

MAR 13 2008

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATURE TO REVIEW THE ACTION OF THE BOARD OF  
LAND AND NATURAL RESOURCES RELATING TO A LAND EXCHANGE.

1           WHEREAS, section 171-50, Hawaii Revised Statutes, provides  
2 that land exchanges of public land for private land are subject  
3 to disapproval by the Legislature by two-thirds vote of either  
4 the Senate or the House of Representatives or by majority vote  
5 of both in any regular or special session; and  
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7           WHEREAS, Tiana Partners, a Hawaii general partnership and  
8 the Hawaiian Humane Society, a Hawaii nonprofit corporation, are  
9 tenants-in-common owners of land situate in Niu, Honolulu, Oahu,  
10 identified as Tax Map Keys: (1) 3-7-04:01 (Parcel 1),  
11 (2) 3-7-04:02 (Parcel 2), (3) 3-7-04:20 (Parcel 20), and (4)  
12 3-7-04:21 (Parcel 21); and  
13

14           WHEREAS, Tiana Partners owns an undivided interest of  
15 .479816032 in said lands; and  
16

17           WHEREAS, the Hawaiian Humane Society owns an undivided  
18 interest of .520183968 in said lands; and  
19

20           WHEREAS, the Hawaiian Humane Society acquired said interest  
21 from Elisabeth J. K. L. Lucas by deed documents dated  
22 December 28, 1976 and December 30, 1982, subject to the  
23 condition that the property be "used for the benefit of the  
24 public for the operation of an educational preserve for flora  
25 and fauna, to be made accessible as an educational preserve for  
26 the public under the control of the Hawaiian Humane Society, its  
27 successors and assigns, and, if not used, then to the State of  
28 Hawaii, its successors and assigns, for and as a public park.";  
29 and  
30

31           WHEREAS, this condition represents a springing executory  
32 interest in favor of the State of Hawaii with regard to the  
33 Hawaiian Humane Society's undivided .520183968 interest in said



1 land, that only would vest upon the Hawaiian Humane Society's  
2 failure to use said land as specified ("State's interest"); and  
3

4 WHEREAS, said lands are in a remote and steep area not  
5 conducive for use as a public park; and  
6

7 WHEREAS, the State of Hawaii, Department of Land and  
8 Natural Resources, Division of State Parks does not have the  
9 adequate resources to maintain said land as a park reserve; and  
10

11 WHEREAS, Parcel 2, which is a portion of said lands, is  
12 located within the Honolulu Watershed Forest Reserve as  
13 established by Governor's proclamation dated October 13, 1913,  
14 as amended by Governor's proclamation dated December 24, 1926;  
15 Honolulu Watershed Forest Reserve; and  
16

17 WHEREAS, lands abutting Parcel 2 along its easterly  
18 boundary are public lands also within the Honolulu Watershed  
19 Forest Reserve; and  
20

21 WHEREAS, the Department of Land and Natural Resources,  
22 Division of Forestry and Wildlife considers Parcel 2 to be a  
23 good addition to the public holdings within the Honolulu  
24 Watershed Forest Reserve for watershed protection and other  
25 public use purposes; and  
26

27 WHEREAS, Tiana Partners and Hawaiian Humane Society are  
28 proposing a land exchange pursuant to section 171-50, Hawaii  
29 Revised Statutes, whereby Tiana Partners and the Hawaiian Humane  
30 Society have agreed to allow the Hawaiian Humane Society to  
31 convey its interest in Parcels 1, 20, and 21 to Tiana Partners  
32 in exchange for cash and other consideration, subject to the  
33 State of Hawaii relinquishing its springing executory interest  
34 in the Hawaiian Humane Society's undivided .520183968 interest  
35 in said lands in exchange for Tiana Partners and the Hawaiian  
36 Human Society conveying a 100 per cent undivided fee simple  
37 interest in Parcel 2 to the State of Hawaii; and  
38

39 WHEREAS, at its meeting of December 8, 2006, under agenda  
40 item D-14, the Board of Land and Natural Resources approved in  
41 principle the proposed exchange involving the State's interest  
42 in Parcels 1, 2, 20, and 21; and  
43



1 WHEREAS, at its meeting of December 14, 2007, under agenda  
 2 item D-15, the Board of Land and Natural Resources approved to  
 3 amend its prior action to reflect the parties' intent to  
 4 exchange present and future interest in land in Parcels 1, 2,  
 5 20, and 21; and

6  
 7 WHEREAS, pursuant to section 171-50, Hawaii Revised  
 8 Statutes, "[a]ny exchange of public land for private land shall  
 9 be subject to disapproval by the Legislature by two-thirds vote  
 10 of either the Senate or the House of Representatives or by  
 11 majority vote of both in any regular or special session  
 12 following the date of the Board of Land and Natural Resources'  
 13 approval in principle of the exchange."; now, therefore,  
 14

15 BE IT RESOLVED by the Senate of the Twenty-fourth  
 16 Legislature of the State of Hawaii, Regular Session of 2008, the  
 17 House of Representatives concurring, that the following  
 18 exchange, approved by the Board of Land and Natural Resources,  
 19 be reviewed by the Legislature:  
 20

21 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY  
 22 AND STATE OF HAWAII

23  
 24 Statute: Section 171-50, Hawaii Revised Statutes, as  
 25 amended.

26  
 27 Purpose: Addition to the public holdings within the  
 28 Honolulu Watershed Forest Reserve

29  
 30 Date of Board Approval in Principle: December 8, 2006

31  
 32 Date of Board Approval of Amendment: December 14, 2007

33  
 34  
 35 I. TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY TO CONVEY  
 36 TO THE STATE OF HAWAII A 100% UNDIVIDED FEE SIMPLE  
 37 INTEREST IN:

<u>Location</u>	<u>Tax Map Key</u>	<u>Area</u>	<u>Appraised Value</u>
Niu, Oahu	(1) 3-7-04:02	±263.0 acres	\$710,000



1 II. THE STATE OF HAWAII TO CONVEY TO TIANA PARTNERS AND  
 2 HAWAIIAN HUMANE SOCIETY ITS SPRINGING EXECUTORY  
 3 INTEREST IN THE HAWAIIAN HUMANE SOCIETY'S UNDIVIDED  
 4 .520183968 INTEREST IN:

5	6	7	8	9
	<u>Location</u>	<u>Tax Map Key</u>	<u>Area</u>	<u>Appraised Value</u>
8	Niu,	(1) 3-7-04:01,		
9	Oahu	02, 20, and 21	±680.58 acres	\$67,000

10  
 11 III. NAME OF DISINTERESTED APPRAISERS WHO APPRAISED THE  
 12 PROPERTIES

13  
 14 Public Interest

15 Appraisal Hawaii Inc., pursuant to appraisal report dated  
 16 November 6, 2007, and amendment report dated February 14,  
 17 2008, both of which indicate the effective date of value as  
 18 being December 8, 2006.

19  
 20 Private Land

21 Appraisal Hawaii Inc., pursuant to appraisal report dated  
 22 November 6, 2007, and amended report dated February 14,  
 23 2008, both of which indicate the effective date of value as  
 24 being December 8, 2006; and

25  
 26 BE IT FURTHER RESOLVED that a certified copy of this  
 27 Concurrent Resolution be transmitted to the Chairperson of the  
 28 Board of Land and Natural Resources.

29  
 30  
 31 OFFERED BY: *Marcia J. Brown*

