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# SENATE CONCURRENT RESOLUTION

APPROVING 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

8  
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

13  
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

17  
18           WHEREAS, prior to being amended by Act 146, Regular Session  
19 of Hawaii 2014, section 171-50, Hawaii Revised Statutes,  
20 provided that land exchanges of public land for private land are  
21 subject to disapproval by the Legislature by two-thirds vote of  
22 either the Senate or the House of Representatives or by a  
23 majority vote of both in any regular or special session; and

24  
25           WHEREAS, pursuant to section 171-50, Hawaii Revised  
26 Statutes, in effect at the time, concurrent resolutions  
27 identified as H.C.R. No. 10 and S.C.R. No. 5, were submitted to  
28 the 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

31



1 WHEREAS, S.C.R. No. 5 was adopted by the Twenty-second  
2 Legislature of the State of Hawaii, Regular Session of 2004; and  
3

4 WHEREAS, pursuant to Act 169, Session Laws of Hawaii 2011,  
5 section 171-50(c), Hawaii Revised Statutes, provides that a copy  
6 of the draft resolution shall also be submitted to the Office of  
7 Hawaiian Affairs at least three months prior to the convening of  
8 a regular or special session of the Legislature to allow the  
9 Office of Hawaiian Affairs to determine whether the state-owned  
10 land was classified as government or crown lands previous to  
11 August 15, 1895, or was acquired by the State in exchange for  
12 such lands; and  
13

14 WHEREAS, pursuant to Act 169, Session Laws of Hawaii 2011,  
15 section 171-50(c), Hawaii Revised Statutes, provides that the  
16 state department or agency shall submit for introduction to the  
17 Legislature a resolution for review of action on any exchange to  
18 be consummated by the Board of Land and Natural Resources  
19 wherein exchange deeds will be executed by the parties, together  
20 with the following information:  
21

- 22 (1) The specific location and size in square feet or in  
23 other precise measure of the parcels of land to be  
24 exchanged;  
25
- 26 (2) The value of the lands to be conveyed by the State and  
27 the private party;  
28
- 29 (3) The name or names of the appraiser or appraisers;  
30
- 31 (4) The date of the appraisal valuation;  
32
- 33 (5) The purpose for which the lands are being exchanged;  
34
- 35 (6) A detailed summary of any development plans for the  
36 land to be exchanged; and  
37
- 38 (7) A statement of whether the land is, or is not, land  
39 that was classed as government or crown lands previous  
40 to August 15, 1895, or was acquired by the State in  
41 exchange for such lands, and a detailed explanation of



1 how the state department or agency made this  
2 determination; and  
3

4 WHEREAS, in 2012, the County of Hawaii approved the  
5 subdivision of certain lands at Waimea, resulting in part of the  
6 privately owned land previously identified as Tax Map Key: (3)6-  
7 7-2:portion 17, which was approved as part of this exchange, to  
8 be re-designated by County of Hawaii, and currently identified  
9 as Tax Map Key: (3)6-7-8:portion 93, having an area of  
10 approximately 5.445 acres, which shall be exchanged for the  
11 state-owned lands currently referred to as Tax Map Key: (3) 6-7-  
12 2:portion of 15, having an area of 0.780 acre; and  
13

14 WHEREAS, pursuant to Act 146, Session Laws of Hawaii 2014,  
15 section 171-50(c), Hawaii Revised Statutes, was amended such  
16 that any exchange of public land for private land shall be  
17 subject to approval by a majority vote of both houses of the  
18 Legislature in any regular or special session following the date  
19 of the Board of Land and Natural Resources' approval, in  
20 principle, of the exchange; and  
21

22 WHEREAS, Parker Land Trust desires to pursue the land  
23 exchange previously approved by the Board of Land and Natural  
24 Resources and submitted to the Twenty-second Legislature of the  
25 State of Hawaii, Regular Session of 2004, for review of action  
26 taken by the Board of Land and Natural Resources on a land  
27 exchange and subsequently adopted pursuant to S.C.R. No. 5, by  
28 the Twenty-second Legislature of the State of Hawaii, Regular  
29 Session of 2004; and  
30

