

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

September 11, 2020

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

PSF No.: 19OD-143

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes; Issuance of Construction Right-of-Entry; Kalihi, Honolulu, Oahu; Tax Map Key: (1) 1-2-026: portions of 010.

APPLICANTS:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

Sections 171-13, -17, -55, and -95, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of State lands situated at Kalihi, Honolulu, Oahu; Tax Map Key: (1) 1-2-026: portions of 010, as shown on the attached maps labeled as **Exhibit A1** and **A2**.

AREA:

Easement 1	1,548 square feet
<u>Easement 2</u>	<u>4,253 square feet</u>
TOTAL	5,801 square feet, more or less

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	IMX-1 [Industrial and Commercial Mixed Use]

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by sewer easements under Land Office Deed No. 24090 and Land Office Deed No. 25459 to the City and County of Honolulu ("City").

CHARACTER OF USE:

Right, privilege and authority to access, construct, reconstruct, rebuild, repair, maintain, remove and operate underground and/or overhead wire lines, handholes and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication and control circuits, including the obligation to trim and keep trimmed any trees in the way of its appliances and equipment.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by an independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor project was published in the OEQC's Environmental Notice on January 8, 2011.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

APPLICANT REQUIREMENTS: Applicant shall be required to:

- 1) Pay for an appraisal to determine a one-time easement payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

HECO is working with the Honolulu Authority for Rapid Transportation (“HART”) to supply the necessary electrical power for the rail project. HECO is requesting easement 1 to accommodate the relocation of HECO owned appliances and equipment for this project which will include a pole, anchoring elements, electrical lines, and other equipment. Easement 2 will be used to ensure adequate area for the maintenance requirements such as pulling cable to re-string the electrical lines and staging areas for wire spools and utility equipment.

As the subject area was being reviewed, staff noticed a driveway that bisects the parcel, but could not find any information/authorization/disposition regarding this driveway. It seems the driveway allows access from Kamehameha Highway to the abutting private commercial property and is also used as a turnaround by motorists before the busy intersection of Middle Street and Kamehameha Highway. The subject parcel is a portion of lands purchased by the territorial government from a private owner in 1923 for addition to the current Oahu Community Correctional Center. Over the years, the prison site and the neighboring area were developed, leaving the subject parcel untouched except for the driveway.

Staff contacted Department of Transportation Highways Division who confirmed they do not have any Government maps showing a roadway, nor any records indicating the area falling under their authority. The Department of Planning and Permitting, Surveying Branch informed staff a Department of Public Works District Improvement Map was submitted in 1960 for the City’s Sewer easements that indicated the driveway was already installed prior to 1960. HECO has indicated that the requested maintenance easement as designated on Exhibit A2 (in blue highlight) will not affect this driveway.

Staff will contact the private landowner using the driveway and direct them to apply for an easement under a separate request, or staff will bring the matter back to the Board for unauthorized use of public land if the landowner is not willing to obtain an easement from the Board.

In response for comments from other Government agencies, the Board of Water Supply, the Department of Design and Construction, and the Department of Facilities Maintenance, the Division of Aquatic Resources, and the Office of Hawaiian Affairs have not responded to solicitation for comment before the response deadline.

The Applicant requests a construction right-of-entry prior to the issuance of the easement document and staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of perpetual non-exclusive easements to Hawaiian Electric Company, Inc. covering the subject area for utility purposes, under the terms and

conditions cited above, which are by this reference incorporated herein and further subject to the following:

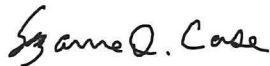
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a construction right-of-entry permit to Hawaiian Electric Company, Inc. 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 right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



