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## 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.

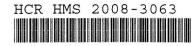
1 WHEREAS, section 171-50, Hawaii Revised Statutes (HRS), 2 provides that land exchanges of public land for private land are 3 subject to disapproval by the Legislature by two-thirds vote of 4 either the Senate or the House of Representatives or by majority 5 vote of both in any regular or special session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

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

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

19 WHEREAS, the Hawaiian Humane Society owns an undivided20 .520183968 interest in said lands; and

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



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WHEREAS, this condition represents a springing executory 1 interest in favor of the State of Hawaii with regard to the 2 Hawaiian Humane Society's undivided .520183968 interest in said 3 land, that only would vest upon the Hawaiian Humane Society's 4 failure to use said land as specified ("State's interest"); and 5 6 7 WHEREAS, said lands are in a remote and steep area not conducive for use as a public park; and 8 9 WHEREAS, the Department of Land and Natural Resources 10 (DLNR), Division of State Parks does not have the adequate 11 12 resources to maintain said land as a park reserve; and 13 14 WHEREAS, Parcel 2, which is a portion of said lands, is located within the Honolulu Watershed Forest Reserve as 15 established by Governor's proclamation dated October 13, 1913, as 16 amended by Governor's proclamation dated December 24, 1926; and 17 18 WHEREAS, lands abutting Parcel 2 along its easterly boundary 19 are public lands also within the Honolulu Watershed Forest 20 21 Reserve; and 22 WHEREAS, DLNR, Division of Forestry and Wildlife, considers 23 Parcel 2 to be a good addition to the public holdings within the 24 Honolulu Watershed Forest Reserve for watershed protection and 25 26 other public use purposes; and 27 WHEREAS, Tiana Partners and Hawaiian Humane Society propose 28 29 a land exchange pursuant to section 171-50, HRS, whereby Tiana Partners and the Hawaiian Humane Society have agreed to allow the 30 31 Hawaiian Humane Society to convey its interest in Parcels 1, 20, and 21 to Tiana Partners in exchange for cash and other 32 consideration, subject to the State of Hawaii relinquishing its 33 springing executory interest in the Hawaiian Humane Society's 34 undivided .520183968 interest in said lands in exchange for Tiana 35 Partners and the Hawaiian Human Society conveying a 100 percent 36 undivided fee simple interest in Parcel 2 to the State of Hawaii; 37 38 and 39 WHEREAS, at the December 8, 2006, Board meeting, the Board 40 approved in principle the proposed exchange involving the State's 41 interest in Parcels 1, 2, 20, and 21, under agenda item D-14; and 42 43



WHEREAS, at the December 14, 2007, Board meeting, the Board 1 2 approved an amendment to its prior action to reflect the parties' intent to exchange present and future interest in land in Parcels 3 4 1, 2, 20, and 21, under agenda item D-15; and 5 6 WHEREAS, under Section 171-50, HRS, any exchange of public land for private land is subject to disapproval by the 7 Legislature by two-thirds vote of either the Senate or the House 8 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 principle of the exchange; now, therefore, 11 12 13 BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session 14 of 2008, the Senate concurring, that the following exchange, 15 approved by the Board of Land and Natural Resources, be reviewed 16 by the Legislature: 17 18 19 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY AND 20 STATE OF HAWAII 21 Statute: Section 171-50, HRS, as amended. 22 23 24 Addition to the public holdings within the Purpose: Honolulu Watershed Forest Reserve 25 26 Date of Board Approval in Principle: December 8, 2006 27 28 Date of Board Approval of Amendment: December 14, 2007 29 30 TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY TO CONVEY TO Ι. 31 THE STATE OF HAWAII A 100% UNDIVIDED FEE SIMPLE 32 INTEREST IN: 33 34 35 Location Area Appraised Value Tax Map Key \$710,000 Niu. (1) 3-7-04:02 ±263.0 acres 36 Oahu 37 38 39 II. THE STATE OF HAWAII TO CONVEY TO TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY ITS SPRINGING EXECUTORY 40 INTEREST IN THE HAWAIIAN HUMANE SOCIETY'S UNDIVIDED 41 .520183968 INTEREST IN: 42



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Appraised Value 1 Location Tax Map Key Area (1) 3-7-04:01, 2 Niu, 02, 20, and 21 ±680.58 acres \$67,000 Oahu 3 4 III. NAME OF DISINTERESTED APPRAISERS WHO APPRAISED THE 5 PROPERTIES 6 7 Public Interest 8 9 Appraisal Hawaii Inc., pursuant to appraisal report dated November 6, 2007, and amendment report dated February 14, 10 2008, both of which indicate the effective date of value as 11 being December 8, 2006. 12 13 Private Land 14 Appraisal Hawaii Inc., pursuant to appraisal report dated 15 November 6, 2007, and amendment report dated February 14, 16 2008, both of which indicate the effective date of value as 17 being December 8, 2006. 18 19 20 21 22 OFFERED BY:

By Request

MAR 1 2 2008

