



## RESOLUTION

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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**

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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**

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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)

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DATE OF INTRODUCTION:

October 11, 2016  
Honolulu, Hawaii

Councilmembers

The attached instrument is a true copy of DOC NO 534396 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  
Libar 7-1879 Page 253

Attest: [Signature]  
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:

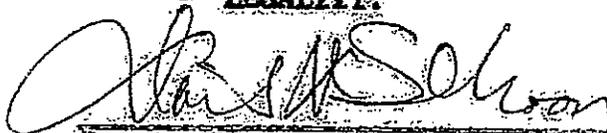
(1) The premises shall be used and maintained as and for the public purpose aforesaid.

(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

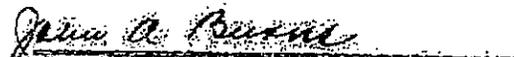
  
FRANK F. FASI, Mayor

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. Ass. 7712 and 8516-B to M. Kekuaaoa and Kamaikui; R. P. 765, L. C. Av. 9332, Apana 2 to Kahana; and R. P. 759, L. C. Av. 2047 to Kekio; and all of R. P. 761, L. C. Av. 2139 to Kinilau; R. P. 769, L. C. Av. 1996 to Naau; R. P. 765, L. C. Av. 9332, Apana 1 to Kahana; R. P. 759, L. C. Av. 2047, Apana 1 to Kekio; and R. P. 766, L. C. Av. 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. Ass. 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.	262°	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.	259°	49'		188.00 feet	along same;
10.	258°	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. Ass. 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. Ass. 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. Ass. 7712 and 8516-B to M. Kekuaaoa and Kamaikui, R. P. 765, L. C. Av. 9332, Apana 2 to Kahana and R. P. 759, L. C. Av. 2047, Apana 2 to Kekio;

INDEXED MAPS: LOT 17-A-1  
 (Map 106) and Lot 51-B-1-B  
 (Map 94) of Land Court Application 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'	163.70 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. Aves. 7712 and 8516-B to M. Kekuanoa and Kamaikui and R. P. 766, L. C. Av. 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. Aves. 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 Underground 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.**

*[Signature]*  
 Designated, Compared  
 and Checked  
 Division of Land Survey  
 and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being all of Lots Z-1, Z-2, Z-3 and Z-4 of the subdivision of Lot Z of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896). Being also a portion of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanoa and Kamaikui. Situate at Halawa, Ewa, Oahu, Hawaii.

Beginning at the East corner of this parcel of land, being also the common corner of lots 8 and 2 of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896), and on the Southwest side of Salt Lake Boulevard, 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. | 94°  | 12' | 192.45 feet | along Lots 8 thru 11, of the Halawa Valley Estates Subdivision, Unit 1-A (File Plan 896);   |
| 2. | 238° | 35' | 27.50 feet  | along remainder of R. P. 6717, L. C. Awa. 7712 and 8516-B to M. Kekuanoa and Kamaikui;  |
| 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. |
- 30"

  
Described, Compared  
and Checked  
Division of Land Survey  
and Acquisition

PROPOSED MUNICIPAL STADIUM SITE

Being a portion of Excision No. 12 (Map 1) of Land Court Application 966. Being also a portion of R. P. 766, L. C. Av. 2156, Apana 2 to Opunui. Situate at Halawa, 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, Apana 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, Measured  
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. F. 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. 5-2-5, 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.

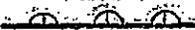
*[Signature]*  
Description Compared  
and Checked  
Division of Land Survey  
and Acquisition

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. 139750 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:dms  
10/30/70

  
Description Compared  
and Checked  
Division of Land Survey  
and Acquisition

DEPARTMENT OF TRANSPORTATION  
ASTORIA, OREGON

Return to: Dept. of Land and  
Natural Resources  
Land Management Division  
DEED 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: \_\_\_\_\_

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 16-271, CD1**

Introduced: 10/11/16 By: ERNEST MARTIN – BY REQUEST Committee: BUDGET

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

Voting Legend: \* = Aye w/Reservations

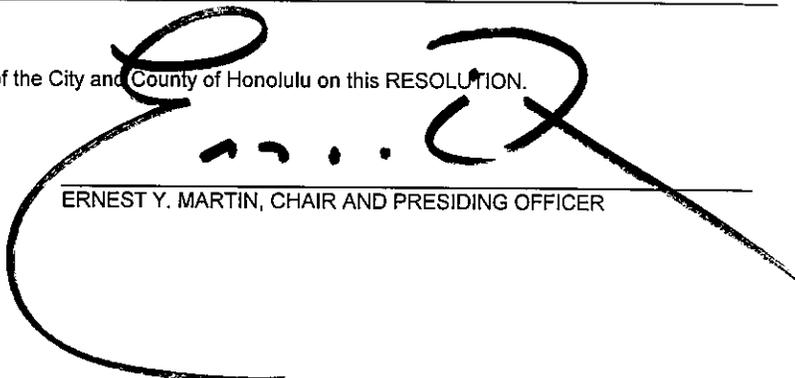
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10/19/16	BUDGET	CR-332 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.
11/02/16	COUNCIL	CR-332 AND RESOLUTION 16-271, CD1 WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, OZAWA, PINE. 2 ABSENT: ANDERSON, MENOR.

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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