

Testimony of  
Michael W Macdonald, Vice President  
Macdonald & Porter Inc.  
Wednesday, June 5, 2019 8:30am  
HCDA Hearing  
Regarding Kakaako Land Company

I am testifying in support of HCDA's enforcement of the fines/penalties on the Kakaako Land Company for failure to follow Act 009. The roads in question have been used openly and continuously by the public since their implied dedication in the late 1800's through 2009. Even as recently as 2004, when the HCDA was proposing ID11 to widen and renovate Queen St, Kakaako Land Company was silent as to their ownership claim.

Their opportunistic handling of the ownership issue has netted them thousands of dollars in parking rental fees all while allowing these roads to fall into further disrepair and become increasingly unsafe for pedestrians and drivers due to their neglect. If they are going to profit from rental of these roads, they should be required to be brought up to the construction and maintenance standards that City/State have laid out for vehicle and pedestrian safety. I support the enforcement of the levied fines against the Kakaako Land Company.



Michael Macdonald

Macdonald & Porter Inc.

## Soares, Tommilyn

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**From:** ScottSaiki <repsaiki@capitol.hawaii.gov>  
**Sent:** Wednesday, June 5, 2019 8:17 AM  
**To:** DBEDT HCDA Contact  
**Subject:** Public Testimony Website Submission Kakaako Business

### Name

Scott Saiki

### Organization

Speaker of the Hawaii House of Representatives

### Address

State Capitol  
415 South Beretania Street  
Honolulu, HI 96813  
[Map It](#)

### Email

[repsaiki@capitol.hawaii.gov](mailto:repsaiki@capitol.hawaii.gov)

### Project Name

Kakaako Business

### Comment

JOINT TESTIMONY: Speaker Scott K. Saiki and Senator Sharon Y. Moriwaki  
RE: Agenda Item 5 - Kakaako Land Company's Petition for a Contested Case Hearing  
June 5, 2019 at 9:00 a.m.

### File Upload

- [Saiki.Moriwaki-Testimony-to-HCDA-Chair-and-Board-on-June-5.-2019-re-Kakaako-Roads.pdf](#)



**HAWAII STATE LEGISLATURE**

STATE CAPITOL  
415 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813

June 5, 2019

Mr. John Whalen, Chair, and Board Members  
Hawaii Community Development Authority ("HCDA")  
547 Queen Street  
Honolulu, Hawaii 96813

RE: Kakaako Land Company's Petition for a Contested Case Hearing

Dear Chair Whalen and HCDA Board Members:

Thank you for the opportunity to submit testimony regarding this matter.

As you are aware, Kakaako Land Company ("KLC") has not been in compliance with applicable state law for several years. Therefore, the Notice of Violation and \$250,000 fine contained in the Notice of Order is proper. KLC has obviously requested a contested case hearing to delay proceedings while it seeks to quiet title and its purported ownership of remaining Kakaako roadways with the goal of increasing roadway valuation for eminent domain purposes.

If a contested case hearing is held, we request that it be held expeditiously. HCDA should make clear that KLC's petition does not suspend any provisions in the Notice of Order, including the imposition of civil fines. HCDA should also make clear that KLC carries the burden of establishing the key elements of this dispute. Specifically, KLC must prove that it owns the subject roadways without relying on a quitclaim deed that carries no warranties or assurance that title is valid. In fact, the circumstances surrounding the execution of the quitclaim deed in 1985 are suspect.

Thank you for considering our comments.

Sincerely,

Scott K. Saiki  
Speaker of the House, District 26

Sharon Y. Moriwaki  
State Senator, District 12

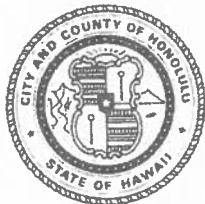
**Soares, Tommilyn**

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**From:** Judith Campollo-Emami <jujuemami@gmail.com>  
**Sent:** Tuesday, June 4, 2019 2:34 PM  
**To:** DBEDT HCDA Contact  
**Subject:** Kakaako Land Company

To Whom it may Concern,  
I oppose any concessions to Kakaako Land Company. They are greedy and have no respect to the community. We have undergone injustice for too long it must come to an end.

