
A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. (a) Notwithstanding any other law to the
2 contrary, the fee simple interest to the following parcels of
3 land with the existing improvements thereon (hereinafter "the
4 properties") (but not including submerged land, accreted land,
5 or any land makai of the shoreline), shall be conveyed by the
6 city and county of Honolulu to the department of land and
7 natural resources as grantee, as of July 1, 2018, as is, where
8 is:

- 9 (1) TMK 1-4-4-3-16 (Aikahi Elementary);
- 10 (2) TMK 1-4-5-16-1 (Ben Parker Elementary);
- 11 (3) TMK 1-4-5-34-14 (Castle High);
- 12 (4) TMK 1-4-2-2-37 (portion) (Enchanted Lake Elementary);
- 13 (5) TMK 1-4-6-31-20 (Heeia Elementary);
- 14 (6) TMK 1-4-7-12-24 (portion) (Kahaluu Elementary);
- 15 (7) TMKs 1-5-6-6-9, 1-5-6-6-10, and 1-5-6-6-25 (Kahuku
16 High and Elementary);
- 17 (8) TMK 1-4-3-56-9 (portion) (Kailua Elementary);



- 1 (9) TMK 1-4-3-56-9 (portion) (Kailua Intermediate);
- 2 (10) TMK 1-4-3-76-15 (Kainalu Elementary);
- 3 (11) TMK 1-4-4-34-24 (Kalaheo High);
- 4 (12) TMK 1-4-5-103-11 (Kaneohe Elementary);
- 5 (13) TMK 1-4-5-78-14 (portion) (Kapunahala Elementary);
- 6 (14) TMK 1-4-2-92-1 (portion) (Keolu Elementary);
- 7 (15) TMK 1-4-6-4-2 (King Intermediate);
- 8 (16) TMK 1-5-5-15-23 (Laie Elementary);
- 9 (17) TMK 1-4-2-55-12 (Lanikai Elementary);
- 10 (18) TMK 1-4-2-43-2 (portion) (Maunawili Elementary);
- 11 (19) TMK 1-4-5-30-38 (portion) (Puohala Elementary);
- 12 (20) TMKs 1-4-8-9-9, 1-4-8-9-11 (Waiahole Elementary);
- 13 (21) TMK 1-9-4-59-73 (August Ahrens Elementary);
- 14 (22) TMK 1-9-1-1-2 (portion) (Campbell High);
- 15 (23) TMK 1-9-1-115-13 (Ewa Beach Elementary);
- 16 (24) TMK 1-9-1-17-37 (Ewa Elementary);
- 17 (25) TMK 1-9-7-36-124 (Highlands Intermediate);
- 18 (26) TMK 1-9-1-1-2 (portion) (Ilima Intermediate);
- 19 (27) TMK 1-9-1-1-3 (Iroquois Point Elementary);
- 20 (28) TMK 1-9-7-17-2 (portion) (Lehua Elementary);
- 21 (29) TMK 1-8-7-4-42 (portion) (Maili Elementary);



- 1 (30) TMK 1-8-4-25-10 (Makaha Elementary);
- 2 (31) TMK 1-9-7-93-16 (portion) (Palisades Elementary);
- 3 (32) TMK 1-9-7-24-2 (Pearl City Elementary);
- 4 (33) TMK 1-9-7-36-122 (Pearl City Highlands Elementary);
- 5 (34) TMK 1-9-1-1-2 (portion) (Pohakea Elementary);
- 6 (35) TMK 1-8-5-1-67 (Waianae Elementary);
- 7 (36) TMK 1-8-5-15-1 (Waianae High);
- 8 (37) TMK 1-9-4-10-98, 1-9-4-29-1 (Waipahu Elementary);
- 9 (38) TMK 1-9-4-8-20 (Waipahu High);
- 10 (39) TMK 1-9-4-1-29 (portion) (Waipahu Intermediate);
- 11 (40) TMK 1-9-8-31-17 (Aiea High);
- 12 (41) TMK 1-1-1-10-33 (portion) (Aliamanu Elementary);
- 13 (42) TMK 1-1-1-10-33 (portion) (Aliamanu Intermediate);
- 14 (43) TMKs 1-9-8-29-2, 1-9-8-29-29 (Alvah Scott Elementary);
- 15 (44) TMKs 1-6-6-13-11, 1-6-6-13-13, 1-6-6-14-15 (Haleiwa
16 Elementary);
- 17 (45) TMK 1-7-1-2-17 (Helemano Elementary);
- 18 (46) TMK 1-7-5-27-2 (portion) (Iliahi Elementary);
- 19 (47) TMK 1-7-3-19-13 (Kaala Elementary);
- 20 (48) TMK 1-9-5-21-2 (portion) (Kipapa Elementary);
- 21 (49) TMK 1-7-4-18-1 (Leilehua High);



