

RESOLUTION

APPROVING AND AUTHORIZING THE CONVEYANCE OF THE FORMER KALAHEO ELEMENTARY SCHOOL PROPERTY IN KAILUA, O'AHU, TO THE STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS, IN FURTHERANCE OF THE INTENT OF THE HAWAIIAN HOMES COMMISSION ACT AND TO HONOR THE LEGACY OF PRINCE JONAH KŪHIŌ KALANIANA'OLE, WHICH INCLUDES HIS ROLE IN ESTABLISHING THE COUNTIES OF THE STATE OF HAWAII.

WHEREAS, Prince Jonah Kūhiō Kalaniana'ole ("Prince Kūhiō"), who served as Hawai'i's delegate to the United States Congress ("Congress") from 1902 through 1922, was a zealous advocate for the perpetuation and rehabilitation of the Native Hawaiian people and their culture, and an advocate for the right of all of the people of Hawai'i to be represented by an elected local government; and

WHEREAS, as his first major undertaking after being elected as Hawai'i's Congressional delegate, Prince Kūhiō was determined to achieve self-governance for the people of Hawai'i by establishing independent counties within the Territory of Hawai'i ("Territory"), led by local elected leaders, to more evenly distribute the economic and political decision-making powers among the people; and

WHEREAS, in 1905, despite his lack of voting powers as a territorial delegate, Prince Kūhiō strategically gained the support of his colleagues and a seat on the House Committee on Territories, and ultimately successfully catalyzed the Territory's establishment of independent counties by shepherding through the enactment of Public Law Number 58-198; and

WHEREAS, Public Law Number 58-198 provided the impetus and authority for the 1905 Hawai'i Territorial Legislature to enact Act 39, which divided the Territory into independent counties and set forth a government structure for the counties that included an elected Board of Supervisors (later renamed to be the county Councils); and

WHEREAS, Act 39 laid the foundation for the current governance structure of the City and County of Honolulu ("City"), which serves as an important reminder of Prince Kūhiō's legacy and provides the ongoing benefits of local governance to the City's residents; and



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WHEREAS, following the creation of the county governments, Prince Kūhiō continued to advocate for the people of Hawai'i and the betterment of the Territory and its counties by securing a funding appropriation for the dredging and construction of Pearl Harbor, sponsoring the first bill to attain Hawai'i's statehood in 1919, and, as perhaps his most renowned accomplishment, introducing and championing a bill that culminated in the enactment of the Hawaiian Homes Commission Act ("Act"), which was signed into law by then-President Warren G. Harding on July 9, 1921; and

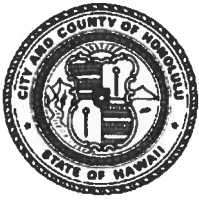
WHEREAS, the Act, which was later incorporated as a provision in the State of Hawai'i ("State") Constitution as a condition of statehood, was intended to provide native Hawaiians with homesteads through leases of residential, pastoral, and agricultural lots, as well as other supportive assistance to promote the rehabilitation of the native Hawaiian people; and

WHEREAS, in 1990, the State adopted an amendment recognizing that the purpose of the Act is to "enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians . . . and the preservation of the values, traditions, and culture of native Hawaiians"; and

WHEREAS, historically and continuing through the present day, there have been issues relating to the administration of the Act, including resource limitations, a lack of infrastructure and access to water, and improper and uncompensated use of Hawaiian Home Lands by the State and federal governments; and

WHEREAS, in 1995, Congress passed the Hawaiian Home Lands Recovery Act and the State passed Act 14 to help settle longstanding claims against the federal and State governments for unauthorized and uncompensated use of Hawaiian Home Lands, and some of the commitments to compensate the trust remain unfulfilled; and

WHEREAS, by Resolution 21-147, CD1, the City Council ("Council") recognized and affirmed that because the State accepted the responsibility to administer the Act as a condition of its statehood, the City, as an instrumentality of the State, is committed to and has a role to further the intent of the Act to provide native Hawaiians with homesteads; and



