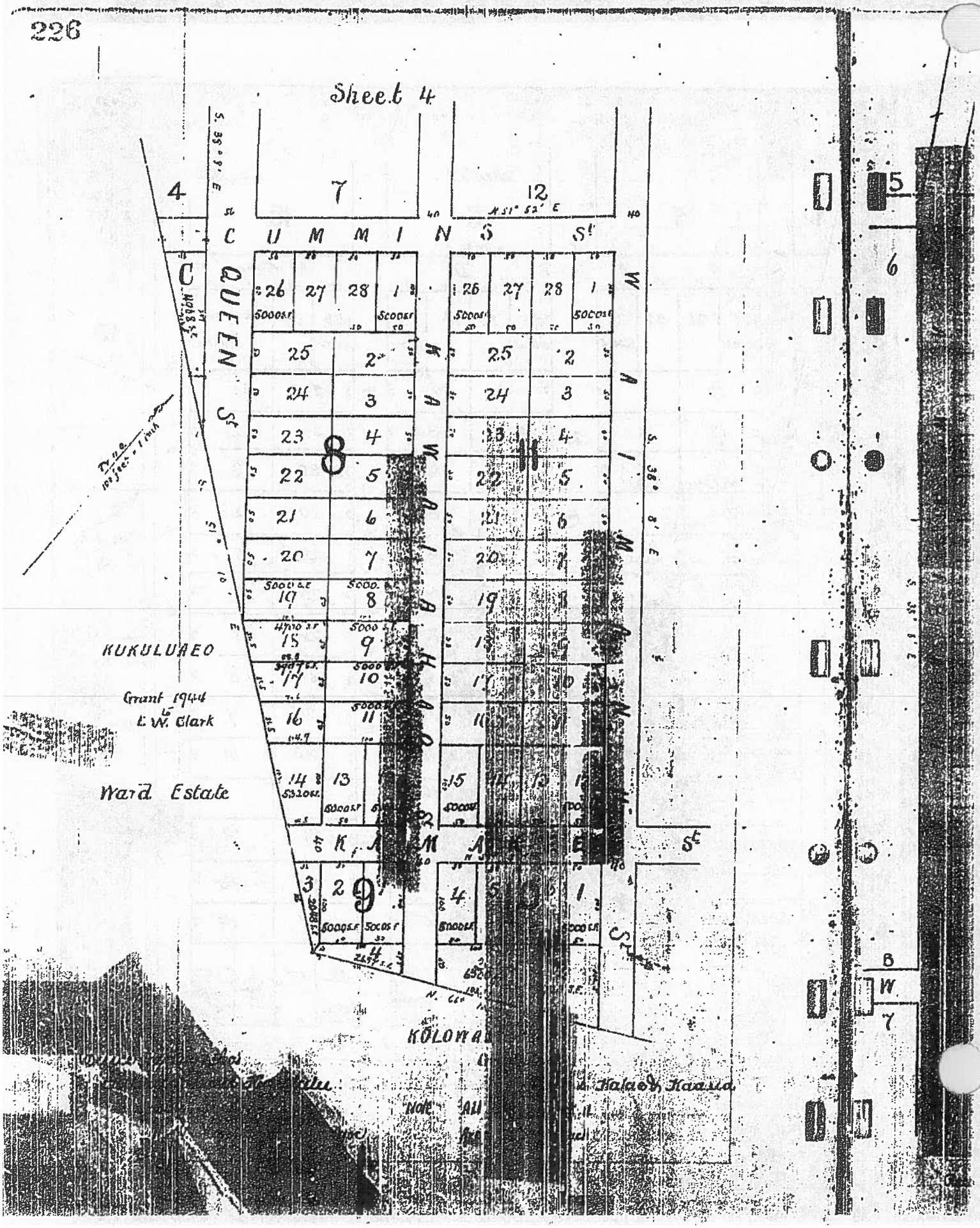


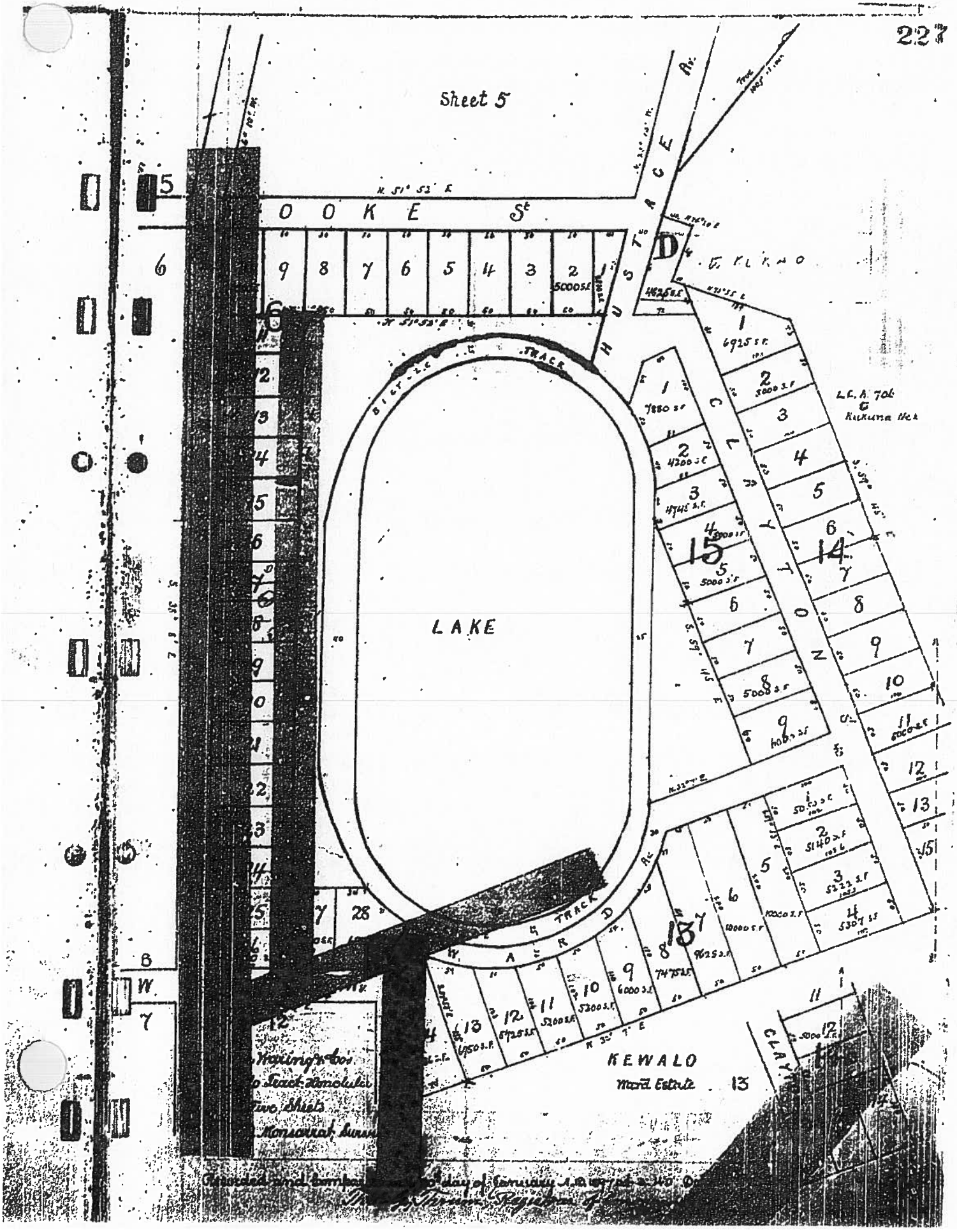
Sheet No.1 of
Bruce Mahinai

Bruce Mahinai & boi
Kewalo Tract
Five Sheets
K. D. Monsarrat, Surveyor.


