

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

April 13, 2017

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

PSF No.: 04OD-150

OAHU

Amend Prior Board Action of March 27, 1992, Item F-13, as amended by Board actions of May 22, 1992, Item F-15, and November 20, 1992, Item F-6; *Direct Award to City and County of Honolulu of Perpetual, Non-Exclusive Easements for Sewer Force Main Addition Kamehameha Highway, Moanalua, Kalihi-kai, Oahu, TMK (1)1-1-003:003, 004, 007, 138 and (1) 1-2-021:035, and 037.*

The purpose of the amendment is to update the current tax map keys for this project as follows: (1) 1-1-003:003, 004, 138, 211, 239 and (1) 1-2-021:035, 036, and 037, and the encumbrances affecting such parcels.

BACKGROUND:

At its meeting on March 27, 1992, the Board of Land and Natural Resources (Board), under agenda item F-13 approved a direct award to City and County of Honolulu (City) of perpetual, non-exclusive easements for sewer force main addition in the subject area. On May 22, 1992, under agenda F-15, the Board amended its prior action by including TMK: 1-2-021: portion 036 to the subject request. The Board further amended the action on November 20, 1992, under agenda F-6 to include TMK 1-1-003: portion 138 to the request, further subject to the terms and conditions of the Conservation District Use Permit (OA-2550).

Copies of the prior submittals are attached as **Exhibit 1 to 3.**

The City, upon receipt of the easement document in 1993, requested the conditions of the easement be revised. There are correspondences in 1994 between the Department and the Department of the Attorney General (AG) on those revisions proposed by the City. Nevertheless, the process then seems to have fallen dormant until recently when the City requested the status of the subject request.

REMARKS:

Staff compared the easement map against the current encumbrances over the parcels affected by the proposed easement. It is noted that there have been changes to the encumbrances as mentioned in the prior actions. Current encumbrances issued on the subject lands are tabulated below:

TMK	Agency/Permittee	Encumbrances	Purposes
1-1-003:003, 211	City & County of Honolulu	EO 4513	Affordable Housing Project for Homeless Families

1-1-003:003, 211	Tactical Airgun Games Hawaii, LLC	RP 7843	Commercial Recreation Use
1-1-003:004	Division of State Parks	EO 3967	Pacific War Memorial Site
1-1-003:239	City and County of Honolulu	EO 1838	Keeki Lagoon Beach Park
1-2-021:036	JSR Equipment, Inc.	RP 7470	Baseyard, Office, and Storage
1-2-021:037	Harry and Jeanette Weinberg Foundation	RP 7835	Storage, Parking, and Office

Note: TMK (1) 1-1-003:138 and (1) 1-2-021:035 are presently unencumbered.

An overview map of the subject areas is shown on map **Exhibit 4**. Respective portions of the easement are shown on the maps attached as **Exhibit 5** to **7**.

Staff recommends the Board amend its prior actions by replacing all references to the tax map keys and encumbrances described in the prior submittals with the information provided in the table above.

Staff is seeking concurrences from the agencies and permittees mentioned above on the issuance of the requested easement. Upon approval of today's request, staff will continue to work with the City and AG for the consummation of the requested easement.

The request is for housekeeping purposes only and staff did not solicit comments from other agencies on the request. There are no other pertinent issues or concerns and staff does not have any objection to the request.

RECOMMENDATION: That the Board:


1. Amend its prior actions of March 27, 1992, Item F-13, May 22, 1992, Item F-15, and November 20, 1992, Item F-6 by replacing all references to the tax map keys and encumbrances described in the prior submittals with the information provided in the table above.
2. All terms and conditions listed in the March 27, 1992, May 22, 1992, and November 20, 1992 approvals shall remain the same.

