
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, at its meeting of August 10, 2001, under agenda
2 item D-8, the Board of Land and Natural Resources approved, in
3 principle, the land exchange between the State of Hawaii and
4 Parker Land Trust, formerly the Parker Ranch Land Trust, for
5 state-owned land at Waimea, Hawaii, Tax Map Key: (3) 6-7-
6 2:portion 15, and privately owned land at Waimea, Hawaii, Tax
7 Map Key: (3) 6-7-2:portion 17; and

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9 WHEREAS, at its meeting of August 8, 2003, under agenda
10 item D-5, the Board of Land and Natural Resources approved the
11 aforementioned land exchange between the State of Hawaii and
12 Parker Land Trust; and

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14 WHEREAS, the public purpose for the exchange, as approved,
15 is for the addition of land to Waimea Elementary and
16 Intermediate School; and

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18 WHEREAS, section 171-50, Hawaii Revised Statutes,
19 previously provided that land exchanges of public land for
20 private land are subject to disapproval by the Legislature by
21 two-thirds vote of either the Senate or the House of
22 Representatives or by a majority vote of both in any regular or
23 special session; and

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25 WHEREAS, pursuant to section 171-50, Hawaii Revised
26 Statutes, House Concurrent Resolution No. 10 and Senate
27 Concurrent Resolution No. 5, were prepared and submitted to the
28 Twenty-second Legislature of the State of Hawaii, Regular
29 Session of 2004, for Review of Action Taken by the Board of Land
30 and Natural Resources on a Land Exchange; and



1 WHEREAS, Senate Concurrent Resolution No. 5 was adopted by
2 the Twenty-second Legislature of the State of Hawaii, Regular
3 Session of 2004; and
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5 WHEREAS, pursuant to Act 176, Session Laws of Hawaii 2009,
6 section 171-50(c), Hawaii Revised Statutes, provides that a copy
7 of the draft resolution shall also be submitted to the Office of
8 Hawaiian Affairs at least three months prior to the convening of
9 a regular or special session of the Legislature to allow the
10 Office of Hawaiian Affairs to determine whether the state-owned
11 land was classified as government or crown lands previous to
12 August 15, 1895, or was acquired by the State in exchange for
13 such lands; and
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15 WHEREAS, pursuant to Act 169, Session Laws of Hawaii 2011,
16 section 171-50(c), Hawaii Revised Statutes, provides that the
17 state department or agency shall submit for introduction to the
18 Legislature a resolution for review of action on any exchange to
19 be consummated by the Board of Land and Natural Resources
20 wherein exchange deeds will be executed by the parties, together
21 with the following information:
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- 23 (1) The specific location and size in square feet or in
24 other precise measurement of the parcels of land to be
25 exchanged;
- 26 (2) The value of the lands to be conveyed by the State and
27 the private party;
- 28 (3) The name or names of the appraiser or appraisers;
- 29 (4) The date of the appraisal valuation;
- 30 (5) The purpose for which the lands are being exchanged;
- 31 (6) A detailed summary of any development plans for the
32 land to be exchanged; and
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- 34 (7) A statement of whether the land is, or is not, land
35 that was classified as government or crown lands
36 previous to August 15, 1895, or was acquired by the
37 State in exchange for such lands, and a detailed
38 explanation of how the state department or agency made
39 this determination; and
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1 WHEREAS, in 2012, the County of Hawaii approved the
 2 subdivision of certain lands at Waimea, resulting in part of the
 3 privately owned land previously identified as Tax Map Key: (3)6-
 4 7-2:portion 17, which was approved as part of this exchange, to
 5 be re-designated by County of Hawaii, and currently identified
 6 as Tax Map Key: (3)6-7-8:portion 93, having an area of
 7 approximately 5.445 acres, which shall be exchanged for the
 8 state-owned lands currently referred to as Tax Map Key: (3) 6-7-
 9 2:portion of 15, having an area of 0.780 acres; and

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 11 WHEREAS, pursuant to Act 146, Session Laws of Hawaii 2014,
 12 section 171-50(c), Hawaii Revised Statutes, was amended such
 13 that any exchange of public land for private land shall be
 14 subject to approval by a majority vote of both houses of the
 15 Legislature in any regular or special session following the date
 16 of the Board of Land and Natural Resources' approval, in
 17 principle, of the exchange; and