Thank you,  
Judith Campollo Emami



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 202  
HONOLULU, HAWAII 96813-3065  
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

**CAROL FUKUNAGA**

HONOLULU CITY COUNCIL, DISTRICT 6  
PHONE: 768-5006 FAX: 768-1226  
EMAIL: cafukunaga@honolulu.gov

**ANN KOBAYASHI**

HONOLULU CITY COUNCIL, DISTRICT 5  
PHONE: 768-5005 FAX: 768-1231  
EMAIL: akobayashi@honolulu.gov

June 4, 2019

Chair John Whalen and Board Members  
Hawaii Community Development Authority  
547 Queen Street  
Honolulu, Hawaii 96813

RE: *Agenda Item 5: Shall the Authority Assign Kakaako Land Company LLC's Petition for a Contested Case Hearing for the Notice of Order Dated April 18, 2019 (NOO01-2019) for Further Proceedings Before the Authority or a Hearings Officer?*

Dear Chair Whalen and Board Members:

Thank you for the opportunity to submit our comments regarding Agenda Item 5. Since Chapter 91, Hawaii Revised Statutes, and the HCDA's own rules governing appeal procedures relating to board action, authorize the HCDA board to conduct a contested case hearing upon receipt of a petition request, our testimony focuses on the urgency of hearing/resolving the contested case as expeditiously as possible.

For more than 5 years, the Kakaako Land Company's assertion of ownership claims over certain roadways resulted in the City administration's termination of its repair and maintenance of these private roadways. In 2014, the City published a public notice stating that the Department of Facility Maintenance would no longer maintain Waimanu Street, from Dreier to Kamakee Streets; Kawaiahao Street, from Cooke to Kamakee Streets; and Queen Street, from Ward Avenue to Kamakee Street because of the posting of numerous restrictive parking signs posted by the Kakaako Land Company. This has negatively impacted many central Kakaako businesses and their clients.

The hazardous roadway conditions that have ensued from 2014 to 2019 also generated numerous complaints to our offices regarding unsafe roadway conditions, damages to private vehicles, and other vehicular obstructions/negative conditions associated with lack of roadway maintenance and police enforcement to improve public safety.

The Honolulu City Council and Hawaii State Legislature have adopted the following legislation to address this problem, most of which has proceeded too slowly to offer relief to impacted businesses and roadway users:

- Council Resolution 15-45, CD1, FD1 (2015) *Establishing an Advisory Working Group to Address Public Infrastructure Issues Resulting from Conflicts Over Private and Public Road Ownership in the Kakaako Community.*
- House Resolution 80 (2015) *Requesting the Hawaii Community Development Authority to Investigate the Ownership of Roads Being Challenged in the Kakaako Development District.*
- Council Resolution 16-213 *For Condemnation (2016): Providing for the Acquisition of Land for Public Use, to Wit: Public Streets, Situate at Kakaako, Honolulu, Oahu, Hawaii, and Determining and Declaring the Necessity of the Acquisition Thereof by Eminent Domain* (for proceedings in eminent domain to acquire the privately owned portions of Curtis, Dreier, Cummins, and Ilaniwai Streets and portions of: Kamakee Street from Waimanu Street to Kawaiahao Street, Waimanu Street from Dreier Street to the intersection of the unnamed street segment connecting Queen Street and Waimanu Street, Kawaiahao Street from Cooke Street to parcel TMK: 2-3-003:103, and Queen Street from Cooke Street to parcel TMK: 2-3-003-087).
- Act 232, SLH 2016 (HB 2604, HD1, SD1, CD1) *Relating to the Acquisition of Real Property* which clarified that acceptance by the Territorial Legislature or Legislature of a dedication of land in HCDA by a private owner is sufficient to convey title to the State). In 2019, Attorney General Connors accepted the conveyance of title for the above-mentioned private roadways on behalf of the City and County of Honolulu. Councilmembers have asked City Corporation Counsel to act upon the state's title to restore maintenance services for these private roadways.
- Act 9, SLH 2018 (HB2275, HD2, SD2 *Relating to the Hawaii Community Development Authority* which required that private roadway owners maintain roads to city standards or face HCDA penalties), now codified as Section 206E-36, Hawaii Revised Statutes.


