SENATE CONCURRENT RESOLUTION

APPROVING ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE.

WHEREAS, at its meeting of August 10, 2001, under agenda item D-8, the Board of Land and Natural Resources approved, in principle, the land exchange between the State of Hawaii and Parker Land Trust, formerly the Parker Ranch Land Trust, for state-owned land at Waimea, Hawaii, Tax Map Key: (3) 6-7-2:portion 15, and privately owned land at Waimea, Hawaii, Tax Map Key: (3) 6-7-2:portion 17; and

WHEREAS, at its meeting of August 8, 2003, under agenda item D-5, the Board of Land and Natural Resources approved the aforementioned land exchange between the State of Hawaii and Parker Land Trust; and

WHEREAS, the public purpose for the exchange, as approved, is for the addition of land to Waimea Elementary and Intermediate School; and

WHEREAS, prior to being amended by Act 146, Regular Session of Hawaii 2014, section 171-50, Hawaii Revised Statutes, provided that land exchanges of public land for private land are subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by a majority vote of both in any regular or special session; and

WHEREAS, pursuant to section 171-50, Hawaii Revised Statutes, in effect at the time, concurrent resolutions identified as H.C.R. No. 10 and S.C.R. No. 5, were submitted to the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, for review of action taken by the Board of Land and Natural Resources on a land exchange; and
WHEREAS, S.C.R. No. 5 was adopted by the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004; and

WHEREAS, pursuant to Act 169, Session Laws of Hawaii 2011, section 171-50(c), Hawaii Revised Statutes, provides that a copy of the draft resolution shall also be submitted to the Office of Hawaiian Affairs at least three months prior to the convening of a regular or special session of the Legislature to allow the Office of Hawaiian Affairs to determine whether the state-owned land was classified as government or crown lands previous to August 15, 1895, or was acquired by the State in exchange for such lands; and

WHEREAS, pursuant to Act 169, Session Laws of Hawaii 2011, section 171-50(c), Hawaii Revised Statutes, provides that the state department or agency shall submit for introduction to the Legislature a resolution for review of action on any exchange to be consummated by the Board of Land and Natural Resources wherein exchange deeds will be executed by the parties, together with the following information:

(1) The specific location and size in square feet or in other precise measure of the parcels of land to be exchanged;

(2) The value of the lands to be conveyed by the State and the private party;

(3) The name or names of the appraiser or appraisers;

(4) The date of the appraisal valuation;

(5) The purpose for which the lands are being exchanged;

(6) A detailed summary of any development plans for the land to be exchanged; and

(7) A statement of whether the land is, or is not, land that was classed as government or crown lands previous to August 15, 1895, or was acquired by the State in exchange for such lands, and a detailed explanation of
how the state department or agency made this
determination; and

WHEREAS, in 2012, the County of Hawaii approved the
subdivision of certain lands at Waimea, resulting in part of the
privately owned land previously identified as Tax Map Key: (3)6-7-2:portion 17, which was approved as part of this exchange, to
be re-designated by County of Hawaii, and currently identified
as Tax Map Key: (3)6-7-8:portion 93, having an area of
approximately 5.445 acres, which shall be exchanged for the
state-owned lands currently referred to as Tax Map Key: (3) 6-7-2:portion of 15, having an area of 0.780 acre; and

WHEREAS, pursuant to Act 146, Session Laws of Hawaii 2014,
section 171-50(c), Hawaii Revised Statutes, was amended such
that any exchange of public land for private land shall be
subject to approval by a majority vote of both houses of the
Legislature in any regular or special session following the date
of the Board of Land and Natural Resources' approval, in
principle, of the exchange; and

WHEREAS, Parker Land Trust desires to pursue the land
exchange previously approved by the Board of Land and Natural
Resources and submitted to the Twenty-second Legislature of the
State of Hawaii, Regular Session of 2004, for review of action
taken by the Board of Land and Natural Resources on a land
exchange and subsequently adopted pursuant to S.C.R. No. 5, by
the Twenty-second Legislature of the State of Hawaii, Regular
Session of 2004; and

WHEREAS, both the state and Parker Land Trust lands
involved in the proposed exchange remain the same lands as
previously contemplated by Parker Ranch and the State in 2001,
subsequently approved by the Board of Land and Natural Resources
in 2003, and subsequently approved by the Twenty-second
Legislature of the State of Hawaii, Regular Session of 2004 by
way of S.C.R. No. 5; and

WHEREAS, S.C.R. No. 5 no longer complies with section
171-50, Hawaii Revised Statutes, as amended by Act 146, Session
Laws of Hawaii 2014; and
WHEREAS, a copy of the draft resolution was transmitted to the Office of Hawaiian Affairs on September 23, 2016, and the Office of Hawaiian Affairs does not oppose the land exchange; and

