

REPORT OF THE COMMITTEE ON BUDGET

Voting Members:

Ann H. Kobayashi, Chair; Joey Manahan, Vice Chair;
Carol Fukunaga, Trevor Ozawa, Kymberly Marcos Pine

Committee Meeting Held
October 19, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Budget, which considered Resolution 16-271 entitled:

"RESOLUTION APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS
RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM,"

transmitted by Communication MM-110, from the Office of the Mayor, dated
October 10, 2016, reports as follows:

The purpose of the Resolution is to approve the removal of restrictive covenants
relating to use of various lands at Aloha Stadium.

The Mayor's Chief of Staff testified in support of the Resolution noting that the
administration met with the Stadium Authority on several occasions to come to an
agreement.

Testimony was also received from the following institutions, organizations, and
governmental agencies:

- Stadium Authority – Aloha Stadium (support)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

NOV 02 2016

COMMITTEE REPORT NO. 332

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After consideration and discussion, your Committee has approved a CD1 version of the Resolution that makes the following amendments:

- A. Amends the first WHEREAS clause to attach the November 30, 1970 Quitclaim Deed as Exhibit A; and
- B. Amends the second WHEREAS clause to delete the reference to Exhibit A; and
- C. Amends the eleventh WHEREAS clause to attach the Release of Deed Restrictions agreement as Exhibit B and changes the referenced date from November 30, 2016 to November 30, 1970; and
- D. Makes miscellaneous technical and non-substantive amendments

Your Committee on Budget is in accord with the intent and purpose of Resolution 16-271, as amended herein, and recommends its adoption in the form hereto as Resolution 16-271, CD1. (Ayes: Kobayashi, Fukunaga, Manahan, Ozawa, Pine – 5; Noes: None.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON NOV 02 2016

COMMITTEE REPORT NO. 332



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") quitclaimed unto the State of Hawaii, all of its rights, title and interest in and to the real property consisting of 41.417 acres of land, by way of quitclaim deed dated November 30, 1970 attached hereto as Exhibit A; and

WHEREAS, said real property consists of portions of Tax Map Key Nos. 9-9-003:55 and 61; and

WHEREAS, the quitclaim deed was subject to restrictions that the real property, together with all appurtenant facilities and improvements, be used and maintained as and for "a public stadium project", now known as the Aloha Stadium; and

WHEREAS, the quitclaim deed further restricted the disposal of any interest in the real property except in furtherance of said purpose; and

WHEREAS, the quitclaim deed provided that, in the event of any breach of said foregoing covenants, all right, title and interest in the real property, including any improvements, shall revert to and become the property of the City; 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 real 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, the State of Hawaii has indicated its desire to have the restrictive covenants from said real property removed; and



RESOLUTION

WHEREAS, by Resolution No. 16-69, CD1, dated April 20, 2016, the Council of the City and County of Honolulu supports the removal of the restrictive covenants limiting the use of the Aloha Stadium lands, as set forth in said quitclaim deed dated November 30, 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 November 30, 1970 pursuant to the Release of Deed Restrictions agreement attached hereto as Exhibit B; 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 November 30, 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; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor Kirk Caldwell, Mr. Nelson H. Koyanagi, Jr., Director of Budget and Fiscal Services, Mr. Charles Toguchi, Chair of the Stadium Authority, and Mr. Scott Chan, Aloha Stadium Manager.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

October 11, 2016
Honolulu, Hawaii

Councilmembers

The attached instrument is a true copy of DOC NO 534896 received
for registration in this office APR 20 1971 at 12:45 o'clock P M, and
noted on Certificate (S) of Title Number (S) _____
and from which Certificate (S) of Title Number (S) 140099 has (have) been issued.

And also recorded in the Bureau of Conveyances in
liber 7-14-71 Page 207

Attest: _____
Assistant Registrar, Land Court
State of Hawaii

EXHIBIT "A"

RECORDATION REQUESTED BY:

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

AFTER RECORDATION, RETURN TO:

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

RETURN BY: MAIL () PICKUP (X)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, the principal place of business and post office address of which is Honolulu Hale, Honolulu, Hawaii, hereinafter called the "GRANTOR," for and in consideration of the sum of ONE DOLLAR (\$1.00) to it paid by the STATE OF HAWAII, hereinafter called the "GRANTEE," the receipt of which is hereby acknowledged, does hereby release, remise and quitclaim unto the Grantee, all of its right, title and interest in and to the real property consisting of 41.417 acres and described in Exhibit A attached hereto and by reference incorporated herein and made a part hereof.