31 WHEREAS, both the state and Parker Land Trust lands  
32 involved in the proposed exchange remain the same lands as  
33 previously contemplated by Parker Ranch and the State in 2001,  
34 subsequently approved by the Board of Land and Natural Resources  
35 in 2003, and subsequently approved by the Twenty-second  
36 Legislature of the State of Hawaii, Regular Session of 2004 by  
37 way of S.C.R. No. 5; and  
38

39 WHEREAS, S.C.R. No. 5 no longer complies with section  
40 171-50, Hawaii Revised Statutes, as amended by Act 146, Session  
41 Laws of Hawaii 2014; and  
42



1 WHEREAS, a copy of the draft resolution was transmitted to  
2 the Office of Hawaiian Affairs on September 23, 2016, and the  
3 Office of Hawaiian Affairs does not oppose the land exchange;  
4 and  
5

6 WHEREAS, in order to comply with the requirements of  
7 section 171-50, Hawaii Revised Statutes, as amended, the  
8 Department of Land and Natural Resources, together with the  
9 Department of Education, is required to again introduce to the  
10 Legislature a resolution for review of action of the land  
11 exchange described herein, subject however, to approval by a  
12 majority vote of both houses of the Legislature; now, therefore,  
13

14 BE IT RESOLVED by the Senate of the Twenty-ninth  
15 Legislature of the State of Hawaii, Regular Session of 2017, the  
16 House of Representatives concurring, that the following land  
17 exchange, previously approved in principle by the Board of Land  
18 and Natural Resources at its meeting on August 10, 2001, under  
19 agenda item D-8, previously approved by the Board of Land and  
20 Natural Resources at its meeting on August 8, 2003, under agenda  
21 item D-5, and previously submitted to the Twenty-second  
22 Legislature of the State of Hawaii, Regular Session of 2004, for  
23 review of action taken by the Board of Land and Natural  
24 Resources on a land exchange; and previously adopted by the  
25 Twenty-second Legislature of the State of Hawaii, Regular  
26 Session of 2004, by way of S.C.R. No. 5, is hereby reviewed and  
27 approved by the Legislature:  
28

29 LAND EXCHANGE BETWEEN STATE OF HAWAII AND PARKER LAND TRUST  
30

31 (1) The state land identified as Tax Map Key: (3) 6-7-  
32 2:portion 15 and having a land area of approximately  
33 0.780 acre, being located at Waikoloa and Puukapu,  
34 Waimea, South Kohala, Island of Hawaii, Hawaii; and  
35

36 The private land identified as Tax Map Key: (3) 6-7-  
37 8:portion 93, being formerly referred to as Tax Map  
38 Key (3)6-7-2:portion 17, and having a land area of  
39 approximately 5.445 acres, being located at Waikoloa  
40 and Puukapu, Waimea, South Kohala, Island of Hawaii,  
41 Hawaii;  
42



- 1 (2) The value of the state land was estimated at \$71,700,  
2 as of August 10, 2001; and  
3  
4 The value of the private land was estimated at  
5 \$366,400, as of August 10, 2001;  
6  
7 (3) The state land and the private land were appraised by  
8 George Hao & Associates;  
9  
10 (4) The date of the appraisal report for the state land  
11 and the private land was January 10, 2003, with  
12 effective dates of value being August 10, 2001;  
13  
14 (5) At its meeting of August 8, 2003, under agenda item D-  
15 5, the Board of Land and Natural Resources approved  
16 the public purpose of the proposed exchange to be for  
17 the addition to Waimea Elementary and Intermediate  
18 School;  
19  
20 (6) The approximate 0.780 acre of state land identified as  
21 part of this proposed exchange is vacant and currently  
22 set aside to the Department of Education under  
23 Executive Order 3454. Upon completion of the proposed  
24 exchange, the State's interest in the 0.780-acre site  
25 will be conveyed to Parker Land Trust. Subsequently,  
26 the conveyed lands will be developed pursuant to the  
27 Waimea Town Center Master Plan allowing for the  
28 realignment of Lindsey Road and improved access and  
29 utility service; and  
30  
31 The approximate 5.445 acres of private land identified  
32 as part of the proposed exchange is currently vacant.  
33 Upon completion of this proposed exchange, the 5.445-  
34 acre site will be set aside to the Department of  
35 Education for addition to the Waimea Elementary and  
36 Intermediate School;  
37  
38 (7) The approximate 0.780-acre state land is ceded land  
39 pursuant to Section 5(b) of the Admission Act of 1959,  
40 hereinafter the "Admissions Act". Said land was a  
41 portion of land acquired by the State of Hawaii by  
42 Exchange Deed and Agreement to Exchange dated