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 19 WHEREAS, Parker Land Trust desires to pursue the land
 20 exchange previously approved by the Board of Land and Natural
 21 Resources and submitted to the Twenty-second Legislature of the
 22 State of Hawaii, Regular Session of 2004, for Review of Action
 23 Taken by the Board of Land and Natural Resources on a Land
 24 Exchange and subsequently adopted pursuant to Senate Concurrent
 25 Resolution No. 5, by the Twenty-second Legislature of the State
 26 of Hawaii, Regular Session of 2004; and

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 28 WHEREAS, both the state and Parker Land Trust lands
 29 involved in the proposed exchange remain the same lands as
 30 previously contemplated by Parker Ranch and the State in 2001,
 31 subsequently approved by the Board of Land and Natural Resources
 32 in 2003, and subsequently approved by the Twenty-second
 33 Legislature of the State of Hawaii, Regular Session of 2004 by
 34 way of Senate Concurrent Resolution No. 5; and

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 36 WHEREAS, Senate Concurrent Resolution No. 5, Regular
 37 Session 2004, no longer complies with section 171-50, Hawaii
 38 Revised Statutes, as amended by Act 146, Session Laws of Hawaii
 39 2014; and

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 41 WHEREAS, in order to comply with the requirements of
 42 section 171-50, Hawaii Revised Statutes, as amended, the
 43 Department of Land and Natural Resources, together with the
 44 Department of Education, is required to again introduce to the



1 Legislature a resolution for review of action of the land
2 exchange described herein, subject however, to approval by a
3 majority vote of both houses of the Legislature; now, therefore,
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5 BE IT RESOLVED by the House of Representatives of the
6 Twenty-ninth Legislature of the State of Hawaii, Regular Session
7 of 2017, the Senate concurring, that the following land
8 exchange, previously approved in principle by the Board of Land
9 and Natural Resources at its meeting on August 10, 2001, under
10 agenda item D-8, previously approved by the Board of Land and
11 Natural Resources at its meeting on August 8, 2003, under agenda
12 item D-5, and previously submitted to the Twenty-second
13 Legislature of the State of Hawaii, Regular Session of 2004, for
14 Review of Action Taken by the Board of Land and Natural
15 Resources on a Land Exchange; and previously adopted by the
16 Twenty-second Legislature of the State of Hawaii, Regular
17 Session of 2004, by way of Senate Concurrent Resolution No. 5,
18 is hereby reviewed and approved by the Legislature:
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20 LAND EXCHANGE BETWEEN STATE OF HAWAII AND PARKER LAND TRUST
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- 22 (1) The state land identified as Tax Map Key: (3) 6-7-
23 2:portion 15 and having a land area of approximately
24 0.780 acres, being located at Waikoloa and Puukapu,
25 Waimea, South Kohala, Island of Hawaii, Hawaii; and
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27 The private land identified as Tax Map Key: (3) 6-7-
28 8:portion 93, being formerly referred to as Tax Map
29 Key (3)6-7-2:portion 17, and having a land area of
30 approximately 5.445 acres, being located at Waikoloa
31 and Puukapu, Waimea, South Kohala, Island of Hawaii,
32 Hawaii;
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- 34 (2) The value of the state land was estimated at \$71,700,
35 as of August 10, 2001; and
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37 The value of the private land was estimated at
38 \$366,400, as of August 10, 2001;
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- 40 (3) The state land and the private land were appraised by
41 George Hao & Associates;



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- (4) The date of the appraisal report for the state land and the private land was January 10, 2003, with effective dates of value being August 10, 2001;
- (5) At its meeting of August 8, 2003, under agenda item D-5, the Board of Land and Natural Resources approved the public purpose of the proposed exchange to be for the addition to Waimea Elementary and Intermediate School;
- (6) The approximate 0.780 acres of state land identified as part of this proposed exchange is vacant and currently set aside to the Department of Education under Executive Order 3454. Upon completion of the proposed exchange, the State's interest in the 0.780-acre site will be conveyed to Parker Land Trust. Subsequently, the conveyed lands will be developed pursuant to the Waimea Town Center Master Plan allowing for the realignment of Lindsey Road and improved access and utility service; and

The approximate 5.445 acres of private land identified as part of the proposed exchange is currently vacant. Upon completion of this proposed exchange, the 5.445-acre site will be set aside to the Department of Education for addition to the Waimea Elementary and Intermediate School;
- (7) The approximate 0.780-acre state land is ceded land pursuant to Section 5(b) of the Hawaii Admission Act, hereinafter the "Admissions Act".