Respectfully Submitted,



Darlene J. Bryant-Takamatsu  
Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson

JOHN WAINEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
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AGRICULTURE DEVELOPMENT  
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CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONSERVATION  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

March 27, 1992

Board of Land and  
Natural Resources  
Honolulu, Hawaii

OAHU

Subject: Direct Award to City and County of Honolulu of  
Perpetual, Non-exclusive Easements for Sewer  
Force Main Addition Kamehameha Highway,  
Moanalua, Kalihi-Kai, Oahu, TMK 1-1-03:03, 04,  
07, 138 and 1-2-21:35 and 37

STATUTE: Chapter 171-95, Hawaii Revised Statutes

APPLICANT: City and County of Honolulu

FOR: Perpetual, non-exclusive easements for a sewer Force  
Main Addition on, under, over and across State-owned  
properties at Kamehameha Highway, Moanalua,  
Kalihi-Kai, Oahu, being portions of TMK 1-1-03:03,  
04, 07, 138; 1-2-21:35, 36 and 37 and portion of  
1-1-03 (Kalihi Stream) shown on the map labeled Land  
Board Exhibit "A" appended to the basic file and  
further described as follows:

STATUS:	Parcel	Area(sq.ft.)	TMK	Encumbrance	Zoning
	1	14,418	1-1-3:Por.7	E.O.2820, Honolulu C&C Parks & Recreation	Urban
	2	12,107	1-1-3:Por.4	E.O.1534 & 1550 Pacific War Memorial	Urban
	3	39,770	1-1-3:Por.138	Vacant	Conservatio
	4	36,234	1-1-3:Por.3	RP#S-6738, S-6708, S-6808, S-6201, S-5639	Urban
	5	22,267		Vacant	Conservatio
	6	4,491	1-2-21:Por.35 1-2-21:Por.37	Vacant RP#5639	Urban
TOTAL		<u>129,347</u>			

(Areas subject to verification by Department of Accounting and General  
Services, Survey Division)

ITEM F-13

EXHIBIT 1

**Board of Land and  
Natural Resources**

**March 27, 1992**

**LAND TITLE  
STATUS:**

Sub-section 5(b) Land

**PURPOSE:**

Right privilege and authority to construct, use, maintain and repair relief system drain and such other appliances and equipment

**RENTAL:**

Gratis

**REMARKS:**

The City and County of Honolulu under Kamehameha Highway Force Main Addition is proposing to install a 42" diameter sewer Force Main across Moanalua Stream and Kalihi Stream to work in conjunction with the existing 36" diameter Force Main located approximately 40 feet mauka of the new pipe alignment. The Force Main Addition is part of the Kamehameha Highway Pump Station system that collects wastewater from the Honolulu International Airport, Aliamanu Housing, Salt Lake, Moanalua, Moanalua Gardens and Keehi Lagoon Park areas and conveys the wastewater from its pump station in Keehi Beach Lagoon Park to the existing Sand Island gravity sewer lines in the adjacent Sand Island Industrial Complex.

Originally, the project called for a Force Main Replacement. However, the city engineers decided a better system would be a redundant system to minimize the chance of spillage.

The Force Main Addition has been requested by the City and County of Honolulu Department of Public Works to help prevent malfunction of the existing Force Main. Should a malfunction occur, the remaining Force Main would be used as a Back-up Main until the other Main is repaired.

A Conservation District Use Application (CDUA) has been submitted to Office of Conservation and Environmental Affairs (OCEA) for the two lots located in the Conservation District (Moanalua and Kalihi Streams) and the permits are expected to be issued this year.

The following agencies have responded without objection to the sewer Force Main Addition:

**Federal Agencies**

U.S. Army Corps of Engineers  
National Fish and Wildlife Service  
Water Resources Division, Department of the  
Interior  
U.S. Coast Guard

Board of Land and  
Natural Resources

March 27, 1992

REMARKS: (continued)

State Agencies

Department of Land and Natural Resources  
Department of Health  
Department of Transportation  
Department of Business and Economic Development  
Office of Environmental Quality Control

County Agencies

Department of Land Utilization  
Department of Parks and Recreation  
Department of General Planning  
Department of Transportation Services  
Fire Department  
Police Department  
Board of Water Supply

Public Utilities

Hawaiian Electric Co. Inc.  
Hawaiian Telephone Co.  
Gasco Inc.

The following agencies have been notified but have  
not responded to the Force Main Addition:

Federal Agencies

National Marine Fisheries Service

State Agencies

Coastal Zone Management Program

Public Utilities

Oceanic Cablevision  
Pacific Resources Inc.

