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HOUSE 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 AND SALE OF PROPERTY.

1           WHEREAS, section 171-50, Hawaii Revised Statutes, provides  
2 that any exchange of public land for private land shall be  
3 subject to disapproval by the Legislature by two-thirds vote of  
4 either the Senate or the House of Representatives or by majority  
5 vote of both in any regular or special session following the date  
6 of the Board of Land and Natural Resources' approval in principle  
7 of the exchange; and

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9           WHEREAS, section 171-50(b), Hawaii Revised Statutes,  
10 provides that any difference in value of the public land over the  
11 private land shall be paid to the State at the time of the  
12 exchange, provided that no exchange shall be made should the  
13 public land exceed one hundred twenty per cent of the value of  
14 the private land; and

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16           WHEREAS, section 171-50(c), Hawaii Revised Statutes,  
17 provides that the state department or agency shall submit for  
18 introduction to the Legislature a resolution for review of action  
19 on any exchange to be consummated by the Board of Land and  
20 Natural Resources wherein exchange deeds will be executed by the  
21 parties together; and

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23           WHEREAS, section 171-64.7, Hawaii Revised Statutes, provides  
24 that no sale or gift of ceded lands or interest therein shall  
25 occur without the prior approval of the sale or gift by the  
26 Legislature by concurrent resolution to be adopted by each house  
27 by at least a two-thirds majority vote of the members to which  
28 each house is entitled in a regular or special session at which a  
29 concurrent resolution is submitted for approval of the sale; and

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31           WHEREAS, section 171-64.7(c), Hawaii Revised Statutes,  
32 provides that the state department or agency shall submit for

1 introduction to the Legislature a concurrent resolution for  
2 review of the proposed sale or gift; and  
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4 WHEREAS, sections 171-50(c) and 171-64.7, Hawaii Revised  
5 Statutes, require the resolution or concurrent resolution to  
6 contain the following information:  
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- 8 (1) The specific location and size in square feet or in  
9 other precise measure of the parcels of land to be  
10 exchanged, sold or given;  
11  
12 (2) The value of the lands to be conveyed, sold or given  
13 by the State and the private party;  
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15 (3) The name or names of the appraiser or appraisers;  
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17 (4) The date of the appraisal valuation;  
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19 (5) The purpose for which the lands are being exchanged,  
20 sold or given;  
21  
22 (6) A detailed summary of any development plans for the  
23 land to be exchanged, sold or given; and  
24  
25 (7) A statement of whether the land is, or is not, land  
26 that was classed as government or crown lands previous  
27 to August 15, 1895, or was acquired by the State in  
28 exchange for such lands, and a detailed explanation of  
29 how the state department or agency made this  
30 determination; and  
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32 WHEREAS, sections 171-50(c) and 171-64.7(c), Hawaii Revised  
33 Statutes, also provide that a copy of the draft resolution, or  
34 concurrent resolution, shall also be submitted to the Office of  
35 Hawaiian Affairs at least three months prior to the convening of  
36 a regular or special session of the Legislature to allow the  
37 Office of Hawaiian Affairs to determine whether the land was  
38 classed as government or crown lands previous to August 15, 1895,  
39 or was acquired by the State in exchange for such lands; and  
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41 WHEREAS, section 171-64.7(e), Hawaii Revised Statutes,  
42 provides that prior to finalizing any proposal for the sale or  
43 gift of lands described in section 171-64.7(a), Hawaii Revised  
44 Statutes, to a person or entity other than the State, its

1 agencies, or its entities, and prior to submission of the  
2 concurrent resolution to the Legislature under section 171-  
3 64.7(c), Hawaii Revised Statutes, the State, agency, or entity,  
4 as appropriate, shall hold an informational briefing on the  
5 proposed sale or gift in the community where the land to be sold  
6 or given is located; and

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8 WHEREAS, at its meeting of June 8, 2012, under agenda item  
9 D-11, the Board of Land and Natural Resources approved a land  
10 exchange and sale of property pursuant to the stipulated final  
11 judgment on title filed on April 12, 1996, and the stipulated  
12 judgment on partition filed on April 1, 1997, in Napoleon, et  
13 al., v. State of Hawaii, et al., Civ. No. 92-0789, for land  
14 located at Kahananui, Molokai, Hawaii, Tax Map Keys: (2) 5-6-  
15 06:14; (2) 5-6-06:15; (2) 5-6-03:12; (2) 5-6-03:08; and (2) 5-6-  
16 03:10; and

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18 WHEREAS, following approval of the exchange and sale by the  
19 Board of Land and Natural Resources, a copy of the concurrent  
20 resolution was transmitted to the Office of Hawaiian Affairs at  
21 least three months prior to the convening of this regular  
22 session of the Legislature to allow the Office to determine  
23 whether the land was classed as government or crown lands  
24 previous to August 15, 1895, or was acquired by the State in  
25 exchange for such lands; and

