

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

June 9, 2017

PSF No.: 15KD-151  
Ref. No.: HWY-RM 3.89673

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

**KAUAI**

Quitclaim Sale of Remnant (abandoned road right-of-way) to Dennis D. Raymond and Colleen L. Raymond; Issuance of Right-of-Entry for Access Purposes, Kaapuna & Moloaa Hui, Kawaihau, Kauai, Tax Map Key: (4) 4-9-003:Road, also designated as Tax Map Key: (4) 4-9-008:999.

**APPLICANT:**

Dennis D. Raymond and Colleen L. Raymond, husband and wife, tenants by the entirety.

**LEGAL REFERENCE:**

Section 171-52, Hawaii Revised Statutes, as amended.

**LOCATION:**

Portion of Government lands (abandoned right-of-way) situated at Kaapuna & Moloaa Hui, Kawaihau, Kauai, Tax Map Key: (4) 4-9-003:Road, also designated as TMK: (4) 4-9-008:999, as shown on the attached maps labeled Exhibit A.

**AREA:**

0.105 acres or 4,575 square feet, more or less.

**ZONING:**

State Land Use District:	Urban
County of Kauai CZO:	Agriculture

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_ NO   x

CURRENT USE STATUS:

Vacant and Unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit C

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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" and Item No. 44, "Transfer of title to land."

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 2) Pay for an appraisal to determine the one-time payment of the remnants, at fair market price, and at applicant's own cost; and
- 3) Consolidate the remnant with the Applicant's abutting properties through the County of Kauai's subdivision process, at Applicant's own cost.

REMARKS:

Pursuant to Section 171-52, HRS, a remnant is defined as "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." The subject parcel has been determined to be a remnant by this definition for the following reason:

- 1) The parcel is a discontinued portion of an old government road.

The parcel is identified as TMK: (4) 4-9-003:Road by DOT Highways, Right-of-Way Branch, and as TMK: (4) 4-9-008:999 by the County of Kauai, and is an abandoned road right-of-way, formerly known as Anuenue Road.

Staff confirmed with the County of Kauai Real Property Tax Office that Dennis D. Raymond and Colleen L. Raymond (together, the Raymonds) are the fee owners of Tax Map Key: (4) 4-9-003:013 (the Raymond Property), that abuts the subject remnant. The Raymonds desire to purchase the remnant for legal access purposes. The Raymond Property currently has no legal access to a government roadway and is therefore landlocked. Although another landowner in the area, Kaapuni Hui Land who owns Tax Map Key: (4) 4-9-011:013, also abuts the remnant, the remnant will only be sold to the Raymonds as provided by law because the remnant is required for legal access. Staff understands that should portions of the remnant be sold to both the Raymonds and Kaapuni Hui Land, the Raymonds would still be landlocked.

In 2012, the Raymonds applied to the Department of Transportation, Highways Division (DOT-Highways), to purchase the road remnant because at that time it was presumed the remnant was under DOT-Highways' jurisdiction, as part of the old Kaumualii Highway before the highway was realigned.

DOT-Highways offered to sell a portion of the old government road containing an area of 4,575 square feet for \$4,500 (internal valuation), by way of a Quitclaim Deed even if the Kaapuni Hui Land also abutted the remnant. While processing the conveyance, a certificate of search was completed by DOT-Highways which unexpectedly indicated that the old government road remnant was acquired by the State of Hawaii through the Hawaii Admissions Act. DOT-Highways determined that the remnant actually belongs to the Department of Land and Natural Resources<sup>1</sup> and therefore should be sold by the Board of Land and Natural Resources. (Exhibit B) The title issue is unsettled in Land Division's view and, therefore, staff recommends that the conveyance be effected by a quitclaim conveyance from the Board to the Raymonds.

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

On April 13, 2017 various government agencies and interest groups were solicited for comments. The responses are as follows:

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<sup>1</sup> At its meeting of March 23, 1984, Item D-4, the Board authorized DOT-Highways to sell a number of road remnants statewide. However, the subject remnant was not included on the approved list. Accordingly, if approved, Land Division staff will process this disposition.



