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

August 28, 2020

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

File No. 10705(H)


APPLICANT:


LEGAL REFERENCE:

Section 171-23, Hawaii Revised Statutes, as amended,
Sections 172-11 and 12, Hawaii Revised Statutes, as amended,
Section 182-2, Hawaii Revised Statutes, as amended and Section 664-5, Hawaii Revised Statutes, as amended.

LOCATION:

The applicant's property Tax Map Key: (3) 7-5-018:015 (see attached Exhibit A) is comprised of a portion of the subject Land Commission Award No. 10266 to Makai, situate at Puua 3, Kona, Hawaii, containing an area of 3,747 square feet, more or less, as shown on Exhibit B.

DCCA VERIFICATION:

Not applicable. As a trust, Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

None. Applicant has already furnished a copy of Preliminary Title Report as discussed below.

REMARKS:

In accordance with the Kuleana Act of August 5, 1850, Land Commission Award 10266 was adjudicated free and clear of
commutation to Makai on September 1, 1851 (see Exhibit B). However, no patent has been issued in confirmation of the subject award.

Applicant has provided a copy of Preliminary Title Report dated November 5, 2015 prepared by Title Guaranty of Hawaii reflecting Applicant as the proposed purchaser of the subject property. By subsequent Warranty Deed dated January 29, 2016, recorded as Document No. A-58830051, the acquisition to title to the same is confirmed in David A. Arthurs and Ruth J. Arthurs, Co-Trustees of the David and Ruth Arthurs Family Trust dated November 24, 2015.

While Applicant’s property Tax Map Key: (3) 7-5-018:015 is comprised of 3,747 square foot portion of Land Commission Award 1851 to Makai, Applicant has requested that a patent be issued on the whole of Land Commission Award 1851 to evidence that the government’s right to commutation therein is relinquished.

Comments were requested from the Office of Hawaiian Affairs, however, none were provided by the suspense date.

RECOMMENDATION:

Staff recommends that the Board consent to the issuance of a Land Patent in Confirmation of the subject portion of Land Commission Award No. 10266 to Makai, subject to the following:

1. The terms and conditions as prescribed by law upon the issuance of Land Patents in confirmation of Land Commission Awards, as may be amended from time to time;  
2. Review and approval by the Department of the Attorney General; and  
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State of Hawaii.

Respectfully Submitted,

E. Mahoe Collins  
State Abstractor

APPROVED FOR SUBMITTAL:

Suzanne D. Case, Chairperson