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27 WHEREAS, the Department of Land and Natural Resources duly  
28 conducted a public informational briefing on the sale of this  
29 parcel on November 13, 2012, at 5:30 p.m. at the Kilohana  
30 Recreational Center, 334 A1 Kamehameha V Highway, Kaunakakai,  
31 Molokai, Hawaii, following publication of notice of the briefing  
32 in the Molokai Dispatch newspaper on October 24, 2012, the  
33 Honolulu Star-Advertiser newspaper on October 28, 2012, the  
34 Hawaii Tribune-Herald newspaper on October 28, 2012, the West  
35 Hawaii Today newspaper on October 28, 2012, the Garden Isle  
36 newspaper on October 28, 2012, and the Maui News newspaper on  
37 October 28, 2012; now, therefore,

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39 BE IT RESOLVED by the House of Representatives of the  
40 Twenty-seventh Legislature of the State of Hawaii, Regular  
41 Session of 2013, the Senate concurring, that the following  
42 exchange and sale of property between the State of Hawaii and  
43 Napoleon, et al., approved by the Board of Land and Natural  
44 Resources at its meeting on June 8, 2012, under agenda item

1 D-11, pursuant to the stipulated judgment on title and the  
2 stipulated judgment on partition in Napoleon, et al., v. State  
3 of Hawaii, et al., Civ. No. 92-0789, for land located at  
4 Kahananui, Molokai, Hawaii, Tax Map Keys: (2) 5-6-06:14; (2) 5-  
5 6-06:15; (2) 5-6-03:12; (2) 5-6-03:08; and (2) 5-6-03:10, has  
6 been reviewed by the Legislature:

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8 (1) All lands are located at Kahananui, Molokai, Hawaii,  
9 being further identified by Tax Map Keys: (2) 5-6-06:14,  
10 having an area of 168.04 acres; (2) 5-6-06:15, having  
11 an area of 109.014 acres; (2) 5-6-03:12, having an area  
12 of 0.338 acres; (2) 5-6-03:08, having an area of 1.018  
13 acres; and (2) 5-6-03:10 having an area of 0.401 acres.  
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15 (2) The lands to be conveyed to Napoleon, et al.:

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17 a. Tax Map Key (2) 5-6-06:15, having a value of  
18 \$138,000.  
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20 The lands to be sold and proceeds divided amongst all  
21 parties - 39.89 per cent to the State, 60.11 per cent  
22 to Napoleon, et al.:

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24 a. Tax Map Key (2) 5-6-03:08, having a value of  
25 \$76,000; and  
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27 b. Tax Map Key (2) 5-6-03:10, having a value of  
28 and \$65,000.  
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30 The lands to be conveyed to the State:

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32 a. Tax Map Key (2) 5-6-06:14, having a value of  
33 \$91,000; and  
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35 b. Tax Map Key (2) 5-6-03:12, having a value of  
36 \$82,500.  
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38 (3) All lands were appraised by Lawrence P. Swenson of  
39 Swenson Appraisal.  
40

41 (4) All lands were appraised on March 21, 1996.  
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43 (5) Whereas the State owns an undivided half interest in  
44 the lands identified, the purpose of the exchange and  
45 sale is to consolidate the State's interest in lands.

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(6) One of the parcels to be conveyed to the State will be added to the State's Molokai Forest Reserve. The second parcel to be conveyed to the State will be administered by the Department of Land and Natural Resources, which currently has no development plans for the parcel. The remaining parcel that is not intended for sale will be conveyed to the four Hawaiian families who hold the remaining one-half interest in all the parcels. The families are the Napoleon family, the Kailiwai family, the Kunuiakea family, and the Fountain family.

(7) The five parcels referenced above are Section 5(b) lands of the Admission Act of 1959. The lands referenced above are portions of Mahele Award 48 to Kaeliwai, which granted a one-half interest of the five parcels to Kaeliwai with the remaining one-half interest being retained by the Kingdom of Hawaii, now the State of Hawaii; 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:  BY REQUEST

JAN 22 2013

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: 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 AND SALE OF PROPERTY.

PURPOSE: To seek the approval of the Legislature by concurrent resolution of a Board of Land and Natural Resources action approving a land exchange and sale of property.

MEANS: Concurrent resolution pursuant to sections 171-50 and 171-64.7, Hawaii Revised Statutes.

JUSTIFICATION: The State of Hawaii owns an undivided 50% interest in five parcels situated at Kahananui, Molokai, Hawaii. A Stipulated Final Judgment on Title was filed on April 12, 1996, which confirmed that the five parcels are owned one-half by the State and one-half by Napoleon, et al. A Stipulated Judgment on Partition was filed on April 1, 1997, in which the State and Napoleon, et al. agreed to partition the properties.

The Board of Land and Natural Resources on June 8, 2012, under agenda item D-11, approved the land exchange and sale of property pursuant to the Stipulated Judgment on Partition in Napoleon, et al., v. State of Hawaii, et al., Civ. No. 92-0786 for land located at Kahananui, Molokai, Hawaii, Tax Map Keys: (2)5-6-06:14; (2)5-6-06:15; (2)5-6-03:12; (2)5-6-03:08; and (2)5-6-03:10.

Impact on the public: None.

Impact on the department and other agencies: Lands retained by the State will be added to the State Forest Reserve.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 101.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon adoption.