



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

KAUA'I

Amend Prior Board Action of March 10, 2017, Agenda Item M-11, Cancellation of Governor Executive Order Nos. 1451, 1880, 1950, 2600, 2602, 2705, 2928, 3259 and 3500 and Reset Aside to State of Hawai'i, Department of Transportation, Airports Division (DOT-Airports Division) for Līhu'e Airport Purposes and Issuance of an Immediate Right-of-Entry Permit to State of Hawai'i, Department of Transportation –Airports Division Covering the Subject area for Management Purposes, Portion of Kalapaki-Hanamaulu, Līhu'e, Kaua'i, Tax Map Keys: (4) 3-5-001:005, 008, 009, 092, 109, 111, 128, 158, 159 & 160

The Purpose of the Amendment is to: 1) Include Cancellation of Governor Executive Orders (GEOS) in the Recommendation Section, which Information was Inadvertently Omitted, 2) Delete Language Referring to a Federal Aviation Administration Covenant, and 3) Provide Clarification on Jurisdiction of Airport Roads.

BACKGROUND:

At its meeting of March 10, 2017, agenda item M-11, the Board of Land and Natural Resources (Board) approved the cancellation and reset aside of various Governor Executive Orders, including additional lands acquired by the Department of Transportation, and a right of entry permit. A copy of the approved Board submittal is attached as "Exhibit A."

REMARKS:

In processing the request for issuance of the executive order, the Department of the Attorney General recommended amending the prior Board action to correct and clarify items as described below:

Within the Recommendation section, include language recommending approval for the cancellation of Governor Executive Order Nos. 1451, 1880, 1950, 2600, 2602, 2705, 2928, 3259 and 3500 and Reset Aside to State of Hawai'i, Department of Transportation, Airports Division (DOTA), which was inadvertently left out of the prior Board action.
Within the Recommendation section, paragraph number 2. A., delete language referring to a Federal Aviation Administration covenant which was not intended to be included in the prior Board action.

AMENDMENT OF BOARD ACTION OF MARCH 10, 2017, ITEM M-11,
LĪHU‘E AIRPORT GOVERNOR EXECUTIVE ORDERS

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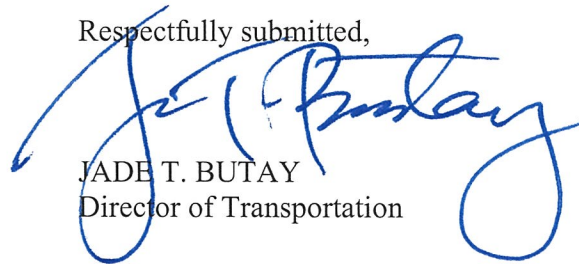
The Board approved a Grant of Perpetual Non-Exclusive Easement for roadway purposes (“Grant of Easement”) in favor of the County of Kaua‘i on December 15, 1972, item F-47. Subsequently, the Grant of Easement was recorded in the State of Hawai‘i Bureau of Conveyances on January 8, 1975, in liber 10362, page 556, as described in CSF No. 17,125 (LOD No. 27313). On December 2, 1983, in item F-16, the Board approved termination of the Grant of Easement, effective December 2, 1983. DOTA submits these documents (as shown in “Exhibit B”) to show the Grant of Easement should be terminated. DOTA will assist in recording a termination of Grant of Easement.

DOTA will also be responsible to finish any unfinished clean up of any outstanding road issues.

RECOMMENDATION: That the Board:

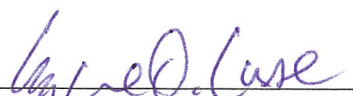
1. Amend its prior Board action of March 10, 2017, under agenda item M-11, at RECOMMENDATION, by:
 - a. Adding new paragraph 2 to read:
Approving of the Cancellation of Governor’s Executive Order Nos. 1451, 1880, 1950, 2600, 2602, 2705, 2928, 3259 and 3500 for both land and improvements; Cancel Grant of Easement LOD 27313; and Reset Aside both land and improvements of said cancelled executive orders to State of Hawai‘i, DOTA for airport and airport related purposes.
 - b. Amending paragraph number 2 to be renumbered to be paragraph number 3, and for new paragraph number 3.A. to read: “The standard terms and conditions of the most current executive order form, as may be amended from time to time;”
 - c. Amending paragraph number 3 to be renumbered to be paragraph number 4.
2. Except as amended hereby, all terms and conditions listed in the March 10, 2017, agenda item M-11, shall remain the same.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member