

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

February 9, 2018

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

PSF No.: 17OD-019

OAHU

Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Waterline Purposes; Issuance of Immediate Right-of-Entry Permit; Wahiawa, Oahu, Tax Map Key: (1) 7-3-013: Portion of 009.

APPLICANT:

City and County of Honolulu, for the use by the Board of Water Supply.

LEGAL REFERENCE:

Sections 171-55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Wahiawa, Oahu, Tax Map Key: (1) 7-3-013: Portion of 009, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

Area to be determined, subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban

City & County of Honolulu LUO: R-5

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:

Portion of the parcel is encumbered by a perpetual, non-exclusive easement [LOD 28979] for utility purposes in favor of Hawaii Electric Company, Inc. and Hawaiian Telcom, Inc.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove waterlines over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Applicant provided the as-built drawings, currently filed in the pending folder, indicate the subject waterline was installed to service private lots in the back of the subject area in 1973, i.e. prior to the enactment of Chapter 343, Hawaii Revised Statutes.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
2. Process and obtain designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

Board of Water Supply advised the Division that they have a waterline installed at the subject location and requested a perpetual, non-exclusive easement shown on Exhibit A1.

Meanwhile, Agribusiness Development Corporation ("ADC") has requested setting aside the subject parcel for agricultural purposes. Staff will bring ADC's request to the Board at a later date, subject to the encumbrance of the requested easement.

Department of Facility Maintenance has no objection/comment. Department of Health,

State Historic Preservation, Commission on Water Resource Management, and the Department of Planning and Permitting have not respond to solicitation for comment before the response date.

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. Staff recommends the Board authorize the issuance of an immediate right-of-entry which shall expire upon the consummation of the requested easement.

RECOMMENDATION: That the Board:

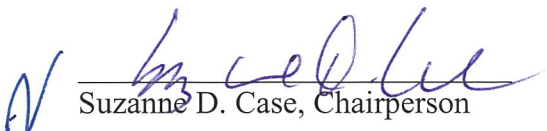
1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu covering the subject area for waterlines purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document 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.
2. Authorize the issuance of an immediate right-of-entry permit to the City and County of Honolulu 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 right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Darlene Bryant-Takamatsu, Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

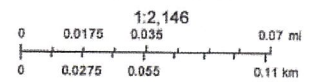
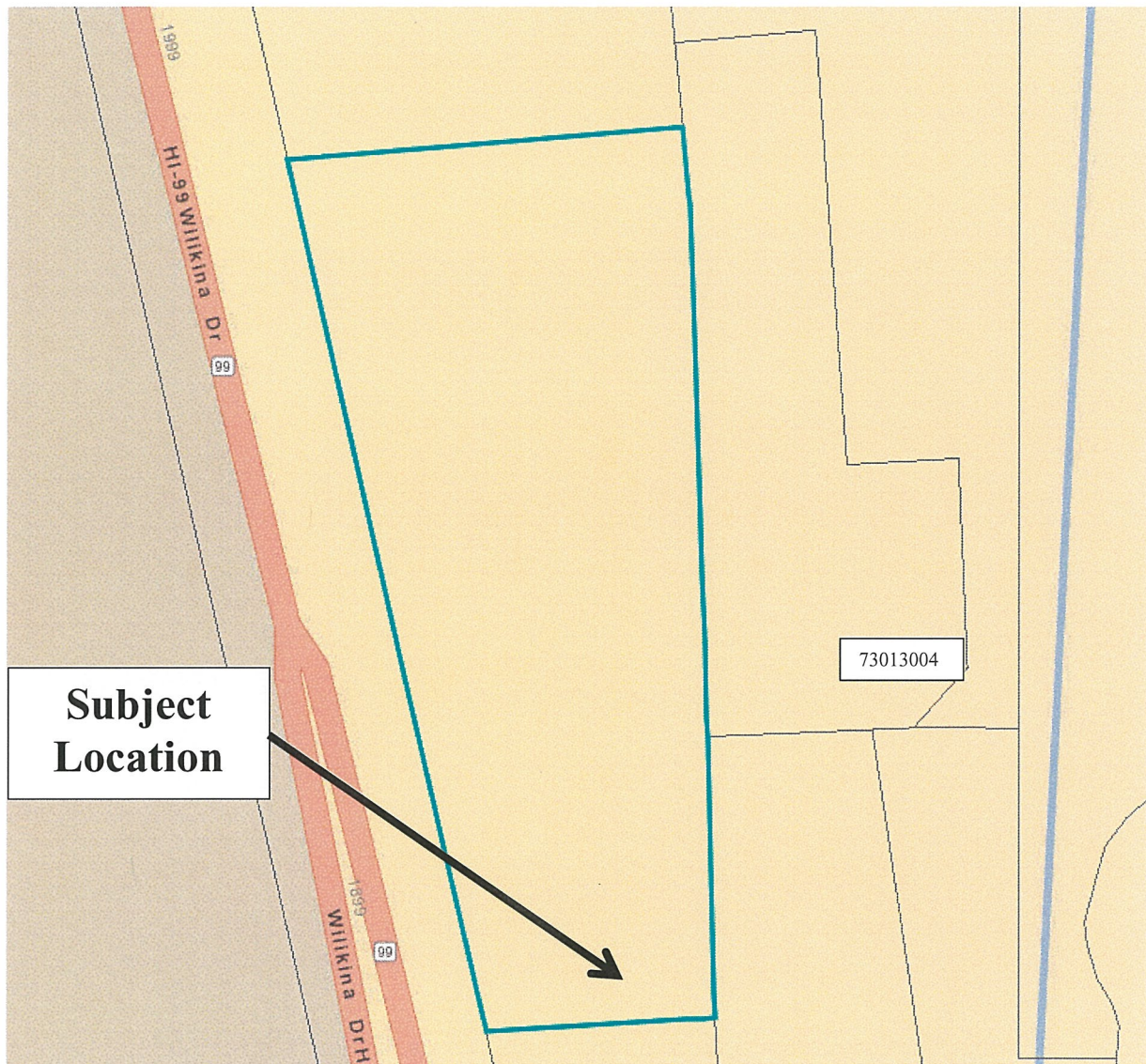


EXHIBIT A1



TMK (1) 7-3-013: Portion of 009

EXHIBIT A2