

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

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IN REPLY REFER TO:

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

OAHU

REQUEST APPROVAL TO RELINQUISH ITS RIGHTS TO USE DRAINAGE
EASEMENT 1 AFFECTING PARCEL A OF THE FORMER KAPALAMA
MILITARY RESERVATION, TAX MAP KEY NO. (1) 1-2-025:036 (P),
GOVERNOR'S EXECUTIVE ORDER NOS. 3947 AND 4075

LEGAL REFERENCE:

Sections 171-6, 171-11, 171-17, 171-30, and 171-31, Hawaii Revised Statutes, as amended.

APPLICANT:

State of Hawaii, Department of Land and Natural Resources ("DLNR") for the State of Hawaii, Department of Transportation, Harbors Division ("DOT Harbors") whose mailing address is 79 South Nimitz Highway, Honolulu, Hawaii 96813.

CHARACTER OF USE:

Easement 1 for draining purposes, containing an area of 14,064 square feet; said Easement is sometimes referred to as Easement D; and recorded to Document No. 2003-161362, filed to Land Court Document No. 2971803; and recorded to Document No. A-75010316, filed to Land Court Document No. 11153120.

LOCATION:

Honolulu Harbor, Island of Oahu. Lands located west of the Kapalama Container Terminal and yard currently under construction by DOT Harbors. The 14.45-acre property is located at 2101 Auiki Street, Honolulu, Hawaii 96819 identified as Tax Map Key No. (1) 1-2-025:036 (P) and is currently owned by Amazon.com Services LLC ("Amazon") as shown on the attached map labeled Exhibit A.

ITEM M-12

CONSIDERATION:

To be determined by appraisal pursuant to Section 171-17, HRS.

ZONING:

State Land Use Commission:	Urban
City and County of Honolulu:	I-2, Intensive Industrial

COMMENCEMENT DATE:

To be determined by the Chairperson of the Board of Land and Natural Resources (“BLNR”).

TRUST LAND STATUS:

Private property.

CURRENT USE STATUS:

Amazon is the current fee simple owner of Parcel A of the former Kapalama Military Reservation, also identified by Tax Map Key No. (1) 1-2-025:036 (P) (the “Amazon Property”). The Amazon Property is currently encumbered and subjected to a purported drainage easement as identified below:

Easement 1 (15 feet wide) for drainage purposes, containing an area of 14,064 square feet; said Easement being more fully described in various instrument(s) including, but not limited to, those certain instruments recorded in Liber 21114, Page 532, filed to Land Court Document No.1494241; Easement sometimes referred to as Easement D; recorded to Document No. 2003-161362, filed to Land Court Document No. 2971803; and recorded to Document No. A-75010316, filed to Land Court Document No. 11153120.

LAND TITLE STATUS:

To be relinquished by DOT Harbors through the DLNR and eminent domain proceedings and transfer the management of the lands to the State of Hawaii, Department of Agriculture (“HDOA”) by Governor’s Executive Order.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement, of the Kapalama Container Terminal and Tenant Relocations, Honolulu Harbor, Island of Oahu (Chapter 3, Easements, Published November 8, 2014).

REMARKS:

The State of Hawaii is the fee simple owner of certain real property (“State Property”), which is located to the east of and adjacent to the Amazon Property and a portion of which is under management jurisdiction of the DOT Harbors pursuant to Governor’s Executive Order No. 3947, DOT Harbors Property, and a portion of which is under management jurisdiction of the HDOA pursuant to Governor’s Executive Order No. 4075, HDOA Property. The State as the successor in interest to the United States Army purportedly has an interest in and right to use said Easement 1.

While there is no separate recorded grant of easement for Easement 1, the DOT Harbors and/or the HDOA have used and/or continues to use Easement 1 for its drainage infrastructure for the benefit of the State Property.

With the construction of the Kapalama Container Terminal, the DOT Harbors will terminate the connection to Easement 1 used for the benefit of the DOT Harbors Property. Subject to approval of the BLNR, the DOT Harbors confirms that it relinquishes its rights to use Easement 1 to the extent benefitting the DOT Harbors (not use of Easement 1 for the benefit of the HDOA Property), no objection and consents to the filing and processing by Amazon or its retained consultant of the necessary application and such other paperwork, including without limitation, a subdivision map to reflect and confirm the relocation of drainage Easement 1 as described above affecting the Amazon Property subject to, and without relinquishment of the rights of the HDOA Property.

RECOMMENDATION:

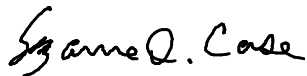
That the Board authorizes the DOT Harbors to relinquish their rights and terminate their connection to Easement 1 with a grant of easement for the relocated drainage Easement 1 in favor of the HDOA.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jade T. Butay".

JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read "Suzanne D. Case".

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

Att.: Exhibit A

Exhibit A Map

