

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

June 24, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Ref. No.: EO 510  
PSF No.: 15KD-052

Kauai

Partial Withdrawal of Lands Under Governor's Executive Order No. 510; Reset Aside to Margaret A. Medeiros, Debra K. Titcomb, Randal K. Medeiros and William Daryl Medeiros for Grant of Perpetual, Non-Exclusive Easement for Access and Utility Purposes; and Immediate Management and Construction Right-of-Entry Permit at por. of Kalaheo Homesteads, 2<sup>nd</sup> Series, Kalaheo, Koloa, Kauai, Tax Map Key: (4) 2-3-002:005.

CONTROLLING AGENCY (of subject executive order):

State of Hawaii, Department of Education (DOE)

APPLICANTS:

Margaret A. Medeiros, Successor Trustee of the William K. Medeiros Revocable Living Trust;  
Debra K. Titcomb,  
Randal K. Medeiros  
William Daryl Medeiros, Trustee

LEGAL REFERENCE:

Section 171-11, 13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kalaheo situated at Kalaheo, Koloa, Kauai, identified by Tax Map Key: (4) 2-3-002:005, as shown on the attached map labeled Exhibit A.

AREA:

5,149 square feet, more or less.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Residential / STP

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Governors Executive Order No. S-510, Department of Education for Kalaheo School purposes.

PURPOSE OF SET-ASIDE:

Grant of Non-Exclusive Perpetual Easement for access and utility purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Process and obtain subdivision at Applicant's own cost;
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

Kalaheo Homesteads, 2<sup>nd</sup> Series was created in March of 1913. A Land Patent Grant 7048 was issued to A. Andrade dated May 1918. The subject parcel which abuts the Land Patent Grant 7048 was an un-awarded portions of the Government (Crown) Land of Kalaheo. Executive Order 510, setting aside land for public purposes for Kalaheo School lot was issued on October 10, 1931.

Andrade family have an understanding with the school to access Tax Map Key: (4) 2-3-002:005 for decades at the same site being requested. This site is not used by the school. Currently, site is overgrown. This area is the most accessible to Lot 122B. They cannot go around the school property lot as it falls into a valley. See Exhibit C.

They also accessed the property thru Umi Umi Road which was the only other access used to the property. The County of Kauai has since abandoned maintenance of Umi Umi Road, preventing the Andrades access and creating a landlock situation. See Exhibit D.

They are now requesting a Grant of Perpetual, Non-Exclusive Easement to their property. This easement will be gated and fenced off from the school and maintained for dust, weed control, etc. Proper signs will be placed along fence line. The school will be provided a key to the gate. They have the concurrence of the Department of Education. See Exhibit E.

RECOMMENDATION: That the Board:

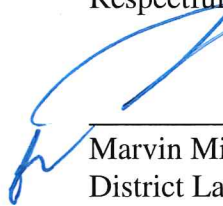
1. Subject to the Applicant fulfilling the Applicant Requirements above, Approve of and recommend to the Governor the issuance of an executive order for a partial withdrawal of 5,149 square feet, more or less from Governor's Executive Order No. 510, identified on Exhibit A, being a portion of Tax Map Key: (4) 2-3-002:005, which is presently under the control and management of the Department of Education as a elementary school site, subject to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;

- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend the issuance of a Grant of Perpetual, Non-Exclusive Easement setting aside the subject area above withdrawn, consisting of 5,149 square feet, more or less, identified as Exhibit A, being a portion of Tax Map Key: (4) 2-3-002:005, to be under the control and management of Margaret A. Medeiros, Debra K. Titcomb, Randal K. Medeiros and William Daryl Medeiros for Access and Utility Purposes, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 2-3-002:115, Lot 122B, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Grant an Immediate Management and Construction Right-of-Entry to Margaret A. Medeiros, Debra K. Titcomb, Randal K. Medeiros and William Daryl Medeiros for Grant of Perpetual, Non-Exclusive Easement for Access and Utility Purposes, its consultants, contractors and/or persons acting for or on its behalf, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:



