

MAR 10 2010

SENATE CONCURRENT RESOLUTION

SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW
OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES
ON A LAND EXCHANGE.

1 WHEREAS, pursuant to Act 176, Session Laws of Hawaii 2009,
2 section 171-50, Hawaii Revised Statutes, was amended to provide
3 that any exchange of public land for private land shall be
4 subject to disapproval by the Legislature by two thirds vote of
5 either the Senate or the House of Representatives or by majority
6 vote of both in any regular or special session, and that a copy
7 of the resolution shall be submitted to the Office of Hawaiian
8 Affairs when it is submitted to the Legislature; and
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10 WHEREAS, at its meetings on February 23, 2001, under agenda
11 item D-4, and December 13, 2002, under agenda item D-58, the
12 Board of Land and Natural Resources approved a land exchange
13 between the State of Hawaii and the Boy Scouts of America (BSA).
14 The proposed land exchange involved the transfer of ceded lands
15 leased to BSA, including tax map keys: (1) 5-9-05:02 and 77;
16 (3) 4-6-11:40; and (4) 1-4-01:15, and private lands identified
17 as tax map keys: (1) 9-4-166:24, 25, and 26; and
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19 WHEREAS, pursuant to section 171-50(c), Hawaii Revised
20 Statutes, concurrent resolutions, identified as S.C.R. No. 127
21 and H.C.R. No. 33, were submitted to the Legislature for review
22 during the 2003 Regular Session of the Twenty-Second
23 Legislature. The concurrent resolutions identified the public
24 purpose for the exchange, the independent appraiser, and the
25 determined fair market values for the above cited properties
26 involved in the exchange, including tax map key (1) 5-9-05:77;
27 and
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29 WHEREAS, on April 22, 2003, the Governor of the State of
30 Hawaii approved H.B. No. 83, H.D. 1, Relating to a Land Exchange
31 between the State of Hawaii and the Aloha Council Boy Scouts of
32 America, codified as Act 27, Session Laws of Hawaii 2003,



1 authorizing the exchange of private lands in Waikele, Oahu, for
2 public lands located on the islands of Oahu, Kauai, and Hawaii;
3 and
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5 WHEREAS, Act 27, Session Laws of Hawaii 2003, Relating to a
6 Land Exchange Between the State of Hawaii and the Aloha Council
7 Boy Scouts of America, cited all the above cited properties
8 involved in the land exchange as approved by the Board of Land
9 and Natural Resources, including land identified as tax map key
10 (1) 5-9-05:77; and
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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
16 June 19, 2003; and
17

18 WHEREAS, pursuant to section 171-50, Hawaii Revised
19 Statutes, public notice of the proposed land exchange was
20 published in various newspapers on February 14, 2003, a
21 correction of which was published in the same newspapers on
22 June 19, 2003; and
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24 WHEREAS, final documentation of the approved land exchange
25 was reviewed and approved by the Department of the Attorney
26 General, executed by all appropriate parties, and recorded in
27 the Bureau of Conveyances on April 8, 2004; and
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29 WHEREAS, despite the inclusion of tax map key (1) 5-9-05:77
30 in the above cited Board of Land and Natural Resources approval,
31 independent appraisal, concurrent resolutions, Act 27, Session
32 Laws of Hawaii 2003, and the public notice of the land exchange,
33 tax map key (1) 5-9-05:77 was inadvertently omitted from the
34 recorded conveyance documents pertaining to the approved land
35 exchange; and
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37 WHEREAS, both the State of Hawaii, Department of Land and
38 Natural Resources and the Aloha Council Boy Scouts of America
39 now wish to correct the inadvertent omission of tax map key
40 (1) 5-9-05:77 from the 2004 recorded conveyance documents and
41 convey said parcel to the Aloha Council Boy Scouts of America by
42 way of amending the 2004 conveyance documents or entering into
43 new conveyance documents, such that the documents are consistent