AGENCIES	COMMENTS
<b>County of Hawaii:</b>	
Planning Department	No response
Public Works	No response
<b>State of Hawaii:</b>	
DLNR -	
DLNR - Historic Preservation	No response
DOT-Highways	No objections
<b>Other Agencies/ Interest Groups:</b>	
Office of Hawaiian Affairs	No response

Staff understands that the Raymonds currently access their property over the remnant. Staff is therefore including a recommendation below for the issuance of a right-of-entry permit to the Raymonds for access purposes to remain in effect until the conveyance of the remnant to the Raymonds. There will be no separate consideration paid for the right-of-entry, but the Raymonds will be required to provide liability insurance and indemnify the State for their use of the land in the interim.

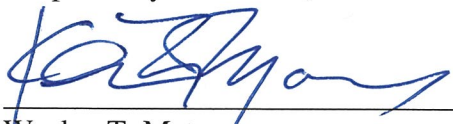
RECOMMENDATION: That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 4-9-003:013, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
4. Authorize the subdivision and consolidation of the subject remnant to the Applicant's private property, and at applicant's own expense.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Dennis D. Raymond and Colleen L.

Raymond, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

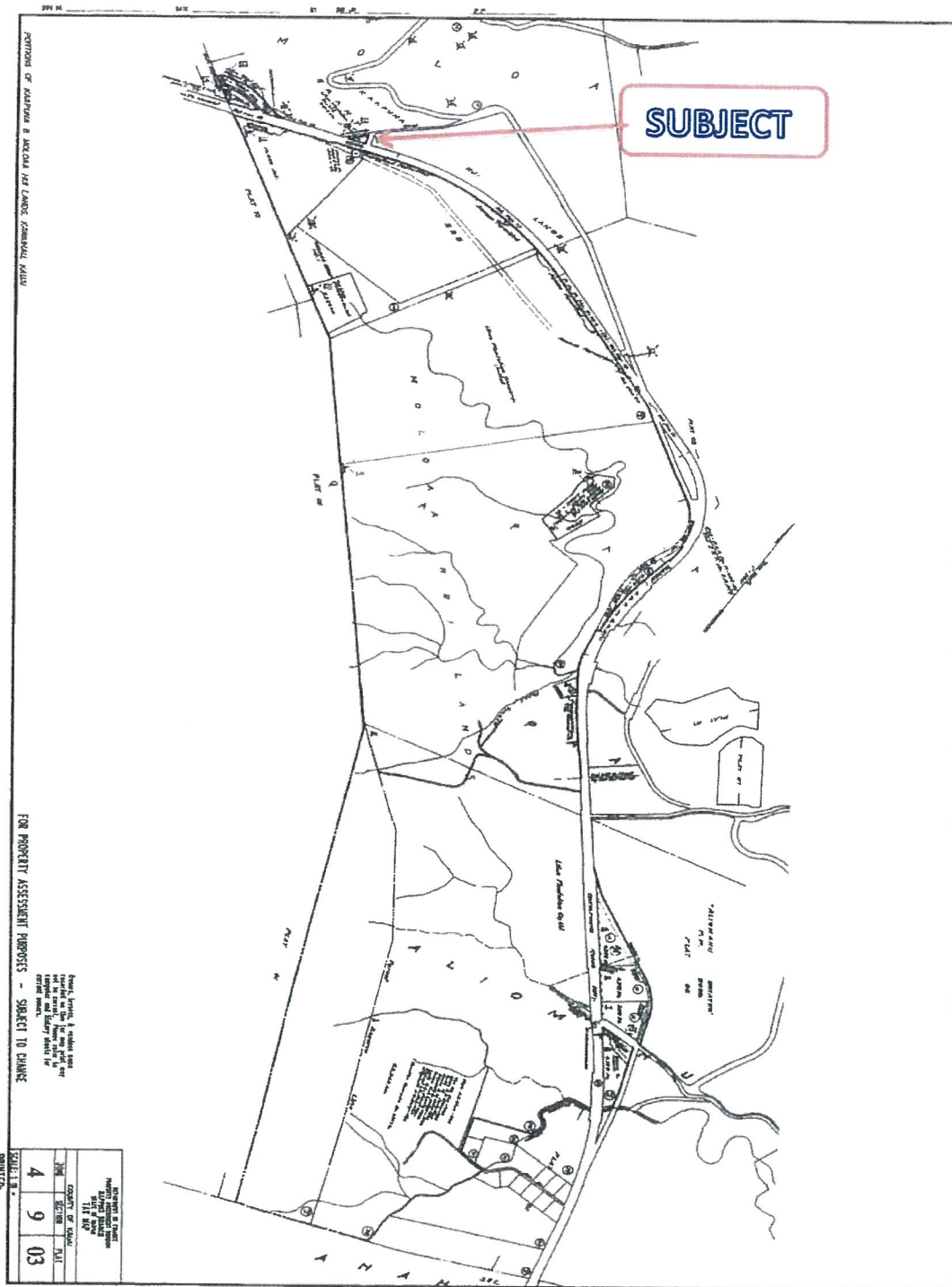
- A. The standard terms and conditions of the most current quitclaim deed or grant (remnant) form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
6. Grant a right-of-entry to Dennis D. Raymond and Colleen L. Raymond, over and across the subject remnant, 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 right-of-entry form, as may be amended from time to time;
  - B. The right-of-entry will be effective upon the Raymonds' execution of the right-of-entry permit and submission of the required proof of insurance and shall continue until the remnant is conveyed to the Raymonds; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
for Wesley T. Matsunaga  
Acting Kauai District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



