HOUSE RESOLUTION

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

WHEREAS, as amended pursuant to Act 176, Session Laws of Hawaii 2009, section 171-50, Hawaii Revised Statutes, provides that any exchange of public land for private land shall be subject to disapproval by the Legislature, by two thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular or special session, and that a copy of the resolution shall be submitted to the Office of Hawaiian Affairs when it is submitted to the Legislature; and

WHEREAS, at its meetings on February 23, 2001, under agenda item D-4, and December 13, 2002, under agenda item D-58, the Board of Land and Natural Resources approved a land exchange between the State of Hawaii and the Boy Scouts of America. The proposed land exchange involved ceded lands leased to Boy Scouts of America, including Tax Map Keys: (1) 5-9-05:02 and 77; (3) 4-6-11:40; and (4) 1-4-01:15, and private lands identified as tax map keys: (1) 9-4-166:24, 25, and 26; and

WHEREAS, pursuant to section 171-50(c), Hawaii Revised Statutes, concurrent resolutions, identified as S.C.R. No. 127 and H.C.R. No. 33, Regular Session of 2003, were submitted to the Legislature for review and identified the public purpose for the exchange, the independent appraiser, and the determined fair market values for the above cited properties involved in the exchange, including tax map key (1) 5-9-05:77; and

WHEREAS, on April 22, 2003, the Governor approved H.B. No. 83 H.D. 1, entitled "Relating to a Land Exchange between the State of Hawaii and the Aloha Council Boy Scouts of America", enacted as Act 27, Session Laws of Hawaii 2003, authorizing the exchange of private lands in Waikiki, Oahu, for public lands located on the islands of Oahu, Kauai, and Hawaii; and
WHEREAS, Act 27, Session Laws of Hawaii 2003, cited all the foregoing cited properties involved in the land exchange as approved by the Board of Land and Natural Resources, including land identified as tax map key (1) 5-9-05:77; and

WHEREAS, pursuant to section 171-50, Hawaii Revised Statutes, public notice of the proposed land exchange was published in various newspapers on February 14, 2003; however, a correction was published in the same newspapers on June 19, 2003; and

WHEREAS, the public notices cited all the foregoing cited properties involved in the land exchange, including land identified as tax map key (1) 5-9-05:77; and

WHEREAS, final documentation of the approved land exchange was reviewed and approved by the Department of the Attorney General, executed by all appropriate parties, and recorded in the Bureau of Conveyances on April 8, 2004; and

WHEREAS, despite the inclusion of tax map key (1) 5-9-05:77 in the Board of Land and Natural Resources' approval, independent appraisal, concurrent resolutions, Act 27, Session Laws of Hawaii 2003, and the public notice of the land exchange, tax map key (1) 5-9-05:77 was inadvertently omitted from the recorded conveyance documents pertaining to the approved land exchange; and

WHEREAS, both the Department of Land and Natural Resources and the Aloha Council Boy Scouts of America now wish to correct the inadvertent omission of tax map key (1) 5-9-05:77 from the 2004 recorded conveyance documents and convey the parcel to the Aloha Council Boy Scouts of America by way of amending the 2004 conveyance documents or entering into new conveyance documents, so that the documents are consistent with the original intent and all approvals of the land exchange; and

WHEREAS, in light of the above cited Board of Land and Natural Resources' approval, independent appraisal, concurrent resolutions, Act 27, Session Laws of Hawaii 2003, and the public notice of the land exchange, the Department of Land and Natural Resources and the Aloha Council Boy Scouts of America do not believe that compliance with Act 176, Session Laws of Hawaii 2009, is required to correct the inadvertent omission of tax map
BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the land exchange between the Aloha Council Boy Scouts of America and the State of Hawaii, which was previously approved by the Board of Land and Natural Resources, the House of Representatives, the Senate, and the Governor pursuant to section 171-50, Hawaii Revised Statutes, be again reviewed by the Legislature, pursuant to section 171-50, Hawaii Revised Statutes, as amended by Act 176, Session Laws of Hawaii 2009, only with respect to conveyance of tax map key (1) 5-9-05:05-7 to Aloha Council Boy Scouts of America to correct the inadvertent omission of the parcel from the 2004 recorded conveyance documents; and

BE IT FURTHER RESOLVED that pursuant to section 171-50, Hawaii Revised Statutes, as amended, the land exchange between the Aloha Council Boy Scouts of America and the State of Hawaii, as approved by the Board of Land and Natural Resources and authorized by Act 27, Session Laws of Hawaii 2003, Relating to a Land Exchange Between the State of Hawaii and the Aloha Council Boy Scouts of America, the following information is provided:

(1) Location and area of the parcels of land;

(A) Public lands;

(i) Camp Pupukea - Pupukea, Oahu

Tax Map Key (1) 5-9-005:002 - 56.962 acres

Tax Map Key (1) 5-9-005:077 - 7.838 acres

(ii) Camp Honokaia - Honokaia, Hawaii

Tax Map Key (3) 4-6-011:040 - 238 acres

(iii) Camp Alan Faye - Alan Faye, Kauai
(B) Private lands - Waiekele, Oahu:

(C)

(i) Tax Map Key (1) 9-4-166:024 - 0.391 acre

(ii) Tax Map Key (1) 9-4-166:025 - 0.382 acre

(iii) Tax Map Key (1) 9-4-166:026 - 0.367 acre

(2) Value of the lands:

(A) Public land - $1,150,000

(i) Camp Pupukea - $700,000

(ii) Camp Honokaia - $319,000

(iii) Camp Alan Faye - $131,000

(B) Private land - $1,209,000

(i) Tax Map Key (1) 9-4-166:024 - $414,000

(ii) Tax Map Key (1) 9-4-166:025 - $405,000

(iii) Tax Map Key (1) 9-4-166:026 - $390,000

(3) Name or names of the appraiser or appraisers:

(A) Public land - Robert J. Vernon, MAI, CRE

(John Child & Company)

(B) Private land - James E. Hallstrom, Jr., MAI, CRE

Brian S. Goto, MAI, SRA

(The Hallstrom Group, Inc.)

(4) The date of the appraisal valuation:

(A) Public land - December 23, 2002
(B) Private land - October 11, 2002

(5) Purpose for the exchange - Generation of revenues for public land trust purposes as previously approved by the board of land and natural resources and Act 27, 2003; and

BE IT FURTHER RESOLVED that a copy of this Resolution has been submitted to the Office of the Hawaiian Affairs.

OFFERED BY: [Signature]

MAR 10 2010