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## HOUSE CONCURRENT RESOLUTION

SUPPORTING THE PROPOSED CORRECTION OF THE LAND EXCHANGE BETWEEN THE STATE AND THE ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA MADE PURSUANT TO ACT 27, SESSION LAWS OF HAWAII 2003, THAT INADVERTENTLY OMITTED THE PARCEL OF LAND IDENTIFIED IN TAX MAP KEY NUMBER (1) 5-9-05-077 FROM THE BUREAU OF CONVEYANCES RECORD CONVEYING THE LAND EXCHANGE.

1           WHEREAS, the Board of Land and Natural Resources meetings  
2 on February 23, 2001, December 13, 2002, and July 25, 2003,  
3 approved a land exchange between the State and the Aloha Council  
4 of the Boy Scouts of America; and

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6           WHEREAS, the proposed land exchange involved ceded lands  
7 leased to the Aloha Council of the Boy Scouts of America,  
8 including the following tax map key numbers: (1) 5-9-05-002 and  
9 (1) 5-9-05-077, (3) 4-6-11-040, and (4) 1-4-001-015; and private  
10 lands identified as tax map key numbers: (1) 9-4-166-024, (1)  
11 9-4-166-025, and (1) 9-4-166-026; and

12  
13           WHEREAS, Section 171-50, Hawaii Revised Statutes, provides  
14 that any exchange of public land for private land shall be  
15 subject to disapproval by the Legislature by a two thirds vote  
16 of either the Senate or the House of Representatives or by  
17 majority vote of both in any regular or special session; and

18  
19           WHEREAS, pursuant to section 171-50(c), Hawaii Revised  
20 Statutes, Senate Concurrent Resolution No. 127 and House  
21 Concurrent Resolution No. 33 were submitted to the Legislature  
22 for review during the 2003 Regular Session of the Twenty-Second  
23 Legislature and identified the public purpose for the exchange,  
24 the independent appraiser, and the fair market values for the  
25 properties involved in the exchange, including the parcel of  
26 land identified in tax map key number (1) 5-9-05-077; and  
27



1 WHEREAS, the land exchange between the State of Hawaii and  
2 the Aloha Council of the Boy Scouts of America was approved  
3 pursuant to Act 27, Session Laws of Hawaii 2003, including  
4 private lands in Waikele, Oahu, for public lands located on the  
5 islands of Oahu, Kauai, and Hawaii; and  
6

7 WHEREAS, Act 27, cited all the above properties involved in  
8 the land exchange approved by the Board of Land and Natural  
9 Resources, including the land identified in tax map key number  
10 (1) 5-9-05-077; and  
11

12 WHEREAS, pursuant to section 171-50, Hawaii Revised  
13 Statutes, public notice of the proposed land exchange was  
14 published in various newspapers on February 14, 2003, a  
15 correction of which was published in the same newspapers on June  
16 19, 2003; and  
17

18 WHEREAS, the public notices cited all the properties  
19 involved in the land exchange, including land identified in tax  
20 map key (1) 5-9-05-077; and  
21

22 WHEREAS, final documentation of the approved land exchange  
23 was reviewed and approved by the Attorney General, executed by  
24 all appropriate parties and recorded in the Bureau of  
25 Conveyances on April 8, 2004; and  
26

27 WHEREAS, despite the inclusion of tax map key (1) 5-9-05-  
28 077 in the Board of Land and Natural Resources' approval, the  
29 independent appraisal, the concurrent resolutions, Act 27,  
30 Session Laws of Hawaii 2003, and the public notice of the land  
31 exchange, the parcel of land identified in tax map key number  
32 (1) 5-9-05-077 was inadvertently omitted from the recorded  
33 conveyance documents pertaining to the approved land exchange;  
34 and  
35

36 WHEREAS, both the State of Hawaii, Department of Land and  
37 Natural Resources, and the Aloha Council of the Boy Scouts of  
38 America now wish to correct the inadvertent omission of the  
39 parcel of land identified in tax map key number (1) 5-9-05-077  
40 from the 2004 recorded conveyance documents and convey the  
41 parcel to the Aloha Council of the Boy Scouts of America by  
42 amending the 2004 conveyance documents to ensure that the  
43 documents are consistent with the original intent and all  
44 approvals of the land exchange; and



1  
 2 WHEREAS, in light of the Board of Land and Natural  
 3 Resources' approval, the independent appraisal, the concurrent  
 4 resolutions, Act 27, Session Laws of Hawaii 2003, and the public  
 5 notice of the land exchange, the Department of Land and Natural  
 6 Resources and the Aloha Council of the Boy Scouts of America do  
 7 not believe that compliance with Act 176, Session Laws of  
 8 Hawaii 2009, is required to correct the inadvertent omission  
 9 of tax map key number (1) 5-9-05-077 from the 2004 recorded  
 10 conveyance documents; and

11  
 12 WHEREAS, the parties wish to comply with Act 176, Session  
 13 Laws of Hawaii 2009, in an effort to eliminate any potential  
 14 procedural issues; now, therefore,

15  
 16 BE IT RESOLVED by the House of Representatives of the  
 17 Twenty-fifth Legislature of the State of Hawaii, Regular  
 18 Session of 2010, the Senate concurring, that the Legislature  
 19 supports the proposed correction of the land exchange between  
 20 the State and the Aloha Council of the Boy Scouts of America  
 21 made pursuant to Act 27, Session Laws of Hawaii 2003, that  
 22 inadvertently omitted the parcel of land identified in tax map  
 23 key number (1) 5-9-05-077 from the Bureau of Conveyances record  
 24 conveying the land exchange; and

25  
 26 BE IT FURTHER RESOLVED that certified copies of this  
 27 Concurrent Resolution be transmitted to the Governor, the  
 28 Speaker of the House of Representatives, the Senate President,  
 29 the Chairperson of the Board of Land and Natural Resources, the  
 30 Chief Executive Officer of the Aloha Council of the Boy Scouts  
 31 of America, and the Office of Hawaiian Affairs.

OFFERED BY:

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