Sheet 2
True
2
5
C O O K E St
L.C.A. 1503
Palila
L.C.A. 1504
Pahina
Grant 1744
E.W. Clark
Honolulu
3
6
16
1
A
B
C
D
E
F
4
7


Sheet 8
6
16
3
1
W A R D
Av Kamehameha
13
12
4
8
11
Kewalo
Ward Estate
Grant 1944
E.W. Clark
C O M M E R C I A L
A V E N U E
S T R E E T


Sheet 4
C U M M I N S St
QUEEN St
KUKULUAEO
Grant 1944
E. W. Clark
Ward Estate
KOLOMA
Halaea Kaaua


Sheet 5
O O K E St
H U S T A C E Ave
LAKE
TRACK
BICY-LE
CLAYTON
KEWALO
Mard Estate
13
15
14
18
28
5000 S.F.
4625 S.F.
6925 S.F.
7880 S.F.
4200 S.F.
4745 S.F.
5000 S.F.
5008 S.F.
4080 S.F.
5140 S.F.
5222 S.F.
5307 S.F.
10000 S.F.
7475 S.F.
6000 S.F.
5200 S.F.
5725 S.F.
4500 S.F.
L.C.A. 706
to
Kukuna Hck

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

KAKAAKO KALAEOA

David Y. Ige
Governor

John Whalen
Chairperson

Garett Kamemoto
Interim Executive Director

547 Queen Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

STATEMENT OF

GARETT KAMEMOTO, INTERIM EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE
HOUSE COMMITTEE ON FINANCE

Friday, February 23, 2018
12:00 p.m.
State Capitol, Conference Room 308

in consideration, of
HB 2275, HD2 RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Chair Luke, Vice Chair Cullen, and Members of the Committee.

The Hawaii Community Development Authority (HCDA) supports **HB 2275, HD2.**

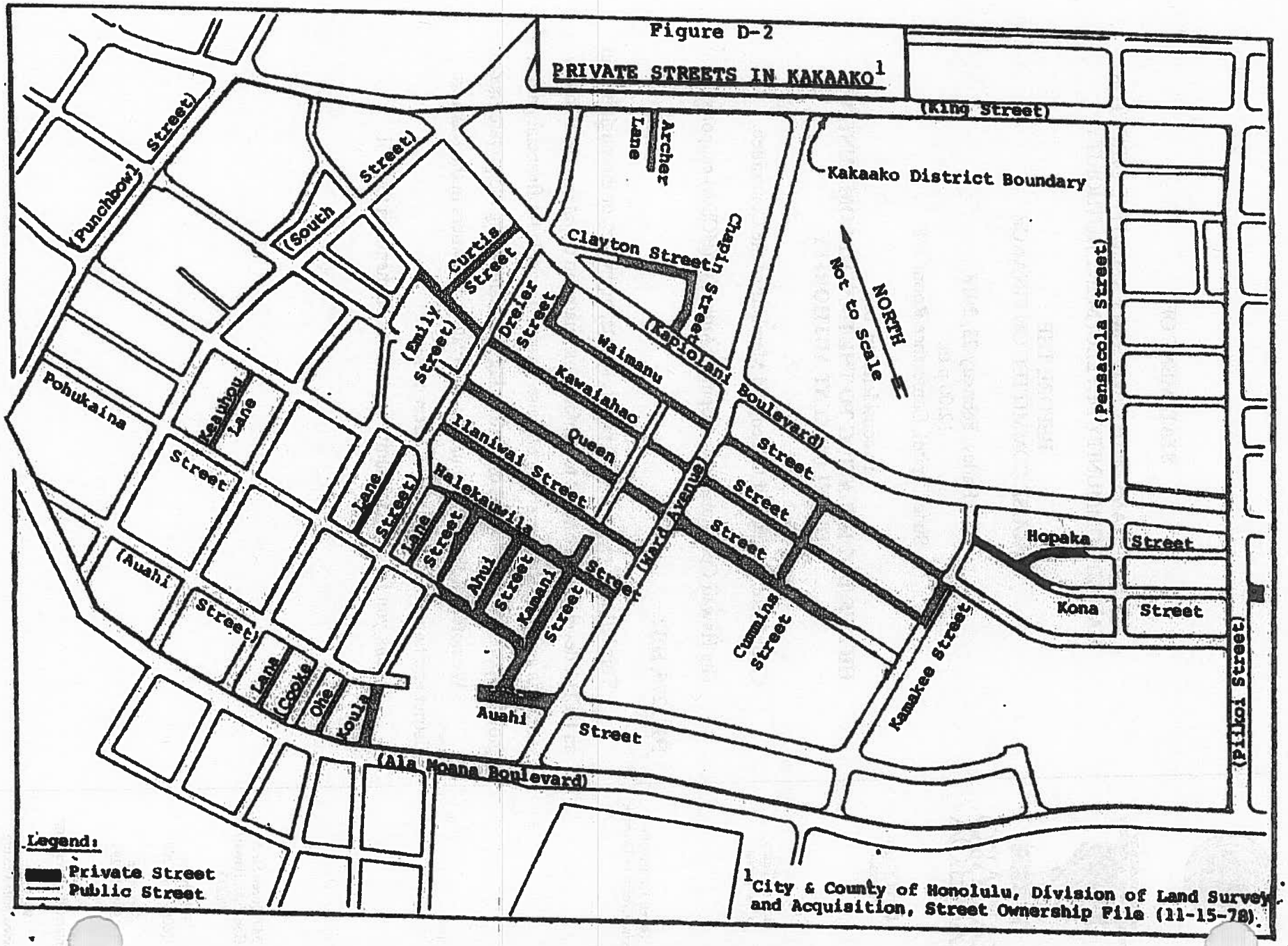
This bill requires owners of private streets, highways, or thoroughfares in an HCDA development district to conform and maintain private roads to county standards and makes owners who exercise ownership rights for financial gain or profit responsible for the costs of conforming and maintaining the private roads.

