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
May 17, 2019

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
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, Kawaiaha, Clayton, Queen, and Illiniwa 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.
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
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


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
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: Hawai'i 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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you receive this message in error, please contact the sender and delete the material from any computer.
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 Māuka 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.
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"
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
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,

[Signature]

Anthony J.H. Ching
Executive Director

AJHC:py
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

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you receive this message in error, please contact the sender and delete the material from any computer.
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.
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, 1895, 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 interested in building and real estate ventures and put many tracts 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:
SCHEDULE B CONTINUED

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:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>231° 52'</td>
<td>56.00 feet along the southeast side of Ward Avenue;</td>
</tr>
<tr>
<td>2.</td>
<td>321° 52'</td>
<td>635.00 feet along the southwest side of Block 7 of the Kewalo Tract and Land Court Application 670;</td>
</tr>
<tr>
<td>3.</td>
<td>51° 52'</td>
<td>56.00 feet along Queen Street;</td>
</tr>
<tr>
<td>4.</td>
<td>141° 52'</td>
<td>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.</td>
</tr>
</tbody>
</table>

(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
-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 Pineko) 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 MARTA 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 Pineko) 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:
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 Kapiohali 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;
SCHEDULE C CONTINUED

5.  $51^\circ$ $52'$  10.00 yards, 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.  $231^\circ$ $52'$  100.00 feet along the present southeast side of Ward Avenue;

2.  $321^\circ$ $52'$  24.00 feet along Lot 6, Block 7 of the Kewalo Tract;

3.  $51^\circ$ $52'$  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:

   $15^\circ$ $35'$  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 subcontractors 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.
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.
Charles D. Desky, being duly sworn, deposes and says that he is the same Charles D. Desky, who as Trustee is named as grantee in a certain deed from Elizabeth Hommer Cummings Fairchild and others dated the 15th day of September 5th, 1895, 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 Keawala 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 block and lot to various parties to whom deeds are about to be delivered and for the purpose of marking said blocks and lots, to locate the same, affiant hath hereto attached a map, part hereof and more places on record the original plan of said tract of land as platted by the Henry M. M. Surveyor, dated the 28th day of September, 1895, and by which the sales aforesaid have been made and lot and map being in five sections numbered as follows: Streets 1, 2, 3, 4, and 5.
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.
Table D-3

<table>
<thead>
<tr>
<th>Street</th>
<th>Limits</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aheui</td>
<td>Pohukaina to Hakekawila</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Archer Lane</td>
<td>King (makai)</td>
<td>Various</td>
</tr>
<tr>
<td>Auahi</td>
<td>Ewa of Kamani to Ward Avenue</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Chapin</td>
<td>Kapiolani Boulevard to Clayton</td>
<td>Various(^2)</td>
</tr>
<tr>
<td>Clayton</td>
<td>Kapiolani Boulevard to Chapin</td>
<td>Various(^2)</td>
</tr>
<tr>
<td>Cummings</td>
<td>Queen to Waimanu</td>
<td>Desky(^3)</td>
</tr>
<tr>
<td>Curtis</td>
<td>Kawaiahao to Kapiolani Boulevard</td>
<td>Unknown</td>
</tr>
<tr>
<td>Dreier</td>
<td>Waimanu to Kapiolani Boulevard</td>
<td>Unknown</td>
</tr>
<tr>
<td>Hakekawila</td>
<td>Cooke to Ward Avenue</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Hopaka</td>
<td>Kona to Ewa of Pensacola</td>
<td>Hawaiian Dredging Company, Ltd.</td>
</tr>
<tr>
<td>Ilaniwai</td>
<td>Cooke to Ward Avenue</td>
<td>Unknown</td>
</tr>
<tr>
<td>Kamakee</td>
<td>Queen to Waimanu</td>
<td>Desky(^3) and E. E. Black, Ltd.</td>
</tr>
<tr>
<td>Kamani</td>
<td>Auahi to Ilaniwai</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Kawaiahao</td>
<td>Ewa to Kamakee</td>
<td>Desky(^3)</td>
</tr>
<tr>
<td>Keahou</td>
<td>Pohukaina to Hakekawila</td>
<td>B. P. Bishop Estate</td>
</tr>
<tr>
<td>Kona</td>
<td>Kamakee to Waikiki of Hopaka</td>
<td>Hawaiian Dredging Company, Ltd.</td>
</tr>
<tr>
<td>Koula</td>
<td>Ala Moana Boulevard to Auahi</td>
<td>Unknown</td>
</tr>
<tr>
<td>Koula</td>
<td>Pohukaina to Hakekawila</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Laos Lane</td>
<td>Ala Moana Boulevard to Auahi</td>
<td>Unknown</td>
</tr>
<tr>
<td>Laos Lane</td>
<td>Pohukaina to Hakekawila</td>
<td>B. P. Bishop Estate</td>
</tr>
<tr>
<td>Ohe Lane</td>
<td>Ala Moana Boulevard to Auahi</td>
<td>Unknown</td>
</tr>
<tr>
<td>Ohe Lane</td>
<td>Pohukaina to Hakekawila</td>
<td>Unknown</td>
</tr>
<tr>
<td>Pohukaina</td>
<td>Koula to Kamani</td>
<td>Victoria Ward, Ltd.</td>
</tr>
<tr>
<td>Queen</td>
<td>Cooke to Waikiki of Kamakee</td>
<td>Unknown</td>
</tr>
<tr>
<td>Waimanu</td>
<td>Dreier to Kamakee</td>
<td>Unknown</td>
</tr>
</tbody>
</table>


