
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 governor, or the governor's designee, to either
15 acquire the area commonly known as the Turtle Bay Hotel and
16 Resort and the accompanying undeveloped property outright, by
17 exercising the State's power of eminent domain, or by entering
18 into a cooperative agreement to acquire the property.



1 SECTION 2. The governor or the governor's designee shall
2 immediately initiate negotiations with Kuilima Resort Company,
3 Oaktree Capital Management, LLC, any other entity or person that
4 holds an interest in the property, and their successor in
5 interest, to acquire properties held by Kuilima Resort Company,
6 a Hawaii general partnership, Oaktree Capital Management, LLC,
7 and their successors in interest, inclusive of those parcels
8 mauka of Kamehameha highway.

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

15 (1) Located between the western edge of the improved
16 portion of the Turtle bay property towards Kawela bay
17 to the western boundary between the Turtle bay
18 property and the private property at Kawela bay;

19 (2) Located between the eastern edge of the improved
20 portion of the Turtle Bay property towards Kahuku
21 point to the eastern boundary of the property,
22 including Kahuku point; and



1 (3) Located mauka of Kamehameha highway.

2 SECTION 3. If the governor, or the governor's designee
3 finds that it is not feasible for the State to acquire sole
4 interest of the property identified in section 2 of this Act,
5 the governor, or the governor's designee, shall seek out and, if
6 possible, enter into a cooperative agreement or agreements with
7 private or other public sector entities interested in preserving
8 those unimproved portions of the identified property in their
9 unimproved state for the purpose of cooperatively acquiring the
10 property.

11 SECTION 4. The governor, or the governor's designee, shall
12 submit a report to the legislature no later than twenty days
13 prior to the convening of the regular session of 2009 regarding
14 its efforts to acquire the aforementioned lands and its
15 recommendations for financing the purchase of the property.

16 SECTION 5. If an agreement to acquire the property is not
17 reached within a reasonable time, as determined by the governor,
18 or the governor's designee, the governor, or the governor's
19 designee, shall exercise its power of eminent domain to acquire
20 the unimproved property. For purposes of this Act, condemnation
21 of the property shall not be subject to legislative disapproval.



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

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

13 SECTION 7. The director of finance is authorized to issue
14 general obligation bonds in the sum of \$ or so much
15 thereof as may be necessary and the same sum or so much thereof
16 as may be necessary is appropriated for fiscal year 2008-2009
17 for the purchase of the property commonly known as the Turtle
18 Bay Hotel and Resort and the surrounding unimproved property, as
19 identified in this Act.

20 SECTION 8. The appropriation made for the land acquisition
21 authorized by this Act shall not lapse at the end of the fiscal
22 biennium for which the appropriation is made; provided that all



1 moneys from the appropriation unencumbered as of June 30, 2010,
2 shall lapse as of that date.

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

5 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Turtle Bay Acquisition

Description:

Directs the governor, or the governor's designee, 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. (SB2423 SD2)

