

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

September 22, 2017

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

PSF No.: 17OD-106

Oahu

Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway; Issuance of Immediate Construction Right-of-Entry; Honolulu, Oahu, TMK (1) 1-5-040: portions of 003.

APPLICANT:

The City and County of Honolulu ("City") on behalf of the Honolulu Authority for Rapid Transportation ("HART")

LEGAL REFERENCE:

Sections 171-55 and 171-95, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portions of government land situated at Honolulu, Oahu, identified by tax map keys (1) 1-5-040: portions of 003 as shown on the maps attached as **Exhibit A1** and **A2**.

AREAS:

2,619 square feet, subject to review and approval by the DAGS, Survey Division

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: IMX-1 [Industrial and Commercial Mixed Use]

TRUST LAND STATUS:

Section 5 (a) lands of the Hawaiian Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 1552 dated March 30, 1953, setting aside to the City and County of Honolulu for sewage pumping station 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 elevated guideway purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor subject project was published in the OEQC's Environmental Notice on January 8, 2011.

On August 24, 2012, the Hawaii Supreme Court ruled that the City should have completed archaeological survey work along the entire proposed rail transit route prior to starting construction.

In February 2013 the field work for the Archaeological Inventory Survey ("AIS") for the entire proposed transit route was completed and the AIS reports were then submitted to DLNR's State Historic Preservation Division ("SHPD") for review, which was accepted by SHPD pursuant to its letter dated August 27, 2013.

DCCA VERIFICATION:

Not applicable.

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. Process and obtain subdivision at Applicant's own cost; and
3. HART to coordinate execution by the City and County of Honolulu on the easement.

BACKGROUND:

As part for the 20-mile grade separated fixed guideway rail system from East Kapolei to Ala Moana Center, HART requests portions of the State land currently encumbered by executive order as mentioned above to be utilized for the elevated guideway purposes.

In the past, the Board has authorized the issuance of perpetual non-exclusive easement to HART at various locations, including East Kapolei, and Aloha Stadium.

Department of Environmental Services, the City agency currently responsible for the sewage pump station, indicates its concurrence to the requested easement, as shown on **Exhibit B**. As agency and community comments were solicited during the environmental assessment stages, staff did not request comments from other agencies on the subject disposition.

Further, the requested easement is subject to the City's guideway easement requirements attached as **Exhibit C**, which has been adopted by the Board at its meeting on September 13, 2013, under agenda item D-8 regarding the East Kapolei site.

Applicant has 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.

There are no other pertinent issues or concerns.

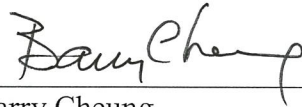
RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the subject areas for elevated guideway purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The City's guideway easement requirements at Exhibit C;
 - B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;
 - C. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson

to best serve the interests of the State.

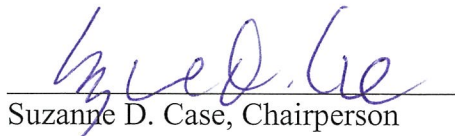
2. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the requested easement areas and the construction staging areas under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The City's guideway easement requirements at Exhibit C;
 - B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;
 - C. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - D. Written concurrence of the parties mentioned in the table above; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