- A. The standard terms and conditions of the most current management right-of-entry form, as may be amended from time to time;
- B. The term of the right-of-entry shall commence upon date of that Margaret A. Medeiros, Debra K. Titcomb, Randal K. Medeiros and William Daryl Medeiros, returns a copy of the duly executed right-of-entry permit to the Kauai District Land Office and shall expire upon the issuance of the subject set aside document;
- C. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

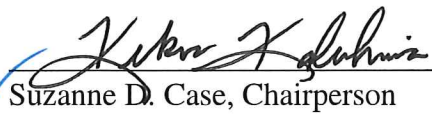
Respectfully Submitted,



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Marvin Mikasa  
District Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson

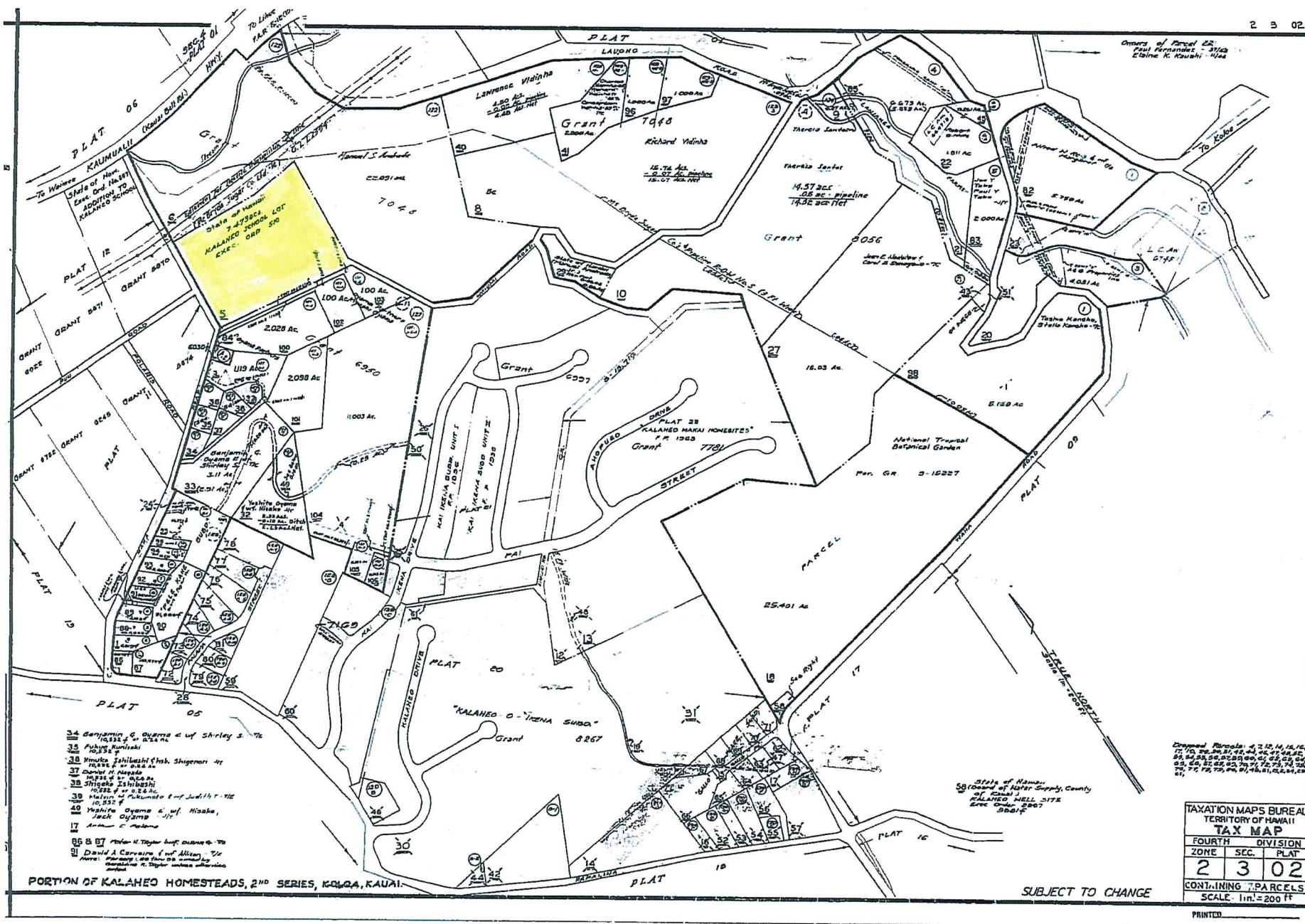


EXHIBIT "A"



DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

KEKO KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.F.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONSERVATION  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGLISH BIRD  
FORESTRY AND WILDLIFE  
HIS HONOR PRESIDENT  
KAIHIOAWA ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Land Division

THROUGH: Suzanne Case, Chairperson

FROM: Margaret A. Medeiros, Successor Trustee of the William K. Medeiros Revocable Living Trust; Debra K. Titcomb, Randal K. Medeiros, William Daryl Medeiros, Trustee

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND IMMEDIATE MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY PERMIT, FOR ACCESS AND UTILITY PURPOSES UNDER PSF No. 15KD-052

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Partial Withdrawal of Lands Under Governor's Executive Order No. 510; Reset Aside to Margaret A. Medeiros, Debra K. Titcomb, Randal K. Medeiros and William Daryl Medeiros for Grant of Perpetual, Non-Exclusive Easement for Access and Utility Purposes; and Immediate Management and Construction Right-of-Entry.

PSF Number: 15KD-052

Project Description:

The applicant is requesting a Grant of Perpetual, Non-Exclusive Easement and an Immediate Management and Construction Right-of-Entry Permit onto State lands encumbered by Governors Executive Order No. 510, identified as Tax Map Key: (4) 2-3-002:005 and (4) 1-3-011:001 for access and utility purposes to their landlocked parcel.

The applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Consulted Parties:

The Right-of-Entry application was sent out for review and comments to the following agencies: Hawaii Department of Health (DOH), State of Hawaii – Department of Education, State of

**EXHIBIT "B"**

Hawaii Historic Preservation Division, Office of Hawaiian Affairs (OHA), Kauai County Planning Department, Kauai County Public Works Division.


Exemption Determination:

After reviewing HAR § 11-200-(8), DLNR has concluded that the activities under this easement and right-of-entry permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment.

According to the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(46)]".