1 with the original intent and all approvals of the land exchange;
2 and

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4 WHEREAS, in light of the above cited Board of Land and
5 Natural Resources approval, independent appraisal, concurrent
6 resolutions, Act 27, Session Laws of Hawaii 2003, and the public
7 notice of the land exchange, the State of Hawaii, Department of
8 Land and Natural Resources and the Aloha Council Boy Scouts of
9 America do not believe that compliance with Act 176, Session
10 Laws of Hawaii 2009 is required to correct the inadvertent
11 omission of tax map key (1) 5-9-05:77 from the 2004 recorded
12 conveyance documents; however, the parties wish to comply with
13 Act 176, Session Laws of Hawaii 2009 out of an abundance of
14 caution; and

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16 WHEREAS, pursuant to section 171-50, Hawaii Revised
17 Statutes, the following information is provided regarding the
18 land exchange between the Aloha Council Boy Scouts of America
19 and the State of Hawaii, as approved by the Board of Land and
20 Natural Resources and authorized by Act 27, Session Laws of
21 Hawaii 2003, Relating to a Land Exchange Between the State of
22 Hawaii and the Aloha Council Boy Scouts of America:

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24 (1) Location and area of the parcels of land;

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26 (A) Public lands;

27
28 (i) Camp Pupukea - Pupukea, Oahu
29 Tax Map Key (1) 5-9-005:002 - 56.962 acres
30 Tax Map Key (1) 5-9-005:077 - 7.838 acres

31
32 (ii) Camp Honokaia - Honokaia, Hawaii
33 Tax Map Key (3) 4-6-011:040 - 238 acres

34
35 (iii) Camp Alan Faye - Alan Faye, Kauai
36 Tax Map Key (4) 1-4-001:015 - 29 acres

37
38 (B) Private lands - Waikele, Oahu;

39
40 (i) Tax Map Key (1) 9-4-166:024 - 0.391 acre

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42 (ii) Tax Map Key (1) 9-4-166:025 - 0.382 acre

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44 (iii) Tax Map Key (1) 9-4-166:026 - 0.367 acre



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(2) Value of the lands;

(A) Public land - \$1,150,000

(i) Camp Pupukea - \$700,000

(ii) Camp Honokaia - \$319,000

(iii) Camp Alan Faye - \$131,000

(B) Private land - \$1,209,000

(i) Tax Map Key (1) 9-4-166:024 - \$414,000

(ii) Tax Map Key (1) 9-4-166:025 - \$405,000

(iii) Tax Map Key (1) 9-4-166:026 - \$390,000

(3) Name or names of the appraiser or appraisers;

(A) Public land - Robert J. Vernon, MAI, CRE
(John Child & Company)

(B) Private land - James E. Hallstrom, Jr., MAI, CRE
Brian S. Goto, MAI, SRA
(The Hallstrom Group, Inc.)

(4) The date of the appraisal valuation;

(A) Public land - December 23, 2002

(B) Private land - October 11, 2002

(5) Purpose for the exchange - Generation of revenues for public land trust purposes as previously approved by the board of land and natural resources and Act 27, 2003; and

WHEREAS, a draft copy of this measure has been submitted to the Office of the Hawaiian Affairs; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, the



1 House of Representatives concurring, that as a result of the
2 proposed correction to executed documents, the foregoing land
3 exchange, which was previously approved by the Board of Land and
4 Natural Resources, the House of Representatives, the Senate and
5 the Governor pursuant to section 171-50, Hawaii Revised
6 Statutes, is again approved by the Legislature pursuant to
7 section 171-50(c), Hawaii Revised Statutes, as amended by
8 Act 176, Session Laws of Hawaii 2009, only with respect to
9 conveyance of tax map key (1) 5-9-05:77 to Aloha Council Boy
10 Scouts of America to correct the inadvertent omission of said
11 parcel from the 2004 recorded conveyance documents; and
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13 BE IT FURTHER RESOLVED that certified copies of this
14 Concurrent Resolution be transmitted to Aloha Council Boy Scouts
15 of America, the Department of Land and Natural Resources, and
16 the Office of Hawaiian Affairs.
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OFFERED BY: *Trizanne Chun @akland*