- 1 (50) TMK 1-1-1-34-42 (Moanalua Elementary);
- 2 (51) TMK 1-1-1-9-5 (portion) (Moanalua Intermediate);
- 3 (52) TMK 1-1-1-2-6 (Nimitz Elementary);
- 4 (53) TMK 1-1-1-10-27 (Pearl Harbor Elementary);
- 5 (54) TMK 1-9-9-2-23 (Radford High);
- 6 (55) TMKs 1-7-1-2-8, 1-7-5-5-7, 1-7-5-5-3 (Wahiawa
7 Elementary);
- 8 (56) TMK 1-6-7-1-10 (Waialua Elementary);
- 9 (57) TMK 1-6-7-2-10 (Waialua High and Intermediate);
- 10 (58) TMK 1-9-8-8-7 (portion) (Waimalu Elementary);
- 11 (59) TMK 1-3-6-11-9 (portion) (Aina Haina Elementary);
- 12 (60) TMKs 3-4-004-006, 3-4-004-007 (Anuenue Elementary);
- 13 (61) TMKs 2-1-005-001 (portion), 2-1-009-002, 2-1-009-003
14 (Central Intermediate);
- 15 (62) TMKs 1-3-024-005, 1-3-024-004 (portion) (Dole
16 Intermediate);
- 17 (63) TMKs 1-6-003-048, 1-6-021-005 (Farrington High);
- 18 (64) TMKs 1-3-001-023, 1-3-001-017 (portion) (Fern
19 Elementary);
- 20 (65) TMK 3-9-038-001 (portion) (Hahaione Elementary);
- 21 (66) TMKs 2-8-029-010, 2-8-029-011 (Hokulani Elementary);



- 1 (67) TMK 2-4-012-002 (Kaahumanu Elementary);
- 2 (68) TMKs 1-3-024-001, 1-3-024-002 (Kaewai Elementary);
- 3 (69) TMK 3-5-011-027 (Kahala Elementary);
- 4 (70) TMK 2-7-024-001 (Kaimuki High);
- 5 (71) TMK 3-2-059-002 (Kaimuki Intermediate);
- 6 (72) TMK 3-9-005-027 (Kaiser High);
- 7 (73) TMKs 1-5-024-040, 1-5-025-002 (portion) (Kalakaua
- 8 Intermediate);
- 9 (74) TMK 3-5-020-004 (Kalani High);
- 10 (75) TMK 1-4-007-002 (portion) (Kalihi Elementary);
- 11 (76) TMK 1-5-025-002 (portion) (Kalihi-Kai Elementary);
- 12 (77) TMKs 1-3-035-001 (portion), 1-3-036-079 (Kalihi-Uka
- 13 Elementary);
- 14 (78) TMK 3-9-005-061 (Kamiloiki Elementary);
- 15 (79) TMK 1-6-026-022 (Kapalama Elementary);
- 16 (80) TMK 1-7-023-042 (Kauluwela Elementary);
- 17 (81) TMK 2-2-009-011 (Kawananakoa Intermediate);
- 18 (82) TMK 3-9-022-037 (Koko Head Elementary);
- 19 (83) TMKs 2-7-017-030, 2-7-027-010 (portion) (Kuhio
- 20 Elementary);
- 21 (84) TMK 3-2-021-035 (Liholiho Elementary);



- 1 (85) TMKs 1-6-008-016, 1-6-008-022, 1-6-008-024, 1-6-008-
- 2 038, 1-6-008-058 (Likelike Elementary);
- 3 (86) TMK 1-3-039-005 (Linapuni Elementary);
- 4 (87) TMKs 2-3-030-055, 2-3-030-056 (Lunalilo Elementary);
- 5 (88) TMK 2-9-036-003 (portion) (Manoa Elementary);
- 6 (89) TMK 3-7-003-010 (portion) (Niu Valley Intermediate);
- 7 (90) TMK 2-9-023-023 (Noelani Elementary);
- 8 (91) TMK 2-2-043-011 (Nuuanu Elementary);
- 9 (92) TMK 3-4-002-001 (Palolo Elementary);
- 10 (93) TMK 2-2-016-020 (portion) (Pauoa Elementary);
- 11 (94) TMK 1-2-008-001 (Puuhale Elementary);
- 12 (95) TMK 3-2-045-003 (Waialae Elementary);
- 13 (96) TMK 3-1-025-001 (portion) (Waikiki Elementary);
- 14 (97) TMK 2-3-026-001 (Washington Intermediate); and
- 15 (98) TMK 3-5-017-012 (portion) (Wilson Elementary).
- 16 (b) The city and county of Honolulu shall:
- 17 (1) Prepare and execute deeds warranting title only, and
- 18 such other instruments appropriate and necessary to
- 19 convey fee title and interest to the above-listed
- 20 parcels with all existing improvements, to the



1 department of land and natural resources, as grantee;
2 and

3 (2) Record the deeds and such other instruments within a
4 reasonable period of time after the effective date of
5 this Act, in the land court or bureau of conveyances,
6 as appropriate.