1 December 29, 1988, between the State of Hawaii and  
2 Richard Smart, Warren J. Gunderson, Richard S.  
3 Hendrick, and Gilliard P. Smart, Trustees of the  
4 Richard Smart Revocable Personal Trust ("Richard Smart  
5 Trust"), hereinafter the "1988 Exchange". Pursuant to  
6 the 1988 Exchange and Land Patent Grant No. S-15,696,  
7 the State of Hawaii Conveyed to the Richard Smart  
8 Trust six parcels of land comprising approximately  
9 12.98 acres situated at Lalamilo, Waimea, South  
10 Kohala, Hawaii, being described as follows:

- 11
- 12 (A) Being a portion of the land of Lalamilo, an Ili  
13 of the Government (Crown) land of Waimea,  
14 identified as Parcel 1 and containing an area of  
15 1.969 acres, more or less. Being further  
16 described and delineated on C.S.F. No. 20,701,  
17 dated February 24, 1988;
- 18
- 19 (B) Being a portion of the land of Lalamilo, an Ili  
20 of the Government (Crown) land of Waimea,  
21 identified as Parcel 2 and containing an area of  
22 8.411 acres, more or less. Being further  
23 described and delineated on C.S.F. No. 20,702,  
24 dated February 24, 1988;
- 25
- 26 (C) Being a portion of the Government (Crown) land of  
27 Waimea, identified as Parcel A, and containing an  
28 area of 0.207 acre, more or less. Being further  
29 described and delineated on C.S.F. No. 17,042,  
30 dated February 21, 1974;
- 31
- 32 (D) Being a portion of the Government (Crown) land of  
33 Waimea, identified as Parcel B, Government  
34 Remnant, and containing an area of 0.643 acre,  
35 more or less. Being further described and  
36 delineated respectively on C.S.F. No. 17,043,  
37 dated February 21, 1974, and C.S.F. No. 17,042 to  
38 C.S.F. No. 17044, and dated February 21, 1974;
- 39
- 40 (E) Being a portion of the Government (Crown) land of  
41 Waimea, identified as Parcel C, Government  
42 Remnant, containing an area of 0.256 acre, more



1 or less. Being further described and delineated  
2 on C.S.F. No. 17,044, dated February 21, 1974;  
3 and

4  
5 (F) Being a portion of Lalamilo, an Ili of the  
6 Government (Crown) land of Waimea, identified as  
7 Parcel 3, containing an area of 1.020 acres, more  
8 or less. Being further described and delineated  
9 on C.S.F. No. 20,844, dated September 30, 1988;

10  
11 Whereas, the above cited six parcels, which were  
12 conveyed to the Richard Smart Trust as part of the  
13 1988 Exchange, were classified as ceded lands pursuant  
14 to Section 5(b) of the Admissions Act, the former  
15 Richard Smart Trust lands conveyed to the State in the  
16 1988 Exchange, including the 0.780 acre of state land  
17 being conveyed to Parker Land Trust in this proposed  
18 exchange, are now classified as ceded lands pursuant  
19 to Section 5(b) of the Admissions Act; and

20  
21 BE IT FURTHER RESOLVED that upon consummation of the  
22 proposed exchange, the 5.445 acres of land to be conveyed to the  
23 State of Hawaii as part of this proposed exchange shall be  
24 classified as ceded lands pursuant to Section 5(b) of the  
25 Admissions Act; and

26  
27 BE IT FURTHER RESOLVED that a certified copy of this  
28 Concurrent Resolution be transmitted to the Chairperson of the  
29 Board of Land and Natural Resources.  
30