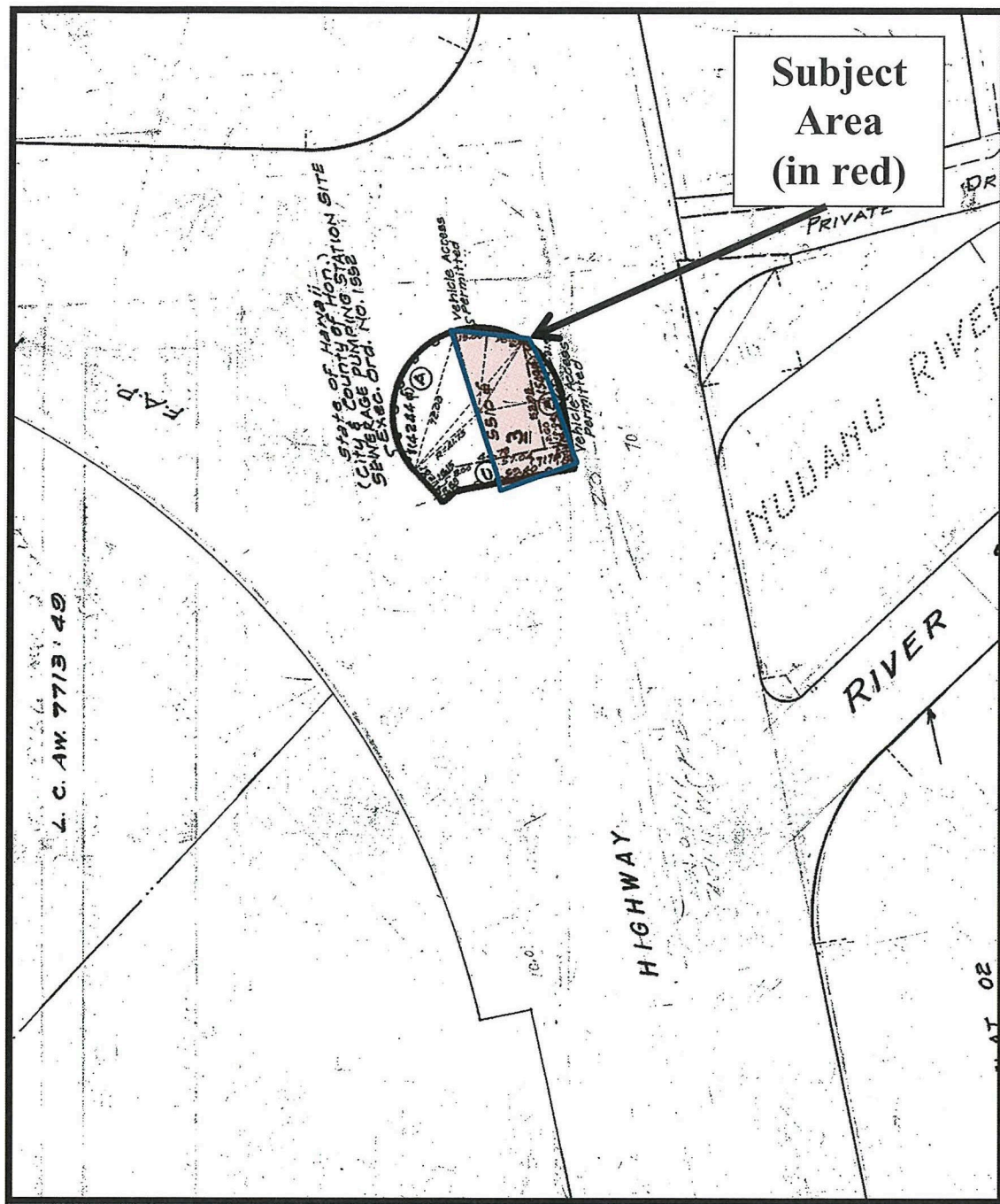


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

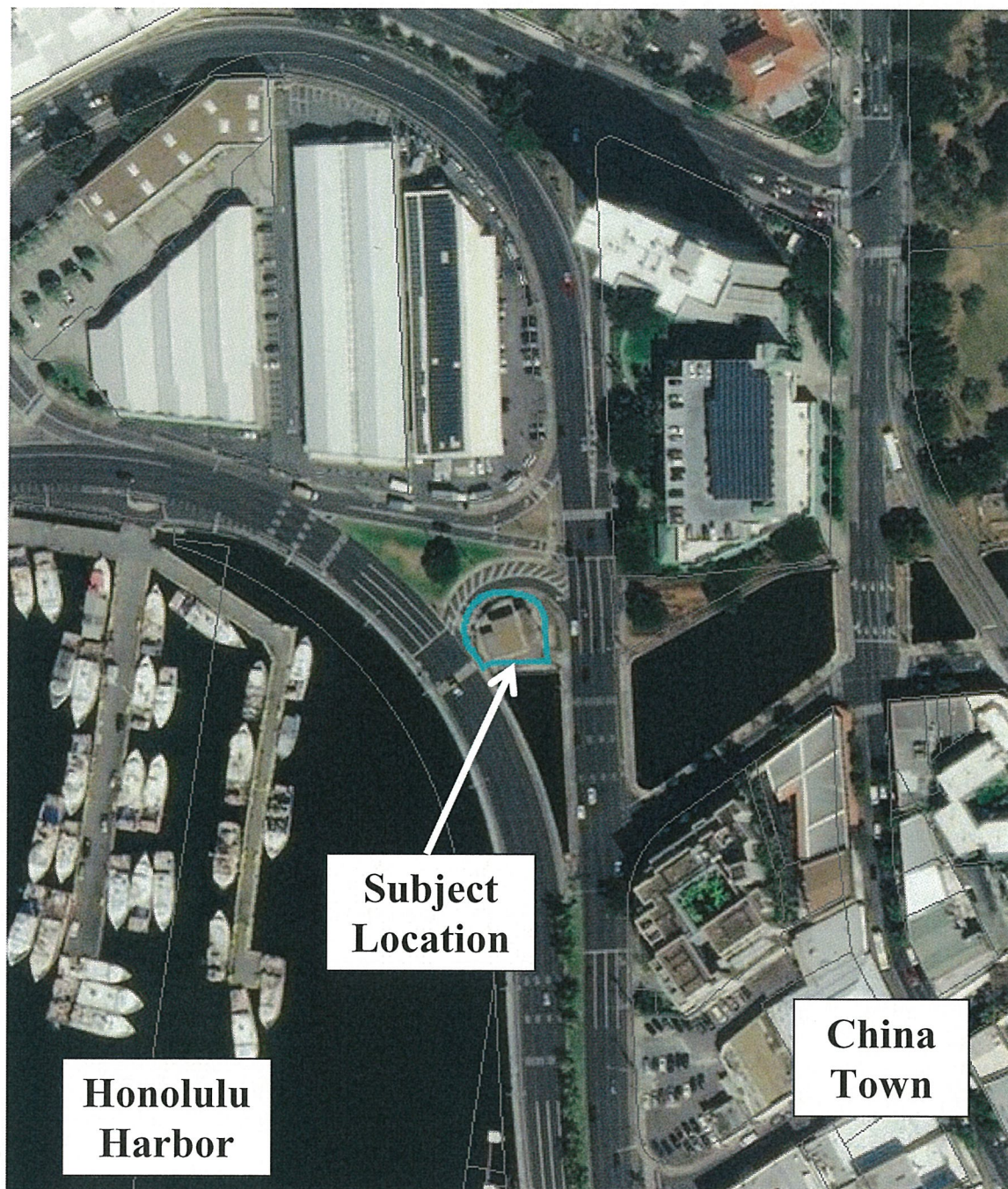


Suzanne D. Case, Chairperson



TMK (1) 1-5-040: portion of 003

EXHIBIT A1



TMK (1) 1-5-040: portion of 003

EXHIBIT A2

PL 3882
READ C
TS
RDW

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

IN REPLY REFER TO:
CMS-AP00ROW-01409

Krishniah N. Murthy
INTERIM EXECUTIVE DIRECTOR AND CEO

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HART-ROW

March 15, 2017

'17 MAY -5 P3:22

MEMORANDUM


TO: LORI M.K. KAHIKINA, P.E. DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: KRISHNIAH N. MURTHY
INTERIM EXECUTIVE DIRECTOR AND CEO

SUBJECT: HONOLULU RAIL TRANSIT PROJECT (HRTTP)
PARCEL 437B: TAX MAP KEY 1-5-040-003
REQUEST FOR CONCURRENCE AND NO OBJECTION TO REQUEST FOR PERPETUAL
NON-EXCLUSIVE EASEMENTS FOR CONSTRUCTION AND MAINTENANCE PURPOSES
FOR AN OVERHEAD GUIDEWAY EASEMENT OVER STATE LANDS AND UNDER THE
JURISDICTION OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES BY
EXECUTIVE ORDER NO (EO). 1552 AS A SET ASIDE LAND FOR PUBLIC PURPOSE

This is to follow up discussions with staff member Mr. Jack Pobuk in October of 2016. The Honolulu Authority for Rapid Transportation (HART) respectfully requests your continued support in our endeavor to transfer certain perpetual non-exclusive easement rights over your set aside for the subject project, herein described, for construction, maintenance, and operation purposes for the overhead guideway project. We include the attached survey map and legal description for Parcel 437B, and the original document for the Pump Station Easement to the City. Should you concur with our request to the Department of Land and Natural Resources (DLNR), please sign at the space provided below and return the original for our records.