7 (c) The aforesaid executed deeds and other instruments
8 shall be delivered to the office of the chairperson of the board
9 of land and natural resources by the city and county of Honolulu
10 no later than thirty days after they are recorded. As these are
11 conveyances in which the city and county of Honolulu and the
12 State and its agencies are the only parties, the tax imposed by
13 section 247-1, Hawaii Revised Statutes, shall not apply to them.

14 (d) For purposes of this section and this Act, "as is,
15 where is" means that the department of land and natural
16 resources is accepting the properties in their existing
17 condition as of March 1, 2018, the close of the department's
18 period for due diligence, without representations or warranties
19 of any kind or nature.

20 (e) Except as set forth in the aforesaid deeds, the city
21 and county of Honolulu makes no warranty or representation of



1 any kind or nature, either express or implied, or arising by
2 operation of law, including any warranty of quantity, quality,
3 condition, habitability, reliability, merchantability,
4 workmanlike construction, suitability or fitness for a
5 particular purpose, about the parcels of real property described
6 in this section, any building or other improvement located on
7 those parcels of land, any environmental contamination or
8 conditions of those parcels of land, and the soil conditions
9 related to those parcels of land.

10 (f) The department of land and natural resources shall
11 complete all due diligence investigations of the parcels
12 necessary to satisfy itself as to the physical, environmental,
13 economic and legal conditions relating to the parcels of land,
14 and shall rely solely on the information it secured from its due
15 diligence, and not on any information provided by or on behalf
16 of the city and county of Honolulu, to determine whether it
17 wishes to accept and acquire title to those parcels of land.

18 (g) All claims and liabilities against the city and county
19 of Honolulu, if any, which the department of land and natural
20 resources has, may have had, or may have in the future,
21 regarding any injury, loss, cost, damage or liability, including



1 reasonable attorney's fees, concerning the physical,
2 environmental, soil, economic and legal conditions of the
3 properties, are released, waived and extinguished.

4 (h) The properties conveyed shall be and remain subject to
5 all encumbrances (whether or not of record), the rights of
6 tenants, leases, contracts, agreements, permits, easements,
7 profits, licenses, rights-of-way or other instruments applicable
8 to any of the properties effective or ongoing on the effective
9 date of this Act unless they expire or are terminated pursuant
10 to their respective terms. These rights and encumbrances shall
11 be set forth in the deeds conveying the properties to the
12 department of land and natural resources or set forth in a
13 license or similar agreement, a memorandum of which may be
14 recorded concurrently with the deeds conveying the properties to
15 the office. Effective July 1, 2018, every reference to the
16 present titleholder or the head of the department or agency in
17 each instrument, if the titleholder is a department or an
18 agency, shall be construed as a reference to the department of
19 land and natural resources.

20 (i) The properties shall be subject to all laws, except as
21 otherwise provided in this Act, provided that the city and



1 county of Honolulu may acquire by condemnation, pursuant to
2 chapter 101, Hawaii Revised Statutes, easements, rights-of-way,
3 rights of entry, or other rights of access in favor of lands
4 adjoining the properties conveyed that are under the control and
5 management of public agencies; provided that the department of
6 land and natural resources is paid just compensation for the
7 same. The department of land and natural resources shall
8 administer the properties in accordance with its duties under
9 the Hawaii constitution and as provided by law.

10 (j) The instruments of conveyance executed and recorded
11 pursuant to this Act shall specify that the department of land
12 and natural resources and any successor owner of any of the
13 properties shall cooperate with the city and county of Honolulu
14 and its agencies to designate and grant the access rights and
15 easements to the city and county of Honolulu or its agencies as
16 may be reasonably necessary for the benefit and use of
17 properties owned by the city and county of Honolulu or its
18 agencies and which are adjacent to one or more of the
19 properties. Each of the instruments creating those access
20 rights or granting those easements shall provide that the
21 department of land and natural resources, or any successor owner



1 of the servient property, shall have the right to reasonably
2 relocate any access areas or easements so granted. The cost of
3 initially identifying access areas or designating and granting
4 any easements shall be paid by the city and county of Honolulu.
5 The cost of relocating any access areas or easements shall be
6 paid by the department of land and natural resources or any
7 successor owner, as the case may be. Each of the instruments
8 creating access rights or granting easements also shall provide
9 that the city and county of Honolulu and its agencies shall be
10 responsible for only a reasonable share of the cost of
11 maintaining any access areas and easement areas, as the case may
12 be, and that the department of land and natural resources, its
13 tenants, licensees, concessionaires, successors, and assigns
14 shall not be liable for injuries or damages arising from the use
15 of those access areas or easement areas and caused by the acts
16 or omissions of the city and county of Honolulu, its agencies or
17 employees, or their invitees.

18 SECTION 2. This Act shall take effect on July 1, 2051.



Report Title:

Public Schools; Property; Title; Transfer

Description:

Requires the City and County of Honolulu to transfer to the Department of Land and Natural Resources all property upon which a public school is situated. (HB116 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