We note that there are a number of private land owners in the Kakaako district and have attached a map of street owners.

Thank you for the opportunity to provide comments on this bill.

Figure D-2

PRIVATE STREETS IN KAKAAKO[1]



[1]City & County of Honolulu, Division of Land Survey and Acquisition, Street Ownership File (11-15-78).

Table D-3

PRIVATE STREETS IN KAKAAKO

Street	Limits	Owner
Ahui	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Archer Lane	King (makai)	Various[1]
Auahi	Ewa of Kamani to Ward Avenue	Victoria Ward, Ltd.
Chapin	Kapiolani Boulevard to Clayton	Various[2]
Clayton	Kapiolani Boulevard to Chapin	Various[2]
Cummins	Queen to Waimanu	Desky[3]
Curtis	Kawaiahao to Kapiolani Boulevard	Unknown
Dreier	Waimanu to Kapiolani Boulevard	Unknown
Halekauwila	Cooke to Ward Avenue	Victoria Ward, Ltd.
Hopaka	Kona to Ewa of Pensacola	Hawaiian Dredging Company, Ltd.
Ilaniwai	Cooke to Ward Avenue	Unknown
Kamakee	Queen to Waimanu	Desky[3] and E. E. Black, Ltd.
Kamani	Auahi to Ilaniwai	Victoria Ward, Ltd.
Kawaiahao	Emily to Kamakee	Desky[3]
Keauhou	Pohukaina to Halekauwila	B. P. Bishop Estate
Kona	Kamakee to Waikiki of Hopaka	Hawaiian Dredging Company, Ltd.
Koula	Ala Moana Boulevard to Auahi	Unknown
Koula	Pohukaina to Halekauwila	Victoria Ward, Ltd.
Lana Lane	Ala Moana Boulevard to Auahi	Unknown
Lana Lane	Pohukaina to Halekauwila	B. P. Bishop Estate
Ohe Lane	Ala Moana Boulevard to Auahi	Unknown
Ohe Lane	Pohukaina to Halekauwila	Unknown
Pohukaina	Koula to Kamani	Victoria Ward, Ltd.
Queen	Cooke to Waikiki of Kamakee	Unknown
Waimanu	Dreier to Kamakee	Unknown

[1] Owners of record: Bernice Jaeger Wolters, Paloma Jaeger Kuhn, Samuel Clesson A. Jaeger, James Emile Jaeger, and Joanne Z. Wolters.

