



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

IN REPLY REFER TO:
HWY-RM 3.94423

May 21, 2018

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

HAWAII

Authorizing the Department of Transportation (DOT) to Dispose of Interstate Highway I-H1-1(93) fka Federal Aid Project No. F-59 (2), Land Court Lot 38-A, Tax Map Key: (1) 2-8-09:030 (por.)

REQUEST:

Authorization to dispose of subject parcel, designated as Lot 38-A on the attached Land Court map, and also TMK: (1) 2-8-09:030 (por.) on the attached Tax Map Key Map. This request is being made at the request of the abutting land owner of TMK (1) 2-8-009:037 to correct an inadvertent encroachment issue with the owner's house onto State land.

LEGAL REFERENCE:

Section 171-52 and other applicable sections of Chapter 171, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

The parcel is located on the Island of Oahu.

AREA:

Interstate Highway: 1,406 square feet.

ZONING:

TMK: (1) 2-8-09:030 (por.) (Oahu) is zoned as "R-5".

LAND TITLE STATUS:

Ceded, DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO X

ITEM M-9

CURRENT USE STATUS:

Lot 38-A is an unused remnant acquired during the construction of the Interstate Highway. The Lot is surplus to the State Department of Transportation's needs. Lot 38-A was a vacant lot; however, the abutting owner inadvertently built a dwelling and concrete pad over a portion of Lot 38-A and wishes to purchase the property rather than remove the encroachment.

COMMENCEMENT DATE:

Upon transfer of title to the abutting owner.

COMPENSATION:

Remnant is to be disposed of in compliance with section HRS 171-52.

LIENS AND/OR ENCUMBRANCES:

Restrictive Covenants within Document 4392, Transfer Certificate of Title No 46,416 which recites in part:

“AND the said Grantee, ...COVENANTS with the said Grantor as follows:

That no malt, vinous, spirituous or intoxicating liquors of any kind shall ever be sold or exposed for sale or manufactured on the granted premises or any part thereof.”

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Not applicable. Parcel was part of roadway and will become privately owned land upon transfer. Chapter 343, HRS, would not apply to any future development on the parcel as no State lands would be involved.

REMARKS:

The parcel was deemed surplus to the DOT's needs. The DOT has no objection to the disposal and transfer to an abutting property owner as prescribed by the Director in the best interest of the State of Hawaii.

LAND COURT
STATE OF HAWAII

LAND COURT APPLICATION 534

SUBDIVISION OF THE FOLLOWING LOTS:

- LOT 34 AS SHOWN ON MAP 1 INTO LOTS 34-A AND 34-B
- LOT 35 AS SHOWN ON MAP 1 INTO LOTS 35-A AND 35-B
- LOT 36 AS SHOWN ON MAP 1 INTO LOTS 36-A AND 36-B
- LOT 37 AS SHOWN ON MAP 1 INTO LOTS 37-A AND 37-B
- LOT 38 AS SHOWN ON MAP 1 INTO LOTS 38-A AND 38-B
- LOT 39 AS SHOWN ON MAP 1 INTO LOTS 39-A AND 39-B
- LOT 40 AS SHOWN ON MAP 1 INTO LOTS 40-A AND 40-B
- LOT 41 AS SHOWN ON MAP 1 INTO LOTS 41-A AND 41-B

AND DESIGNATION OF
RESTRICTION OF VEHICULAR ACCESS RIGHTS AFFECTING
LOTS 34-A, 35-A, 36-A, 37-A, 38-A, 39-A, 40-A AND 41-A
AT HONOLULU, OAHU, HAWAII



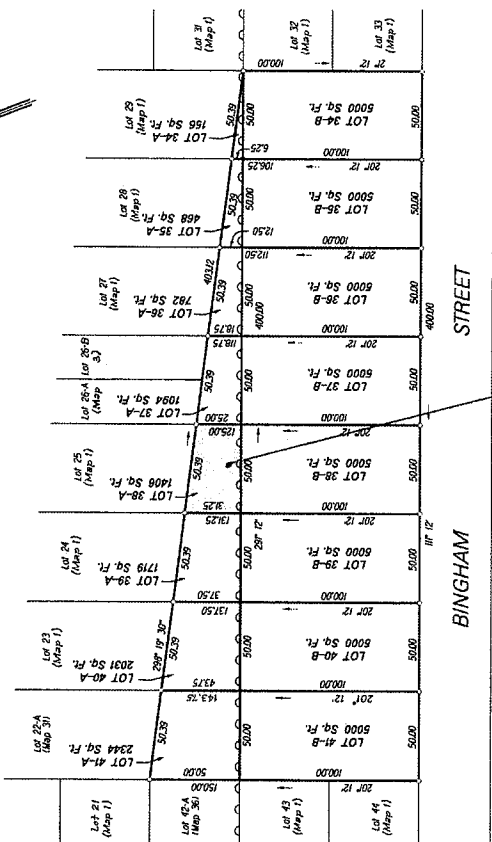
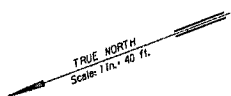
BY: *Gerald Y. Go*
Licensed Professional Land Surveyor
Certificate No. 12865
Land Court Certificate No. 316

OWNER: STATE OF HAWAII
TRANSFER CERTIFICATES OF TITLE: 44,572 (LOT 34, 45,066 (LOT 35),
46,326 (LOT 36), 46,371 (LOT 37),
49,416 (LOT 38), 52,022 (LOT 39),
52,728 (LOT 40) and 46,760 (LOT 41)

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED APRIL 19, 2017
BY ORDER OF THE COURT.