**EXHIBIT A**

# EXHIBIT A

EXHIBIT A

PORTION OF OLD GOVERNMENT ROAD  
SHOWN ON  
MAP OF PARTITION  
KAAPUNA HUI LANDS  
REGISTERED MAP 2978.

AT MOLOAA & PAPAA, KAWAHAU, KAUAI, HAWAII

BEGINNING AT THE NORTH CORNER OF THIS PORTION  
OF OLD GOVERNMENT ROAD, ON THE SOUTHEASTERN SIDE OF  
TMK 4-4-9-011-013, THE COORDINATES OF SAID POINT OF  
BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION  
STATION "MOLOAA" BEING, 2,411.52 FEET SOUTH AND 6,932.00  
FEET WEST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE  
FROM TRUE SOUTH:

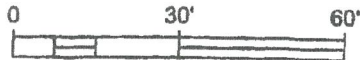
1. 344° 25' 00" 23.30 FEET ALONG THE REMAINDER OF OLD  
GOVERNMENT ROAD;
2. 043° 34' 00" 208.03 FEET ALONG TMK 4-4-9-003-013;
3. 074° 25' 00" 39.00 FEET ALONG THE NORTH SIDE OF KUHIO  
HIGHWAY;
4. 223° 34' 00" 251.48 FEET ALONG TMK 4-4-9-011-013 TO  
THE POINT OF BEGINNING AND CONTAINING  
AN AREA OF 4,875 SQUARE FEET.

PORTION OF GRANT 535 TO JAMES W. SMITH

TMK 4-4-9-011-013  
"MOLOAA VALLEY"



Scale 1"=30'



POB:  
2,411.52 feet South  
6,932.00 feet West

344° 25' 00"  
23.30'

K A A P U N A H U I L A N D S

223° 34' 00" 251.46'  
PROPOSED PORTION OF OLD  
GOVERNMENT ROAD  
(4,875 SQ.FT.)  
223° 34' 00" 206.03'

TMK 4-4-9-003-013  
(9,344 SQ.FT.)