TO HAVE AND TO HOLD the said premises for a public stadium project in accordance with Act 172, S.L.H. 1970, together with all appurtenant facilities and improvements for service and concession facilities unto the Grantee, its successors and assigns forever, subject to the covenants herein contained.

The Grantee does by the acceptance of this deed covenant and agree for itself, its successors and assigns forever as follows:

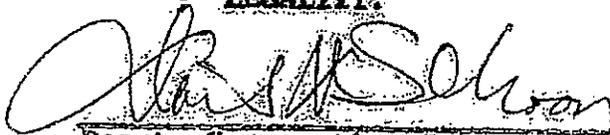
(1) The premises shall be used and maintained as and for the public purpose aforesaid.

(2) Grantee shall not in any way dispose of any interest in the premises except in the furtherance of the aforesaid purposes.

In the event of any breach of the foregoing covenants, all right, title and interest in and to the premises including any improvements thereon shall revert to and become the property of the Grantor, and in such event the Grantor shall have the immediate right of entry upon said premises.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 30th day of November, 1970.

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

CITY AND COUNTY OF HONOLULU

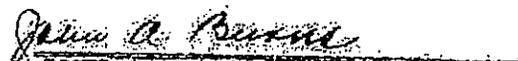

FRANK F. FASI, Mayor

GRANTOR

APPROVED AS TO FORM:


Deputy Attorney General

STATE OF HAWAII


JOHN A. BURNS, Governor

GRANTEE

PROPOSED MUNICIPAL STADIUM SITE

Being portions of R. P. 6717, L. C. Awe, 7712 and 8516-B to M. Kekuaaoa and Kamaikui; R. P. 765, L. C. Aw. 9332, Apana 2 to Kahama; and R. P. 759, L. C. Aw. 2047 to Kekio; and all of R. P. 761, L. C. Aw. 2139 to Kinilau; R. P. 769, L. C. Aw. 1996 to Naa; R. P. 765, L. C. Aw. 9332, Apana 1 to Kahama; R. P. 759, L. C. Aw. 2047, Apana 1 to Kekio; and R. P. 766, L. C. Aw. 2156, Apana 3 to Opanui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the Northwesterly corner of this parcel of land, on the East side of Salt Lake Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,918.72 feet North and 7,849.31 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, and running by azimuths measured clockwise from true South:

| | | | | | |
|-----|------|-----|-----|-------------|---|
| 1. | 219° | 42' | | 4.31 feet | along remainder of R. P. 6717, L. C. Awe, 7712 and 8516-B to M. Kekuaaoa and Kamaikui along Quitclaim Deed: United States of America to the City and County of Honolulu dated June 30, 1967 and recorded in Liber 5886, Pages 38-50; |
| 2. | 249° | 09' | | 77.50 feet | along same; |
| 3. | 259° | 06' | 30" | 110.90 feet | along same; |
| 4. | 256° | 08' | | 117.15 feet | along same; |
| 5. | 242° | 17' | | 186.20 feet | along same; |
| 6. | 255° | 40' | | 201.10 feet | along same; |
| 7. | 262° | 43' | | 115.80 feet | along same; |
| 8. | 246° | 23' | | 99.50 feet | along same; |
| 9. | 239° | 49' | | 188.00 feet | along same; |
| 10. | 250° | 52' | | 197.40 feet | along same; |
| 11. | 277° | 48' | | 34.79 feet | along same; |
| 12. | 3° | 21' | 35" | 261.52 feet | along the proposed West side of the Interstate Highway (Federal Aid Project No. I-HI-1(41)) along remainder of R. P. 6717, L. C. Awe, 7712 and 8516-B to M. Kekuaaoa and Kamaikui; |
| 13. | 351° | 05' | | 62.62 feet | along the proposed West side of Interstate Highway (Federal Aid Project No. I-HI-1(41)) along R. P. 6717, L. C. Awe, 7712 and 8516-B to M. Kekuaaoa and Kamaikui; |
| 14. | 3° | 20' | 52" | 457.22 feet | along the proposed West side of Interstate Highway (Federal Aid Project No. I-HI-1(41)) along remainders of R. P. 6717, L. C. Awe, 7712 and 8516-B to M. Kekuaaoa and Kamaikui, R. P. 765, L. C. Aw. 9332, Apana 2 to Kahama and R. P. 759, L. C. Aw. 2047, Apana 2 to Kekio; |

