

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

June 14, 2019

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

19OD-071

OAHU

Quitclaim of State's Interests, if any, to the Hawaii Community Development Authority, Kakaako, Honolulu, Oahu, Tax Map Key: (1) 2-1-060:029 and 030, and portions of Ahui Street and Olomehani Street.

APPLICANT:

Hawaii Community Development Authority ("HCDA").

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated at Kakaako, Honolulu, Oahu, identified by Tax Map Key: (1) 2-1-060:029 and 030, and portions of Ahui Street and Olomehani Street as shown on the maps attached as **Exhibits A-1 to A-3**.

AREA:

File Plan 2471

Lot 10	18,818 square feet
Lot 11	3.248 acres

File Plan 2490

Lot 6	9.573 acres	TMK (1) 2-1-060:029
Lot 7	4.051 acres	TMK (1) 2-1-060:030

ZONING:

State Land Use District:	Urban
City and County of Honolulu LUO:	Kakaako Special Design District

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Not applicable.

CONSIDERATION:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, concurred and reviewed by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "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," Item 44 that states, "Transfer of title to land." See **Exhibit B**.

APPLICANT REQUIREMENTS:

Not applicable.

REMARKS:

Pursuant to Act 86, Session Laws of Hawaii 1990, all State lands (fast and submerged) within the Kakaako Community Development District (all lands makai of ala Moana Boulevard between Ala Moana Beach Park and Pier 4) were transferred to HCDA. Pursuant to a deed recorded at the Bureau of Conveyances on April 9, 2001 as document no. 2001-050475, fee title of over 46 acres of State lands in Kakaako, including the present Kakaako Waterfront Park, were transferred to HCDA.

HCDA is currently working on the transfer of the park to the City and County of Honolulu ("City"). As part of the due diligence for the transaction, HCDA was advised by the title company that it does not possess a clear title over certain portions of the land in the forthcoming transfer to the City. The subject areas include portions of Lot 10 and 11 of File Plan 2471 (see Exhibit A-2), and Lots 6 and 7 of File Plan 2490 (see Exhibit A-3).

Staff understands that the subject portions once were planned for road extensions or other road uses and the Department did not have any ownership interests in such portions.<sup>1</sup>

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<sup>1</sup> Notations shown on File Plan 2471, which eventually transformed in File Plan 2490.

Therefore, they were not included in the above-mentioned deed. After 2001, HCDA redeveloped the area by either landscaping or including the subject portions in the park.

HCDA approached the Department for a resolution of the situation. The deputy Attorneys General representing both State agencies agreed that a quitclaim deed for the State's interest, if any, over the subject areas from the Board would be the best solution, notwithstanding portions of the lots were conveyed by the 2001 deed mentioned above. Exhibit A-3 shows the outline of both Lots 6 and 7.

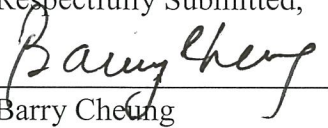
The proposed quitclaim conveyance will save time and cost in preparing the individual map and legal description for the portions once planned for road extension. In addition, it will facilitate the transfer between HCDA and the City.

There are no other pertinent issues or concerns and staff recommends the Board authorize the issuance of a quitclaim deed subject to the terms and conditions described above.

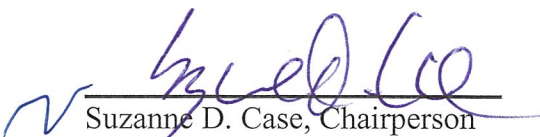
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the quitclaim of interests, if any, the State may have in the subject areas to the Hawaii Community Development Authority 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 quitclaim deed form, 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.