In light of the substantial penalties associated with HCDA fines assessed upon the Kakaako Land Company, which started accruing on January 16, 2019, through May 15, 2019, we urge that the HCDA Board schedule and conduct the contested case hearing as quickly as possible.

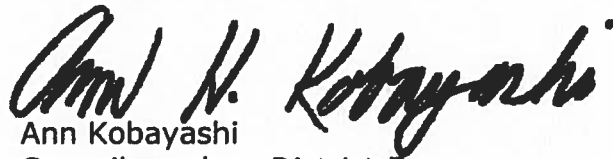


Chair Whalen and Board Members  
Hawaii Community Development Authority  
Page 3  
June 4, 2019

We owe Central Kakaako businesses impacted by the actions of the Kakaako Land Company a timely resolution of this long-standing problem. Thank you for the opportunity to comment on this matter.

Sincerely,

  
Carol Fukunaga  
Councilmember, District 6

  
Ann Kobayashi  
Councilmember, District 5

Attachments:

1. Council Resolution 15-45, CD1, FD1
2. House Resolution 80 (2015)
3. Council Resolution 16-213, CD1, FD1
4. Act 232, SLH 2016 (HB 2604, HD1, SD1, CD1)
5. Act 9, SLH 2018 (HB2275, HD2, SD2) now codified as Section 206E-36, Hawaii Revised Statutes.



## **RESOLUTION**

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**ESTABLISHING AN ADVISORY WORKING GROUP TO ADDRESS PUBLIC INFRASTRUCTURE ISSUES RESULTING FROM CONFLICTS OVER PRIVATE AND PUBLIC ROAD OWNERSHIP IN THE KAKAAKO COMMUNITY.**

WHEREAS, the Kakaako Community Development District is a 600-acre area bounded by Piikoi, King, and Punchbowl Streets and Ala Moana Boulevard, including the waterfront area from Kewalo Basin to Forrest Avenue and the Hawaiian Electric Company power plant site adjacent to Honolulu Harbor Piers 6, 7 and 8; and

WHEREAS, once primarily known as an area with auto repair shops, industrial and warehouse uses, Kakaako today is an area that is also home to retail shopping complexes, movie theaters, residential condominiums, public housing developments and an eclectic street culture/arts scene; and

WHEREAS, the State of Hawaii, Department of Business, Economic Development and Tourism's Hawaii Community Development Authority (HCDA) is working to bring together private enterprise and government to establish Kakaako as an economically and socially viable community that can provide a range of public benefits; and

WHEREAS, the HCDA-approved Kamehameha Schools "Our Kakaako" master plan, if fully implemented, will result in seven new residential towers, 2,750 units, and 300,000 square feet of commercial space on 29 Kakaako acres over the next 10 to 20 years. The Howard Hughes Corporation's HCDA-approved master plan, called "Ward Village," includes as many as 22 new towers and more than a million square feet of retail and commercial space, to be built in Kakaako within the next 15 years; and

WHEREAS, the State of Hawaii has previously invested over \$217 million on improvement projects in Kakaako and may continue substantive investment for long-term development in the Kakaako District; and

WHEREAS, the extensive planned development in the Kakaako District, calculated to continue over the next 15 years, has resulted in significant concern regarding the issue of private road ownership, maintenance and the need for coherent infrastructure development in Kakaako; and

WHEREAS, the existence of a patchwork of private roads whose ownership is disputed hinders HCDA's plans for orderly redevelopment of Kakaako Mauka and the City's efforts to develop "complete streets" approaches to improve pedestrian walkability within transit-oriented development zones surrounding the Kakaako transit stations; and





