
HOUSE CONCURRENT RESOLUTION

SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW
OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES
ON LAND EXCHANGES.

1 WHEREAS, any exchange of public land for private land is
2 subject to disapproval by the Legislature by two-thirds vote of
3 either the Senate or the House of Representatives or by majority
4 vote of both in any regular or special session pursuant to
5 section 171-50, Hawaii Revised Statutes; and

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7 WHEREAS, Tiana Partners, a Hawaii general partnership, and
8 the Hawaiian Humane Society, a Hawaii nonprofit corporation, are
9 owners as tenants-in-common of land situate in Niu, Honolulu,
10 Oahu, identified as Tax Map Keys: (1) 3-7-04:01 (Parcel 1), 02
11 (Parcel 2), 20 (Parcel 20), and 21 (Parcel 21); and

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13 WHEREAS, Tiana Partners owns an undivided interest of
14 .479816032 in the land and the Hawaiian Humane Society owns an
15 undivided interest of .520183968 in the land; and

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17 WHEREAS, the Hawaiian Humane Society acquired its interest
18 in the land from Elisabeth J. K. L. Lucas by deeds dated
19 December 28, 1976, and December 30, 1982; and

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21 WHEREAS, the transfer of land to the Hawaiian Human Society
22 was subject to the condition that the property be used for the
23 benefit of the public for the operation of an educational
24 preserve for flora and fauna, to be made accessible as an
25 educational preserve for the public under the control of the
26 Hawaiian Humane Society, its successors and assigns, and, if not
27 used, then to the State of Hawaii, its successors and assigns,
28 for and as a public park; and

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30 WHEREAS, this condition on the Hawaiian Humane Society's
31 undivided interest in the land is a springing executory interest



1 in favor of the State of Hawaii that vests if the Hawaiian
2 Humane Society fails to use the land as specified; and

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4 WHEREAS, the lands are in a remote and steep area that is
5 not conducive for use as a public park; and

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7 WHEREAS, the Department of Land and Natural Resources'
8 Division of State Parks does not have adequate resources to
9 maintain the land as a park reserve; and

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11 WHEREAS, the portion of the land previously referred to as
12 parcel 2 is located within the Honolulu Watershed Forest Reserve
13 as established by Governor's proclamation dated October 13,
14 1913, as amended by Governor's proclamation dated December 24,
15 1926; Honolulu Watershed Forest Reserve; and

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17 WHEREAS, lands abutting parcel 2 along its easterly
18 boundary are public lands that are also within the Honolulu
19 Watershed Forest Reserve; and

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21 WHEREAS, the Department of Land and Natural Resources'
22 Forestry and Wildlife Division considers parcel 2 to be a good
23 addition to the public holdings within the Honolulu Watershed
24 Forest Reserve for watershed protection and other public
25 purposes; and

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27 WHEREAS, Tiana Partners and the Hawaiian Humane Society are
28 proposing a land exchange pursuant to section 171-50, Hawaii
29 Revised Statutes, whereby Tiana Partners and the Hawaiian Humane
30 Society agree to allow the Hawaiian Humane Society to convey its
31 interest in parcels 1, 20, and 21 to Tiana Partners in exchange
32 for cash and other consideration, subject to the State of Hawaii
33 relinquishing its springing executory interest in the Hawaiian
34 Humane Society's undivided interest in the lands; and

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36 WHEREAS, in exchange for the State relinquishing its
37 springing executory interest in the Hawaiian Humane Society's
38 undivided interest in parcels 1, 20, and 21, Tiana Partners and
39 the Hawaiian Human Society agree to convey an undivided fee
40 simple interest in parcel 2 to the State; and

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42 WHEREAS, the Board of Land and Natural Resources approved
43 the proposed exchange involving the State's interest in land



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1 known as parcels 1, 2, 20, and 21, in principle, at December 8,
2 2006, meeting under agenda item D-14; and

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4 WHEREAS, at a December 14, 2007, meeting under agenda item
5 D-15, the Board of Land and Natural Resources approved to amend
6 its prior action to reflect the parties' intent to exchange
7 present and future interests in the land known as parcels 1, 2,
8 20, and 21; and

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10 WHEREAS, since section 171-50, Hawaii Revised Statutes,
11 requires any exchange of public land for private land to be
12 subject to disapproval by the Legislature, the Legislature
13 should review the proposed land exchange; now, therefore,

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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-fourth Legislature of the State of Hawaii, Regular
17 Session of 2008, the Senate concurring, that the following
18 exchange, approved by the Board of Land and Natural Resources
19 (Board), be reviewed by the Legislature:

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21 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY
22 AND STATE OF HAWAII

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24 Statute: Section 171-50, Hawaii Revised Statutes, as
25 amended.

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27 Purpose: Addition to the public holdings within the
28 Honolulu Watershed Forest Reserve

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30 Date of Board Approval in Principle: December 8, 2006

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32 Date of Board Approval of Amendment: December 14, 2007

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35 I. TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY TO CONVEY
36 TO THE STATE OF HAWAII A 100% UNDIVIDED FEE SIMPLE
37 INTEREST IN:

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| <u>Location</u> | <u>Tax Map Key</u> | <u>Area</u> | <u>Appraised Value</u> |
|-----------------|--------------------|--------------|------------------------|
| Niu, Oahu | (1) 3-7-04:02 | ±263.0 acres | \$ 710,000 |

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II. THE STATE OF HAWAII TO CONVEY TO TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY ITS SPRINGING EXECUTORY INTEREST IN THE HAWAIIAN HUMANE SOCIETY'S UNDIVIDED .520183968 INTEREST IN:

| <u>Location</u> | <u>Tax Map Key</u> | <u>Area</u> | <u>Appraised Value</u> |
|-----------------|----------------------------------|---------------|------------------------|
| Niu, Oahu | (1) 3-7-04:01, 02, 20, and 21 | ±680.58 acres | \$67,000 |

III. NAME OF DISINTERESTED APPRAISERS WHO APPRAISED THE PROPERTIES

Public Interest

Appraisal Hawaii Inc., pursuant to appraisal report dated November 6, 2007, and amendment report dated February 14, 2008, both of which indicate the effective date of value as being December 8, 2006.

Private Land

Appraisal Hawaii Inc., pursuant to appraisal report dated November 6, 2007, and amendment report dated February 14, 2008, both of which indicate the effective date of value as being December 8, 2006.

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Speaker of House of Representatives, President of the Senate, and the Chairperson of Board of Land and Natural Resources.

OFFERED BY: 

MAR 12 2008

