

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

December 13, 2019

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

OAHU

Mutual Termination of General Lease No. S-3906 and Grant of Non-Exclusive Easement under Land Office Deed No. S-28,859 issued to Hawaiian Electric Company, Inc. for Utility Purposes, Kalihi, Honolulu, Oahu, Tax Map Key (1) 1-2-025: portion of 017, (1) 1-5-041: portion of 111, and portions of Kapalama Basin.

APPLICANT:

Hawaiian Electric Company, Inc., (“HECO”), a domestic profit corporation.

LEGAL REFERENCE:

Sections 171-13 and -95, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government land located in Kalihi, Honolulu, Oahu, Tax Map Key (1) 1-2-025: portion of 017, (1) 1-5-041: portion of 111, and portions of Kapalama Basin, as shown on the maps attached as **Exhibits A1 to A3**.

AREA:

General Lease No. S-3906 (“GL 3906”) 20,949 square feet
Grant of Non-Exclusive Easement LOD 28,859 (“LOD 28859”) 3,088 square feet

ZONING:

State Land Use District: Urban and Conservation
City & County of Honolulu LUO: I-3 and P-1

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 GL 3906 and LOD 28859 issued to HECO for utility purposes.

TERM:

GL 3906 – 65 years, commencing on March 11, 1965.
LOD 28859 - Perpetual.

RENTAL:

GL 3906 - \$1,832 due annually.
LOD 28859 – one-time payment of \$14,200 paid in 2007.

REMARKS:

Department of Transportation, Harbors Division (“DOT”) is constructing a new container terminal yard and wharf within the former Kapalama Military Reservation. The project will involve the installation of sheet pile and dredging the Honolulu Harbor channel near the northeast side of the Kapalama Bascule Bridge. Existing HECO facilities under GL 3906 and LOD 28859 are within the proposed project and will be impacted by the sheet pile installation and dredging of the channel. GL 3906 and LOD 28859 were issued to HECO pursuant to public auction and direct negotiation respectively for utility purposes.

Following discussions between DOT and HECO most of the improvements under GL 3906 and LOD 28859 were removed by HECO pursuant to the relocation condition in the easements. Meanwhile, DOT has no objection to HECO abandoning the remaining improvements at the subject location, which is under the management jurisdiction of DOT. A memorandum of understanding will be signed by both parties relating to the project.

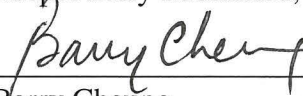
HECO has installed new improvements underneath the Kapalama Bascule Bridge, which is under the management jurisdiction of the Department of Transportation, Highways Division. An appropriate land disposition is being processed by the Highways Division and HECO. Staff brings GL 3906 and LOD 28859 to the Board today requesting for authorization to terminate both GL 3906 and LOD 28859.

HECO is compliant with the terms and conditions under both easements. Staff recommends the Board authorize the mutual termination of both GL 3906 and LOD 28859.

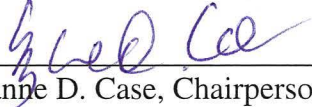
RECOMMENDATION:

That the Board authorize the mutual termination of General Lease No. S-3906 and Grant of Non-Exclusive Easement LOD 28,859 under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

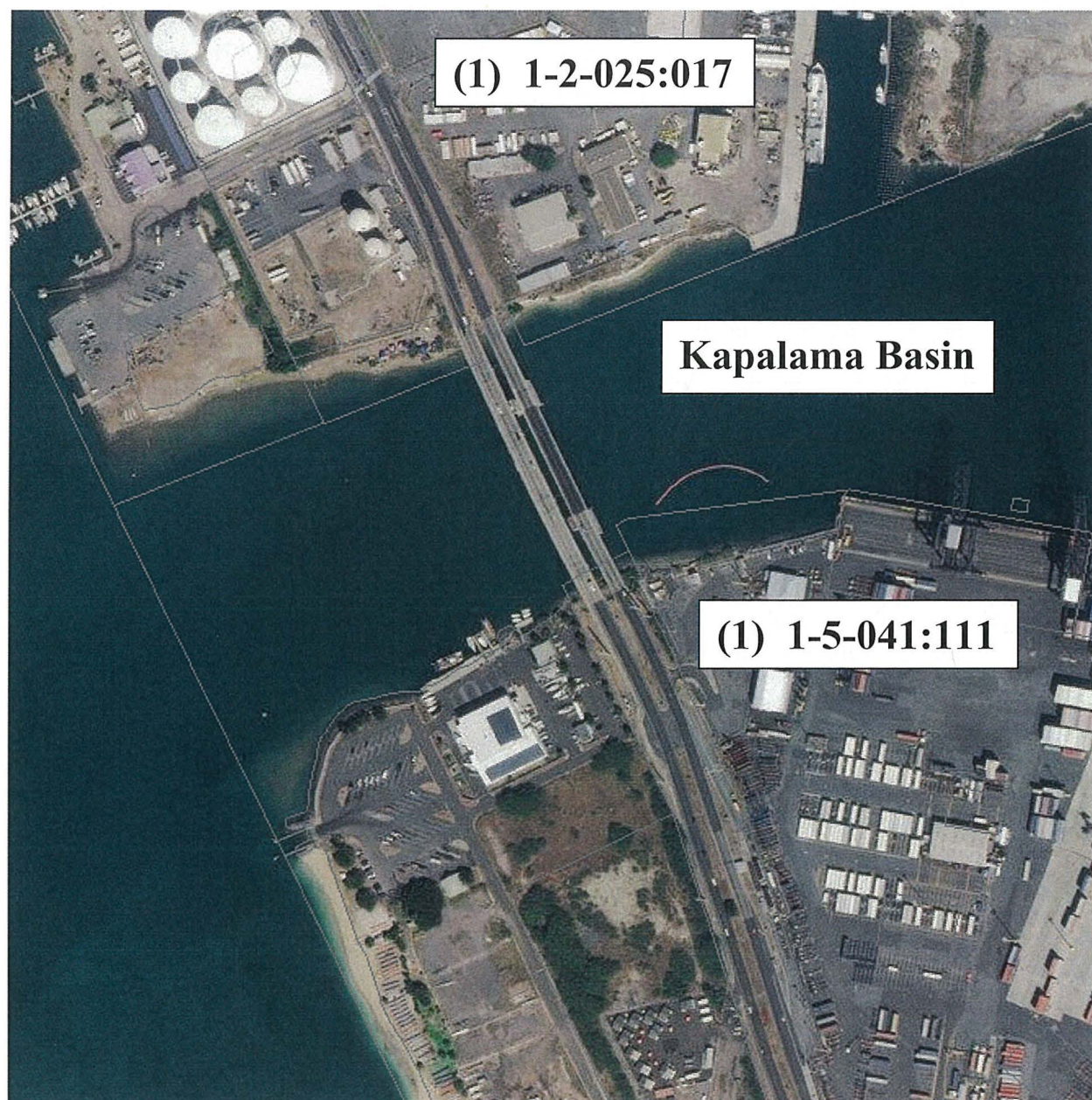
- A. The standard terms and conditions of the most current mutual termination form, as may be amended from time to time;
- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