## **RESOLUTION**

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WHEREAS, the Council finds that there is a need for a comprehensive examination of private roads in Kakaako, including Queen Street (south of South Street), Kawaiahao Street, Cooke Street, Ward Avenue, Cummins Street, Ilaniwai Street, Curtis Street, Dreier Street, Koula Street (Ala Moana Boulevard to Auahi Street), Lana Lane (Ala Moana Boulevard to Auahi Street), Ohe Lane (Ala Moana Boulevard to Auahi Street), Ohe Lane (Pohukaina Street to Halekauwila Street), Waimanu Street (Dreier Street to Kamakee Street), and Kamakee Street (Queen Street to Waimanu Street) to facilitate appropriate infrastructure planning, upgrades, maintenance, and assignment of responsibilities to the appropriate State or City agencies to support planned growth and the expected estimated increase to 30,000 residents by 2030; and

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby establishes a working group, to be known as the Kakaako Public Infrastructure and Facilities Working Group, to conduct a comprehensive examination of the private roads in Kakaako and recommend solutions and appropriate actions for City or State acquisition of these private roads, as necessary; and

BE IT FURTHER RESOLVED that the Council Chair invite individuals to participate in the working group who represent the following:

- Public Works, Infrastructure and Sustainability Committee of the Honolulu City Council;
- Water and Land Committee in the State House of Representatives;
- Human Services and Housing Committee in the State Senate;
- City Department of Transportation Services;
- City Department of Facility Maintenance;
- City Department of Planning and Permitting;
- City Department of Corporation Counsel;
- State Department of Land and Natural Resources;
- State Office of Planning;
- State Hawaii Community Development Authority;



## RESOLUTION

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- State Department of the Attorney General;
- A resident and a business owner with an entrance or exit on a Kakaako private road;
- A member of the Ala Moana/Kakaako Neighborhood Board No. 11;

and

BE IT FINALLY RESOLVED that copies of this Resolution be sent to the Chair of the Honolulu City Council, the Speaker of the State House of Representatives, the President of the State Senate, the Attorney General, the Mayor, the Managing Director, the Director of Transportation Services, the Director of Facility Maintenance, the Director of Planning and Permitting, the Corporation Counsel, the Director of Land and Natural Resources, the Acting Director of the Office of Planning, the Executive Director of the Hawaii Community Development Authority, Kakaako community members and the Ala Moana/Kakaako Neighborhood Board No. 11.

INTRODUCED BY:

Carol Fukunaga

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DATE OF INTRODUCTION:

February 19, 2015  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 15-45, CD1, FD1**

Introduced: 02/19/15 By: CAROL FUKUNAGA

Committee: PUBLIC WORKS,  
INFRASTRUCTURE AND  
SUSTAINABILITY

Title: RESOLUTION ESTABLISHING AN ADVISORY WORKING GROUP TO ADDRESS PUBLIC  
INFRASTRUCTURE ISSUES RESULTING FROM CONFLICTS OVER PRIVATE AND PUBLIC ROAD  
OWNERSHIP IN THE KAKAOKO COMMUNITY.

Voting Legend: \* = Aye w/Reservations

03/04/15	PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY	CR-84 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.
03/11/15	COUNCIL	RESOLUTION AMENDED TO FD1. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE. CR-84 AND RESOLUTION 15-45, CD1, FD1 WERE ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
\_\_\_\_\_  
GLEN TAKAHASHI, ACTING CITY CLERK

  
\_\_\_\_\_  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

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## HOUSE RESOLUTION

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REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO  
INVESTIGATE THE OWNERSHIP OF ROADS BEING CHALLENGED IN THE  
KAKAAKO DEVELOPMENT DISTRICT.

1 WHEREAS, within the past few years, certain private sector  
2 persons and entities have surfaced and claimed ownership of  
3 certain roads in the Kakaako Development District; and  
4

5 WHEREAS, the effect of claimed private ownership has been  
6 restrictions on public parking and charging for on-street  
7 parking and disclaimer of maintenance responsibilities by the  
8 city; and  
9

10 WHEREAS, the ownership of the roads is being challenged by  
11 small businesses and residents negatively impacted by such  
12 claims; and  
13

14 WHEREAS, it is unclear how the Hawaii Community Development  
15 Authority can act upon development applications without making  
16 determinations as to the ownership of the roads in question;  
17 now, therefore,  
18

19 BE IT RESOLVED by the House of Representatives of the  
20 Twenty-eighth Legislature of the State of Hawaii, Regular  
21 Session of 2015, that the Hawaii Community Development Authority  
22 is requested to investigate the ownership of roads whose  
23 ownership is being challenged in the Kakaako Development  
24 District; and



# HR80

Measure Title: REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO INVESTIGATE THE OWNERSHIP OF ROADS BEING CHALLENGED IN THE KAKAOKO DEVELOPMENT DISTRICT.

