

TO: KPIF Working Group Members
FROM: Steve Scott, Scott Hawaii
RE: History of Roads in Central Kakaako and Supporting Documents

2015 OCT 28 PM 3: 52

The following is a history of the roads in Central Kakaako originally owned by Charles S. Desky that are in dispute:

1896/1897- Charles S. Desky recorded a plat map of his plots of land that were for sale including streets, with no indication that the streets were for sale. When the land was initially platted in 1887, the recording of the plat and map constitutes an implied dedication as matter of law. The Hawaii Supreme court has held that when the plat map of the building lots and streets is recorded and sales of the building lots are made, an implied dedication of the streets to the public occurs. This dedication is binding on the owner who subdivided the property and all subsequent owners.

1903- During a joint session of the Hawaii House and Senate, a resolution was adopted and expressly conveys the Desky roadways situated in Kewalo to the Territory of Hawaii for no charge, including the following streets: Queen St. south of South St., Kawaiahao St., Hustace Ave., Cooke St., Ward St., Cummins St., and Lanikai St. When Hawaii became a State in 1959, who took over the ownership of these streets- the City or the State?

1924- Charles Desky dies in San Francisco, CA as reported in a Honolulu Advertiser obituary, showing that "To date- 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."

1985- Quitclaim Deed from Adele M. Christian, granddaughter of Charles S. Desky, conveys to Calvert J. T. Chun all her interest in the "subject land, besides other land". Calvert Chun tracked down this granddaughter of Charles S. Desky and had her sign a quitclaim deed with no warranty of actual title to that land. In 11/6/2003 a Title Search defines the subject land as a portion of Queen St. from Ward Ave. to just past Cummins St., but does not define "besides other Land." Has Kakaako Land Co. ever had to show proof of ownership for these "other lands" and what they constitute. This quitclaim deed is used as their basis for ownership of the streets in question.

1986- Calvert J. T. Chun conveys by quitclaim deed to Kakaako Land Co. all his interest in the subject land.

2004- HCDA proposes an infrastructure project ID11 to improve Queen St. with sidewalks, improve drainage/curbs, and metered parking. Kakaako Land Co. was never mentioned as a landowner. HCDA assured the business owners on Queen St. that the HCDA was the owner of the street. There was no mention of Kakaako Land Co. The project was eventually canceled due to rising costs.

2010- Due to a homeless camp on the Makai side of Queen St. by Cummins St., HCDA executive director Ching initiates a right of entry agreement with Kakaako Land Co. to clear out the homeless. Why did the HCDA executive director have the impression Kakaako Land Co. was the owner of the roadway? What changed from 2004?

2011- Kakaako Land Co. begins to issue leases for parking on the roads in question, and contracts a towing company to tow cars that they consider parked illegally.

2014- Kakaako businesses sue Kakaako Land Co.

It should also be noted that Kakaako Land Co. is in violation of several City ordinances that have not been enforced:

- Unlawful signs within streets right-of-Way;
- Signs constitute a Public Nuisance;
- Illegal solicitation;
- Violation of the Subdivision Code; and
- Deceptive Sales and Commercial Schemes.

The following are supportive Docs for the above [to be posted separately]:

- Right of Entry from HCDA To Kakaako Land Co. (2010);
- Timeline – Ownership of Kewalo Tract Streets;
- Original Plat of Kewalo Tract (Liber 162, Page 222) (1897));
- Senate & House Joint Resolution (1903); and
- Kakaako Land Co. in violation of City Ordinances.

**Note: Reformatted by Councilmember Carol Fukunaga's office.*