We appreciate your continued cooperation and thank you and your staff for continuing to work closely with our staff to move this very important project forward. Please contact Mr. Morris Atta by email at matta@honolulu.gov or by telephone at 768-6250 should there be more questions or would like to discuss this at greater length.


KRISHNIAH N. MURTHY
Interim Executive Director and CEO

Attachments

EXHIBIT "B"

Ms. Lori M.K. Kahikina, P.E. Director
Page 2
March 15, 2017

No objections to our request to DLNR for a Perpetual Non-Exclusive Easement over EO 1552 for
Guideway purposes, TMK 1-5-040-003.

Concur:

A handwritten signature in black ink, appearing to read 'Lori', is written over a horizontal line.

Lori M.K. Kahikina
Director of Environmental Services

EXHIBIT "A"
GUIDEWAY EASEMENT REQUIREMENTS

1. Access along the guideway for maintenance. A multi-use of bike path could provide this access parallel to the guideway.
2. Fire code: 2,500 feet to any point on the guideway. Roads under the guideway can provide this access. A road parallel to the guideway is not required.
3. Access along the guideway that will allow HART access to inspect hatches located approximately every 240 feet and a 20 feet by 30 feet all weather pad that will allow for deployment of a pantagraph lift or bucket truck.
4. Access to maintain electrical duct lines and drain lines on the columns.
5. A clear area with a radius of 13 to 14 feet around each column.
6. No vertical construction allowed under the guideway or within 10-feet of the edge of the guideway, an area approximately 50 feet wide along the centerline of the guideway.
7. Right to clear an area for guideway maintenance purpose and restoration by HART after work is completed

EXHIBIT "C"