Report Title: Investigation Into Ownership of Roads Being Challenged in the Kakaoko Development District

Description:

Companion:

Package: None

Current Referral: FIN

Introducer(s): SAIKI, BELATTI, BROWER

Sort by Date	Status Text
3/13/2015 H	Offered
3/16/2015 H	Referred to WAL, FIN, referral sheet 33
3/27/2015 H	Re-referred to FIN, referral sheet 41
4/2/2015 H	Resolution scheduled to be heard by FIN on Tuesday, 04-07-15 2:00PM in conference room 308.
4/7/2015 H	The committees on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 15 Ayes: Representative(s) Luka, Nishimoto, Cachola, Cullen, DeCoite, Johanson, Jordan, Keohokaloie, Kobayashi, Lowen, Onishi, Tokioka, Yamashita, Pouha, Ward; Ayes with reservations: none; Noes: none; and Excused: none.
4/9/2015 H	Reported from FIN (Stand. Com. Rep. No. 1434), recommending adoption.
4/9/2015 H	Adopted with none voting aye with reservations; none voting no (0) and Representative(s) Tokioka excused (1).
4/9/2015 H	Resolution adopted in final form.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

## HR80



## **RESOLUTION**

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(FOR CONDEMNATION)

PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: PUBLIC STREETS, SITUATE AT KAKAAKO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

BE IT RESOLVED by the Council of the City and County of Honolulu:

I.

That for public use and purpose, to wit: public streets, situate at Kakaako, Honolulu, Oahu, Hawaii, proceedings in eminent domain as provided by law be instituted for the acquisition of the privately owned portions of Curtis, Dreier, Cummins, and Ilaniwai Streets and portions of: Kamakee Street from Waimanu Street to Kawaiahao Street, Waimanu Street from Dreier Street to the intersection of the unnamed street segment connecting Queen Street and Waimanu Street, Kawaiahao Street from Cooke Street to parcel TMK: 2-3-003:103, and Queen Street from Cooke Street to parcel TMK: 2-3-003-087, as shown on the map designated as Exhibit "A," attached hereto and by reference made a part hereof.

That Corporation Counsel of the City and County of Honolulu be and is hereby authorized and encouraged to start said proceedings.

That acquisition by eminent domain is necessary for the aforesaid public use and purpose.

II.

That in the process of said proceedings in eminent domain, the Corporation Counsel be and is hereby authorized and empowered to negotiate the terms of settlement, subject to the approval of this Council and/or of the Court before which such proceedings are commenced.

III.

That the City Administration is urged to complete the following steps in preparation of the acquisition of the streets and street segments listed in part I of this clause:



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-213, CD1, FD1

---

**RESOLUTION**

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1. Land surveys of the subject properties;
2. Land survey maps of the subject properties;
3. Metes and bounds descriptions of the subject properties;
4. Title searches for the subject properties; and
5. Appraisals of the fair market value of the subject properties; and





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-213, CD1, FD1

**RESOLUTION**

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, the Managing Director, the Director of Design and Construction, and the Corporation Counsel.

INTRODUCED BY:

Carol Fukunaga

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DATE OF INTRODUCTION:

