

ACT 295

S.B. NO. 608

A Bill for an Act Relating to Public Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is in the public interest to enter into a land exchange with Campbell Estate involving lands in Kapolei, Oahu.

Certain land in Kapolei was deeded by Campbell Estate to the State in 1994. However, since that land exchange, the site of the proposed University of Hawaii West Oahu campus has been located to a much larger area of land presently owned by Campbell Estate above the H-1 freeway.

The land deeded to the State in 1994 is approximately 183 acres in size and is identified as portions of Tax Map Key (TMK) Nos. (1)9-1-17:71 and (1)9-1-17:72. It is in the public interest for the State to exchange this parcel for other land of equal or greater area and equivalent value in Kapolei now owned by Campbell Estate, which is closer to the H-1 freeway and the proposed University of Hawaii West Oahu campus.

This exchange would be consistent with the concept of a secondary urban center at Kapolei, because the State would acquire lands with better access to the H-1 freeway, Farrington Highway, and proposed major road improvements in the Kapolei area.

SECTION 2. Notwithstanding the provisions of section 171-50(b), Hawaii Revised Statutes, the legislature approves the land exchange involving public lands in Kapolei, more particularly identified as portions of TMK Nos. (1)9-1-17:71 and (1)9-1-17:72, for private lands also located in Kapolei, Oahu, including, but not limited to, portions of TMK Nos. (1)9-1-17:04, (1)9-1-16:08, and (1)9-1-18:01, provided that:

- (1) The public land shall be of substantially equal fair market value to that of the private land;
- (2) The fair market value of the private land and the public land shall be separately determined by a disinterested qualified appraiser or appraisers, and the cost for this determination shall be borne equally between the owner of the private land and the board of land and natural resources;
- (3) The private land shall consist of, at a minimum, those parcels of land more particularly identified as portions of TMK Nos. (1)9-1-17:04, (1)9-1-16:08, and (1)9-1-18:01; provided that should the results of the appraisal of these parcels show that these parcels are of lesser fair market value than the public land, the private land shall include such other parcels of land as necessary to increase the valuation of the private land to that of the public land; and
- (4) No payment by the State shall be required should the value of the private land exceed the value of the public land, but any difference in value of the public land over the private land shall be paid to the State at the time of the exchange; provided that no exchange shall be made should the value of the public land exceed one hundred twenty per cent of the value of the private land.

SECTION 3. Notwithstanding the provisions of section 171-50(c), Hawaii Revised Statutes, the legislature approves the land exchange involving private lands at Kapolei, Oahu, owned by Campbell Estate, and public lands also located at

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Kapolei, Oahu; provided that an exchange deed is executed between the parties which contains the following:

- (1) The location and area of the parcels of land to be exchanged;
- (2) The value of the lands to be conveyed by the State and Campbell Estate;
- (3) The name or names of the appraisers involved; and
- (4) The date of the appraisal or appraisals which shall not be more than six months prior to the date of final approval of the exchange by the board of land and natural resources.

SECTION 4. This Act shall take effect upon its approval, and shall be repealed on June 30, 1997.

(Approved June 25, 1996.)