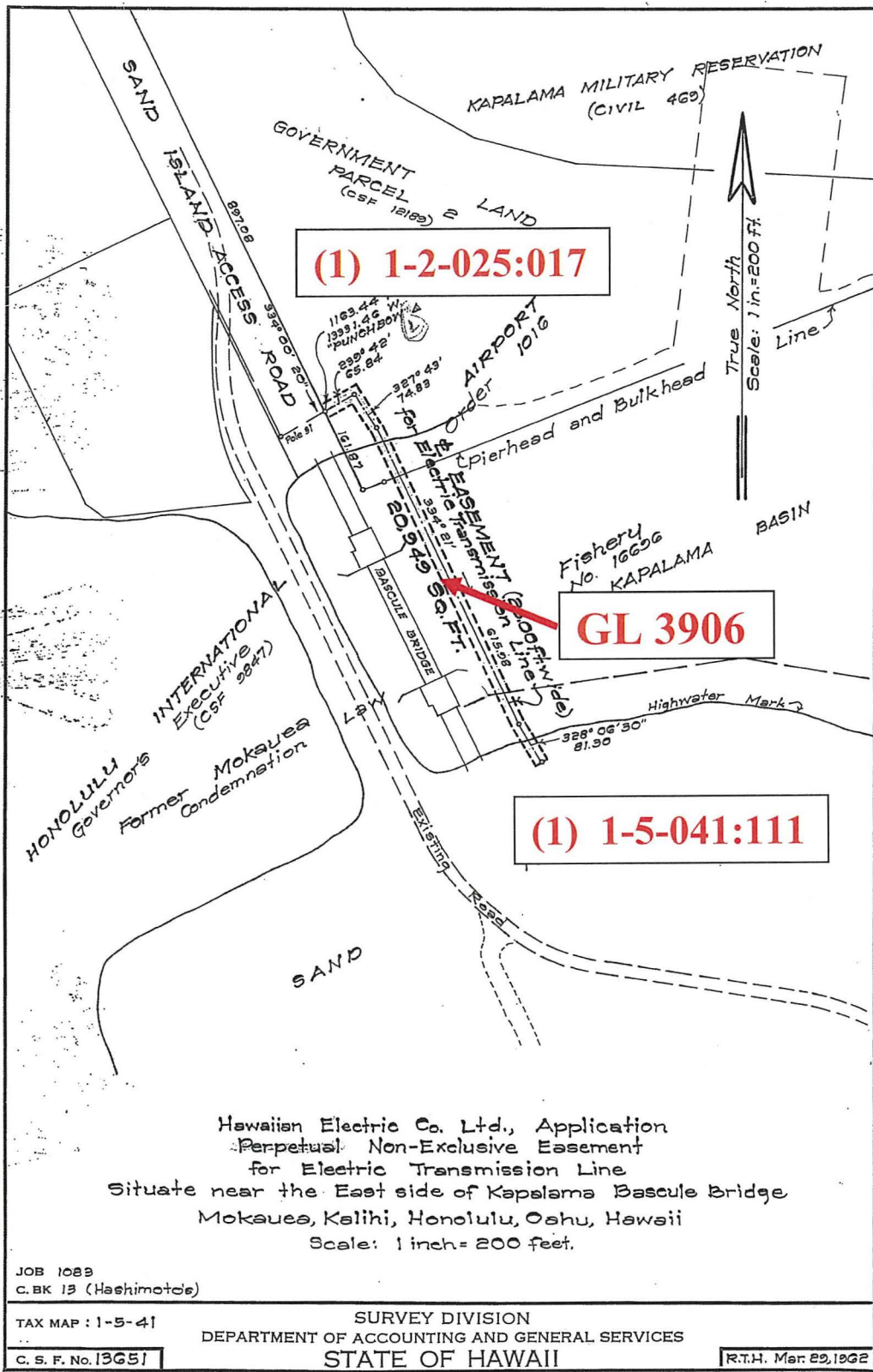


(1) 1-2-025:017

Kapalama Basin

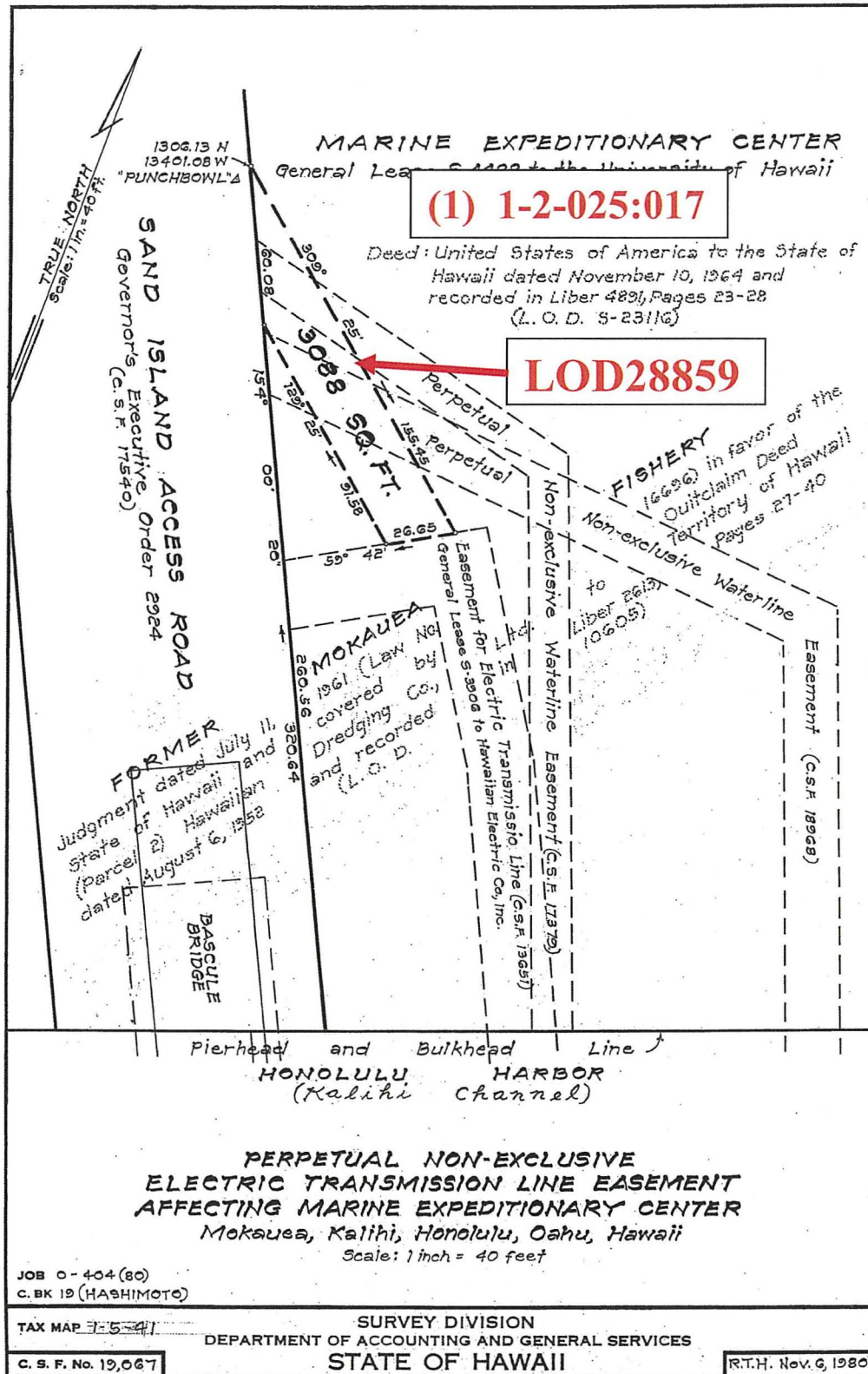
(1) 1-5-041:111

EXHIBIT A1



GL 3906

EXHIBIT A2



LOD28859

EXHIBIT A3