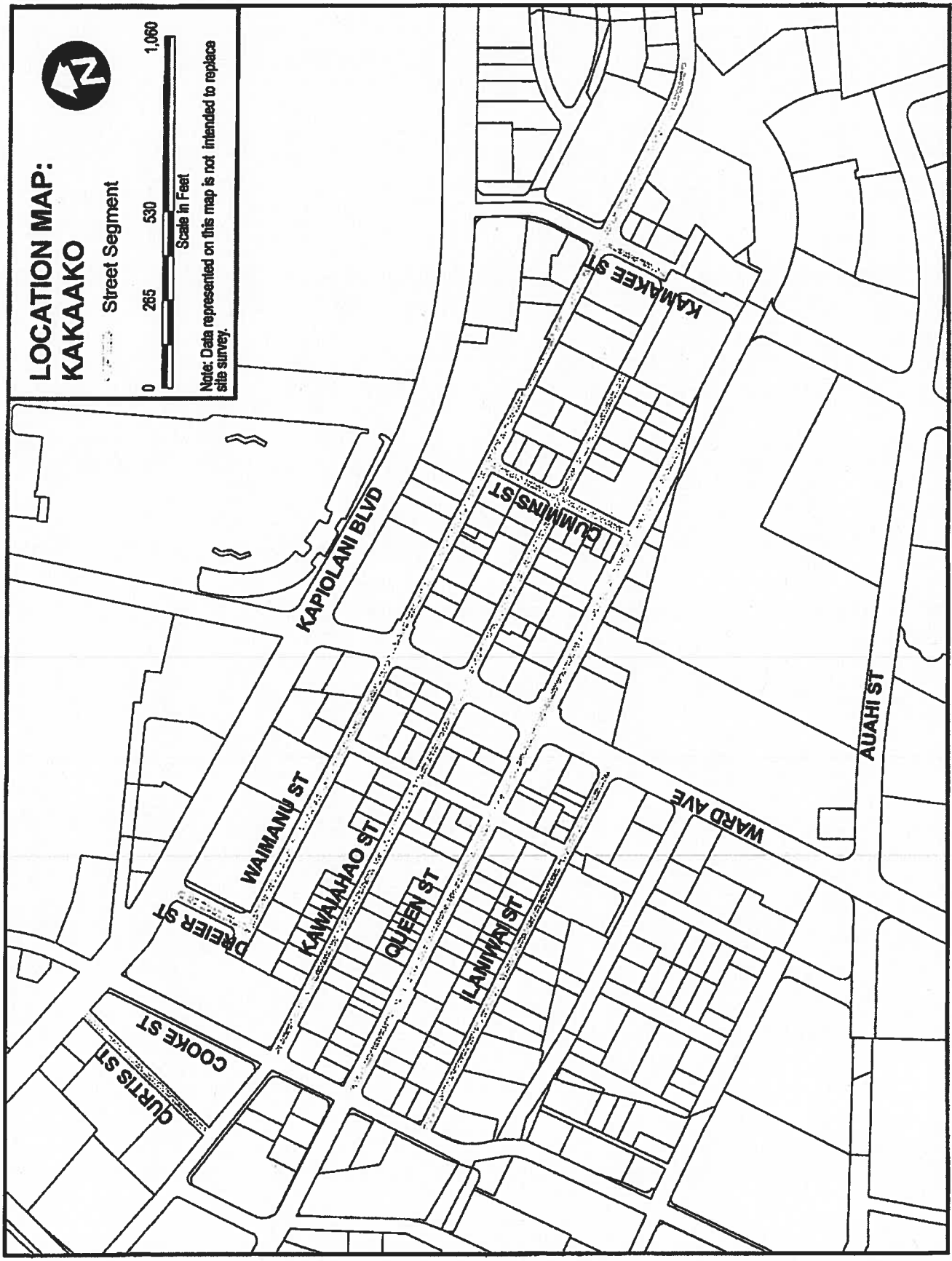
August 18, 2016

Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED this 16<sup>th</sup> day of December, 20 16.

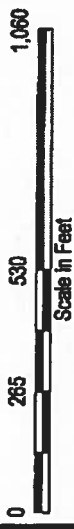
Kirk Caldwell  
KIRK CALDWELL, Mayor  
City and County of Honolulu



**LOCATION MAP:**

**KAKAOKO**

Street Segment



Note: Data represented on this map is not intended to replace site survey.

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

RESOLUTION 16-213, CD1, FD1

Introduced: 08/18/16 By: CAROL FUKUNAGA

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION (FOR CONDEMNATION) PROVIDING FOR THE ACQUISITION OF LAND FOR PUBLIC USE, TO  
WIT: PUBLIC STREETS, SITUATE AT KAKAOKO, HONOLULU, OAHU, HAWAII, AND DETERMINING AND  
DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN.