LINEAR SURVEY FOR LOT 1, 2 & 3
 (Map 106) and Lot 51-B-1-B
 (Map 94) of Land Court Applica-
 tion 966, down the middle of
 Halawa Stream for next six (6)
 courses, the direct azimuths
 and distances between points
 on said middle of stream being:

| | | | | |
|-----|------|-----|---------------|--|
| 15. | 84° | 25' | 278.86 feet; | |
| 16. | 39° | 35' | 210.00 feet; | |
| 17. | 54° | 00' | 230.00 feet; | |
| 18. | 359° | 35' | 130.00 feet; | |
| 19. | 34° | 30' | 332.00 feet; | |
| 20. | 357° | 25' | 143.70 feet; | |
| 21. | 160° | 27' | 338.53 feet | along the East side of Salt Lake Boulevard; |
| 22. | 250° | 27' | 50.00 feet | along remainders of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanoa and Kamaikui and R. P. 766, L. C. Aw. 2156, Apana 3 to Opunui; |
| 23. | 160° | 27' | 50.00 feet | along same; |
| 24. | 70° | 27' | 50.00 feet | along remainder of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanoa and Kamaikui; |
| 25. | 160° | 27' | 1,005.02 feet | along the East side of Salt Lake Boulevard to the point of beginning and containing an area of 24.541 acres. |

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress and egress, into and from the proposed Interstate Highway (Federal Aid Project No. I-HI-1(41)) over and across Courses 12, 13 and 14 of the above described parcel of land.

SUBJECT, ALSO, to the following easements:

Easement (5 feet wide) for U. S. Signal Corps Under-ground Communication Cable Line in favor of the United States of America and recorded in the Conveyances Division in Liber 1581, Pages 385-392.

Easement (10 feet wide) for 24-inch water main in favor of the United States Navy.

Easement S-4 for sanitary sewer in favor of the City and County of Honolulu.

Easement (10 feet wide) for gravity sewer in favor of the City and County of Honolulu.

Easement (15 feet wide) for gravity sewer in favor of the City and County of Honolulu.

Easement (10 feet wide) for Sewer Force Main in favor of the City and County of Honolulu.

Easement for pipeline purposes in favor of Standard Oil Company of California.


 Deitchman, Standard
 and General
 Division of Land Survey
 and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being all of Lots 2-1, 2-2, 2-3 and 2-4 of the subdivision of Lot 2 of the Haliwa Valley Estates Subdivision, Unit 1-A (File Plan 896). Being also a portion of R. P. 6717, I. C. Ams. 7712 and 8516-B to M. Kahanoo and Kawakahi. Balance at Haliwa, Kauai, Hawaii.

Beginning at the East corner of this parcel of land being also the common corner of Lots 8 and 2 of the Haliwa Valley Estates Subdivision, Unit 1-A (File Plan 896), and on the South-west side of Salt Lake Boulevard, as shown on Division of Land Survey and Acquisition Parcel Map File No. 50-5, thence running by azimuth measured clockwise from true South:

- | | | | | | |
|----|------|-----|-------------|-------|---|
| 1. | 94° | 12' | 192.45 feet | along | lots 8 thru 11, of the Haliwa Valley Estates Subdivision, Unit 1-A (File Plan 896); |
| 2. | 238° | 35' | 27.58 feet | along | remainder of R. P. 6717, I. C. Ams. 7712 and 8516-B to M. Kahanoo and Kawakahi; |
| 3. | 193° | 31' | 174.60 feet | along | same; |
| 4. | 185° | 03' | 129.64 feet | along | same; |
| 5. | 340° | 27' | 347.35 feet | along | the Southwest side of Salt Lake Boulevard to the point of beginning and containing an area of 25,797 square feet or 0.592 acre. |


Douglas S. Thompson
and Chester
Division of Land Survey
and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being a portion of Exclusion No. 12 (Map 1) of Land Court Application 966. Being also a portion of R. P. 766, L. C. Av. 2156, Apans 2 to Opunui. Situate at Halewa, Ewa, Oahu, Hawaii.

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,154.00 Feet North and 6,740.29 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, thence running by azimuths measured clockwise from true South:

1. 251° 30' 125.28 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
2. 30° 20' 52" 58.31 feet along the proposed Westerly side of Interstate Highway (Federal Aid Project No. I-HI-1(41)), along remainder of R. P. 766, L. C. Av. 2156, Apans 2 to Opunui;
3. 1° 55' 45" 108.78 feet along same;
4. 102° 40' 57.75 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
5. 154° 11' 127.20 feet along same to the point of beginning and containing an area of 12,572 square feet or 0.289 acres.