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WHEREAS, by Resolution 21-147, CD1, the Council recognized that while the native Hawaiian people and the larger community have benefited substantially from the Act, there is much more that may be done to ensure the future viability and fulfillment of the Act; and

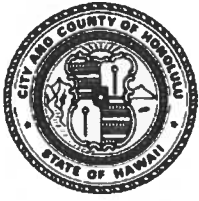
WHEREAS, the Act served as the legal basis for the establishment of the State of Hawai'i Department of Hawaiian Home Lands ("DHHL"), which is headed by the nine-member Hawaiian Homes Commission and currently manages over 200,000 acres of Hawaiian Home Lands; and

WHEREAS, there are over 46,000 lease applications for over 29,000 individuals still awaiting residential, agricultural, and pastoral DHHL homesteads, including over 11,000 applications for residential homesteads on O'ahu; and

WHEREAS, the Council has repeatedly recognized that the City has an affordable housing crisis and is continuously striving to alleviate this crisis in various ways by enacting countless measures in recent years that encourage the development of affordable housing for City residents, providing funding and grants for the construction of affordable housing, relaxing development standards to allow for increased density in certain areas, and prohibiting the short-term rental of housing units and rooms in residential districts in favor of long-term rentals for local residents; and

WHEREAS, in furtherance of the City's commitment to the intent of the Act to provide native Hawaiians with homesteads, and to honor Prince Kūhiō, who was deeply committed to the Act's intent and without whom the City may not have achieved its independence and right to self-governance that is critical to the representation of the voices of City residents within the State, the Council desires to convey City real property to the DHHL to facilitate the creation of affordable housing to address the needs of the City's residents, including the thousands of applicants awaiting DHHL residential homestead leases on O'ahu; and

WHEREAS, the City owns in fee the former Kalaheo Elementary School property (the "Kalaheo Site"), which is a 10.038-acre vacant parcel located on Iliaina Street in Kailua, O'ahu, that is zoned R-7.5 Residential District and P-1 Restricted Preservation District with a 2024 assessed value of \$10,455,000, and is identified as Tax Map Key 4-4-033:018, depicted on the map designated as Exhibit A, attached hereto and incorporated by reference herein; and



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WHEREAS, Section 46-1.5(16), Hawaii Revised Statutes ("HRS"), authorizes the counties, under certain conditions, to dispose of real property as the interests of the inhabitants of the county may require, except that any property held for school purposes may not be disposed of without the consent of the Superintendent of Education; and

WHEREAS, the Superintendent of Education has previously consented to the return of the Kalaheo Site to the jurisdiction of the City for disposal; and

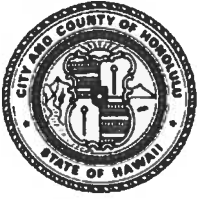
WHEREAS, by Departmental Communication 557 (2024), the Director of Budget and Fiscal Services ("BFS Director") has determined that the Kalaheo Site is surplus City real property, and with the concurrence of the Department of the Corporation Counsel, has recommended the disposal of the Kalaheo Site pursuant to Section 37-1.2, Revised Ordinances of Honolulu 2021, subject to the City retaining its ownership of portions of the Kalaheo Site, to be designated as roadways; and

WHEREAS, the BFS Director has further recommended that the fee simple interest in the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, be conveyed to the DHHL for purposes of providing native Hawaiians with homesteads; and

WHEREAS, the Council finds that conveyance of the Kalaheo Site to the DHHL for the development of affordable single-family housing consistent with the character of the surrounding neighborhood serves a public purpose and is in the interest of the residents of the City, because it will put the vacant property to productive use; demonstrate the City's commitment to furthering the intent of the Act to provide homesteads to native Hawaiians, including the over 11,000 applicants for residential homestead leases on O'ahu; provide housing for the City's residents while addressing the City's affordable housing crisis; and reduce the City's liability and maintenance costs for the property; and

WHEREAS, the conveyance by the City to the DHHL of the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, will be considered a gift of City real property to the DHHL; and

