

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

December 11, 2020

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

PSF No.: 20KD-084

**KAUAI**

After-the-Fact Consent to Assign Grant of Term Non-Exclusive Easement No. S-4618, Dora Leilani Cobb-Adams, Assignor, to Dora Leilani Cobb-Adams, Trustee of the Dora Leilani Cobb-Adams Revocable Living Trust, dated May 24, 1991, as amended on June 27, 2013, Assignee;

Amend Grant of Term Non-Exclusive Easement No. S-4618 for Access and Utility Purposes; Anahola, Kawaihau (Koolau), Kauai, Tax Map Keys: (4) 4-8-006:025, 055 and 056.

The purpose of the amendment is to change Grant of Term Non-Exclusive Easement No. S-4618 to "run with the land" so that future assignments of the easement will not require Board consent.

**APPLICANTS:**

Shane Cobb-Adams and Erin Cobb-Adams, Co-Trustees of the Dora Leilani Cobb-Adams Revocable Living Trust, dated May 24, 1991, as amended on June 27, 2013.

**LEGAL REFERENCE:**

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

**LOCATION:**

Portion of Government lands of situated at Anahola, Kawaihau (Koolau), Kauai, identified by Tax Map Keys: (4) 4-8-006:025, 055 and 056 as shown on the attached map labeled Exhibit A.

**AREA:**

8,361 square feet, more or less.

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Access and utility purposes.

TERM OF LEASE:

Sixty-five (65) years, commencing on October 24, 1975 and expiring on October 23, 2040.

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

Not applicable.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not applicable as Assignor/Assignee is a landowner and, as such, is not required to register with DCCA.

APPLICANTS REQUIREMENTS:

Applicants shall be required to:

1. Obtain the required liability insurance for Grant of Term Non-Exclusive Easement No. S-4618; and
2. Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

Grant of Term Non-Exclusive Easement No. S-4618 was issued to Henry Cobb-Adams III and Dora Leilani Cobb-Adams commencing October 24, 1975 to October 23, 2040 for access and utility purposes on State parcels identified by Tax Map Keys: (4) 4-8-006:025, 055 and 056. Henry Cobb-Adams III and Dora Leilani Cobb-Adams were the fee owners of the parcel identified by Tax Map Key: (4) 4-8-006:030, which utilizes the subject easement.

On September 4, 2007 and October 11, 2007, the Chairperson of the Board of Land and Natural Resources approved the Consent to Mortgage of Grant of Easement No. S-4618.

On June 27, 2013, the Dora Leilani Cobb-Adams Revocable Living Trust, dated May 24, 1991 was amended to have Shane Cobb-Adams and Erin Cobb-Adams as successor Co-Trustees.

On March 25, 2017, Henry Cobb-Adams III passed away.

On September 6, 2019, a Warranty Deed conveyed parcel (4) 4-8-006:030 and assigned Grant of Easement No. S-4618 from Dora Leilani Cobb-Adams, assignor, to Dora Leilani Cobb-Adams, Trustee of the Dora Leilani Cobb-Adams Revocable Living Trust, dated May 24, 1991, as amended on June 27, 2013, assignee.<sup>1</sup>

On September 9, 2019, Dora Leilani Cobb-Adams passed away.

On October 22, 2019, Dora Leilani Cobb-Adams's liability insurance policy for Grant of Easement No. S-4618 expired.

On January 17, 2020, Kauai District Land Office (KDLO) received a letter from Shane Cobb-Adams notifying staff that his parents, Henry Cobb-Adams III and Dora Leilani Cobb-Adams, passed away. Shane also requested in the letter to become the grantee of Grant of Easement No. S-4618.

On September 22, 2020, Shane Cobb-Adams contacted KDLO staff to add his brother, Erin Cobb-Adams, to the request as a co-trustee.

On October 14, 2020, Shane Cobb-Adams informed KDLO staff that his insurance company, Pyramid Insurance, required proof that he and Erin Cobb-Adams were the grantees of Grant of Easement No. S-4618 before the issuance of a new liability insurance policy. If the subject assignment and amendment is approved, the applicants will obtain the required liability insurance.

Staff is also including a recommendation below to amend Grant of Term Non-Exclusive Easement No. S-4618 to "run with the land" so that future assignments of the easement will not require Board consent.

The applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No comments were solicited as there will be no change in land use.

#### RECOMMENDATION:

1. That the Board consent after-the-fact to the assignment of Grant of Term Non-Exclusive Easement No. S-4618 from Dora Leilani Cobb-Adams, as Assignor, to Dora Leilani Cobb-Adams, Trustee of the Dora Leilani Cobb-Adams Revocable Living Trust, as Assignee, subject to the following:
  - a. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;

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<sup>1</sup> The Board has not approved consent to assignment of Grant of Easement No. S-4618. The Warranty Deed document was submitted to KDLO staff on August 4, 2020.

- 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. Amend the Grant of Term Non-Exclusive Easement No. S-4618 by replacing paragraph 6 of the easement with the following: “The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 4-8-006:030, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee’s successors or assigns of the insurance requirement in writing, separate and apart from the easement documents,” subject to the following:
- a. The standard terms and conditions of the most current amendment of easement 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,

WTM

*Kurt Yasutake*

Kurt Yasutake  
Land Agent



KEM

APPROVED FOR SUBMITTAL:

RT

*Suzanne D. Case*

Suzanne D. Case, Chairperson





