



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

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

OAHU

ISSUANCE OF REVOCABLE PERMIT TO THE DEPARTMENT OF CUSTOMER SERVICES, CITY AND COUNTY OF HONOLULU TO REPLACE EXISTING REVOCABLE PERMIT NO. H-14-2758 SITUATED AT PIER 60, HONOLULU HARBOR, OAHU, TAX MAP KEY NO. 1ST/ 1-2-23: 40 AND 72 (PORTIONS), GOVERNOR'S EXECUTIVE ORDER NO. 3708

LEGAL REFERENCE:

Sections 171-13 and 171-55, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

Department of Customer Services, City and County of Honolulu ("Applicant"), whose business and mailing address is 550 South King Street, Honolulu, Hawaii 96813.

CHARACTER OF USE:

To allow Applicant and its permitted agents (assignees, contractors, sub-contractors, and agents) the right to enter upon and take possession of the premises for the purpose of storing towed and abandoned vehicles and equipment found on the streets and roads under the jurisdiction of the City and County of Honolulu.

LOCATION:

Portion of governmental lands in the vicinity of Pier 60, Honolulu Harbor, Oahu, Tax Map Key No. 1ST/ 1-2-23: 40 and 72 (Portions), Governor's Executive Order No. 3708, as shown on the attached map labeled Exhibit "A."

AREA:

25,350 square feet, more or less

CONSIDERATION:

Gratis. In lieu of a rental payment, the Applicant agrees to provide a minimum of eight (8) hours for every twenty-four (24) hour period. The applicant provided a security guard at the premise during the first four (4) months of usage from July 2, 2018 to October 31, 2018, for the minimum of eight (8) hours, however, due to security issues related to homeless encampments and break-ins, the Applicant increased security presence to fifteen (15) hours per day. This permit is in effect for the purpose of ensuring the premises is used solely for the purpose intended and to prevent unauthorized access to and use of the premises. This service is valued at the wage rate equal to \$20.25 per hour. The approximate value of this service is \$7,531.00 per thirty (30) day period, or \$90,372.00 per year.

The Applicant also agrees to provide assistance to the DOT Harbors, as practicable, with the prompt removal of abandoned vehicles on roadways under the Applicant's jurisdiction abutting and adjacent to the DOT Harbors property.

ZONING:

State Land Use Commission:	Urban
City and County of Honolulu:	I-2 (Industrial, Intensive)

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5(a) of the Hawaii Admission Act. Non-ceded.

CURRENT USE STATUS:

Applicant currently occupies the premises for the purpose of storing towed and abandoned vehicles and equipment found on the roadways under the jurisdiction of the City and County of Honolulu. Currently, Applicant has an existing month-to-month permit. Applicant requests new and updated permits be issued to replace the current permit.

LAND TITLE STATUS:

Acquired by the DOT Harbors, through eminent domain proceedings; issuance of Governor's Executive Order No. 3708.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Hawaii Administrative Rules 11-200-8(a), Exemption Class 1: where “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.”

Declaration of Exemption published on April 23, 2019 in the OEQC’s Environmental Notice.

APPLICANT REQUIREMENTS:

Applicant shall be required to comply with all permit terms, including all exhibits, addendums, and other documents and specifically shall be required to:

1. At its sole cost and expense, remove all property, tools, equipment, temporary improvements, machinery and unused or surplus material, if any, and other property stored or placed upon the premises, and the ingress and egress thereto, and restore the premises to the condition it was in immediately prior to the effective date of the revocable permit;
2. Use due care for public safety and shall be responsible for any damage or injury caused by its officers, employees, and agents in the course and scope of their employment to the extent that its liability for such damage or injury has been determined by a court or otherwise agreed to. Permittee shall pay for such damage and injury to the extent permitted by law provided that an appropriation is enacted for that purpose; and
3. Provide a security guard at the premise for a minimum of eight (8) hours for every twenty-four (24) hour period this permit is in effect for the purpose of ensuring the premises is used solely for the purposes intended and to prevent unauthorized access to and use of the premises. This service shall be provided in lieu of a rental payment and shall be valued at the prevailing wage rate paid by the DOT Harbors.

REMARKS:

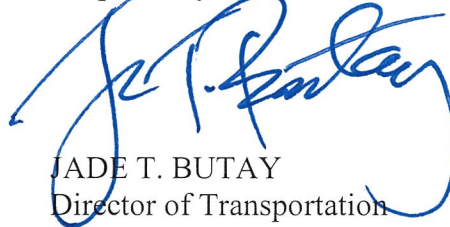
The Applicant, the Department of Customer Services, City and County of Honolulu, has experienced an increase in abandoned vehicles. In addition, the Applicant has reached a settlement with the U.S. Department of Justice regarding the treatment and processing of abandoned vehicles registered to active duty members of the U.S. Armed Forces. As such, the Applicant requires the use of these premises for the storage of these vehicles to facilitate the removal of the vehicles from roadways under the jurisdiction of the City and County of Honolulu while the required administrative procedures are followed.

The DOT Harbors is in the process of redeveloping its properties in the Keehi Industrial Park and most tenants have vacated these properties to accommodate the redevelopment. However, while the redevelopment is underway, the presence of the City and County of Honolulu in the Keehi Industrial Park with the requirement for security presence will be beneficial in general and helpful in specifically deterring unauthorized access to these parcels.

RECOMMENDATION:


That the Board authorize the DOT Harbors to issue the Applicant a revocable permit for the above stated purpose, 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 to best serve the interests of the State.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

Att: Exhibit "A"



Area of 25,350 square
feet, more or less