Others

Disabled American Veterans, Department of Hawaii  
Neighborhood Board No. 15

RECOMMENDATION:

That the Board:

- A. Grant to the City and County of Honolulu perpetual, non-exclusive easements for sewer Force Main purposes on, over, under and across the above-described State lands identified as Parcels 1, 2, 4 and 6 subject to the following terms and conditions:

Board of Land and  
Natural Resources

March 27, 1992

RECOMMENDATION: (continued)

1. Concurrence of the Governor with respect to Parcels 1 and 2.
2. The City and County of Honolulu shall use the easement for a sewer Force Main purposes only.
3. The City and County of Honolulu shall at all times with respect to said premises use due care for public safety.
4. The City and County of Honolulu shall indemnify, defend, and hold harmless the State and its political affiliate from loss, liability, claims or demand for damages or injury including but not limited to interest or to claims for property damage, personal injury or death arising out of any injury or damage on or about the premises under the control and/or use of the City and County of Honolulu or caused by a failure on the part of the City and County of Honolulu to use or maintain the premises in accordance with the terms and conditions of the easement grant or caused by or resulting from any of the activities or operation of the City and County of Honolulu in connection with the premises.
5. In the event that the easement becomes abandoned or remain unused for a period of one (1) year, the easement shall automatically terminate and the premises revert to the State of Hawaii.
6. Upon termination of the easement if desired by the Department of Land and Natural Resources, State of Hawaii, the City and County of Honolulu shall at its own cost and expense either fill in the Force Main or remove any and all improvement installed or constructed by them and restore the area to a condition satisfactory to the State of Hawaii, Department of Land and Natural Resources, Land Management Division.
7. Such other terms and conditions as may be imposed by the Chairperson.

Board of Land and  
Natural Resources

March 27, 1992

RECOMMENDATION: (continued)

8. Subject to the disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representative or by majority vote of both in any regular or special session next following the date of withdrawal.
- B. Grant the City and County of Honolulu right of entry to the above-described Parcels 1, 2, 4 and 6 and permission to construct, install, maintain and repair the sewer Force Mains subject to the following terms and conditions:
  1. Concurrence of the Governor with respect to Parcels 1 and 2.
  2. That the grantee comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and City and County governments.
  3. The grantee, its agents and/or representatives shall defend, indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its officers, employees, contractors and agents under or relating to or connected with the granting of this right of entry.
  4. In the event any unanticipated sites or remains such as shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 587-0045.
  5. That the applicant comply with all applicable Public Health Regulations.
  6. That no explosives be used for construction of the trench.
  7. The grantee shall during construction of the Force Main easement not inconvenience the permittees and/or lessees of the State from ingress and egress and the use of its properties.

Board of Land and  
Natural Resources

March 27, 1992

RECOMMENDATION: (continued)

8. The grantee upon completion of the project shall restore the area to a condition acceptable to both the Department and its tenant.
9. The grantee shall give the Department 48 hours prior notice of commencement and completion of the project.
10. The grantee is fully aware that this right of entry does not include Parcels 3 and 5 which are within the conservation district.
11. The Department reserves the right to impose during the period of the right of entry such other terms and conditions as it deems necessary.

Respectfully submitted,

  
W. MASON YOUNG  
Land Management Administrator

APPROVED FOR SUBMITTAL:

  
for WILLIAM W. PATY, Chairperson



JOHN WAGNER  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
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AGRICULTURE DEVELOPMENT  
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RECREATION ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

May 22, 1992

Board of Land and  
Natural Resources  
Honolulu, Hawaii

OAHU

Subject: Amendment to Prior Board Action of March 27, 1992  
(Agenda Item F-5) Relative to the Direct Award to  
the City & County of Honolulu of Perpetual, Non-  
Exclusive Easements for Sewer Force Main Addition,  
Kamehameha Highway, Moanalua, Kalihi-Kai, Oahu, TMK:  
1-2-21:Por. 36

The Force Main Addition is part of the Kamehameha Highway Pump Station system that collects wastewater from the Honolulu International Airport, Aliamanu Housing, Salt Lake, Moanalua, Moanalua Gardens and Keehi Lagoon Park areas and conveys the wastewater from its pump station in Keehi Beach Lagoon Park to the existing Sand Island gravity sewer lines in the adjacent Sand Island Industrial Complex.