Patricia K. Kamae
REGISTRAR OF THE LAND COURT

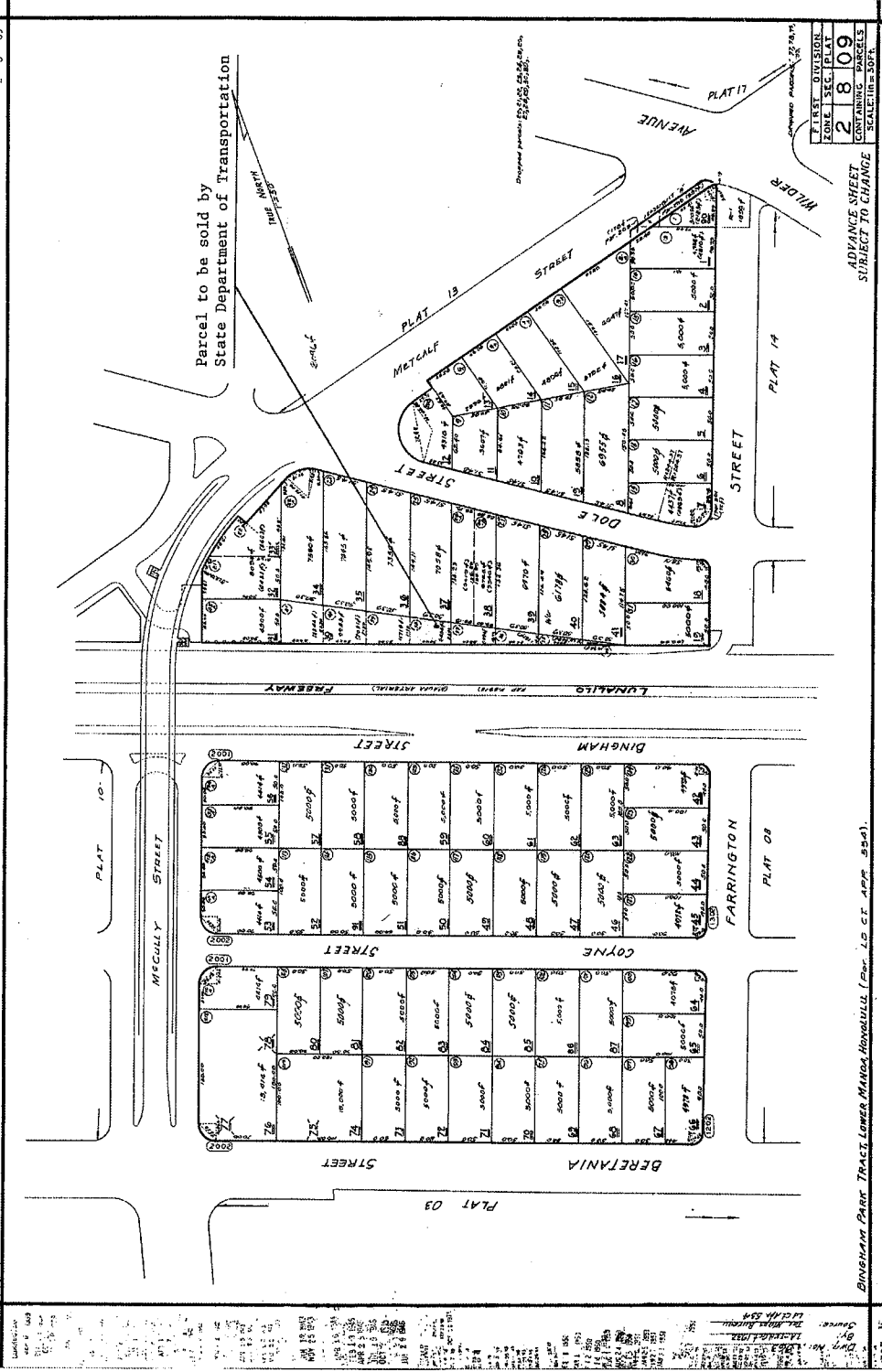
Filed: December 14, 2016
By: [Signature]



Parcel to be sold by State Department of Transportation

NOTE: Driveway no vehicle access permitted

MAP 66, ARTS AND CRAFTS DISTRICT, 2016
ALEXANDER STREET TO USABERG STREET SECTION
Federal Aid Project No. 1-H1-1193

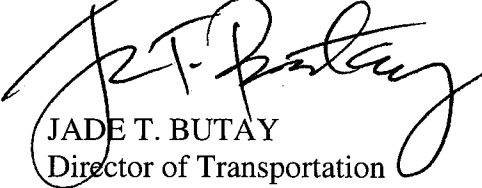


RECOMMENDATION:


Authorize the DOT to dispose of Interstate Highway I-H1-1(93) fka Federal Aid Project F-59 (2), Tax Map Key: (1) 2-8-009:030 (por.), Land Court Lot 38-A in compliance with section 171-52 and any reimbursement of the Federal Aid Project, in accordance with Hawaii Revised Statutes, subject to the following:

1. The property will be conveyed to the owner thru Quitclaim Deed;
2. Review and approval by the Department of the Attorney General;
3. Such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State;
4. The parcel shall be sold at fair market value to be determined by a licensed appraiser, chosen by the State of Hawaii;
5. The parcel shall be conveyed in an "as is" condition and the State makes no warranty or representation about its condition or the presence of hazardous materials on, under or about the same.

Respectfully Submitted,


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE Chairperson

Attachments