Voting Legend: \* = Aye w/Reservations

08/18/16	PUBLISH	PUBLIC NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
TO		
08/24/16		
09/20/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS	RESOLUTION DEFERRED IN COMMITTEE.
10/18/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-323 - RESOLUTION REPORTED OUT OF COMMITTEE TO BE LAID OVER, ORDERED PUBLISHED AND SUBSEQUENTLY ADOPTED AS AMENDED IN CD1 FORM.
11/02/16	COUNCIL	RESOLUTION AMENDED TO POSTED FD1. (OCS2016-1034/10/26/2016 4:34 PM) 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE RESOLUTION LAID OVER AND ORDERED PUBLISHED. CR-323 ADOPTED. 8 AYES: ANDERSON*, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE.
11/09/16	PUBLISH	CONDEMNATION NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/01/16	COUNCIL	RESOLUTION 16-213, CD1, FD1 WAS ADOPTED. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 NO: ELEFANTE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION

  
GLEN I. TAKAHASHI, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

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# A BILL FOR AN ACT

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RELATING TO THE ACQUISITION OF REAL PROPERTY.

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

1       SECTION 1. Section 171-30, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) The board of land and natural resources shall have  
4 the exclusive responsibility, except as provided herein, of  
5 acquiring, including by way of dedications:

6       (1) All real property or any interest therein and the  
7 improvements thereon, if any, required by the State  
8 for public purposes, including real property together  
9 with improvements, if any, in excess of that needed  
10 for such public use in cases where small remnants  
11 would otherwise be left or where other justifiable  
12 cause necessitates the acquisition to protect and  
13 preserve the contemplated improvements, or public  
14 policy demands the acquisition in connection with such  
15 improvements.

16       (2) Encumbrances, in the form of leases, licenses, or  
17 otherwise on public lands, needed by any state



1 department or agency for public purposes or for the  
2 disposition for houselots or for economic development.

3 The board shall upon the request of and with the funds from  
4 the state department or agency effectuate all acquisitions as  
5 provided under this section.

6 The acceptance by the territorial legislature or the  
7 legislature of a dedication of land in the Kakaako community  
8 development district by a private owner is sufficient to convey  
9 title to the State."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 2604  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Public Lands; Acquisition of Real Property

**Description:**

Clarifies that acceptance by the Territorial Legislature or the Legislature of a dedication of land in the Kakaako Community Development District by a private owner is sufficient to convey title to the State. (HB2604 CD1)

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



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## A BILL FOR AN ACT

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RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1       SECTION 1. Chapter 206E, Hawaii Revised Statutes, is  
2       amended by adding a new section to part II to be appropriately  
3       designated and to read as follows:  
4       "§206E-       Roads; county standards. (a) Any owner or  
5       owners who charge a fee for the use of all or any portion of a  
6       private street, highway, or thoroughfare that is located within  
7       the Kakaako community development district and used continuously  
8       by the general public for a period of not less than six months,  
9       shall be responsible for the costs of conforming and maintaining  
10       that private street, highway, or thoroughfare to meet the  
11       construction and maintenance standards established for county  
12       highways, pursuant to section 46-1.5(19) (A) and section 265A-1  
13       by the county in which the development district is located.  
14       (b) Private streets, highways, or thoroughfares used  
15       solely by the owner or employees of the owner shall be exempt  
16       from this section."

17       SECTION 2. New statutory material is underscored.





1       SECTION 3. This Act shall take effect upon its approval,  
2   and shall be repealed on June 30, 2023.

3



**Report Title:**

HCDA; Private Street, Highway, or Thoroughfare; County Standards

**Description:**

Requires certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Makes owners who charge a fee to use private roads responsible for the costs of conforming and maintaining the private roads. Exempts private roads used solely by the owner or its employees. Repeals on 6/30/2023. (SD2)

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



**[§206E-36]**

HRS\_0206E-0036.htm

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**[§206E-36] Roads county standards.** *[Section repealed June 30, 2023. L 2018, c 9, §3.]* (a) 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.

(b) Private streets, highways, or thoroughfares used solely by the owner or employees of the owner shall be exempt from this section. [L 2018, c 9, §1]