344° 25' 00" 105.65'

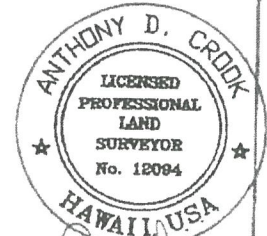
TMK 4-4-9-008-028  
"MOLOAA HUI III"

74° 25' 00" 176.88'  
KUHIO HIGHWAY

74° 25' 00"  
39.00'

AILANA SURVEYING & GEOMATICS LLC  
PHONE (808)348-1818  
FAX 1-800-856-8297  
INFO@AILANASURVEYING.COM

MAP DATED: JULY 10, 2012



THIS MAP WAS PREPARED BY ME OR  
UNDER MY SUPERVISION  
BY LICENSED SURVEYOR / PROFESSIONAL LAND SURVEYOR  
ANTHONY D. CROOK  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE No. 12094

TMK(4)4-9-003-013



NEIL ABCRCROMBIE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION AT KAPOLEI  
601 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 98707  
September 13, 2012

GLENN M. OKIMOTO  
DIRECTOR

DEPUTY DIRECTORS  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO  
HWY-RM  
3.89673

HIGHWAY DESIGN BRANCH, ROOM 608A  
BRIDGE DESIGN SECTION, ROOM 611  
CADASTRAL DESIGN SECTION, ROOM 600  
HIGHWAY DESIGN SECTION, ROOM 609  
HYDRAULIC DESIGN SECTION, ROOM 630  
TECHNICAL DESIGN SERVICE, ROOM 608  
LANDSCAPE DESIGN SECTION, ROOM 609

RIGHT OF WAY BRANCH, ROOM 601

TRAFFIC BRANCH, ROOM 602

MOTOR VEHICLE SAFETY OFFICE, ROOM 511

Mr. Dennis Raymond

Kilauea, Hawaii 96754

Dear Mr. Raymond:

Subject: Kuhio Highway (Kauai Belt Road), Project No. F-056-1(3)  
At Hanalei and Kawaihau, Kauai, Hawaii, TMK (4) 4-9-03: Rd  
Request for Purchase a Portion of Old Government Road

The State of Hawaii offers for sale a portion of old government road containing an area of 4,575 square feet delineated on the attached exhibit for the amount of \$4,500.00.

This offer is subject to consolidation of said portion of road with your abutting property in accordance with the Ordinance of the County of Kauai. An outside surveyor of your choice can provide consolidation services such as mapping and descriptions; however, such costs are your sole responsibility.

A check in the amount of \$34.50 made payable to the Bureau of Conveyances will be requested from you at the time of recording. This separate check includes a conveyance tax of \$4.50 and a recording fee of \$30.00.

The portion of road is being offered "as is" and will be conveyed by Quitclaim Deed. The portion of road will be sold subject to any encumbrances now of record. The State makes no warranty or representation about the suitability or marketability of the portion of road for any particular use; the presence of any hazardous materials on, under, or about the same; and the physical condition of the portion of road and any improvements thereon. Further, the State will not be responsible for clearing the land of vegetation and debris.

This offer is also contingent upon the successful recording of the Quitclaim Deed within one year from the date of this letter.

Please have all owners of record sign the acceptance portion of this letter and return it to us together with requested information for the deed. This offer to sell you the said portion of road is good for thirty (30) days from the date of this letter. If we do not receive your signed acceptance within the specified thirty (30) days time limit, then this offer will be null and void without any action on our part.

EXHIBIT B

CE  
T.T. 10/23

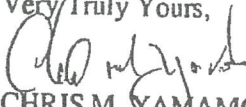


Mr. Dennis Raymond  
Page 2  
September 13, 2012

HWY-RM  
3.89673

Please be reminded that terms and conditions as stated in our letter dated May 14, 2012 (ref. HWY-RM 3.89302) are still applicable.

Should you have questions, please call Katja Jordan-King, Right-of-Way Agent, at (808) 692-7331, or you may e-mail her at [Katja.M.Jordan-King@hawaii.gov](mailto:Katja.M.Jordan-King@hawaii.gov).

