

MAR 13 2008

SENATE 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
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14 WHEREAS, Tiana Partners owns an undivided interest of
15 .479816032 in said lands; and
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17 WHEREAS, the Hawaiian Humane Society owns an undivided
18 interest of .520183968 in said lands; and
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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
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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
34 land, that only would vest upon the Hawaiian Humane Society's
35 failure to use said land as specified ("State's interest"); and
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1 WHEREAS, said lands are in a remote and steep area not
2 conducive for use as a public park; and

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4 WHEREAS, the State of Hawaii, Department of Land and
5 Natural Resources, Division of State Parks does not have the
6 adequate resources to maintain said land as a park reserve; and

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

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14 WHEREAS, lands abutting Parcel 2 along its easterly
15 boundary are public lands also within the Honolulu Watershed
16 Forest Reserve; and

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

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

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

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41 WHEREAS, at its meeting of December 14, 2007, under agenda
42 item D-15, the Board of Land and Natural Resources approved to
43 amend its prior action to reflect the parties' intent to



1 exchange present and future interest in land in Parcels 1, 2,
2 20, and 21; and

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

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12 BE IT RESOLVED by the Senate of the Twenty-fourth
13 Legislature of the State of Hawaii, Regular Session of 2008,
14 that the following exchange, approved by the Board of Land and
15 Natural Resources, be reviewed by the Legislature:

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17 LAND EXCHANGE BETWEEN TIANA PARTNERS, HAWAIIAN HUMANE SOCIETY
18 AND STATE OF HAWAII

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20 Statute: Section 171-50, Hawaii Revised Statutes, as
21 amended.

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23 Purpose: Addition to the public holdings within the
24 Honolulu Watershed Forest Reserve

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26 Date of Board Approval in Principle: December 8, 2006

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28 Date of Board Approval of Amendment: December 14, 2007

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31 I. TIANA PARTNERS AND HAWAIIAN HUMANE SOCIETY TO CONVEY
32 TO THE STATE OF HAWAII A 100% UNDIVIDED FEE SIMPLE
33 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

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40 II. THE STATE OF HAWAII TO CONVEY TO TIANA PARTNERS AND
41 HAWAIIAN HUMANE SOCIETY ITS SPRINGING EXECUTORY
42 INTEREST IN THE HAWAIIAN HUMANE SOCIETY'S UNDIVIDED
43 .520183968 INTEREST IN:



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

III. NAME OF DISINTERESTED APPRAISERS WHO APPRAISED THE PROPERTIES

Public Interest

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

Private Land

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

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

OFFERED BY: *Francis R. Young*