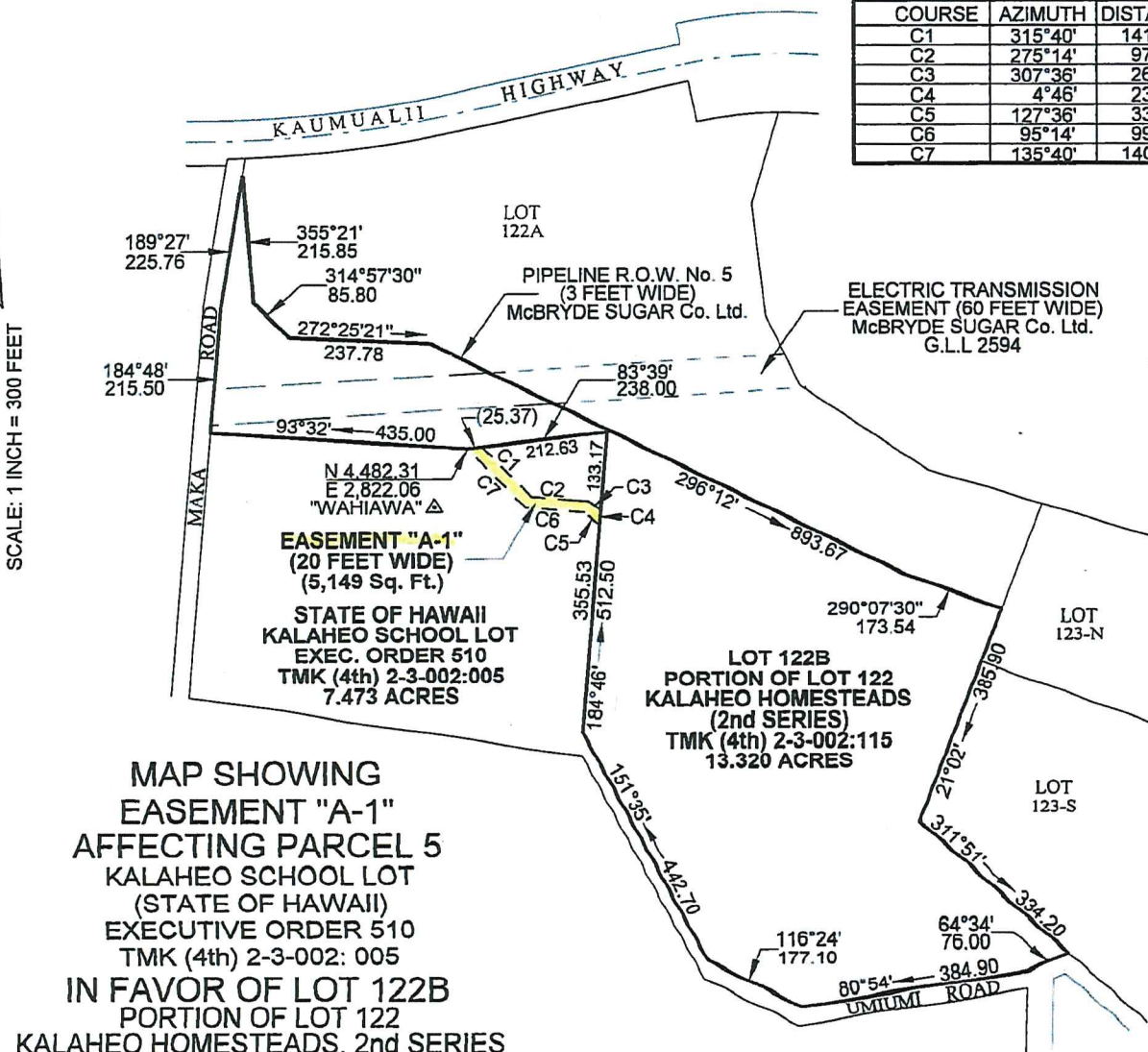
Conclusion:

It is recommended that the Board declare that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
Suzanne D. Case  
Board of Land and Natural Resources

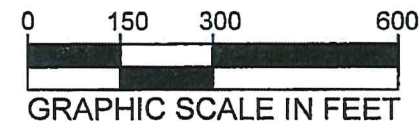
6/9/16  
Date





EASEMENT "A-1" COURSE DATA		
COURSE	AZIMUTH	DISTANCE
C1	315°40'	141.27
C2	275°14'	97.55
C3	307°36'	26.10
C4	4°46'	23.80
C5	127°36'	33.21
C6	95°14'	99.11
C7	135°40'	140.93

CLS HAWAII  
Land Surveying & Mapping  
P.O. Box 777  
Kalaheo, Kauai, Hawaii 96741  
808.635.3700 \* fax 808.592.2475  
surveyor1@CLSHawaii.com



MAP SHOWING  
EASEMENT "A-1"  
AFFECTING PARCEL 5  
KALAHEO SCHOOL LOT  
(STATE OF HAWAII)  
EXECUTIVE ORDER 510  
TMK (4th) 2-3-002: 005  
IN FAVOR OF LOT 122B  
PORTION OF LOT 122  
KALAHEO HOMESTEADS, 2nd SERIES  
TMK (4TH) 2-3-002: 115  
FOR ACCESS PURPOSE  
KALAHEO, KAUAI, HAWAII  
NOVEMBER 1, 2014  
Area: 5,149 Sq. Ft.



THIS WORK WAS PREPARED BY ME  
OR UNDER MY DIRECT SUPERVISION

*Roger M. Cairns*  
ROGER M. CAIRES  
Licensed Professional Land Surveyor  
Certificate Number 7919  
Expires 04/30/16

EXHIBIT "C"



**SUBJECT AREA**

Zoom County Zoom In Zoom Out Panby Hand Get Info Zoom To Parcel Center On Parcel Measure Area Tool Print Page Search Save Additional Options

**Controls**

Available Layers

- ☒ Parcels
- ☐ Parcel Numbers
- ☐ Address #
- ☐ Yearly Sales
- ☐ Buildings
- ☐ Streets (Google)
- ☐ Satellite (Google)
- ☒ Hybrid (Google)
- ☐ Physical (Google)

 [Show Scale](#)



**Reports**

Parcel

View as: [Google Earth](#) | [Bird's Eye](#) | [Google Maps & Street View](#)

Selected Parcel	230020050000 (Click for Card)
Tax Classification	RESIDENTIAL
Acreage	7.473
Physical Address	MAKA RD
Owner	STATE OF HAWAII
Total Market Value	\$ 688,100
Total Assessed Value	\$ 688,100
Total Exemptions	\$ 688,100
Total Net Taxable Value	\$ 0
Improvements on Parcel	1
Total Improvement Area (sq ft)	0

**Two most recent parcel sales**

Date	Price

Website last updated May 12, 2016  
GIS Maps last updated November 19, 2013

Parcel List

Legend

Measure

Kauai County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

**EXHIBIT "C"**



Owners of Parcel 22:  
Paul Fernandez - 37/42  
Elaine K. Kauphi - 11/42

34 Benjamin G Oyama & wif Shirley S. YZ  
10,832 \$ or 0.24Ac

35 Fukuo Kunishi  
10,832 \$

36 Kinuko Ishibashi (Chas. Shigenori) 41  
10,832 \$ or 0.24Ac

37 Daniel M Nagata  
10,832 \$ or 0.24Ac

38 Shigeo Ishibashi  
10,832 \$ or 0.24Ac

39 Masuyo M Fukumoto & wif Jud. H. YZ  
10,832 \$

40 Yasuko Oyama & wif Hisako,  
Jack Oyama Jr.

41 Arthur & Malena

58 State of Hawaii,  
(Board of Water Supply, County  
of Kauai)  
KALANEO WELL SITE  
Eros Order 0007  
50016

Dropped Particles: 4, 7, 12, 14, 15, 17, 19, 22, 29, 31, 42, 44, 46, 47, 48, 52, 57, 59, 63, 66, 67, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 84, 85, 86.

TAXATION MAPS BUREAU  
TERRITORY OF HAWAII  
**TAX MAP**  
FOURTH DIVISION  
ZONE SEC. PLAT  
2 3 02  
CONTAINING 7 PARCELS  
SCALE 1 in. = 200 ft

PORTION OF KALAHOE HOMESTEADS, 2<sup>ND</sup> SERIES, KEOLOA, KAUAI.

*SUBJECT TO CHANGE*

PRINTED.





STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF THE COMPLEX AREA SUPERINTENDENT  
KAUAI SCHOOLS  
3060 EIWA STREET, ROOM 305  
LIHUE, HAWAII 96766

March 30, 2016


Mr. Marvin Mikasa  
Kauai District Land Agent  
Department of Land and Natural Resources  
Land Division  
3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766

Dear Mr. Mikasa:

This letter concurs that the Department of Education Kauai District Office is willing to sign off on a Grant of Easement to Margaret A. Medeiros, Successor Trustee of the William K. Medeiros Revocable Living Trust, with the current address of 3407 Elima Street, Lihue, Hawaii 96766 for Access and Utility Purposes over Tax Map Key: (4) 2-3-002:005 as shown on the attached map labeled Exhibit A.

Applicant must fence and maintain the easement area. Proper signage should be placed along the fence line and work should be done during the school intersessions or summer school break to have a minimum impact on Kalaheo Elementary school activities.

Sincerely,

  
William N. Arakaki  
Kauai Complex Area Superintendent

WA:ji

Attachment

cc: Gail Nakaahiki, Complex Area Business Manager

**EXHIBIT "E"**