

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR
GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

October 10, 2016

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
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C & C OF HONOLULU
2016 OCT 11 PM 12:31

Dear Chair Martin and Councilmembers:

SUBJECT: Removal of Restrictive Covenants Relating to
Use of Lands at Aloha Stadium

In response to Resolution No.16-69, CD1, dated April 20, 2016, we submit for your favorable consideration the attached resolution.

We request your approval to conditionally remove the restrictive covenants relating to the use of lands at Aloha Stadium as set forth in the quitclaim deed dated October 27, 1970. The removal of the restrictions contingent upon the filing of the Federal Government's Deed of Release with the Bureau of Conveyances and fulfillment of the condition of Public Law No. 102-381, Section 321 (1992) will allow the Stadium Authority to redevelop the area surrounding the proposed rail transit station and promote transit-oriented development.

Should you have any questions, please call me at 768-4207.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell".

Kirk Caldwell
Mayor

Attachment

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Donna Y.L. Leong".

Donna Y.L. Leong, Corporation Counsel (LF)
Department of the Corporation Counsel

APPROVED:

A handwritten signature in blue ink, appearing to read "Roy K. Amemiya, Jr.".

Roy K. Amemiya, Jr., Managing Director

MAYOR'S MESSAGE 111



RESOLUTION

APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM.

WHEREAS, the City and County of Honolulu (hereinafter "City") purchased approximately 56 acres of land at what is now the site of the Aloha Stadium (hereinafter "Aloha Stadium lands") from the Federal Government in 1967 for \$1,524,250; and

WHEREAS, the quitclaim deed transferring the property from the Federal Government to the City included a restrictive negative covenant requiring that "the premises ... be forever and continuously used and maintained as and for a public park and public recreation area..." The deed further provided that in the event of any breach of the restrictive covenant, the property would revert to Federal government upon written demand by the U.S. Secretary of the Interior; and

WHEREAS, the City subsequently transferred its interest in the Aloha Stadium lands to the State via a quitclaim deed dated October 27, 1970. The deed contained the same restrictive covenants as the 1967 deed from the Federal government, including the covenant that the premises be forever and continuously used and maintained for "public recreational purposes." The City's deed to the State also provided for the reversion of the property to the Federal government in the event of a breach of any condition or covenant in the deed; and

WHEREAS, a rail transit station is planned at the Aloha Stadium lands as part of the City's rail transit project, and the Department of Planning and Permitting (hereinafter "DPP") has been working with the Stadium Authority and the community and identified the area as having potential for new land uses and community amenities; and

WHEREAS, DPP is presently working with the Stadium Authority to prepare a Neighborhood Transit-Oriented Development Plan to facilitate redevelopment of lands in the vicinity of Aloha Stadium to create a more dynamic experience for residents, visitors, and area employees, to include a dense mix of uses that support the community; and

WHEREAS, redevelopment of the area could require using lands at Aloha Stadium for uses such as residential and commercial uses to maximize the benefits of transit-oriented development for the people; and

WHEREAS, in 1992, Congress passed Section 321 of Public Law No. 102-381 (1992) which provided for the release of the deed restriction contained in the 1967 deed



RESOLUTION

if and when the City identified an equal amount of additional land which is dedicated in perpetuity for public park and recreation use; and

WHEREAS, the State of Hawaii desires to have the restrictive covenants on the Aloha Stadium lands removed, and has assumed the obligation of identifying and dedicating the lands required to fulfill the condition imposed by Public Law No. 102-381, Section 321 (1992); and

WHEREAS, by Resolution No. 16-69, CD1, dated April 20, 2016, the Council of the City and County of Honolulu support the removal of the restrictive covenants limiting the use of the Aloha Stadium lands, as set forth in said quitclaim deed dated October 27, 1970; and

WHEREAS, the Mayor, with concurrence of the Corporation Counsel, has recommended to the Council to remove the restrictive covenants as set forth in the quitclaim deed dated October 27, 1970; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby acknowledges and approves the removal of the restrictive covenants limiting the use of said real property at Aloha Stadium, as set forth in the quitclaim deed dated October 27, 1970; and

BE IT FURTHER RESOLVED that the Mayor, or the Mayor's designee, is hereby authorized to sign the Release of Deed Restrictions and other necessary documents, upon the filing of the Federal Government's Deed of Release with the Bureau of Conveyances and fulfillment of the condition of Public Law No. 102-381, Section 321 (1992); and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor; Managing Director; Ms. Sally Jewell, Secretary of the Interior; Senator Maize Hirono; Senator Brian Schatz; Representative Tulsi Gabbard; Governor David Ige; President of the Hawaii Senate Ronald Kouchi; Speaker of the Hawaii House of Representatives Joseph Souki; Chair of the Stadium Authority Charles Toguchi; and Aloha Stadium Manager Scott Chan.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers