



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

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IN REPLY REFER TO:

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

OAHU

ISSUANCE OF A RIGHT OF ENTRY TO TOELL U.S.A. CORPORATION, AT 701 NORTH NIMITZ HIGHWAY AT PIERS 23/24, HONOLULU HARBOR, OAHU, TAX MAP KEY NOS. (1) 1-5-038: 004 (POR.), 005 (POR.), 055, 058

LEGAL REFERENCE:

Chapters 171-13 and 171-55, Hawaii Revised Statutes, as amended.

APPLICANT:

Toell U.S.A. Corporation ("Toell U.S.A."), a domestic profit corporation, whose mailing address is 98-790 Moanalua Road, Aiea, Hawaii 96701

CHARACTER OF USE:

Both parties desire to issue this right of entry to Toell U.S.A. to allow access for preliminary construction planning to facilitate permit applications and site mobilization for the development and construction of a new facility and the reconstruction and repair of the existing facilities for the purpose of receiving, loading cargo containers; forming plastic bottles; purifying water; filling of bottles; and packing, storing, and loading final products for shipping.

LOCATION:

Portion of Government lands situated at 701 North Nimitz Highway, Honolulu, Hawaii 96817 at Piers 23/24, Honolulu Harbor, Honolulu, Oahu, as shown on the attached map labeled Exhibit "A." As stated below, said lands have been set aside to the State of Hawaii Department of Transportation ("DOT") by Executive Order 2903.

AREA:

The area comprises of two areas: 29,581 square feet of warehouse space and 2,962 square feet for at-grade parking.

CONSIDERATION:

ITEM M-8

Gratis. However, issuance of a lease by negotiation is pending approval by the Board of Land and Natural Resources, and the consideration for the lease is as follows:

Years 2-10: \$248,110
Years 11-15: \$312,620
Years 16-20: \$350,130
Years 21-30: Reopener
Years 31-40: Reopener

ZONING:

State of Land Use Commission: Urban
City and County of Honolulu: I-3, Waterfront Industrial

TERM OF RIGHT OF ENTRY:

Ninety (90) days, with the option to extend, if necessary, for an additional ninety (90) days. This Right of Entry is expected to terminate upon execution of a lease.

COMMENCEMENT DATE:

To be determined by the Director of Transportation

CURRENT USE STATUS:

Warehouse, storage.

LAND TITLE STATUS:

Owned by State of Hawaii; management and control of the property was transferred to the Department of Transportation by Executive Order No. 2903.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The DOT submitted to the Office of Environmental Quality Control (OEQC) a Final Environmental Assessment with a Finding of No Significant Impact (FEA-FONSI) on March 23, 2018.

APPLICANT REQUIREMENTS:

Toell U.S.A. shall:

- a. Proceed with any and all requirements attendant to the completion of the lease terms and provisions, including but not limited to, providing DOT with its development plans for the subject property as soon as practicable;
- b. Provide necessary insurance coverages for the duration of this right of entry;

- c. Negotiate in good faith and execute a subsequent lease for the identified parcel(s) for the proposed project; and
- d. Comply with any other restrictions and/or conditions that may be imposed by the Board of Land and Natural Resources and the DOT, as it may deem necessary.

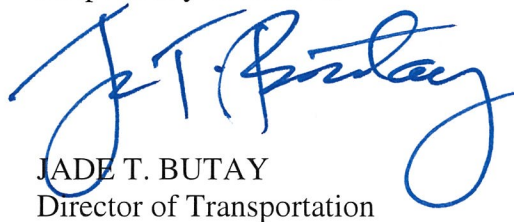
REMARKS:

The DOT is in the negotiations for a 40-year lease to be issued to the applicant for the identified parcel(s) for the proposed project. This lease will be considered by the Board of Land and Natural Resources under a separate submittal. However, in light of the result of the environmental review and the Finding of New Significant Impact, both parties desire to issue this right of entry to Toell U.S.A. to allow access for preliminary construction planning to facilitate permit applications and site mobilization.

RECOMMENDATION:


That the Board authorizes the issuance of a Right-of-Entry to the applicant and its permitted agents covering the subject area for the purposes cited above, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

Exhibit A



Project Location Aerial Photograph

Source: Google Earth
Environmental Assessment

Figure 2

Toell U.S.A Facility
Honolulu, Hawaii