

MAR 13 2008

SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATURE TO REVIEW THE ACTION OF THE BOARD OF
LAND AND NATURAL RESOURCES RELATING TO A LAND EXCHANGE.

1 WHEREAS, section 171-50, Hawaii Revised Statutes, provides
2 that land exchanges of public land for private land are subject
3 to disapproval by the Legislature by two-thirds vote of either
4 the Senate or the House of Representatives or by majority vote
5 of both in any regular or special session; 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 tenants-in-common owners of land situate in Niu, Honolulu, Oahu,
10 identified as Tax Map Keys: (1) 3-7-04:01 (Parcel 1),
11 (2) 3-7-04:02 (Parcel 2), (3) 3-7-04:20 (Parcel 20), and (4)
12 3-7-04:21 (Parcel 21); and
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14 WHEREAS, Tiana Partners owns an undivided interest of
15 .479816032 in said lands; and
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17 WHEREAS, the Hawaiian Humane Society owns an undivided
18 interest of .520183968 in said lands; and
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20 WHEREAS, the Hawaiian Humane Society acquired said interest
21 from Elisabeth J. K. L. Lucas by deed documents dated
22 December 28, 1976 and December 30, 1982, subject to the
23 condition that the property be "used for the benefit of the
24 public for the operation of an educational preserve for flora
25 and fauna, to be made accessible as an educational preserve for
26 the public under the control of the Hawaiian Humane Society, its
27 successors and assigns, and, if not used, then to the State of
28 Hawaii, its successors and assigns, for and as a public park.";
29 and
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31 WHEREAS, this condition represents a springing executory
32 interest in favor of the State of Hawaii with regard to the
33 Hawaiian Humane Society's undivided .520183968 interest in said



1 land, that only would vest upon the Hawaiian Humane Society's
2 failure to use said land as specified ("State's interest"); and

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

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

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

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

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

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27 WHEREAS, Tiana Partners and 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 have agreed to allow the Hawaiian Humane Society to
31 convey its interest in Parcels 1, 20, and 21 to Tiana Partners
32 in exchange for cash and other consideration, subject to the
33 State of Hawaii relinquishing its springing executory interest
34 in the Hawaiian Humane Society's undivided .520183968 interest
35 in said lands in exchange for Tiana Partners and the Hawaiian
36 Human Society conveying a 100 per cent undivided fee simple
37 interest in Parcel 2 to the State of Hawaii; and

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



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

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 7 WHEREAS, pursuant to section 171-50, Hawaii Revised
 8 Statutes, "[a]ny exchange of public land for private land shall
 9 be subject to disapproval by the Legislature by two-thirds vote
 10 of either the Senate or the House of Representatives or by
 11 majority vote of both in any regular or special session
 12 following the date of the Board of Land and Natural Resources'
 13 approval in principle of the exchange."; now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-fourth
 16 Legislature of the State of Hawaii, Regular Session of 2008, the
 17 House of Representatives concurring, that the following
 18 exchange, approved by the Board of Land and Natural Resources,
 19 be reviewed by the Legislature:
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21 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY
 22 AND STATE OF HAWAII

23
 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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39	<u>Location</u>	<u>Tax Map Key</u>	<u>Area</u>	<u>Appraised Value</u>
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41	Niu,	(1) 3-7-04:02	±263.0 acres	\$710,000
42	Oahu			
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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 amended report dated February 14, 2008, both of which indicate the effective date of value as being December 8, 2006; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY: 