The City and County of Honolulu under Kamehameha Highway Force Main Addition is proposing to install a 42" diameter sewer Force Main across Moanalua Stream and Kalihi Stream to work in conjunction with the existing 36" diameter Force Main located approximately 40 feet mauka of the new pipe alignment.

Originally, the project called for a Force Main Replacement. However, the City engineers decided a better system would be a redundant system to minimize the chance of spillage.

The Force Main Addition has been requested by the City and County of Honolulu Department of Public Works to help prevent malfunction of the existing Force Main. Should a malfunction occur, the remaining Force Main would be used as a back-up main until the other main is repaired.

The subject Tax Map Key: 1-2-21:36 was not included in the original Board submittal but is required for the sewer force main project. The sewer easement alignment affecting the aforesaid tax map is shown shaded in yellow on the map labeled Land Board Exhibit "A" appended to the basic file.

Island Electric Motor Service, the permittee (Revocable Permit No. S-6201) on the subject tax map key parcel, has no objections to the granting of a right of entry or easement to the City and County of Honolulu.

ITEM F-15

EXHIBIT 2

Board of Land and  
Natural Resources

May 22, 1992

RECOMMENDATION:

That the Board amend its action of March 27, 1992 under agenda Item P-5 by including the above-described sewer force main easement on, over, under and across a portion of Tax Map Key: 1-2-21:36.

Respectfully submitted,



W. MASON YOUNG  
Land Management Administrator

APPROVED FOR SUBMITTAL:

  
WILLIAM W. PATY, Chairperson

JOHN WEAVER  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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AGRICULTURE DEVELOPMENT  
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RECREATION ENFORCEMENT  
CONSERVATION  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

November 20, 1992

Board of Land and  
Natural Resources  
Honolulu, Hawaii

OAHU

Subject: Amendment to Prior Board Action of March 27, 1992  
(Agenda Item F-5) Relative to the Direct Award to  
the City & County of Honolulu of Perpetual, Non-  
Exclusive Easements for Sewer Force Main Addition,  
Kamehameha Highway, Moanalua, Kalihi-Kai, Oahu, THK:  
1-1-03:Portion 138

On March 27, 1992, under agenda Item F-5, the Board approved  
the issuance of perpetual, non-exclusive easements for a sewer  
force main addition at Kamehameha Highway, Moanalua, Kalihi Kai,  
Oahu.

The subject parcels, Kalihi Stream and Moanalua Stream, were  
excluded from the above Board approval until such time as a  
Conservation District Use Permit (CDUP) could be approved. On  
September 25, 1992, under agenda Item H-1, the Board approved a  
CDUP (No. OA-2550) for this project on the subject parcels.

The Force Main Addition is part of the Kamehameha Highway Pump  
Station system that collects wastewater from the Honolulu  
International Airport, Aliamanu Housing, Salt Lake, Moanalua,  
Moanalua Gardens and Keahi Lagoon Park areas and conveys the  
wastewater from its pump station in Keahi Beach Lagoon Park to the  
existing Sand Island gravity sewer lines in the adjacent Sand  
Island Industrial Complex.

The City and County of Honolulu under Kamehameha Highway Force  
Main Addition is proposing to install a 42" diameter sewer Force  
Main across Moanalua Stream and Kalihi Stream to work in  
conjunction with the existing 36" diameter Force Main located  
approximately 40 feet mauka of the new pipe alignment.

Originally, the project called for a Force Main Replacement.  
However, the City engineers decided a better system would be a  
redundant system to minimize the chance of spillage.

The Force Main Addition has been requested by the City and  
County of Honolulu Department of Public Works to help prevent  
malfunction of the existing Force Main. Should a malfunction  
occur, the remaining Force Main would be used as a back-up main  
until the other main is repaired.

ITEM F-6

EXHIBIT 3

Board of Land and  
Natural Resources

November 20, 1992

The subject Parcels 3 and 5 are required for the sewer force main project. The sewer easement alignment affecting the aforesaid tax map is shown shaded in yellow on the map labeled Land Board Exhibit "A" appended to the basic file.

