
A BILL FOR AN ACT

RELATING TO LAND ACQUISITION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it is in the public
2 interest to protect and preserve Hawaii's historic and cultural
3 heritage. The proposed expansion of the Turtle Bay Hotel and
4 Resort located in the ahupua'a of Hana Kaeo, in Kahuku on the
5 island of Oahu is contrary to the public interest.

6 The legislature therefore declares that it is in the public
7 interest to acquire private lands currently owned by Kuilima
8 Resort Company, Oaktree Capital Management, LLC, and their
9 successors in interest for preservation by purchasing those
10 lands, exercising the State's power of eminent domain to acquire
11 those lands, or by participating in a cooperative agreement to
12 acquire those lands.

13 The purpose of this Act is to appropriate funds and to
14 authorize the department of land and natural resources or the
15 appropriate agency to either acquire the area commonly known as
16 the Turtle Bay Hotel and Resort and the accompanying undeveloped
17 property outright, by exercising the State's power of eminent



1 domain, or by entering into a cooperative agreement to acquire
2 the property.

3 SECTION 2. The department of land and natural resources or
4 any appropriate entity of the State shall immediately initiate
5 negotiations with Kuilima Resort Company, Oaktree Capital
6 Management, LLC, any other entity or person which holds an
7 interest in the property, and their successor in interest, to
8 acquire properties held by Kuilima Resort Company, a Hawaii
9 general partnership, Oaktree Capital Management, LLC, and their
10 successors in interest, inclusive of those parcels mauka of
11 Kamehameha highway.

12 Provided that the land to be acquired shall include the
13 unimproved lands that are not used for the hotel and resort
14 proper or any appurtenant uses thereto, including, but not
15 limited to golf courses, stables, condominiums, parking areas,
16 nurseries, and physical plant. Specifically, the land to be
17 acquired shall include that unimproved land:

- 18 (1) Located between the western edge of the improved
19 portion of the Turtle bay property towards Kawela bay
20 to the western boundary between the Turtle bay
21 property and the private property at Kawela bay;



1 (2) Located between the eastern edge of the improved
2 portion of the Turtle Bay property towards Kahuku
3 point to the eastern boundary of the property,
4 including Kahuku point; and

5 (3) Located mauka of Kamehameha highway.

6 SECTION 3. If the board of land and natural resources, or
7 the appropriate entity, finds that it is not feasible for the
8 State to acquire sole interest of the property identified in
9 section 2 of this Act, the board of land and natural resources
10 or appropriate entity shall seek out and, if possible, enter
11 into a cooperative agreement or agreements with private or other
12 public sector entities interested in preserving those unimproved
13 portions of the identified property in their unimproved state
14 for the purpose of cooperatively acquiring the property.

15 SECTION 4. The department of land and natural resources or
16 the appropriate entity of the State shall submit a report to the
17 legislature no later than twenty days prior to the convening of
18 the regular session of 2009 regarding its efforts to acquire the
19 aforementioned lands and its recommendations for financing the
20 purchase of the property.

21 SECTION 5. If an agreement to acquire the property is not
22 reached within a reasonable time as determined by the department



1 of land and natural resources or any other appropriate entity of
2 the State, the state agency shall exercise its power of eminent
3 domain to acquire the unimproved property. For purposes of this
4 Act, condemnation of the property shall not be subject to
5 legislative disapproval.

6 SECTION 6. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2008-2009 for
9 the purpose of negotiating with Kuilima Resort Company, Oaktree
10 Capital Management, LLC, any person holding an interest in the
11 property, or their successor in interest for the purchase of the
12 property identified in this Act that specifically includes, but
13 is not limited to, those unimproved lands surrounding the Turtle
14 Bay Hotel and Resort or to commence the condemnation process of
15 said lands.

16 The sum appropriated shall be expended by the department of
17 land and natural resources for the purposes of this Act.

18 SECTION 7. The director of finance is authorized to issue
19 general obligation bonds in the sum of \$ or so much
20 thereof as may be necessary is appropriated for fiscal year
21 2008-2009 for the purchase of the property commonly known as the



1 Turtle Bay Hotel and Resort and the surrounding unimproved
2 property, as identified in this Act.

3 SECTION 8. The appropriation made for the land acquisition
4 authorized by this Act shall not lapse at the end of the fiscal
5 biennium for which the appropriation is made; provided that all
6 moneys from the appropriation unencumbered as of June 30, 2010,
7 shall lapse as of that date.

8 SECTION 9. This Act shall take effect on July 1, 2008.



Report Title:

Turtle Bay Acquisition

Description:

Directs the department of land and natural resources or any appropriate entity of the State to acquire lands owned by Kuilima Resort Company, Oaktree Capital, LLC, and their successor in interest, commonly known as Turtle Bay Hotel and Resort located in Kahuku, Oahu. (SD1)