Said land was a portion of land acquired by the State of Hawaii by Exchange Deed and Agreement to Exchange dated December 29, 1988, between the State of Hawaii and Richard Smart, Warren J. Gunderson, Richard S. Hendrick, and Gilliard P. Smart, Trustees of the Richard Smart Revocable Personal Trust ("Richard Smart Trust"), hereinafter the "1988 Exchange". Pursuant to the 1988 Exchange and Land Patent Grant No. S-15,696, the State of Hawaii Conveyed to the Richard Smart Trust six parcels of land comprising approximately 12.98 acres situate at Lalamilo, Waimea, South Kohala, Hawaii, being described as follows:



- 1 (A) Being a portion of the land of Lalamilo, an Ili
2 of the Government (Crown) land of Waimea,
3 identified as Parcel 1 and containing an area of
4 1.969 acres, more or less. Being further
5 described and delineated on C.S.F. No. 20,701,
6 dated February 24, 1988;
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- 8 (B) Being a portion of the land of Lalamilo, an Ili
9 of the Government (Crown) land of Waimea,
10 identified as Parcel 2 and containing an area of
11 8.411 acres, more or less. Being further
12 described and delineated on C.S.F. No. 20,702,
13 dated February 24, 1988;
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- 15 (C) Being a portion of the Government (Crown) land of
16 Waimea, identified as Parcel A, and containing an
17 area of 0.207 acre, more or less. Being further
18 described and delineated on C.S.F. No. 17,042,
19 dated February 21, 1974;
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- 21 (D) Being a portion of the Government (Crown) land of
22 Waimea, identified as Parcel B, Government
23 Remnant, and containing an area of 0.643 acre,
24 more or less. Being further described and
25 delineated respectively on C.S.F. No. 17,043,
26 dated February 21, 1974, and C.S.F. No. 17,042 to
27 C.S.F. No. 17044, and dated February 21, 1974;
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- 29 (E) Being a portion of the Government (Crown) land of
30 Waimea, identified as Parcel C, Government
31 Remnant, containing an area of 0.256 acre, more
32 or less. Being further described and delineated
33 on C.S.F. No. 17,044, dated February 21, 1974;
34 and
35
- 36 (F) Being a portion of Lalamilo, an Ili of the
37 Government (Crown) land of Waimea, identified as
38 Parcel 3, containing an area of 1.020 acres, more
39 or less. Being further described and delineated
40 on C.S.F. No. 20,844, dated September 30, 1988;
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42 Whereas, the above cited six parcels, which were
43 conveyed to the Richard Smart Trust as part of the
44 1988 Exchange, were classified as ceded lands pursuant



1 to Section 5(b) of the Admissions Act, the former
2 Richard Smart Trust lands conveyed to the State in the
3 1988 Exchange, including the 0.780 acres of state land
4 being conveyed to Parker Land Trust in this proposed
5 exchange, are now classified as ceded lands pursuant
6 to Section 5(b) of the Admissions Act; and
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8 BE IT FURTHER RESOLVED upon consummation of the proposed
9 exchange, the 5.445 acres of land to be conveyed to the State of
10 Hawaii as part of this proposed exchange shall be classified as
11 ceded lands pursuant to Section 5(b) of the Admissions Act; and
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13 BE IT FURTHER RESOLVED that a copy of the draft resolution
14 was transmitted to the Office of Hawaiian Affairs at least three
15 months prior to the convening of a regular or special session of
16 the Legislature to allow the Office to determine whether the
17 state-owned land was classified as government or crown lands
18 previous to August 15, 1895, or was acquired by the State in
19 exchange for such lands; and
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21 BE IT FURTHER RESOLVED that a certified copy of this
22 Concurrent Resolution be transmitted to the Chairperson of the
23 Board of Land and Natural Resources.