[2] Owners of record include Honolulu Construction and Draying Company, Ltd. and owners of TMK 2-1-44, Parcels 6, 7, 10, 21, 22, 23, 24, 25, 27, 29, 30.

[3] Heirs of Charles S. Desky, Trustee, Deceased.

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

KAKAAKO KALAEOA

David Y. Ige
Governor

John Whalen
Chairperson

Aedward Los Banos
Executive Director

547 Queen Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 587-0299

E-Mail
dbedt.hcda.contact@hawaii.gov

Website
dbedt.hawaii.gov/hcda

NOTICE OF VIOLATION

VIOLATION NUMBER: NOV 02-2018

DATE OF ORIGINAL NOTICE: December 13, 2018

VIA: CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OWNER: Calvert Chun
Cedric Chun
Kakaako Land Company, LLC
1054-A Alewa Drive
Honolulu, Hawaii 96817

The Owners purport to own all or portions of Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai streets within the Kakaako Community Development District (KCDD). Portions of these streets are being used for parking and the owners are charging a parking fee, see Exhibit-A attached.

Legislative Act 009 of the 2018 Session Laws of Hawaii requires that "*any owner or owners who charge a fee for the use of all or any portion of a private street, highway, or thoroughfare that is located within the Kakaako community development district and used continuously by the general public for a period of not less than six months, shall be responsible for the costs of conforming and maintaining that private street, highway, or thoroughfare to meet the construction and maintenance standards established for county highways, pursuant to section 46-1.5(19)(A) and section 265A-1 by the county in which the development district is located.*"

Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Street owned by the Kakaako Land Company LLC, do not conform to and are not maintained to meet the construction and maintenance standards established for county highways, pursuant to Hawaii Revised Statutes (HRS), Section 46-1.5(19)(A) and Section 265A-1 by the county in which the development district is located, see Exhibit-B attached.

These streets are used continuously by the public for a period of no less than six months. Therefore, pursuant to Legislative Act 009 of the 2018 Session Laws of Hawaii, charging a fee for use of a portion of these streets for parking is a violation and charging for parking on each individual street constitutes a separate instance of violation.

Exhibit B

Applicable Law:	Legislative Act 009 of the 2018 Session Laws of Hawaii
Location of Violations:	Cummins, Kawaiahao, Clayton, Queen, and Ilaniwai Streets
Tax Map Key:	Not Applicable
Date of Inspection:	November 28, 2018; December 10, 2018
How to Correct Violations:	Cease charging a fee for parking on the streets listed above until the streets are made to conform to and are maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.
Deadline to Correct Violations:	January 14, 2019
Fine if Not Corrected:	$500.00 per day per violation
HCDA Contact Person:	Deepak Neupane, P.E., AIA 594-0300 or via e-mail: deepak.neupane@hawaii.gov

Signed:

Aedward Los Banos, Executive Director

Attachments

c: Jonathan L. Ortiz, Ortiz & Associates
Christine S. Prepose-Kamihara, Ortiz & Associates