RECOMMENDATION:

That the Board amend its prior action of March 27, 1992 under agenda Item P-5 to include the above-described Parcels 3 and 5 in the easement and right of entry to the City and County of Honolulu subject to the following terms and conditions:

1. The easement must comply with conditions No. 1, 3, 10, 11, 12, 13 and 14 of CDUP No. OA-2550 approved by the Board on September 25, 1992 under agenda Item H-1.
2. The right of entry must comply with conditions No. 1, 2, 4, 5, 6, 8, 9, 10, 11 and 13 of CDUP No. OA-2550 approved by the Board on September 25, 1992 under agenda Item H-1.
3. All other terms and conditions contained in the approved March 27, 1992 Board action under agenda Item P-5.
4. Other terms and conditions contained as may be prescribed by the Chairperson.

Respectfully submitted,



W. MASON YOUNG  
Land Management Administrator

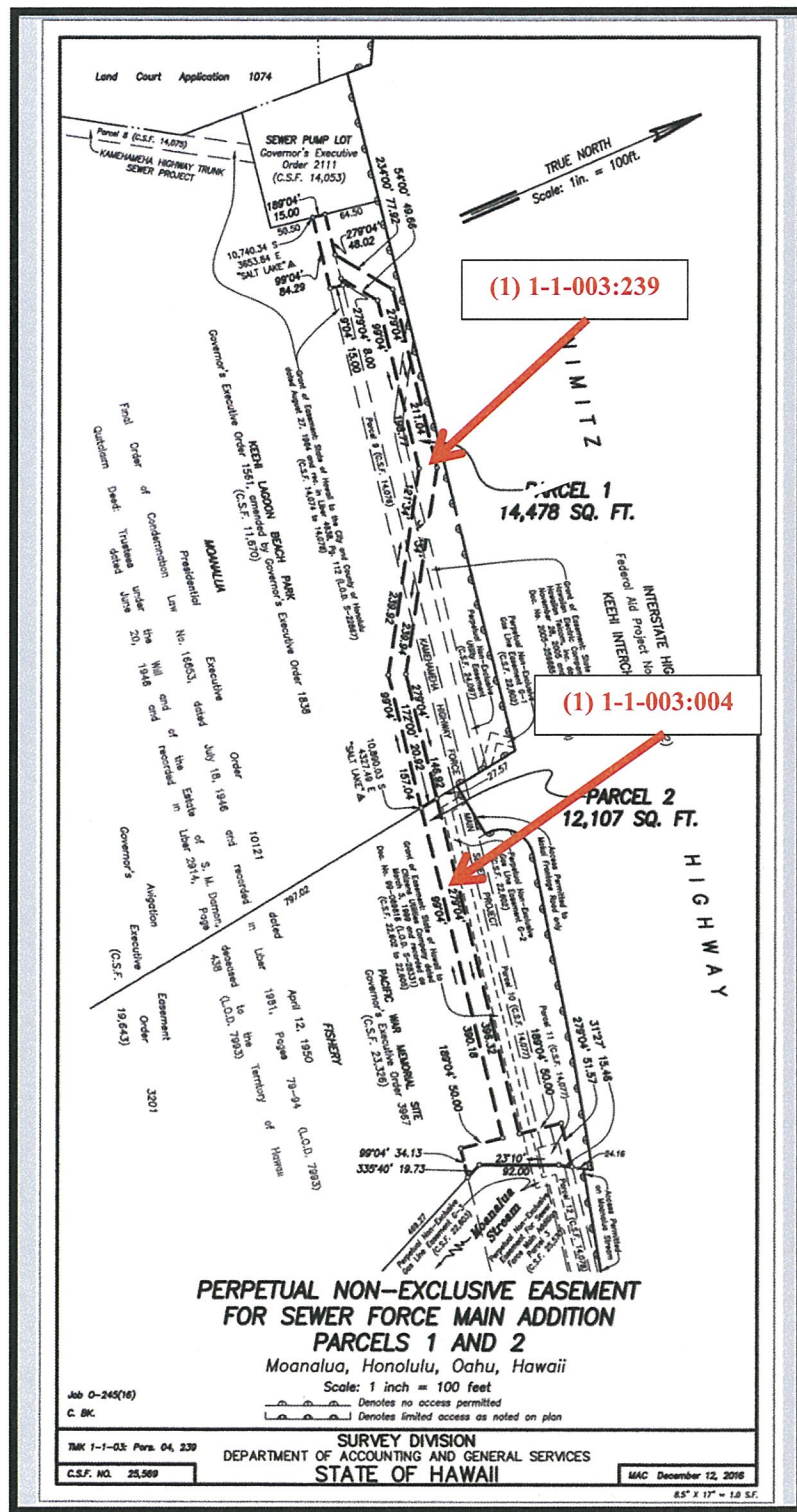
APPROVED FOR SUBMITTAL:



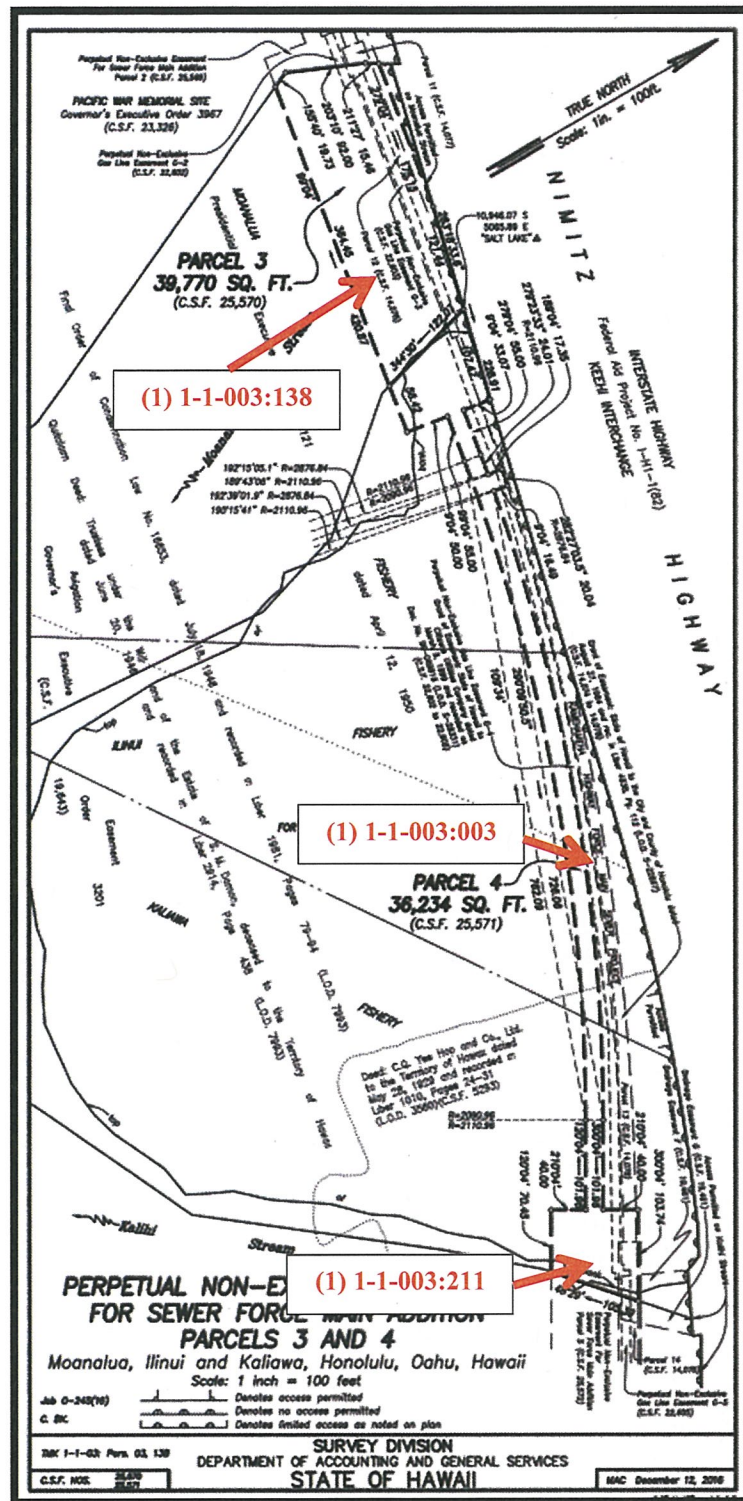
WILLIAM W. PATY, Chairperson







TMK (1) 1-1-003: Portions 04 and 239



TMK (1) 1-1-003:Portion 138, 003, and 211

**TMK (1) 1-2-021: Portions 035, 036, and 037**