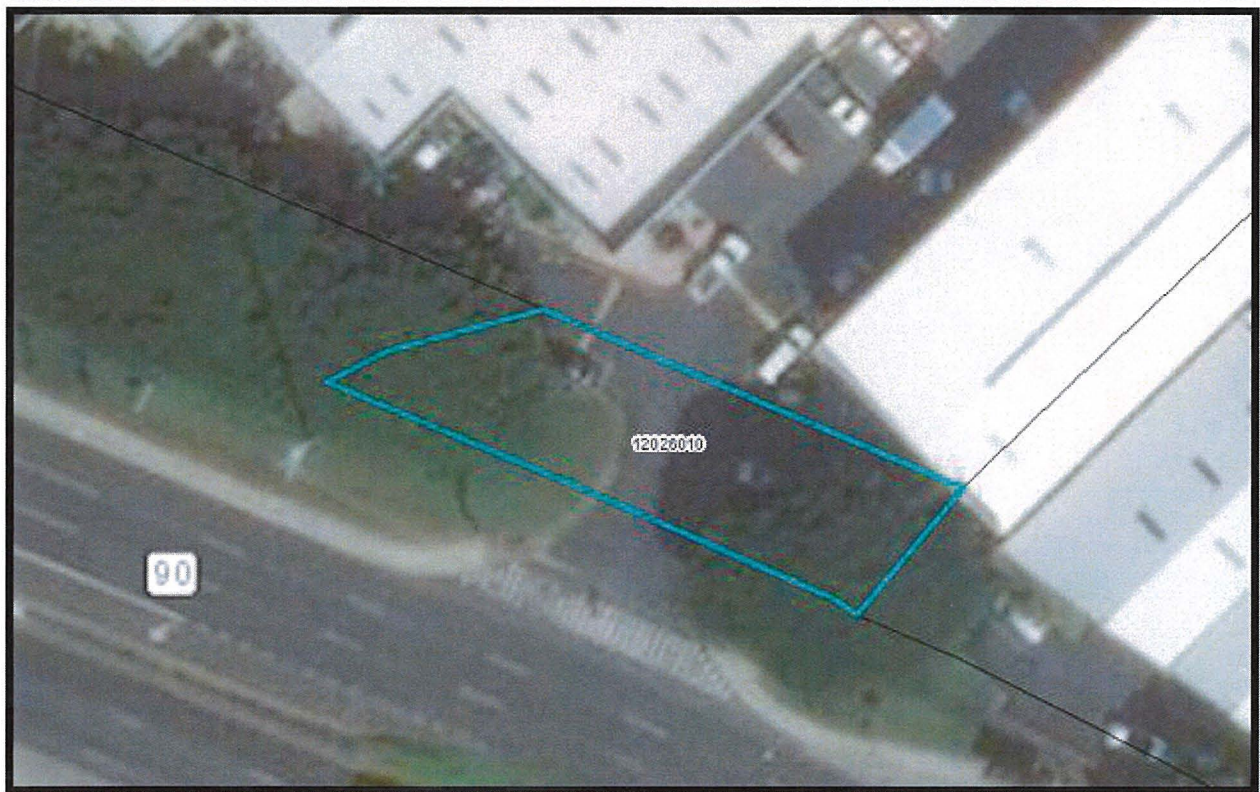
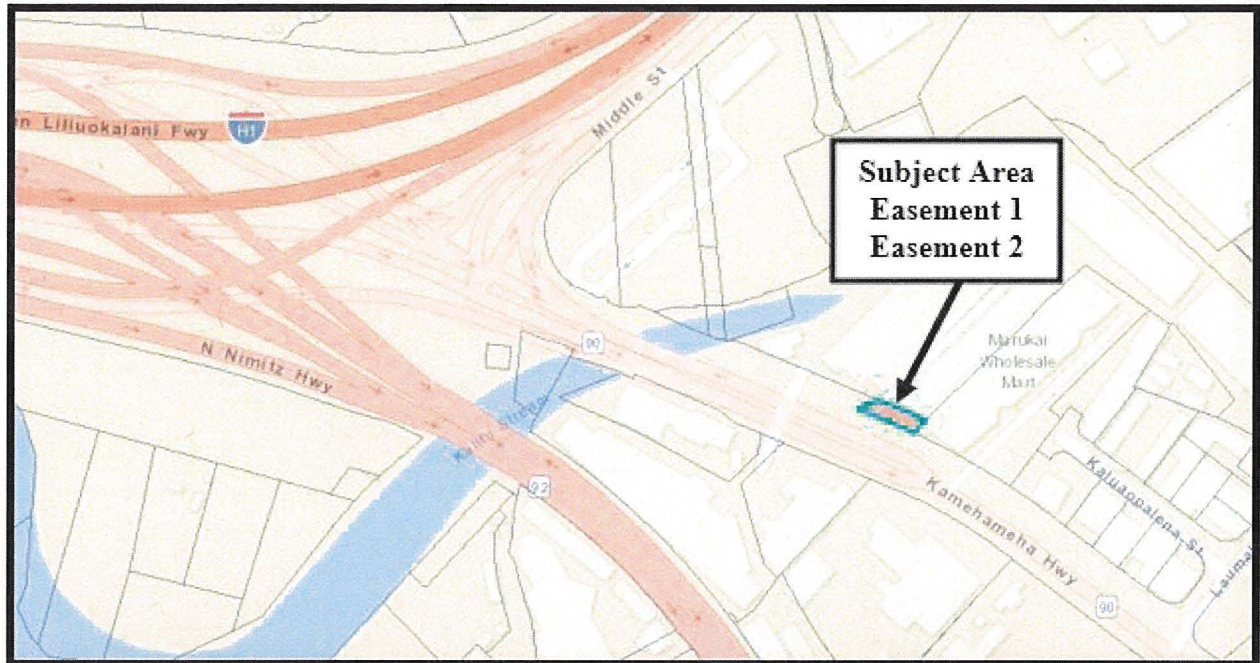
Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





TMK (1) 1-2-026: portions of 010

EXHIBIT A1

