

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813
September 27, 2019

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

GL-5632

OAHU

Request for Mutual Termination of Grant of Non-Exclusive Easement No. S-5632,
Walter Scott Carter and Leilani Garcia Farinas, Lessee; Kahaluu, Koolaupoko, Oahu,
Tax Map Key: (1) 4-7-019:Seaward of 071

APPLICANTS:

Walter Scott Carter and Leilani Garcia Farinas.

LEGAL REFERENCE:

Sections 171-6, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government land located seaward of Kahaluu, Koolaupoko, Oahu, identified by
Tax Map Key: (1) 4-7-019:seaward of 071, as shown on the attached map labeled **Exhibit A-1** and **A-2**.

AREA:

17 square feet, more or less.

ZONING:

State Land Use District: Conservation
City & County of Honolulu LUO: R-10 [for the abutting private property]

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 Grant of Non-Exclusive Easement No. S-5632 issued to Walter Scott
Carter and Leilani Garcia Farinas for seawall purposes.

CHARACTER OF USE:

Seawall purposes.

EASEMENT TERM:

Fifty-five (55) years, commencing on August 24, 2001, and expires on August 23, 2056.

REMARKS:

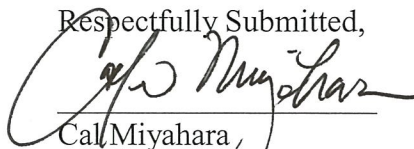
The subject easement (S-5632) was issued to Douglas T.P. Kang on June 18, 2003. Over the years, the property was sold a number of times until the easement was assigned to the current owners, Walter Scott Carter and Leilani Garcia Farinas. Around October 2018, Mr. Carter called our office and was interested in terminating the easement. Mr. Carter said he would remove the seawall encroachment. Mr. Carter hired a surveyor to determine the extent of encroachment and removed the seawall. Staff conducted a site inspection on November 29, 2018, and confirmed the encroaching seawall was removed and the land has been restored to its natural condition (see **Exhibit B**).

The original owner of easement, Mr. Douglas T.K. Pang, paid \$740.00 in 2003 as a one-time payment for the easement. As such, there are currently no monetary obligations associated with the easement. Staff recommends the Board approve the mutual termination of S-5632.

RECOMMENDATION: That the Board:

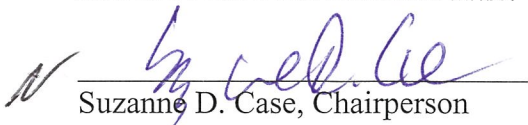
1. Authorize the mutual termination of Grant of Non-Exclusive Easement no. S-5632 request by Mr. Walter Carter and Ms. Leilani Farinas based on the removal of the encroaching seawall outlined above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most recent current mutual cancellation 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,



Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:

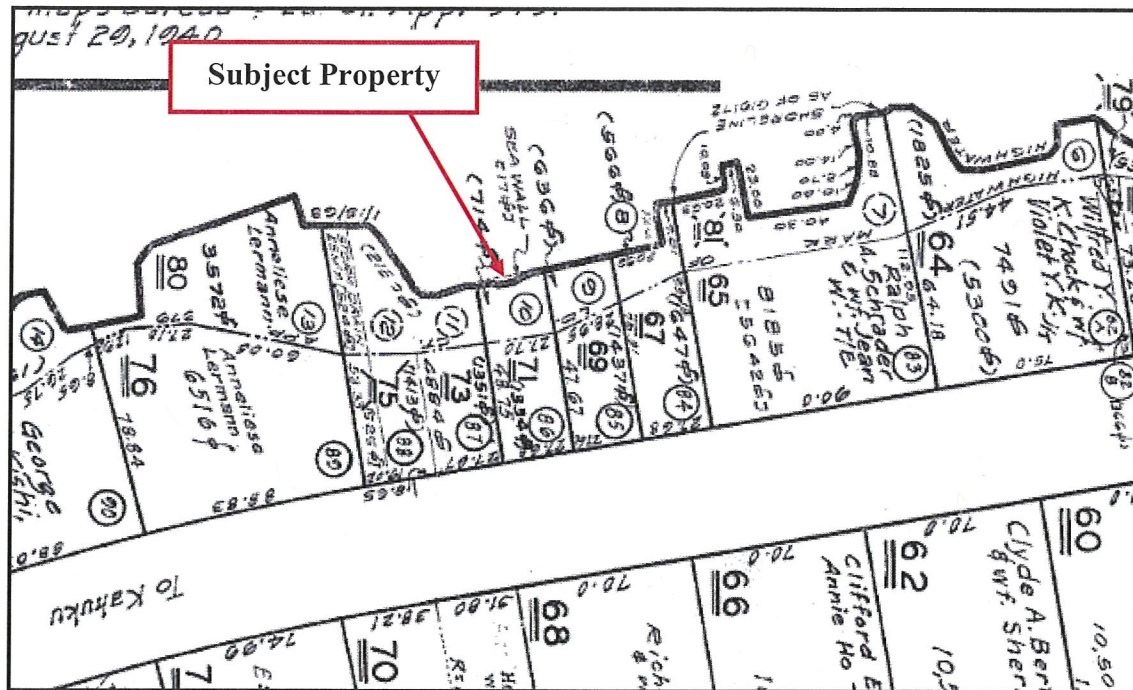


Suzanne D. Case, Chairperson



TMK: (1) 4-7-019:seaward of 071

Exhibit A-1



TMK: (1) 4-7-019:seaward of 071

Exhibit A-2



Photo looking east. Wooden peg marks the seawall previous location.



Photo looking west. Wooden peg next to the banana plant marks previous seawall location.

Exhibit B