

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

June 8, 2018

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

PSF No.: 18OD-034

OAHU

Grant of Term, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for
Utility Purposes and Immediate Construction Right-of-Entry Permit; Moanalua,
Honolulu, Oahu, TMK (1) 1-1-003: portions of 003, 207, 211 and 212.

APPLICANT:

Hawaiian Electric Company, Inc., a domestic profit corporation ("Applicant").

LEGAL REFERENCE:

Sections 171-13, 17, 55, and 95, 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:

1,228 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 electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land, including the right to trim and keep trimmed any trees in the way of its appliances and equipment.

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 requested easement was covered in the Final Environmental Assessment for the Nimitz Highway Tower Relocation Site 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; and
3. Process and obtain subdivision regarding the designation of the easement at the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

Due to the construction of the elevated guideway for the Honolulu Rail Transit Project in the vicinity, a radio tower is required to be relocated to the subject site. On May 11, 2018, the Board approved the issuance of a term easement for the radio tower. To provide service to the radio tower, the Applicant requests the Board issue a non-exclusive easement. See layout of the easement at **Exhibit B**.

City and County of Honolulu, Department of Land Management has not responded to the to the solicitation for comments.

Since comments for the relocation of the tower, including the provision of utilities serving the tower were solicited during the Environmental Assessment process, staff did not solicit additional comments.

Applicant initially asked for a perpetual easement. Staff notes that the requested easement is pertaining only to the relocated radio tower mentioned above, which is a term easement. Therefore, staff recommends the Board issue a term easement for the subject utility.

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:

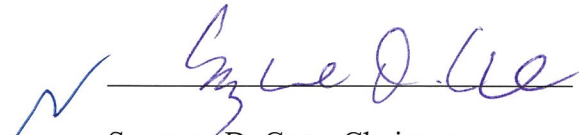
1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a term, non-exclusive easement to the Applicant covering the subject area for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and 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. 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. Subject to the Applicant obtaining SMA approval, 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;

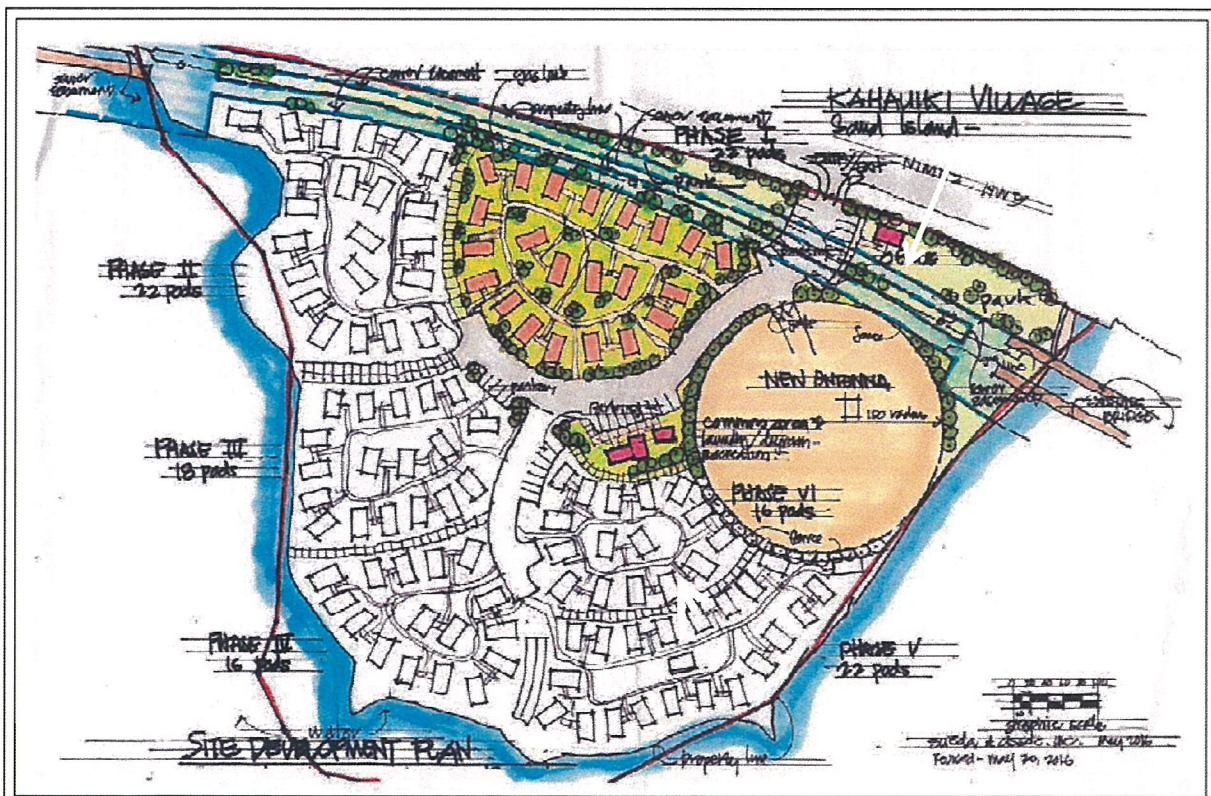
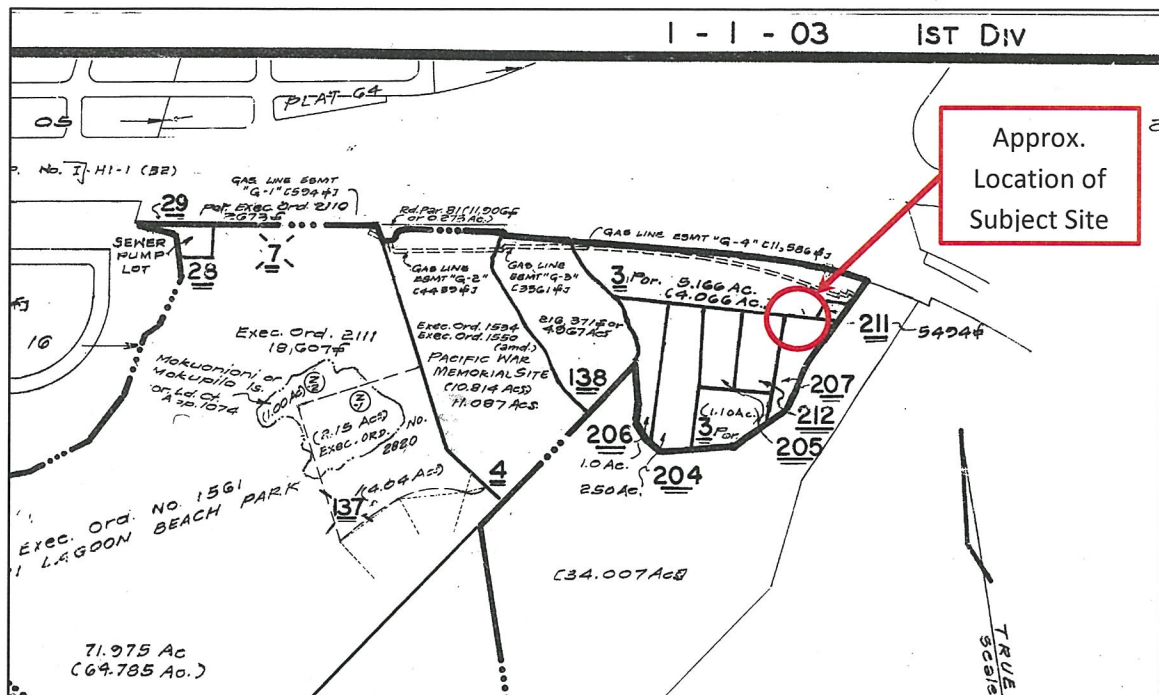
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



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

EXHIBIT A

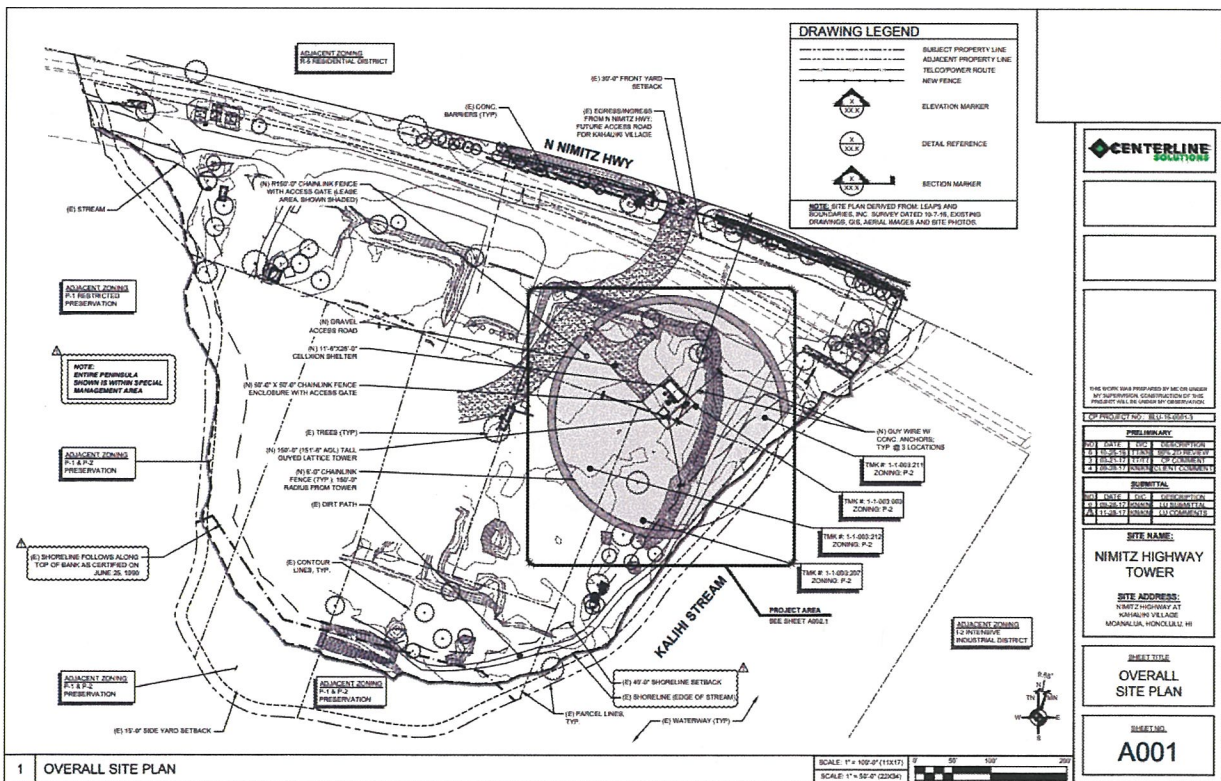
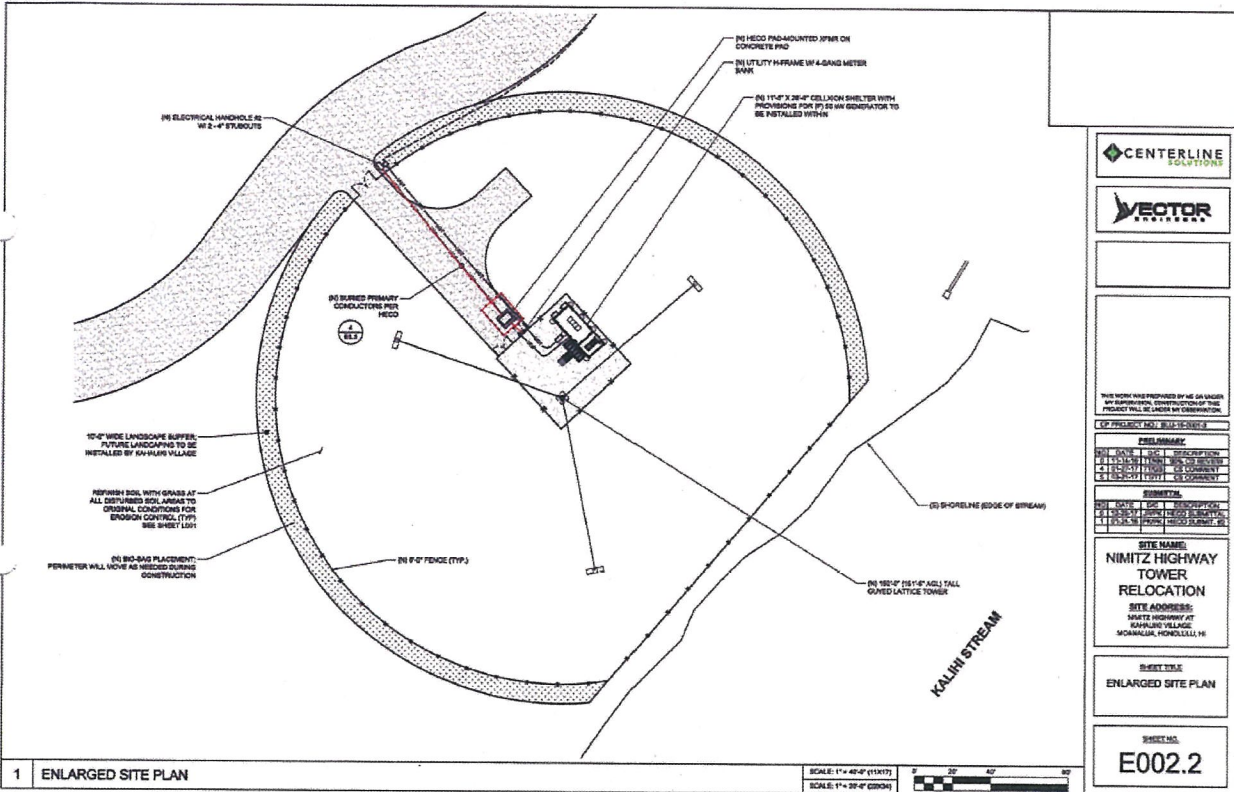


EXHIBIT B