WHEREAS, the portions of the Kalaheo Site that are being conveyed will be conveyed in an "as-is," "where-is" condition, and the DHHL will need to conduct due diligence prior to the conveyance to determine the suitability of the Kalaheo Site for the proposed development, including preparation of a Preliminary Engineering Report



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detailing utility and infrastructure availability, topography, soils, physical constraints and access restrictions, and other pertinent information; and

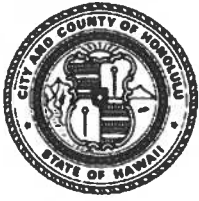
WHEREAS, the City will also need to conduct due diligence prior to the conveyance, including evaluation of the potential impacts of the proposed development to the surrounding neighborhood, such as impacts to traffic and infrastructure, as well as a survey of any existing soil-related damage to the homes abutting the Kalaheo Site; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves and authorizes the conveyance of surplus City real property described as the former Kalaheo Elementary School property in Kailua, O'ahu, identified as Tax Map Key 4-4-033:018, and depicted on the map attached hereto as Exhibit A, and incorporated by reference herein, except for portions of the property to be designated as roadways, over which the City will retain its ownership (the "Property"), to the State of Hawai'i Department of Hawaiian Home Lands to provide native Hawaiians with homesteads, thereby furthering the intent of the Hawaiian Homes Commission Act ("Act") and the City's commitment to advancing the Act; providing housing for the City's residents and addressing the City's affordable housing crisis; and honoring the legacy of Prince Jonah Kūhiō Kalaniana'ole, without whom the City may not have achieved its independence and right to self-governance; and

BE IT FURTHER RESOLVED that the conveyance of the Property by the City to the State of Hawai'i Department of Hawaiian Home Lands is considered a gift of City real property that serves a public purpose by putting the currently vacant Property to productive use; demonstrating the City's commitment to furthering the intent of the Act to provide homesteads to native Hawaiians, including the over 11,000 applicants for residential homestead leases on O'ahu; providing housing for the City's residents while addressing the City's affordable housing crisis; and reducing the City's liability and maintenance costs for the Property; and

BE IT FURTHER RESOLVED that the Director of Budget and Fiscal Services, or the Director's designee, is authorized to execute the deed and other documents necessary or incident to the conveyance of the Property as authorized and described herein, and to agree to reasonable terms and conditions to effectuate the conveyance thereof; and

BE IT FURTHER RESOLVED that the conveyance of the Property must be in accordance with all applicable laws, rules, and regulations; and



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-151, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Director of Budget and Fiscal Services, the Director of Land Management, and the Chair of the State of Hawai'i Hawaiian Homes Commission.

INTRODUCED BY:

