
HOUSE CONCURRENT RESOLUTION

SUBMITTING TO THE LEGISLATURE ACTION TAKEN BY THE BOARD OF LAND
AND NATURAL RESOURCES APPROVING IN PRINCIPLE A LAND
EXCHANGE PURSUANT TO SECTION 171-50, HAWAII REVISED
STATUTES.

1 WHEREAS, section 171-50, Hawaii Revised Statutes (HRS),
2 provides that land exchanges of public land for private land are
3 subject to disapproval by the Legislature by two-thirds vote of
4 either the Senate or the House of Representatives or by majority
5 vote of both in any regular or special session following the date
6 of the Board of Land and Natural Resources' (Board) approval in
7 principle of the exchange; and

8
9 WHEREAS, Tiana Partners, a Hawaii general partnership, and
10 the Hawaiian Humane Society, a Hawaii nonprofit corporation, are
11 tenants-in-common owners of land situated in Niu, Honolulu, Oahu,
12 identified as Tax Map Keys: (1) 3-7-04:01 (Parcel 1), (1) 3-7-
13 04:02 (Parcel 2), (1) 3-7-04:20 (Parcel 20), and (1) 3-7-04:21
14 (Parcel 21); and

15
16 WHEREAS, Tiana Partners owns an undivided .479816032
17 interest in said lands; and

18
19 WHEREAS, the Hawaiian Humane Society owns an undivided
20 .520183968 interest in said lands; and

21
22 WHEREAS, the Hawaiian Humane Society acquired said interest
23 from Elisabeth J.K.L. Lucas by deed documents dated December 28,
24 1976, and December 30, 1982, subject to the condition that the
25 property be "used for the benefit of the public for the operation
26 of an educational preserve for flora and fauna, to be made
27 accessible as an educational preserve for the public under the
28 control of the Hawaiian Humane Society, its successors and
29 assigns, and, if not used, then to the State of Hawaii, its
30 successors and assigns, for and as a public park"; and



1 WHEREAS, this condition represents a springing executory
2 interest in favor of the State of Hawaii with regard to the
3 Hawaiian Humane Society's undivided .520183968 interest in said
4 land, that only would vest upon the Hawaiian Humane Society's
5 failure to use said land as specified ("State's interest"); and
6

7 WHEREAS, said lands are in a remote and steep area not
8 conducive for use as a public park; and
9

10 WHEREAS, the Department of Land and Natural Resources
11 (DLNR), Division of State Parks does not have the adequate
12 resources to maintain said land as a park reserve; and
13

14 WHEREAS, Parcel 2, which is a portion of said lands, is
15 located within the Honolulu Watershed Forest Reserve as
16 established by Governor's proclamation dated October 13, 1913, as
17 amended by Governor's proclamation dated December 24, 1926; and
18

19 WHEREAS, lands abutting Parcel 2 along its easterly boundary
20 are public lands also within the Honolulu Watershed Forest
21 Reserve; and
22

23 WHEREAS, DLNR, Division of Forestry and Wildlife, considers
24 Parcel 2 to be a good addition to the public holdings within the
25 Honolulu Watershed Forest Reserve for watershed protection and
26 other public use purposes; and
27

28 WHEREAS, Tiana Partners and Hawaiian Humane Society propose
29 a land exchange pursuant to section 171-50, HRS, whereby Tiana
30 Partners and the Hawaiian Humane Society have agreed to allow the
31 Hawaiian Humane Society to convey its interest in Parcels 1, 20,
32 and 21 to Tiana Partners in exchange for cash and other
33 consideration, subject to the State of Hawaii relinquishing its
34 springing executory interest in the Hawaiian Humane Society's
35 undivided .520183968 interest in said lands in exchange for Tiana
36 Partners and the Hawaiian Human Society conveying a 100 percent
37 undivided fee simple interest in Parcel 2 to the State of Hawaii;
38 and
39

40 WHEREAS, at the December 8, 2006, Board meeting, the Board
41 approved in principle the proposed exchange involving the State's
42 interest in Parcels 1, 2, 20, and 21, under agenda item D-14; and
43



1 WHEREAS, at the December 14, 2007, Board meeting, the Board
2 approved an amendment to its prior action to reflect the parties'
3 intent to exchange present and future interest in land in Parcels
4 1, 2, 20, and 21, under agenda item D-15; and
5

6 WHEREAS, under Section 171-50, HRS, any exchange of public
7 land for private land is subject to disapproval by the
8 Legislature by two-thirds vote of either the Senate or the House
9 of Representatives or by majority vote of both in any regular or
10 special session following the date of the Board's approval in
11 principle of the exchange; now, therefore,
12

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

19 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY AND
20 STATE OF HAWAII

21
22 Statute: Section 171-50, HRS, as amended.

23
24 Purpose: Addition to the public holdings within the
25 Honolulu Watershed Forest Reserve
26

27 Date of Board Approval in Principle: December 8, 2006
28

29 Date of Board Approval of Amendment: December 14, 2007
30

31 I. TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY TO CONVEY TO
32 THE STATE OF HAWAII A 100% UNDIVIDED FEE SIMPLE
33 INTEREST IN:
34

<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

35
36
37
38
39 II. THE STATE OF HAWAII TO CONVEY TO TIANA PARTNERS AND
40 HAWAIIAN HUMANE SOCIETY ITS SPRINGING EXECUTORY
41 INTEREST IN THE HAWAIIAN HUMANE SOCIETY'S UNDIVIDED
42 .520183968 INTEREST IN:



H.C.R. NO. 348

	<u>Location</u>	<u>Tax Map Key</u>	<u>Area</u>	<u>Appraised Value</u>
1	Niu,	(1) 3-7-04:01,		
2	Oahu	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.

OFFERED BY: _____



By Request

MAR 12 2008