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress and egress, into and from the proposed Interstate Highway (Federal Aid Project No. I-HI-1(41)) over and across Courses 2 and 3 of the above described parcel of land.


Described, Compared
and Checked
Division of Land Survey
and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being all of Exclusion No. 13 (Map 1) of Land Court Application 966. Being also the whole of R. P. 766, L. C. No. 2156, Apana 1 to Opunui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the North corner of this parcel of land; the coordinates of said point of beginning referred to Government Survey Triangulation Station "SALT LAKE" being 2,136.24 feet North and 6,798.96 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 5-D-5, thence running by azimuths measured clockwise from true South:

1. 341° 30' 87.10 feet along Lot 179-A-1 (Map 106) of Land Court Application 966;
2. 61° 20' 90.40 feet along same;
3. 148° 58' 89.60 feet along same;
4. 243° 20' 109.60 feet along same to the point of beginning and containing an area of 0.20 acre.


Description Compared
and Checked
Division of Land Survey
and Acquisition

PART III

PROPOSED MUNICIPAL STADIUM SITE

Being Lot 179-A-1-B, area 15.795 acres, as shown on Map 107, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application 966 of Bruce Cartwright, Trustee under the Will and of the Estate of Emma Kaleleonalani, deceased, and being all the land described in Transfer Certificate of Title No. 137750 issued to the City and County of Honolulu.

Situate at Halawa, Ewa, Oahu, Hawaii.

SUBJECT, HOWEVER, to the restriction of the rights of all access of ingress or egress, into and from Interstate Highway (FAP No. I-HI-1(41)) over and across the common boundaries of Lots 179-A-1-A and 179-A-1-B shown thusly ⊙ ⊙ ⊙ and noted "no access permitted" on said Map 107.

CGP:dns
10/30/70

CGP
Description Compared
and Checked
Division of Land Survey
and Acquisition

DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

Return to Dept. of Land and
Natural Resources
Land Management Division
REF 25627

of Title No. 140099. Contained within that deed, specifically at page 2 thereof were two restrictions.

The CITY acknowledges that it no longer desires to further restrict the use of the property as set forth in the aforesaid restrictions.

The City Council, City and County of Honolulu by Resolution No. 16-69, CD1, Supporting the Removal of Restrictive Covenants Relating to use of lands at Aloha Stadium was approved on April 20, 2016.

The City Council, City and County of Honolulu by Resolution No. 16-271, CD1, Approving the Removal of Restrictive Covenants Relating to Use of Various Lands at Aloha Stadium was approved on [].

NOW, THEREFORE, for good and valuable consideration, the receipt whereof is hereby acknowledged, paid by the STATE, by its Board, the City releases the above referenced restrictions such that they have and are by this instrument deemed to be released and no longer a burden upon the real property described within the deed and are forever released, relinquished and waived.

EXCEPT as hereinabove released, relinquished and waived, all of the terms, covenants and conditions contained in said quitclaim deeds shall continue and remain in full force and effect. _____

IN WITNESS WHEREOF, the CITY, herein, has caused these presents to be executed this ____ day of _____, 2016, and the STATE, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and these presents to be executed this ____ day of _____, 2016, both effective as of the day, month, and year first above written.

CITY AND COUNTY OF HONOLULU,
a municipal corporation

APPROVED AS TO FORM
AND LEGALITY:

By _____
KIRK CALDWELL
Its Mayor

Deputy Corporation Counsel

CITY

Dated: _____

Approved by the Board of
Land and Natural Resources at
its meeting held on

STATE OF HAWAII

APPROVED AS TO LEGALITY,
FORM, EXCEPTIONS, AND
RESERVATIONS:

By _____
SUZANNE D. CASE
Its Chairperson

Deputy Attorney General

STATE

Dated: _____

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this ___ day of _____, 20___, before me appeared KIRK CALDWELL, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the CITY AND COUNTY OF HONOLULU, a municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said municipal corporation, and that the foregoing instrument was signed and sealed in behalf of said municipal corporation by authority of the City Council of said City and County of Honolulu, and said KIRK CALDWELL acknowledged said instrument to be the free act and deed of said municipal corporation.

Notary Public, State of Hawaii

My commission expires: _____