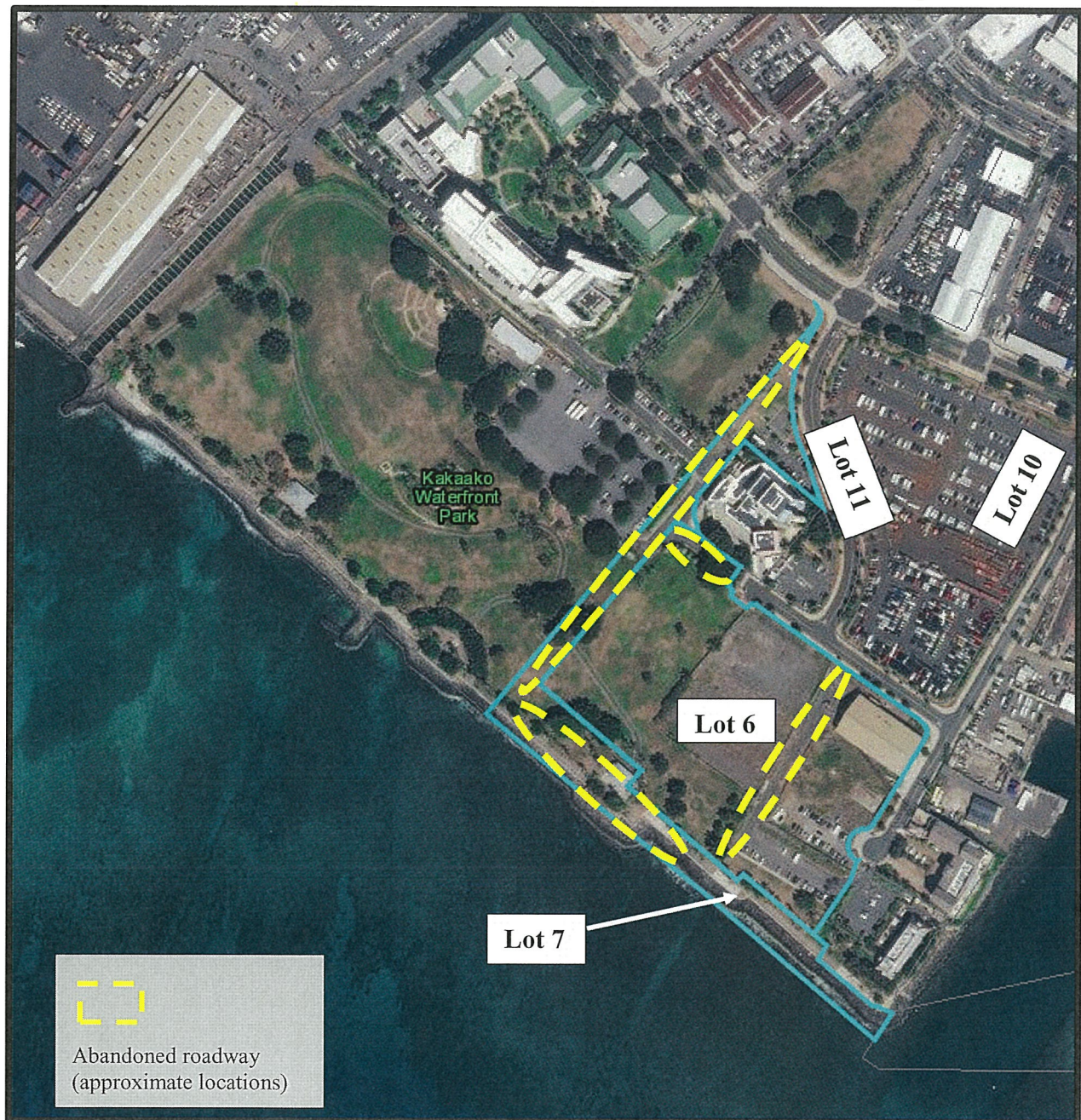
Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson





## EXHIBIT A1







### EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Quitclaim of Interest, if any, to the Hawaii Community Development Authority in Kakaako.
Project / Reference No.:	19OD-071.
Project Location:	Kakaako, Honolulu, Oahu, TMK (1) 2-1-060:029 and 030 and portions of Ahui Street and Olomehani Street.
Project Description:	Quitclaim of interest to the Hawaii Community Development Authority for the subsequent transfer of its makai parcel to the City and County of Honolulu.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	<p>In accordance with the Exemption List for the Department of Land and Natural Resources, concurred and reviewed by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states “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,” Item 44 that states, “Transfer of title to land.”</p> <p>Staff understands the City and County of Honolulu will continue to operate the area as portion of the Kakaako Waterfront Park. As such, staff believes that the request will involve negligible or no expansion or change in use beyond that previously existing.</p>
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No successive actions will occur in the same location. As such, staff believes that there would be no significant cumulative impact.
Action May Have Significant Impact on Particularly Sensitive Environment?	Based on the analysis below, staff believes there would be no significant impact to sensitive environment.

## EXHIBIT B



Consulted Parties: Office of Conservation and Coastal Lands.

Analysis: Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation: It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.