\(^2\) 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.
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, Kawaihao, 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, Kawaihao, 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:**

[Signature]

Aedward Los Banos, Executive Director

**Attachments**

c: Jonathan L. Ortiz, Ortiz & Associates
Christine S. Prepose-Kamihara, Ortiz & Associates
<table>
<thead>
<tr>
<th>Vendor / Name</th>
<th>Vehicle/Make</th>
<th>License Plate</th>
<th>Year</th>
<th>Model</th>
<th>Miles</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Car Rental</td>
<td>Acura MDX</td>
<td>123456</td>
<td>2009</td>
<td>SUV</td>
<td>100</td>
<td>Like New</td>
</tr>
<tr>
<td>Black Sheep</td>
<td>Ford Mustang</td>
<td>67890</td>
<td>2010</td>
<td>Coupe</td>
<td>500</td>
<td>Excellent</td>
</tr>
<tr>
<td>Blue Ridge</td>
<td>Toyota Corolla</td>
<td>234567</td>
<td>2008</td>
<td>Sedan</td>
<td>150</td>
<td>Fair</td>
</tr>
<tr>
<td>Car Rental</td>
<td>Honda Civic</td>
<td>789012</td>
<td>2007</td>
<td>Sedan</td>
<td>200</td>
<td>Good</td>
</tr>
<tr>
<td>City Car</td>
<td>Nissan Altima</td>
<td>456789</td>
<td>2011</td>
<td>Sedan</td>
<td>75</td>
<td>New</td>
</tr>
<tr>
<td>Demo Car</td>
<td>Mercedes S550</td>
<td>987654</td>
<td>2012</td>
<td>Sedan</td>
<td>100</td>
<td>Used</td>
</tr>
<tr>
<td>Executive Car</td>
<td>Chevrolet Silverado</td>
<td>54321</td>
<td>2013</td>
<td>Pickup</td>
<td>300</td>
<td>Excellent</td>
</tr>
<tr>
<td>Famous Car</td>
<td>BMW 3 Series</td>
<td>123456</td>
<td>2014</td>
<td>Sedan</td>
<td>50</td>
<td>Mint</td>
</tr>
<tr>
<td>Fortune Car</td>
<td>Audi A4</td>
<td>678901</td>
<td>2015</td>
<td>Sedan</td>
<td>25</td>
<td>Mint</td>
</tr>
<tr>
<td>Great Car</td>
<td>Audi A8</td>
<td>234567</td>
<td>2016</td>
<td>Sedan</td>
<td>12</td>
<td>Mint</td>
</tr>
<tr>
<td>Holiday Car</td>
<td>Mercedes-Benz E-Class</td>
<td>789012</td>
<td>2017</td>
<td>Sedan</td>
<td>20</td>
<td>Mint</td>
</tr>
<tr>
<td>Luxury Car</td>
<td>Mercedes-Benz S-Class</td>
<td>456789</td>
<td>2018</td>
<td>Sedan</td>
<td>5</td>
<td>Mint</td>
</tr>
<tr>
<td>Millionaire</td>
<td>BMW 7 Series</td>
<td>987654</td>
<td>2019</td>
<td>Sedan</td>
<td>3</td>
<td>Mint</td>
</tr>
<tr>
<td>National Car</td>
<td>Ford F-150</td>
<td>123456</td>
<td>2020</td>
<td>Pickup</td>
<td>1</td>
<td>Mint</td>
</tr>
<tr>
<td>Peaceful Car</td>
<td>Lincoln Navigator</td>
<td>678901</td>
<td>2021</td>
<td>SUV</td>
<td>5</td>
<td>Mint</td>
</tr>
<tr>
<td>Queen Car</td>
<td>Mercedes-Benz S-Class</td>
<td>234567</td>
<td>2022</td>
<td>Sedan</td>
<td>2</td>
<td>Mint</td>
</tr>
<tr>
<td>Rich Car</td>
<td>Audi A8</td>
<td>456789</td>
<td>2023</td>
<td>Sedan</td>
<td>1</td>
<td>Mint</td>
</tr>
<tr>
<td>Royal Car</td>
<td>Mercedes-Benz C-Class</td>
<td>789012</td>
<td>2024</td>
<td>Sedan</td>
<td>4</td>
<td>Mint</td>
</tr>
<tr>
<td>S Class Car</td>
<td>BMW 7 Series</td>
<td>987654</td>
<td>2025</td>
<td>Sedan</td>
<td>6</td>
<td>Mint</td>
</tr>
<tr>
<td>Super Car</td>
<td>Mercedes-Benz S-Class</td>
<td>234567</td>
<td>2026</td>
<td>Sedan</td>
<td>7</td>
<td>Mint</td>
</tr>
<tr>
<td>Ultimate Car</td>
<td>Cadillac Escalade</td>
<td>456789</td>
<td>2027</td>
<td>SUV</td>
<td>8</td>
<td>Mint</td>
</tr>
<tr>
<td>Wealthy Car</td>
<td>Audi Q8</td>
<td>789012</td>
<td>2028</td>
<td>SUV</td>
<td>9</td>
<td>Mint</td>
</tr>
<tr>
<td>Wealthy Car 2</td>
<td>Audi Q8</td>
<td>234567</td>
<td>2029</td>
<td>SUV</td>
<td>10</td>
<td>Mint</td>
</tr>
<tr>
<td>Young Car</td>
<td>BMW 4 Series</td>
<td>123456</td>
<td>2030</td>
<td>Sedan</td>
<td>11</td>
<td>Mint</td>
</tr>
</tbody>
</table>

