



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 A CONSTRUCTION RIGHT-OF-ENTRY, GRANT OF EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC., FOR THE RELOCATION OF EXISTING 46KV LINES ALONG ROAD 2, KAPALAMA CONTAINER FACILITY, HONOLULU HARBOR, OAHU, TAX MAP KEY NO. (1) 1-2-025:025:11 (P)

LEGAL REFERENCE:

Sections: 171-7, 171-11, and 171-95, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

Hawaiian Electric Company, Inc. (Applicant) a domestic profit corporation whose mailing address is 900 Richards 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 to construct, reconstruct, operation, maintenance, repair and removal of overhead and underground wire lines, and manholes and such appliances and equipment as maybe necessary for the transmission and distribution of electricity and/or communication, including all service lines emanating from the main trunk line, to be used for light and power and/or communications and control circuits, including without limiting the generality of the foregoing. Together with, the right from time to time, and at all reasonable times to enter upon the easement area for the above mentioned purposed, and, also, the right of ingress, egress, and regress over all the Department of Transportation, Harbors Division (DOT Harbors) roads leading to the easement area.

LOCATION:

Portion of Government lands situated on Sand Island, Honolulu Harbor, Tax Map Key No. (1) 1-2-025:025:11 (P), as delineated in red shown on the attached map labeled Exhibit A. As stated below, a portion of said lands have been set aside to the State of Hawaii Department of Transportation (DOT) by Executive Order Nos. 3947 and 4574.

AREA:

Approximately 19,375 square feet (25' wide x 775' in length), see attached Exhibit B.

CONSIDERATION:

Gratis - Pursuant to HRS 171-95

ZONING:

State Land Use Commission:	Urban
City and County of Honolulu:	I-3 Waterfront Industrial

TERM OF CONSTRUCTION RIGHT-OF-ENTRY:

Twenty-four (24) months, with the option to extend the term in increments of one hundred and twenty (120) days until the construct, reconstruct, operation, maintenance, repair and and removal of overhead and underground wire lines, and manholes and such appliances and equipment as maybe necessary for the transmission and distribution of electricity and/or communication improvements are complete; and, the execution of the Grant of Easement.

COMMENCEMENT DATE:

Upon approval by the Board of Land and Natural Resources.

CURRENT USE STATUS:

Easement

LAND TITLE STATUS:

Owned by State of Hawaii; management and control of the property was transferred to the DOT by Executive Order Nos. 3974 and 4574.

TRUST LAND STATUS:

A portion of the subject property was acquired pursuant to Section 5(a) of The Admissions Act, and the remainder of the subject property was acquired pursuant to Public Law 88-233.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

A Final Environmental Impact Statement, of the Kapalama Container Terminal and Tenant Relocations, Honolulu, Harbor, Oahu: (Published November 8, 2014).

APPLICANT REQUIREMENTS:

Hawaiian Electric Company, Inc., shall:

1. Ensure that their contractors and sub-contractors, shall obtain the following insurance during the term of the Construction Right-of-Entry and include the DOT Harbors, as an additional insured:
 - (a) Bodily injury or property damage caused by Applicant's or its permitted agent's negligence in the form of a general liability insurance policy with a combined single limit of not less than \$1,000,000.00 for bodily injury and damage to property per occurrence, and \$2,000,000 in the aggregate.
 - (b) Automobile insurance for any vehicles used to access and are on the Premises with a minimum limit of not less than \$1,000,000.00 per occurrence.
 - (c) All insurance required to be maintained by Applicant and its permitted agents hereunder shall be pursuant to policies in form and substance consistent with policies of similar type issued to businesses similar to Applicant and its permitted agents and issued by companies of sound and adequate financial responsibility, who are allowed to do business in the State of Hawaii, all as reasonably satisfactory to the State.
 - (d) Applicant shall include the State as an additional insured on the policies or provide other assurances, reasonably acceptable to the State, that Applicant's insurance policies shall be primary, not in excess of or pro rata and noncontributing as to and with any other insurance held or maintained by the State, for any injury or claim arising on the Premises due to Applicant's negligence or the negligence of its permitted agents. The "State" shall include the State's officers and employees acting within the scope of their duties.
 - (e) Applicant shall provide proof of all required insurance to the State either by production of the actual insurance policies or by an insurance certificate on an ACORD form or some other written form reasonably acceptable to the State, together with appropriate written evidence, reasonably satisfactory to the State.

2. Use due care for public safety and agrees to defend, hold harmless, and indemnify the State, its officers, agents, and employees, or any person acting for and on its behalf, from and against all claims or demands for damage, including claims for property damage, personal injury, or death, arising on, about or in connections with the exercise of the rights and privileges herein granted, caused directly or approximately by any failure on the part of the Applicant in its use of the premises.
3. Take all necessary steps to ensure that any of its work involving the premises will not cause any permanent damage to property or improvements situated on, adjacent to, or near the Premises.
4. Upon expiration of the Construction Right-of-Entry, at its sole cost and expense, restore the premises, and the ingress and egress thereto, to the condition it was in immediately prior to commencement of the Construction Right-of-Entry, to the satisfaction of the State within a reasonable time after such expiration.
5. Take all necessary steps to ensure that the work done on the premises does not interfere with any of the operational activities of any adjacent property owners.
6. Coordinate all activities with Staff of the DOT Harbors.
7. At all times during the term of Construction Right-of-Entry, comply with all applicable laws, statutes, ordinances, rules and regulations, whether State, County, or Federal, which are now or hereafter may be in effect.
8. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

REMARKS:

The DOT Harbors is developing a new 94-acre container terminal adding 2,886 linear feet of pier to receive overseas cargo and for the trans-shipment of cargo to the neighbor islands [See Final Environmental Impact Statement, Kapalama Container Terminal and Tenant Relocations, Honolulu, Harbor, Oahu: (Published November 8, 2014.)]