Exhibit A

Street	Tenant	Vehicle/Notes	May18	Jun18
Cummins	Aloha Dog - Manami		90	90
Cummins	Aloha Dog - Manami		90	90
Cummins	Aloha Dog - Manami		90	90
Cummins	Aloha Dog - Manami		90	90
Cummins	Honolulu Snack		100	100
Cummins	Honolulu Snack	White Toyota Tacoma RNA486	100	100
Cummins	Tim Hazelgrove - Pacifica (Rockstar drinks)	Black Chevy Van 74844V1	125	125
Cummins	Margie Welch - Women's Fund. 1019 Waiwanu	Silver Jeep Renegade TJB54	110	110
Kawaiahao-HTC CD	Unlimited Construction	2 Kawaiahao stalls	250	paid w lot
Kawaiahao-1013	East West - Dono Tanaka RESERVED	2002 White Toyota Siena 427TVF	110	110
Kawaiahao-1013	East West - Dono Tanaka RESERVED	2002 White GMC van 303TRJ	110	110
Kawaiahao-Cummins	Jin Han Bum (HK Movers)		220	220
Cummins-Motor Werks	Seal Pro. Anne Higgins	White Mercedes RRD442	prepaid	prepaid
Kawaiahao-1013	Seal Pro. Anne Higgins - Two Palms	Ford F150 RYE762 Mercedes RRD442	prepaid	prepaid
Kawaiahao-1013	Computant - Leade (TNT Tinting EWA stall)	Gray Toyota SSD282	110	110
Kawaiahao-1013	1013 Integrated - Dennis		110	110
Kawaiahao-1013	1013 Integrated - Dennis		110	110
Kawaiahao-HI Opera	So Le		190	190
Kawaiahao-HI Opera	Jamie Leon		250	250
Kawaiahao-Discover HI	Keisie Chin Kaiohi - Altres	green Toyota Camry NYJ209	110	110
Kawaiahao-Discover HI	Lynn Hiyane - Altres	Brown RDX T8FB62	110	110
Kawaiahao-Discover HI	Brandy Hernandez - Altres	Silver Lexus ES300 RRU967, Gray Toyota BBE810	110	110
Kawaiahao-Discover HI	Torie Sumi - Altres	White Camry SRS936	110	110
Kawaiahao-Rice Factory	Lani Hatakeyama - Altres	White Prius NLJ136	110	110
Kawaiahao-Rice Factory	Cara Brown - Altres	Gray VW Jetta SYS992	110	110
Kawaiahao-Rice Factory	Sayuki FREE	Red Corolla PRV589		
Kawaiahao-Pol Dogs	Crystal Pusol-Kawai - Altres	Ford Focus ZCZ095		110
Kawaiahao-Pol Dogs	Lea Lai - Altres	Gray Tacoma RBX793		110
Kawaiahao-Pol Dogs	Mauricio Underbrink - Altres	Silver Nissan Juke TDR584, Black Ford LE5682		110
Kawaiahao-Pol Dogs	Kelly Marrone - Altres	Gray Mazda3 RZA874		110
Kawaiahao-Pol Dogs	Mikayla Muranaka - Altres	White Toyota RAV4 E5911		110
Kawaiahao-Pol Dogs	Kristyn Katayama - Altres	Gold Toyota Avalon HCR069, White Toyota Corolla ND2629		110
Kawaiahao-Ward	Ashley Kawabata - Altres	Silver Subaru Legacy SNT348	110	110
Kawaiahao-876	House Of Photography - Mark Kinoura		550	?
Kawaiahao-Ward	Asahi Grill - Mr. Lee		80	80
Kawaiahao-A&B	Car Store - Soo Hoan Kim		120	120

Street	Tenant	Vehicle/Notes	May18	Jan18
Kawaiahao-selfstorage	Water Blasters (Popo) - Cafe Duck Butt		240	240
Kawaiahao-selfstorage	Local Motion	White Volkswagen Touraq RWK635	1151.81	1151.81
Kawaiahao-selfstorage	Stewart's Auto		261.75	261.75
Kawaiahao-selfstorage	Michael Transportation		837.76	837.76
Kawaiahao-selfstorage	SH Fender - Rob		300	300
Kawaiahao-Cooke	The Auto Clinic - Kevin (Will Baxter)		July	July
Kawaiahao-Cooke	Cooke St Diner - Ken		110	110
Kawaiahao-Cooke	Food & Beverage - Ito		125	125
Kawaiahao-Cooke	Chuck Choi		prepaid	prepaid
Kawaiahao-Cooke	Chuck Choi		prepaid	prepaid
Kawaiahao-deadend	Harbor Church		250	250
Kawaiahao-deadend	Unlimited Construction		2250	2000
Clayton	Yanagi (3 stalls 5pm $300)		840	840
Clayton	Chris Kim - HECO	White Toyota Echo JZY552	110	110
Clayton	Jon Yadao - HECO	Silver Acura MDX PVX402, Silver Honda Odyssey RYC784, Gray Honda HR-V TU689	110	110
Clayton	Jamie Chu - HECO. Scott Uehara 343-6714 Black Ford Explorer PBR793 Oct	White Honda Odyssey SZB604, Gray Camry TNR163	110	110
Clayton	Aloha St Refrigeration-Dennis Kurnagai	Silver Toyota Tundra 523TVB. Mon-Thu 6am-6pm, Fri 6am-Sun 6am	100	100
Queen	Kiyo's Transmission - Wayne		200	200
Queen	City Fender - Jason, Paul		837.76	837.76
Queen	Magnum - Hon Firearms (dumpster)		875	875
Queen	Magnum - Hon Firearms (corner)		625	625
Queen	Kamaaina		2094	2094
Queen	Ray's Transmission		375	375
Ilaniwai	Redmont - Marian 9x110		990	990
Ilaniwai	Kouwork 3x95 + 3x110		615	615
Ilaniwai	Kouwork 2 stalls island Fender. Honblue		220	220
Ilaniwai	Jerry Lee - Ilaniwai	White Toyota Sienna NNZ383		110
Ilaniwai - ABC Stores	Cooke St Diner - Ken		110	110
Ilaniwai - ABC Stores	Cooke St Diner - Ken		50	50
746 Ilaniwai	Honolulu Roofing		prepaid	prepaid
Ilaniwai	Pure Air Hawaii		1100	1100
Ilaniwai	Kato Golf Tours - Hide		125	125

