

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

May 11, 2018

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

PSF No.: 18OD-051

OAHU

Issuance of Term, Non-Exclusive Easement to Blow Up, LLC for AM Radio Transmission Tower Purposes and Construction Right-of-Entry Permit; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003: Portions of 003, 207, 211 and 212.

APPLICANT:

Blow Up, LLC, a domestic limited liability company ("Applicant").

LEGAL REFERENCE:

Sections 171-13, -17 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003: portions of 003, 207, 211 and 212, as shown on the map as **Exhibit A.**

AREA:

70,686 square feet, more or less, to be reviewed and approved by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: P-2, General Preservation

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:

Encumbered by Governor's Executive Order No. 4513 to the City and County of Honolulu for Affordable Housing Project for Homeless Families purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove a radio transmission tower including antenna and related equipment as approved by the State for AM radio broadcasting over, under and across State-owned land.

EASEMENT TERM:

Thirty (30) years.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on March 23, 2018 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	___
Registered business name confirmed:	YES	<u>X</u>	NO	___
Good standing confirmed:	YES	<u>X</u>	NO	___

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Pay for an appraisal to determine one-time payment;
2. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
3. Process and obtain subdivision regarding the designation of the easement at the Department of Planning and Permitting at Applicant's own cost; and

4. Process and obtain Special Management Area Permit ("SMA") approval at Applicant's own cost.

REMARKS:

In its meeting held September 11, 2015 under Agenda Item D-4, the Board of Land and Natural Resources authorized the issuance of a right-of-entry to the applicant for due diligence pertaining to the relocation of an existing AM radio transmission tower, due to the construction of the elevated guideway for the Honolulu Rail Transit Project in the vicinity.

The relocation site is situated on the eastern portion of the Kahauiki Village which is under the management jurisdiction of the City and County of Honolulu pursuant to Governor's Executive Order No. 4513 mentioned above. As part of its due diligence, the Applicant consulted the City and the City's sublessee responsible for the development of Kahauiki Village regarding the relocation.

The Applicant plans to install a 150-foot guyed, broadcast lattice tower with a one-foot lightning rod at the top, sitting on a concrete foundation that will extend one-foot aboveground with a one-foot tall insulator between the tower and concrete foundation for a total tower height of 153 feet. A 4-foot microwave antenna will be mounted at an 80-foot elevation on the tower. The tower will be installed in a 2,500 square-foot fenced facility located at the center of a 150-foot radius fenced area. The facility will have an equipment shelter, emergency generator, and copper radial system for grounding will be installed within the fenced area. The tower will provide continued radio service to the Oahu Community.

Access to the site is provided from a gravel and asphalt-paved access road off Nimitz Highway over the adjacent Kahauiki Village, as shown on the plan attached as **Exhibit B**.

The City and County of Honolulu, Department of Land Management in their letter dated April 19, 2018, attached and marked as **Exhibit C**, has indicated no objections to the proposed radio tower and access easement. Since comments were solicited during the Environmental Assessment process, staff did not request for additional comments.

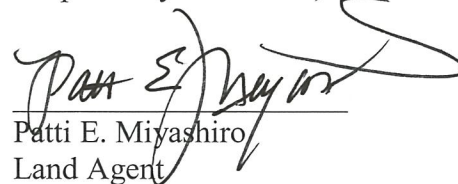
Applicant also requests a construction right-of-entry which shall expire upon the issuance of the easement document. Staff does not have any objection to the requested right-of-entry permit.

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.

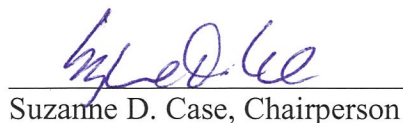
RECOMMENDATION: That the Board:

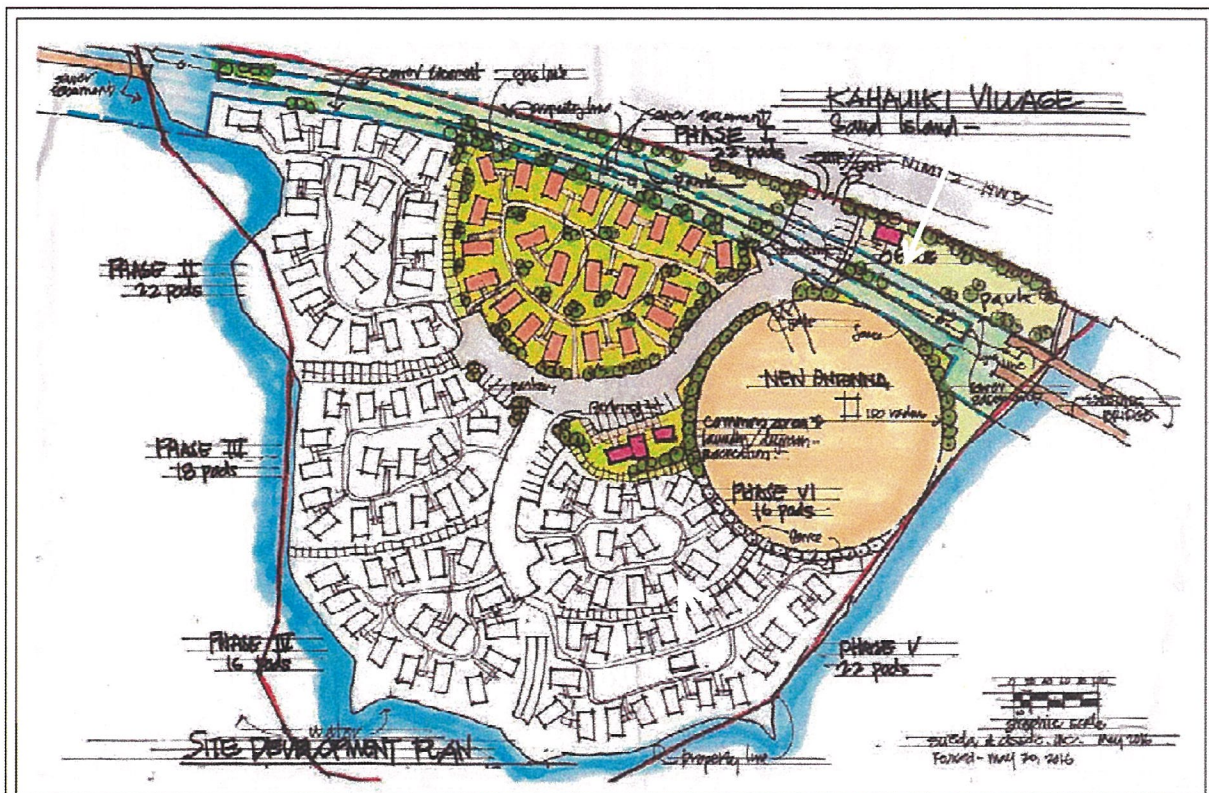
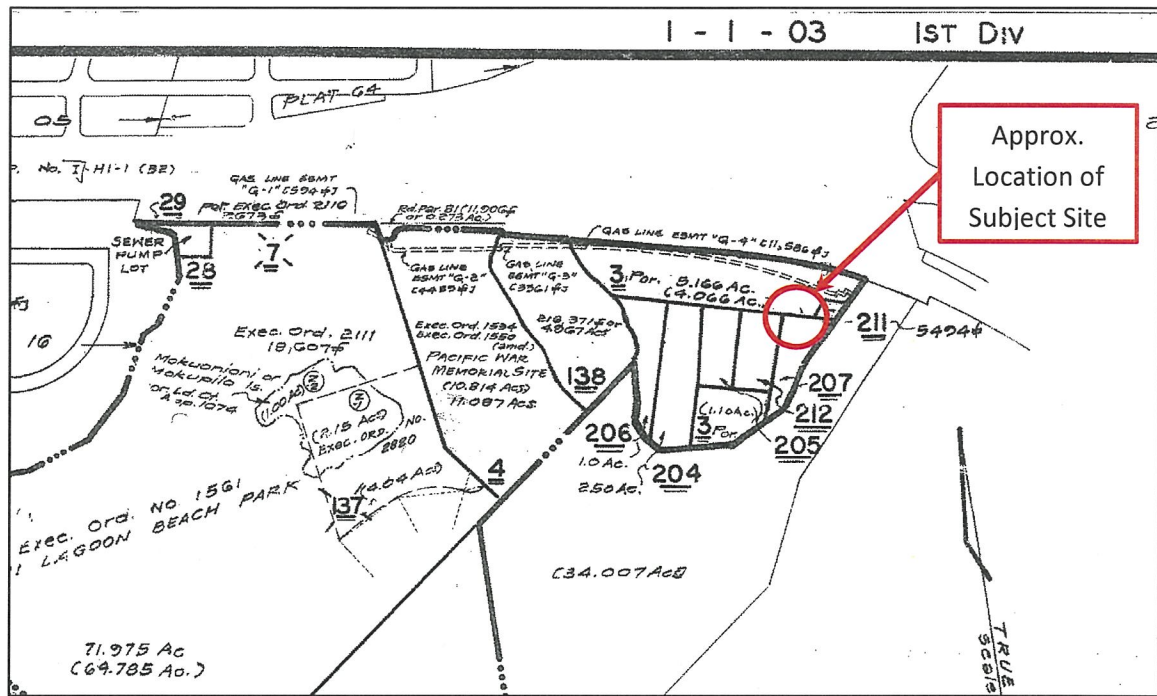
1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a term, non-exclusive easement to the Applicant covering the subject area for AM radio broadcasting tower purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current term easement document for, as may be amended from time to time;
 - B. Access over the adjacent Kahauiki Village shown on Exhibit B;
 - C. Review and approval by the Department of the Attorney General; and
 - D. 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 construction right-of-entry permit to the Applicant 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,


Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 1-1-003: portions of 003, 207, 211 & 212

EXHIBIT A

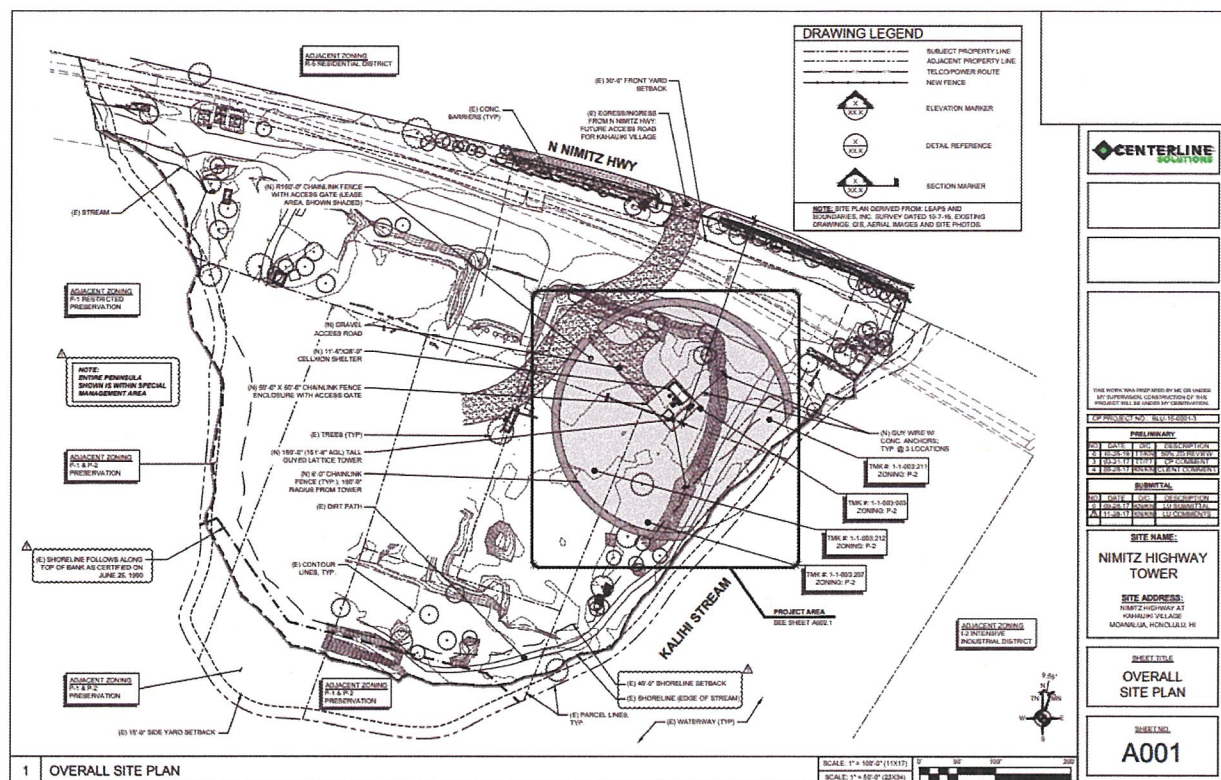


EXHIBIT B

DEPARTMENT OF LAND MANAGEMENT
CITY AND COUNTY OF HONOLULU

558 SOUTH KING STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-4277 • FAX: (808) 768-4296 • INTERNET: <http://www.honolulu.gov/dlm>

KIRK CALDWELL
MAYOR



SANDRA S. PFUND
DIRECTOR

April 19, 2018

Suzanne D. Case, Chairperson
Board of Land & Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Chairperson Case:

SUBJECT: Issuance of Term, Non Exclusive Easement to Blow Up, LLC
For AM Radio Transmission Tower Purposes and Construction
Right-of-Entry Permit; Moanalua, Honolulu, Oahu
TMK: (1) 1-1-003: Portions of 003, 207, 211 and 212

Thank you for the transmittal of the above-referenced Board of Land & Natural Resources (BLNR) submittal for our review and comment.

The property was conveyed to the City & County of Honolulu (City) under Governor's Executive Order No. 4513 for the purpose of providing low income affordable housing options for persons and families experiencing homelessness or at risk of homelessness. The City subsequently entered into a Lease with the AIO Foundation, said Lease being subsequently assigned to Kahauiki Village LLC, to carry forth the purposes of Executive Order No. 4513.

The City, as Lessor, has worked closely with Kahauiki Village LLC in the planning, design, and construction of the project. From the inception of the project, Kahauiki Village LLC proposed and planned that a portion of the site would be used for the subject AM Radio Transmission Tower.

The City has no objection to: 1) the proposed radio tower, and 2) the access easement.

Mahalo for your great support and cooperation on this project. Should you have any questions, please free to call me at 768-4291.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra S. Pfund".

Sandra S. Pfund
Director

cc: Kahauiki Village LLC

EXHIBIT C