The scope of HECO's work as described above in the "Character of Use" is part of the Kapalama Container Terminal and Tenant Relocations project. As planned, the existing overhead transmission mains that transect the project site need to be relocated along the perimeter of the project site to lessen on-site development constraints and increase space utilization for truck gates, and truck lanes into and out of the terminal.

RECOMMENDATION:

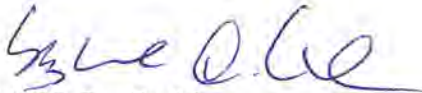
That the Board authorizes the issuance of a Construction Right-of-Entry, Grant of Easement to Applicant for the relocation of existing 46KV lines along Road 2, Kapalama Container Facility, Honolulu Harbor, Oahu, Tax Map Key No. (1) 1-2-025:025:11 (P), subject to the term of the Construction Right-of-Entry stated above, and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation; effective the date of the Board's approval.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member
Board of Land and Natural Resources

Attachments: Exhibits A and B



PROJECT SITE- ROAD 2 KAPALAMA CONTAINER TERMINAL



EXHIBIT A

DATE: 11/17/2017
SCALE: AS SHOWN

SAND ISLAND ACCESS RD

46KV

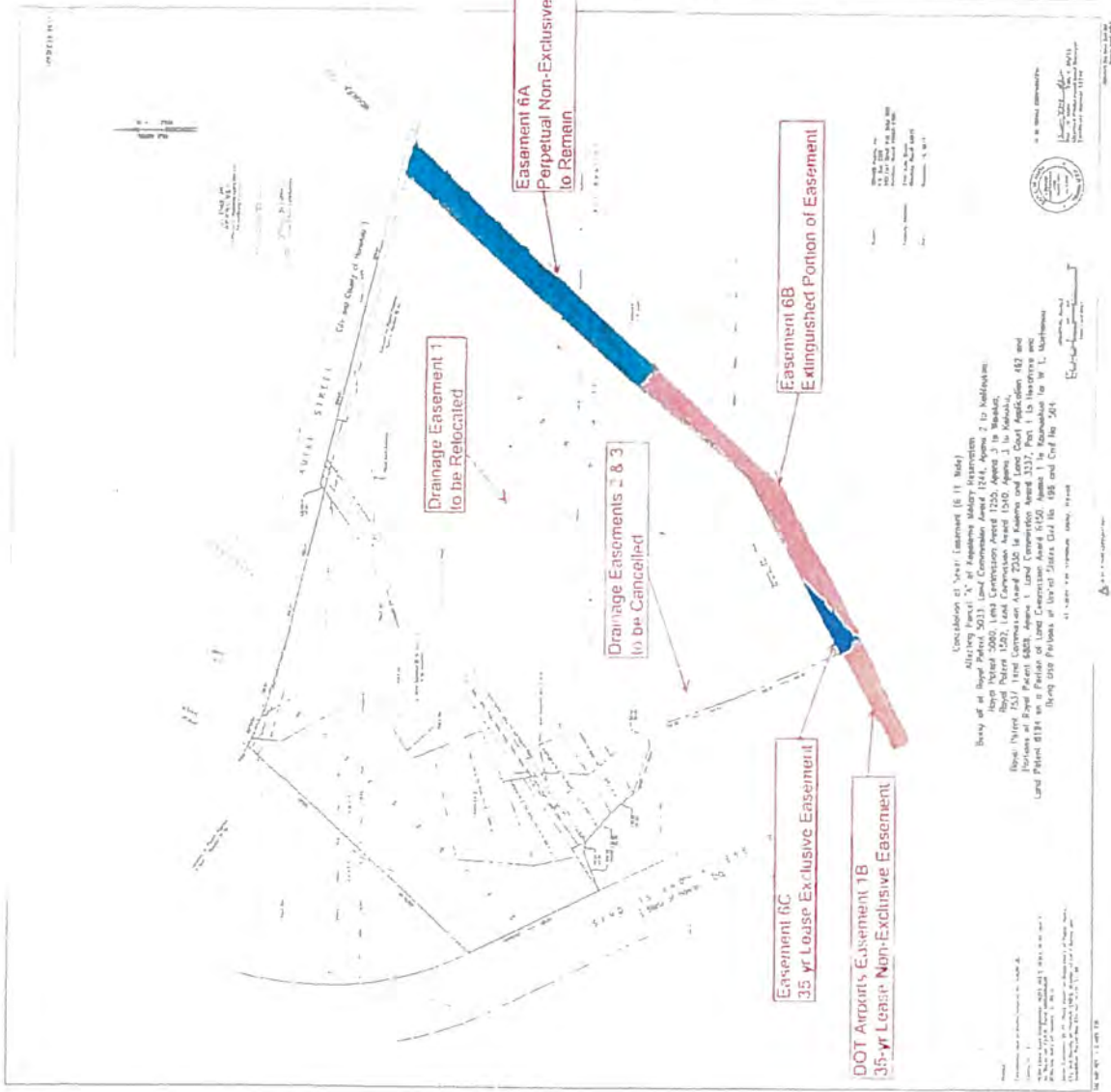


Exhibit B