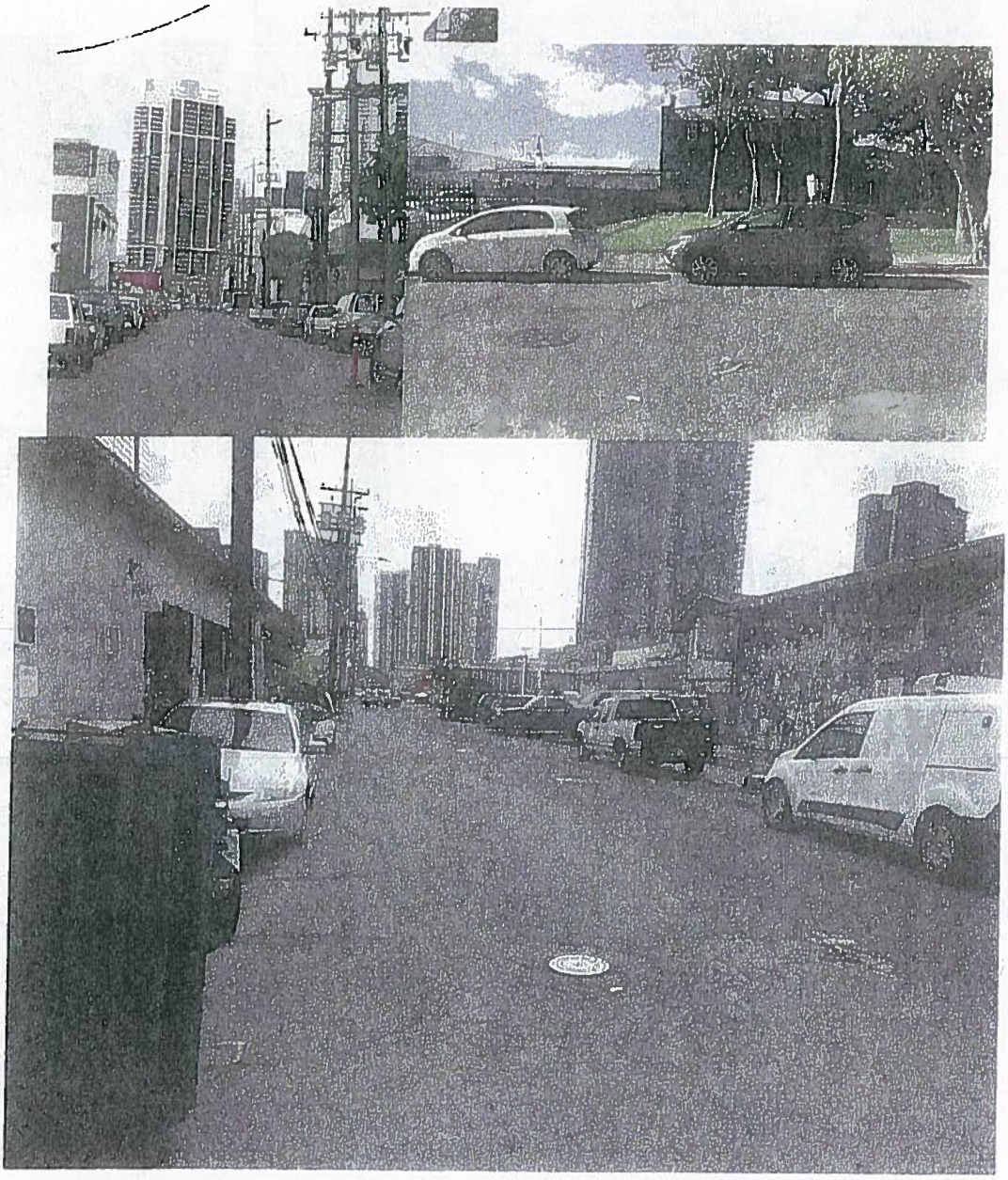
EXHIBIT-B

Owner charging for parking on a portion of Clayton Street. Clayton Street does not conform to and is not maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.

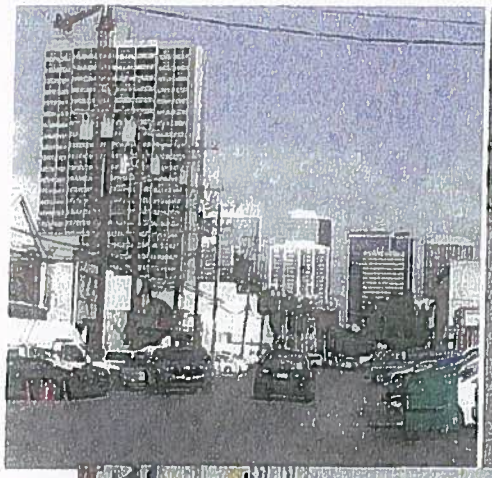
Owner charging for parking on a portion of Cummins Street. Cummins Street does not conform to and is not maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.

Owner charging for parking on a portion of Ilaniwai Street. Ilaniwai Street does not conform to and is not maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.

Owner charging for parking on a portion of Kawaiahao Street. Kawaiahao Street does not conform to and is not maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.



Owner charging for parking on a portion of Queen Street. Queen Street does not conform to and is not maintained to meet the construction and maintenance standards established for county highways, pursuant to HRS Section 46-1.5(19)(A) and Section 265A-1.



Solicitation to Procure the Services of a Hearings Officer to Conduct a Contested Case Hearing on Kakaako Land Company's Petition to the HCDA

I. Minimum Qualifications

The minimum qualifications for the hearings officer (Consultant) shall be as follows:

A. An attorney, licensed to practice in the State of Hawaii;

B. Has familiarity with Notice of Violations, Notice of Orders, administrative enforcement matters, and constitutional issues;

C. Has appeared before the land use commission, zoning board of appeals, or similar administrative bodies; and

D. Has served as a hearings officer or represented a client in at least one (1) contested case hearing related to land use, zoning, zoning entitlements, and development permits that resulted in a Findings of Fact (FOF), Conclusions of Law (COL), and Decision and Order (D&O).

Along with the bid proposal, the Consultant shall provide the Hawaii Community Development Authority (HCDA) with a resume showing the Consultant's minimum qualifications.

II. Scope of Work

The Consultant's scope of work shall be as follows:

A. Generally be available between July 2019 and October 2019 to preside over any contested case hearings;

B. Review evidence submitted in these matters.

C. Prepare a report including a proposed FOF, COL, D&O of the contested case hearings for the Authority;

D. Attend meetings with the HCDA staff and Authority members, as requested;

E. Perform any other tasks and functions, as requested by the HCDA, related to the contested case hearings; and

F. Comply with HAR § 15-219-28.