Esther Kia'aina

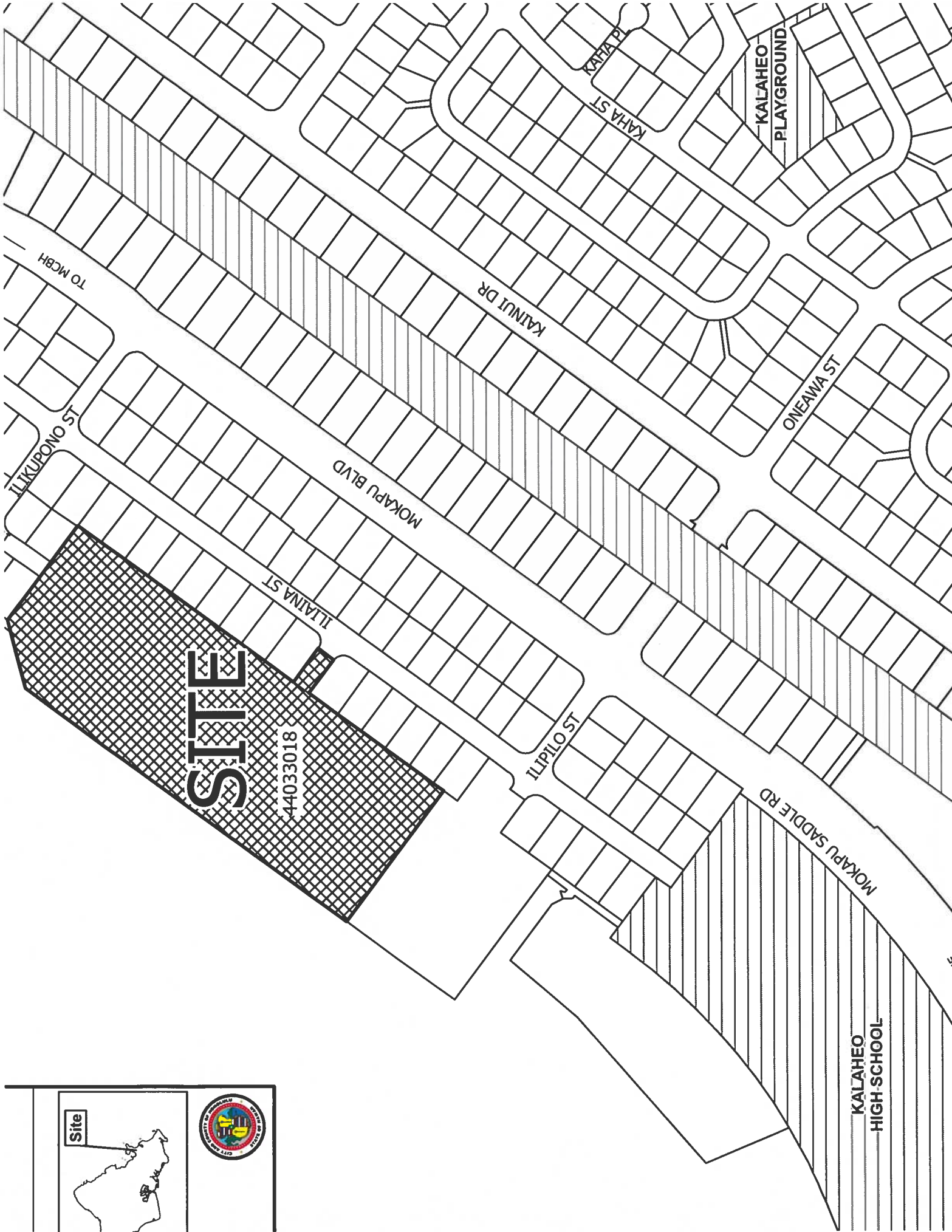
Tommy Waters

DATE OF INTRODUCTION:

June 4, 2024
Honolulu, Hawai'i

Councilmembers

EXHIBIT A



SITE

44033018

<p>Site</p>		
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KALAHEO
HIGH SCHOOL

KALAHEO
PLAYGROUND

TO MCBH

ILIKUPONO ST

MOKAPU BLVD

ILAINA ST

ILIPILO ST

MOKAPU SADDLE RD

KATNUI DR

ONEAWA ST

KAHA ST
KAHA PL

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 24-151, CD1

Introduced: 06/04/24 By: ESTHER KIA'ĀINA
TOMMY WATERS Committee: PLANNING AND THE ECONOMY
(P&E)

Title: APPROVING AND AUTHORIZING THE CONVEYANCE OF THE FORMER KALAHEO ELEMENTARY SCHOOL
PROPERTY IN KAILUA, O'AHU, TO THE STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS, IN
FURTHERANCE OF THE INTENT OF THE HAWAIIAN HOMES COMMISSION ACT AND TO HONOR THE LEGACY OF
PRINCE JONAH KŪHIŌ KALANIANA'OLE, WHICH INCLUDES HIS ROLE IN ESTABLISHING THE COUNTIES OF THE
STATE OF HAWAII.

Voting Legend: * = Aye w/Reservations

06/04/24	INTRO	Introduced.
07/25/24	P&E	Amended to CD1 and postponed. See: Proposed draft version (OCS2024-0729/7/26/2024 2:52 PM) 4 AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY 1 ABSENT: WEYER
08/22/24	P&E	Reported out for adoption as amended in CD1 form. CR-270 5 AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, WEYER
09/04/24	CCL	Committee report and Resolution as amended were adopted. 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER 1 ABSENT: SAY

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, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER