
The purpose of the amendment is to update the current owners of the abutting private property, to whom the remnant will be sold and whose property the remnant will be consolidated with.

BACKGROUND:

At its meeting of August 28, 1998, item D-20, the Board of Land and Natural Resources approved the sale of a portion of an abandoned railroad right-of-way to Kenji Yamashiro, whose wife is Doris K. Yamashiro, Take Yamashiro, whose wife is Mervilyn Kazue Yamashiro, and Shigeko Yamashiro, widow, as tenants in common.

By letter dated August 11, 2005, the applicants requested that the Board amend its prior action of August 28, 1998 (D-20) to change the grantee names to reflect the current landowners of the abutting private properties, TMKs: (4) 4-6-004:020 and 021: Kenji Yamashiro, Trustee of the Kenji Yamashiro revocable Living Trust dated June 25, 1993, Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Self-Trusted Trust dated September 12, 2000, and Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusted Revocable Trust dated April 29, 1986, as amended, each having a one-third interest. At its meeting of September 9, 2005, Item D-3, the Board approved the requested amendment. See Exhibit A.

REMARKS:

In the processing of the conveyance document for the remnant, the Department of the Attorney General noted that the owners of the private parcels have again changed since the last Board action in 2005. As a result, staff is requesting to amend its prior Board action of September 9, 2005, Item D-3, to identify the current owners of the private parcels.

As confirmed through the County of Kauai Real Property Tax Office and Title Guaranty of Hawaii's Title Report with percentage of interest (Exhibit B), the current landowners on record of the private parcels that abut the subject abandoned railroad right-of-way are as
follows:

1) Sue Ann Takata, Trustee of the Sue Ann Takata Self-Trusted Revocable Trust under recorded trust agreement dated April 29, 1996, as to an undivided 1/3 interest;
2) Lynn Tsugie Oshiro, Successor Trustee under that certain unrecorded Kenji Yamashiro Revocable Living Trust dated June 25, 1993, as to an undivided 1/3 interest;
3) Clayton T. Yamashiro, married, as to an undivided 1/15 interest;
4) Renee M. Yamashiro, married, as to an undivided 1/15 interest;
5) Russell S.K. Iida, married, as to an undivided 1/15 interest;
6) Stephanie Nago, married, as to an undivided 1/15 interest;
7) Kaleo R. Yamashiro, single, as to an undivided 1/30 interest; and
8) Kamakana K. Yamashiro, single, as to an undivided 1/30 interest; the whole being held as tenants in common.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of September 9, 2005, under agenda item D-3 by changing the names of the grantees to the persons listed in the foregoing paragraph with the respective interests and in the tenancy indicated.

2. Except as amended hereby, confirm that all terms and conditions listed in the Board’s September 29, 2005 and August 28, 1998 approvals to remain the same.

Respectfully Submitted,

Wesley T. Matsunaga
Acting Kauai District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813  

September 9, 2005  

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

File: 98KD-199  
Kauai  

Amend Prior Board Action of August 28, 1998, (Item D-20), Direct Sale of a Portion of an Abandoned Railroad Right of Way at Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4)4-6-4: 22  

BACKGROUND:  

At its August 28, 1998 meeting, under Item D-20, the Land Board approved the sale of a portion of an abandoned railroad right-of-way to Kenji Yamashiro, whose wife is Doris K. Yamashiro, Take Yamashiro, whose wife is Mervilyn Kazue Yamashiro; and Shigeka Yamashiro, widow, as tenants in common, the abutting property owners of Parcels 20 and 21. See Exhibit A. An independent real estate appraiser has determined the consideration should be $19,000. An offer letter was tendered to the Applicants' on July 2005.  

By letter dated August 11, 2005, the applicants are requesting the names be changed to reflect the current ownership. Ms. Shigeko Yamashiro has conveyed her interest to her daughter. All parties own 1/3 interest each in Parcels 20 and 21. The changes are:  

Kenji Yamashiro, Trustee of the Kenji Yamashiro Revocable Living Trust dated June 25, 1993, whose wife is Doris Kikuye Yamashiro, one third interest;  

Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Take Yamashiro and Mervilyn K. Yamashiro Self-Trusted Trust dated September 12, 2000, one-third interest; and  

Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusted Revocable Trust under unrecorded trust agreement dated April 29, 1996, as amended, one-third interest  

RECOMMENDATION: That the Board:  

A. Amend the prior Board action of August 28, 1998, under agenda item D-20 by replacing Applicants with Kenji Yamashiro, Trustee of the Kenji Yamashiro Revocable  

EXHIBIT A
Living Trust dated June 25, 1993, whose wife is Doris Kikuye Yamashiro, one-third interest; Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Take Yamashiro and Mervilyn K. Yamashiro Self-Trusted Trust dated September 12, 2000, one-third interest; and Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusteed Revocable Trust under unrecorded trust agreement dated April 29, 1996, as amended, one-third interest.

Respectfully Submitted,

[Signature]

MICHAEL L. LAURETA
Kanal Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

Peter T. Young, Chairperson
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Land Management Branch
Honolulu, Hawaii 96813

August 28, 1998

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813

Subject: Direct Sale of a Portion of an Abandoned Railroad
Right-of-Way at Kapaa Homesteads, 1st Series,
Kawaihau, Kauai, Tax Map Key 4-6-4: 22

STATUTE: Chapter 171-52, Hawaii Revised Statutes, as amended

APPLICANTS: Kenji Yamashiro, whose wife is Doris K. Yamashiro;
Take Yamashiro, whose wife is Mervilyn Kazue
Yamashiro; and Shigeko Yamashiro, widow; as tenants
in common.

FOR: Portion of an abandoned railroad right-of-way at
Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax
Map Key 4-6-4: 22 (portion), as shown outlined in
red on the map labeled Land Board Exhibit A.

LAND TITLE
STATUS: Subsection 5 (b) lands

STATUS: Vacant and unencumbered.

ZONING: State Land Use Commission: Agriculture
County CZO: Open District

PURPOSE: Consolidation with the applicant’s abutting fee
simple properties that abut to the north and south,
identified as TMKs 4-6-4: 20 and 21

AREA: Approximately 1.5 acres, more or less; however,
exact land area and configuration to be determined
by the applicant’s surveyor, subject to review and
confirmation by the Survey Division of the
Department of Accounting and General Services.

CONSIDERATION: One time lump sum payment to be established by
independent appraisal or staff appraisal, same
subject to review and approval by the Chairperson.

ITEM D-20
Disposition is exempted from OEQC requirements pursuant to Sub-Chapter 11-200-8 (Item 1) of the Hawaii Administrative Rules that exempts "operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing."

Section 171-52, HRS. HRS defines the term "remnant" to mean "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

In order to dispose of remnants, they must be first offered for sale to the abutting owners. Since the applicants are fee simple owners of properties on both sides of the right of way, disposition to them meets the requirements of law.

Sale of right-of-way. This portion of the abandoned railroad right-of-way is not suitable to be rented by monthly revocable permit or long term lease, is irregularly shaped, and sized. The proposed disposition of this remnant would generate revenue to the State, but more importantly, would relieve the State of unnecessary liability and maintenance problems.

Location. The abandoned railroad right-of-way bisects the lands owned by the applicants, which are 29.0 acres and 8.51 acres in size. In order to utilize and divide these family lands, applicant's have requested to purchase these abandoned state lands.

RECOMMENDATION: That the Board:

A. Find that the subject portion of the abandoned railroad right of way is unsuitable for use as a separate unite due to its size and its being landlocked from public roads.

B. Approve the direct sale of the subject abandoned railroad right of way to the applicants under the foregoing and following terms and conditions:
Sale of Remnant

1. The purchasers shall be required to pay the full purchase price in cash.

2. The purchasers shall submit to the Kauai District Land Office a final subdivision map approved by the County of Kauai Planning Department covering the consolidation and resubdivision of the subject abandoned railroad right-of-way with the applicant's adjoining properties. The issuance of the deed shall be subject to the applicant's compliance with this requirement.

3. Disposition to be made at fair market value of the abandoned railroad right of way as determined by independent appraisal, or staff appraisal, same subject to review and approval by the Chairperson.

4. The use of the remnant, in consolidation with the adjoining properties, shall be in accordance with the applicable zoning and subdivision ordinances of the County of Kauai.

5. The applicant's acknowledge that the subject remnant parcel shall be purchased in its present condition and that the applicants shall hold the State of Hawaii harmless from any damages that may occur on these properties.

6. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State of Hawaii.

Respectfully submitted,

[Signature]

[Name]
Kauai District Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

MICHAEL D. WILSON, Chairperson

EXHIBIT "A"
Recent Sales Information

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<th>Sale Date</th>
<th>Price</th>
<th>Instrument #</th>
<th>Instrument Type</th>
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Assignment Information

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Recent Sales in Neighborhood

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<th>Owner Name/ Type</th>
<th>Mailing Address</th>
<th>Location Address</th>
<th>Tax Classification</th>
<th>Neighborhood Code</th>
<th>Legal Information</th>
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<tbody>
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<td>TAKATA, SUE ANN TRUST</td>
<td>Fee Owner</td>
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<td>AHIAH RD</td>
<td>AGRICULTURAL</td>
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<td>LOT 55 KAPAA HOMESTEADS 1ST SERIES 8.51 AC</td>
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<td>NAGAO, STEPHANIE</td>
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<td>YAMASHIRO, KENJI TRUST</td>
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Tax Information

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EXHIBIT B
Recent Sales in Neighborhood
Recent Sales in Area

Owner and Parcel Information

Owner Name/ Type
TAKATA, SUE ANN TRUST / Fee Owner
IIDA, RUSSELL S K / Fee Owner
NAGO, STEPHANIE / Fee Owner
YAMASHIRO, CLAYTON T / Fee Owner
YAMASHIRO, KALEO R / Fee Owner
YAMASHIRO, KAMAIC R K / Fee Owner
YAMASHIRO, RENE M / Fee Owner
YAMASHIRO, KALEO A / Fee Owner
Show All Owners and Addresses

Mailing Address
KAPAA, HI 96746

Location Address
AHIAHI RD

Tax Classification
AGRICULTURAL

Neighborhood Code
4617-SV

Legal Information

Owner Name
TAKATA, SUE ANN TRUST
IIDA, RUSSELL S K
NAGO, STEPHANIE
YAMASHIRO, CLAYTON T
YAMASHIRO, RENE M
YAMASHIRO, KAMAIC R K
YAMASHIRO, KALEO R
YAMASHIRO, KALEO A

Owner Type
Fee Owner
Fee Owner
Fee Owner
Fee Owner
Fee Owner
Fee Owner
Fee Owner
Fee Owner

Owner Address
KAPAA, HI 96746

Historical Assessment

Total Market Value
$ 812,200

Total Taxable Value
$ 12,300

Assessment Information

Sale Information

Sale Date
07/26/2013
08/26/2010
08/23/2005
01/26/2004
10/23/1995
06/25/1993

Price
$ 0
$ 0
$ 0
$ 0
$ 0
$ 0

Instrument #
13-A-49811028
10-1311880
05-183806
04-011561
03-339217
9300016116

Tax Period
2016 Tax Payments

Description

Original Due Date
08/21/2013
09/08/2010
09/14/2005
01/21/2004
10/03/1995
06/30/1993

Amount Due

Current Tax Bill Information

No Tax Information available on this parcel.

Sales Information

Sale Date
07/26/2013
08/26/2010
08/23/2005
01/26/2004
10/23/1995
06/25/1993

Price
$ 0
$ 0
$ 0
$ 0
$ 0
$ 0

Instrument #
13-A-49811028
10-1311880
05-183806
04-011561
03-339217
9300016116

Tax Period
2016 Tax Payments

Description

Original Due Date
08/21/2013
09/08/2010
09/14/2005
01/21/2004
10/03/1995
06/30/1993

Amount Due

Recent Sales in Neighborhood
Recent Sales in Area

No Tax Information available on this parcel.
STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, Incorporated's responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the greater of $3,500 or two times the amount paid for this Report.

SCHEDULE A

Title Guaranty of Hawaii, Incorporated, hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

SUE ANN TAKATA,
Trustee of the Sue Ann Takata Self-Trusteed Revocable Trust, under unrecorded trust agreement dated April 29, 1996, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 1/3 interest,
LYNN TSUGIE OSHIRO,
as Successor Trustee under that certain unrecorded Kenji Yamashiro Revocable Living Trust dated June 25, 1993, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 1/3 interest, and
CLAYTON T. YAMASHIRO,
marrined,
as to an undivided 1/15 interest,
RENEE M. YAMASHIRO,
marrined,
as to an undivided 1/15 interest,
RUSSELL S. K. IIDA,

EXHIBIT B
married,
as to an undivided 1/15 interest,
STEPHANIE NAGO, 
married,
as to an undivided 1/15 interest, 
KALEO R. YAMASHIRO, 
single, 
as to an undivided 1/30 interest, and 
KAMAKANA K. YAMASHIRO, 
single, 
as to an undivided 1/30 interest, 
as Tenants in Common, 
as Fee Owner

This report is subject to the Conditions and Stipulations set forth in Schedule D and is dated as of February 15, 2013 at 8:00 a.m.

Inquiries concerning this report should be directed to 
JUSTIN LEE. 
Email jmlee@tghawaii.com 
Fax (808) 533-5870 
Telephone 
Refer to Order No. 201307957.