

FEB 12 2010

SENATE CONCURRENT 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.

1 WHEREAS, pursuant to Act 176, 2009, section 171-50, Hawaii
2 Revised Statutes, was amended to provide that any exchange of
3 public land for private land shall be subject to disapproval by
4 the Legislature by two thirds vote of either the Senate or the
5 House of Representatives or by majority vote of both in any
6 regular or special session, and that a copy of the resolution
7 shall be submitted to the Office of Hawaiian Affairs when it is
8 submitted to the Legislature; and
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10 WHEREAS, at its meetings on February 23, 2001, under agenda
11 item D-4, December 13, 2002, under agenda item D-58, and
12 July 25, 2003, under agenda item , the board of land and
13 natural resources approved a land exchange between the State of
14 Hawaii and the Boy Scouts of America (BSA). The proposed land
15 exchange involved the transfer of ceded lands leased to BSA,
16 including Tax Map Keys: (1) 5-9-05:02 and 77; (3) 4-6-11:40; and
17 (4) 1-4-01:15, and private lands identified as tax map keys:
18 (1) 9-4-166:24, 25, and 26; and
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20 WHEREAS, pursuant to section 171-50(c), Hawaii Revised
21 Statutes, concurrent resolutions, identified as S.C.R. No. 127
22 and H.C.R. No. 33, were submitted to the Legislature for review
23 during the 2003 Regular Session of the Twenty-Second
24 Legislature. The concurrent resolutions identified the public
25 purpose for the exchange, the independent appraiser, and the
26 determined fair market values for the above cited properties
27 involved in the exchange, including tax map key (1) 5-9-05:77;
28 and
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30 WHEREAS, on April 22, 2003, the Governor of the State of
31 Hawaii approved H.B. No. 83 H.D. 1, Relating to a Land Exchange
32 between the State of Hawaii and the Aloha Council Boy Scouts of
33 America, codified as Act 27, 2003, authorizing the exchange of



1 private lands in Waikele, Oahu, for public lands located on the
2 islands of Oahu, Kauai, and Hawaii; and
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4 WHEREAS, Act 27, 2003, Relating to a Land Exchange Between
5 the State of Hawaii and the Aloha Council Boy Scouts of America,
6 cited all the above cited properties involved in the land
7 exchange as approved by the Board of Land and Natural Resources,
8 including land identified as tax map key (1) 5-9-05:77; and
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10 WHEREAS, pursuant to section 171-50, Hawaii Revised
11 Statutes, public notice of the proposed land exchange was
12 published in various newspapers on February 14, 2003, a
13 correction of which was published in the same newspapers on
14 June 19, 2003; and
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16 WHEREAS, the public notices cited all the above cited
17 properties involved in the land exchange, including land
18 identified as tax map key (1) 5-9-05:77; and
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20 WHEREAS, final documentation of the approved land exchange
21 was reviewed and approved by the Department of the Attorney
22 General, executed by all appropriate parties, and recorded in
23 the Bureau of Conveyances on April 8, 2004; and
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25 WHEREAS, despite the inclusion of tax map key (1) 5-9-05:77
26 in the above cited Board of Land and Natural Resources approval,
27 independent appraisal, concurrent resolutions, Act 27, 2003, and
28 the public notice of the land exchange, tax map key
29 (1) 5-9-05:77 was inadvertently omitted from the recorded
30 conveyance documents pertaining to the approved land exchange;
31 and
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33 WHEREAS, both the State of Hawaii, Department of Land and
34 Natural Resources and the Aloha Council Boy Scouts of America
35 now wish to correct the inadvertent omission of tax map key
36 (1) 5-9-05:77 from the 2004 recorded conveyance documents and
37 convey said parcel to the Aloha Council Boy Scouts of America by
38 way of amending the 2004 conveyance documents or entering into
39 new conveyance documents, such that the documents are consistent
40 with the original intent and all approvals of the land exchange;
41 and
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43 WHEREAS, in light of the above cited Board of Land and
44 Natural Resources approval, independent appraisal, concurrent



1 resolutions, Act 27, 2003, and the public notice of the land
2 exchange, the State of Hawaii, Department of Land and Natural
3 Resources and the Aloha Council Boy Scouts of America do not
4 believe that compliance with Act 176, 2009 is required to
5 correct the inadvertent omission of tax map key (1) 5-9-05:77
6 from the 2004 recorded conveyance documents; however, the
7 parties wish to comply with Act 176, 2009 out of an abundance of
8 caution; now, therefore,
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10 BE IT RESOLVED by the Senate of the Twenty-fifth
11 Legislature of the State of Hawaii, Regular Session of 2010, the
12 House of Representatives concurring, that as a result of the
13 proposed correction to executed documents, the foregoing land
14 exchange, which was previously approved by the Board of Land and
15 Natural Resources, the House of Representatives, the Senate and
16 the Governor pursuant to section 171-50, Hawaii Revised
17 Statutes, be again approved by the Legislature pursuant to
18 section 171-50(c), Hawaii Revised Statutes, as amended by
19 Act 176, Session Laws of Hawaii 2009, only with respect to
20 conveyance of tax map key (1) 5-9-05:77 to Aloha Council Boy
21 Scouts of America to correct the inadvertent omission of said
22 parcel from the 2004 recorded conveyance documents; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to Aloha Council Boy Scouts
26 of America, the Department of Land and Natural Resources, and
27 the Office of Hawaiian Affairs.
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OFFERED BY:

Shianne Chun Oakland