Very Truly Yours,  
  
CHRIS M. YAMAMOTO  
Section Head  
Property Management

Attachment: Parcel Map Exhibit

ACCEPTANCE

The undersigned hereby accepts the offer to purchase from the State of Hawaii the property identified as portion of old government road, Project No. F-056-1(3) containing 4,575 square feet and delineated on attached exhibit, on the terms and conditions contained herein for \$4,500.00 in U.S. dollars. The check for \$4,500.00 shall be made payable to the State of Hawaii, Department of Transportation. Also, a separate check for \$34.50 made payable to the Bureau of Conveyances, will be requested at the time of recording. It is agreed that the conveyance will be made by Quitclaim Deed.

  
Signature

9-24-2012  
Date

  
Signature

9/24/12  
Date

(PLEASE FILL IN DATA FOR THE QUITCLAIM DEED DOCUMENT)

DENNIS DEAN RAYMOND  
Print Grantee Legal Name

COLLEEN LUREE RAYMOND  
Print Grantee Legal Name

Mailing Address for Document:

(KILAUEA) KAUAI HI  
96754

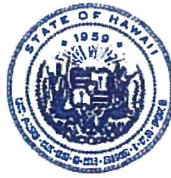
NEIL ABERCROMBIE  
GOVERNOR

HIGHWAY DESIGN BRANCH, ROOM 688A  
BRIDGE DESIGN SECTION, ROOM 611  
CADASTRAL DESIGN SECTION, ROOM 600  
HIGHWAY DESIGN SECTION, ROOM 609  
HYDRAULIC DESIGN SECTION, ROOM 636  
TECHNICAL DESIGN SERVICE, ROOM 688  
LANDSCAPE DESIGN SECTION, ROOM 609

RIGHT-OF-WAY BRANCH, ROOM 691

TRAFFIC BRANCH, ROOM 602

MOTOR VEHICLE SAFETY OFFICE, ROOM 511



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION AT KAPOLEI  
601 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 96707

GLENN M. OKIMOTO  
DIRECTOR

DEPUTY DIRECTORS  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO  
HWY-RM  
3.90053

March 15, 2013

Mr. Dennis Raymond

Kilauea, Hawaii 96754

Dear Mr. Raymond:

Subject: Kuhio Highway (Kauai Belt Road), Project No. F-056-1(3)  
At Hanalei and Kawaihau, Kauai, Hawaii, TMK (4) 4-9-03: Rd  
Request for Purchase a Portion of Old Government Road

We regret to inform you that the processing of the sale of a portion of Old Government Road is being deferred to the Department of Land and Natural Resources (DLNR). It was determined that the land belongs to DLNR and therefore would be the appropriate agency to process the sale.

Please contact Milo Spindt, Kauai District Land Agent at (808) 274-3491 for further information.

If you have any questions, please call me at (808) 692-7331 or you can email me at [Katja.M.Jordan-King@Hawaii.Gov](mailto:Katja.M.Jordan-King@Hawaii.Gov).

Very truly yours,

KATJA M. JORDAN-KING  
Right-of-Way Agent  
Property Management

**EXHIBIT B**

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 9, 2017

Ref. No.: 15KD-151

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title:	Quitclaim Sale of Remnant (abandoned road right-of-way); Issuance of Right-of-Entry to Dennis D. Raymond and Colleen L. Raymond for Access Purposes, Kaapuna & Moloaa Hui, Kawaihau, Kauai, Tax Map Key: (4) 4-9-003: Road
Project / Reference No.:	PSF No.: 15KD-151
Project Location:	Moloaa Hui, Kawaihau, Kauai.
Project Description:	Quitclaim Sale of Remnant (abandoned roadway) with Access Right-of-Entry.
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to, Exemption Class 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" and Item No. 44, "Transfer of title to land."
Exemption Item Description from Agency Exemption List:	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.

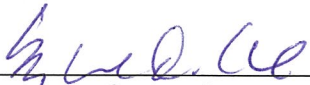
**EXHIBIT C**



Transfer of title to land.

Consulted Parties: The Department of Transportation, Highways Division.

Recommendation: The quitclaim sale of a remnant, an abandoned road right-of-way, and the issuance of a right-of-entry will probably have minimal or no significant effect on the environment. It is recommended that the Board of Land and Natural Resources find that the action is exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

  
\_\_\_\_\_  
Date

5/23/17