*Note: The table includes a variety of vehicles from different manufacturers and years, with varying conditions and miles on the vehicles.*
<table>
<thead>
<tr>
<th>Street</th>
<th>Vehicle</th>
<th>Make</th>
<th>Model</th>
<th>Vin</th>
<th>Mileage</th>
<th>Jan. 18</th>
<th>Feb. 18</th>
<th>Mar. 18</th>
<th>Apr. 18</th>
<th>May. 18</th>
<th>Jun. 18</th>
<th>Jul. 18</th>
<th>Aug. 18</th>
<th>Sep. 18</th>
<th>Oct. 18</th>
<th>Nov. 18</th>
<th>Dec. 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jawalaheo</td>
<td>Stewart's Auto</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Michael Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>SH Fender - Feb</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>The Auto Clinic - Kevin (Will Baxter)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Food &amp; Beverage - Dari</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Chuck Choi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Chuck Choi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Harbor Church</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jawalaheo</td>
<td>Unlimited Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Clayton**
- Teri (3 adult 5pm $500)
- Chris Lin - HCC
- Jan Yada - HCC

**Clayton**
- Jan Yada - HCC
- Teri (3 adult 5pm $500)

**Clayton**
- Jan Yada - HCC
- Michael Transportation

**Queen**
- Wayne's Transmission - Wayne
- Magnum - Hen Firearms (pumpster)
- Magnum - Hen Firearms (corner)

**Queen**
- Karen's Transmission
- Wayne - Marlin 6XLB

**Queen**
- Jerry Lee - Honolulu
- ABC Stores - Honolulu

**Queen**
- Par Air Hawaii II
- Eto Golf Tours - Hide

**Queen**
- Par Air Hawaii II
- Eto Golf Tours - Hide

**Hardrai**
- Kona Work 200 x 200

**Hardrai**
- Kona Work 200 x 200

**Hardrai**
- Jerry Lee - Honolulu

**Hardrai**
- ABC Stores

**Hardrai**
- ABC Stores
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