WHEREAS, in order to comply with the requirements of section 171-50, Hawaii Revised Statutes, as amended, the Department of Land and Natural Resources, together with the Department of Education, is required to again introduce to the Legislature a resolution for review of action of the land exchange described herein, subject however, to approval by a majority vote of both houses of the Legislature; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the following land exchange, previously approved in principle by the Board of Land and Natural Resources at its meeting on August 10, 2001, under agenda item D-8, previously approved by the Board of Land and Natural Resources at its meeting on August 8, 2003, under agenda item D-5, and previously submitted to the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, for review of action taken by the Board of Land and Natural Resources on a land exchange; and previously adopted by the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, by way of S.C.R. No. 5, is hereby reviewed and approved by the Legislature:

LAND EXCHANGE BETWEEN STATE OF HAWAII AND PARKER LAND TRUST

(1) The state land identified as Tax Map Key: (3) 6-7-2:portion 15 and having a land area of approximately 0.780 acre, being located at Waikoloa and Puukapu, Waimea, South Kohala, Island of Hawaii, Hawaii; and

The private land identified as Tax Map Key: (3) 6-7-8:portion 93, being formerly referred to as Tax Map Key (3)6-7-2:portion 17, and having a land area of approximately 5.445 acres, being located at Waikoloa and Puukapu, Waimea, South Kohala, Island of Hawaii, Hawaii;
(2) The value of the state land was estimated at $71,700, as of August 10, 2001; and

The value of the private land was estimated at $366,400, as of August 10, 2001;

(3) The state land and the private land were appraised by George Hao & Associates;

(4) The date of the appraisal report for the state land and the private land was January 10, 2003, with effective dates of value being August 10, 2001;

(5) At its meeting of August 8, 2003, under agenda item D-5, the Board of Land and Natural Resources approved the public purpose of the proposed exchange to be for the addition to Waimea Elementary and Intermediate School;

(6) The approximate 0.780 acre of state land identified as part of this proposed exchange is vacant and currently set aside to the Department of Education under Executive Order 3454. Upon completion of the proposed exchange, the State's interest in the 0.780-acre site will be conveyed to Parker Land Trust. Subsequently, the conveyed lands will be developed pursuant to the Waimea Town Center Master Plan allowing for the realignment of Lindsey Road and improved access and utility service; and

The approximate 5.445 acres of private land identified as part of the proposed exchange is currently vacant. Upon completion of this proposed exchange, the 5.445-acre site will be set aside to the Department of Education for addition to the Waimea Elementary and Intermediate School;

(7) The approximate 0.780-acre state land is ceded land pursuant to Section 5(b) of the Admission Act of 1959, hereinafter the "Admissions Act". Said land was a portion of land acquired by the State of Hawaii by Exchange Deed and Agreement to Exchange dated

(A) Being a portion of the land of Lalamilo, an Ili of the Government (Crown) land of Waimea, identified as Parcel 1 and containing an area of 1.969 acres, more or less. Being further described and delineated on C.S.F. No. 20,701, dated February 24, 1988;

(B) Being a portion of the land of Lalamilo, an Ili of the Government (Crown) land of Waimea, identified as Parcel 2 and containing an area of 8.411 acres, more or less. Being further described and delineated on C.S.F. No. 20,702, dated February 24, 1988;

(C) Being a portion of the Government (Crown) land of Waimea, identified as Parcel A, and containing an area of 0.207 acre, more or less. Being further described and delineated on C.S.F. No. 17,042, dated February 21, 1974;

(D) Being a portion of the Government (Crown) land of Waimea, identified as Parcel B, Government Remnant, and containing an area of 0.643 acre, more or less. Being further described and delineated respectively on C.S.F. No. 17,043, dated February 21, 1974, and C.S.F. No. 17,042 to C.S.F. No. 17044, and dated February 21, 1974;

(E) Being a portion of the Government (Crown) land of Waimea, identified as Parcel C, Government Remnant, containing an area of 0.256 acre, more
or less. Being further described and delineated on C.S.F. No. 17,044, dated February 21, 1974;

and

(F) Being a portion of Lalamilo, an Ili of the Government (Crown) land of Waimea, identified as Parcel 3, containing an area of 1.020 acres, more or less. Being further described and delineated on C.S.F. No. 20,844, dated September 30, 1988;

Whereas, the above cited six parcels, which were conveyed to the Richard Smart Trust as part of the 1988 Exchange, were classified as ceded lands pursuant to Section 5(b) of the Admissions Act, the former Richard Smart Trust lands conveyed to the State in the 1988 Exchange, including the 0.780 acre of state land being conveyed to Parker Land Trust in this proposed exchange, are now classified as ceded lands pursuant to Section 5(b) of the Admissions Act; and

BE IT FURTHER RESOLVED that upon consummation of the proposed exchange, the 5.445 acres of land to be conveyed to the State of Hawaii as part of this proposed exchange shall be classified as ceded lands pursuant to Section 5(b) of the Admissions Act; and

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