

DAVID Y. IGE
GOVERNOR



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

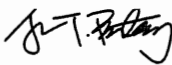
JADE T. BUTAY
DIRECTOR

Deputy Directors
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-RL 3.96961

September 30, 2021

TO: SUZANNE D. CASE, CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

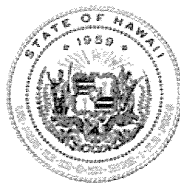
FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: KAMEHAMEHA HIGHWAY
LAILOA STREAM BRIDGE REPLACEMENT
FEDERAL AID PROJECT NO. BR-083-1(58)
LAIE, KOOLAULOA, OAHU, HAWAII

Enclosed for your approval is the Land Board re-submittal for the subject project. Please place the re-submittal on your next Land Board agenda.

If there are any questions, please contact Mr. Gary Gaspar of our Highways Division, Right-of-Way Branch, Land Acquisition Section at (808) 692-7333 or by email at gary.p.gaspar@hawaii.gov.

Enclosure



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

IN REPLY REFER TO:

September 30, 2021

Suzanne D. Case, Chairperson
c/o Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Chair Case and Board Members:

Subject: Amend prior Board Action of June 12, 2020, Item M-5, Acquisition of Temporary Construction Rights-of-Entry to Land to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kamehameha Highway, Laieloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58) at Laie, Koolauloa, Oahu, Hawaii, Re: Tax Map Key Nos. (a) (1) 5-5-003: Portion of 201; (b) (1) 5-5-006: Portion of 038; (c) (1) 5-5-011: 068 and Portion of 070; (d) (1) 5-5-013: Portions of 075, 076, 077, 078, 079, 080 and Puuahi Street; and (e) (1) 5-5-014: Portion of 001

The purpose of this amendment is to request the Board of Land and Natural Resources (Board) to authorize the acquisition of Parcel 1 and to authorize temporary grant of easements for Construction Parcels C4, C5, C6, C7, C8, C9, C10, C11, and C12.

OAHU

BACKGROUND:

At its meeting on June 12, 2020, Item M-5, the Board approved submittal of Temporary Construction Rights-of-Entry to the State of Hawaii, Department of Transportation, Highways Division, for Highway purposes, relating to Kamehameha Highway, Laieloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58) at Laie, Koolauloa Oahu, Hawaii, Tax Map Key Nos. (a) (1) 5-5-003: Portion of 201; (b) (1) 5-5-006: Portion of 038; (c) (1) 5-5-011: 068 and Portion of 070; (d) (1) 5-5-013: Portions of 075, 076, 077, 078, 079, 080 and Puuahi Street; and (e) (1) 5-5-014: Portion of 001 (Exhibit A).

REMARKS:

On February 25, 2021, a revised Right-of-Way Map was completed, in which Construction Parcel C2 (309 square feet), was divided into Parcel 1 (135 square feet) and Construction Parcel C2 (Rev. 1) (174 square feet), as shown on Exhibit B. Parcel 1 will be used to construct a concrete wall to prevent vehicles from entering Laieloa

ITEM M-6

Stream. Construction Parcel C2 (Rev. 1) will still be used for aerial safety of a crane boom during construction. The State of Hawaii, Department of Transportation, Highways Division determined the compensation for Parcel 1 and Construction Parcel C2 (Rev. 1) based on Compensation Estimates prepared by a staff appraiser, dated July 9, 2021.

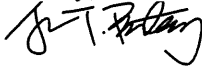
Construction Parcels C4, C5, C6, C7, C8, C9, C10, C11, and C12 will be used for a temporary bypass road during construction. Temporary grant of easements will be required for the bypass road.

RECOMMENDATION:

That the Board:

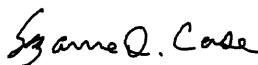
- A. Amend its prior Board action of June 12, 2020, Item M-5 by:
 1. Authorizing the acquisition of Parcel 1, subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.
 2. Authorizing the acquisition of temporary grant of easements for Construction Parcels C4, C5, C6, C7, C8, C9, C10, C11, and C12, subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.
- B. Authorize the acquisition even in the event of a change in the ownership or tax map key numbers of those parcels described herein and in the June 12, 2020 approved submittal.
- C. Except as amended hereby, all terms and conditions as approved on June 12, 2020, shall remain the same.

Sincerely,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosure

DAVID Y. IGE
GOVERNOR



APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
JUNE 12, 2020 *dar*

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

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

May 15, 2020

Ms. Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Main Office, Kalanimoku Building
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Ms. Case:

Subject: Land Board Submittal to Board of Land and Natural Resources
State of Hawaii, Honolulu, Hawaii

OAHU

Acquisition of Temporary Construction Rights-of-Entry to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kamehameha Highway, Laieloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58), at Laie, Koolauloa, Oahu, Hawaii, Re: Tax Map Key Nos.: (a) (1) 5-5-003: Portion of 201; (b) (1) 5-5-006: Portion of 038; (c) (1) 5-5-011: 068 and portion of 070; (d) (1) 5-5-013: Portions of 075, 076, 077, 078, 079, 080, and Puuahi Street; and (e) (1) 5-5-014: Portion of 001.

APPLICANT:

DEPARTMENT OF TRANSPORTATION, Highways Division (DOT).

LEGAL REFERENCE:

Sections 107-10, 171-30, and Chapter 264, Hawaii Revised Statutes, as amended.

LOCATION:

Lands and portion of lands relating to Kamehameha Highway, Laieloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58), at Laie, Koolauloa, Oahu, Hawaii, identified by Tax Map Key Nos.: (1) 5-5-003: Portion of 201; (1) 5-5-006: Portion of 038; (1) 5-5-011: 068 and Portion of 070; (1) 5-5-013: Portions of 075, 076, 077, 078, 079, 080, and Puuahi Street; and (1) 5-5-014: Portion of 001, as shown and described on the attached map labeled as Exhibit A.

ITEM M- 5

EXHIBIT A

Ms. Suzanne D. Case, Chairperson
May 15, 2020
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AREA CONSTRUCTION PARCELS:

OWNERSHIP

Construction Parcel C-1 = 219 square feet or 0.005 acre TMK No. (1) 5-5-003-201 (por.)	Ruth B. Larsen and Lois R. Klaus, co-Trustees of the Survivor's Trust, established November 7, 1998 and created by the Larsen Trust dated June 5, 1998, and amended March 9, 2007
Construction Parcel C-2 = 309 square feet or 0.007 acre TMK No. (1) 5-5-011-070 (por.)	Alice M. Reed and Stephen A. Higgs
Construction Parcel C-3 (Rev. 1) = 8,509 square feet or 0.195 acre TMK No. (1) 5-5-011-068	Property Reserve, Inc.
Construction Parcel C-4 = 4,514 square feet or 0.104 acre TMK No. (1) 5-5-014-001 (por.)	Property Reserve, Inc.
Construction Parcel C-5 = 2,405 square feet or 0.055 acre TMK No. (1) 5-5-013-078 (por.)	Property Reserve, Inc.
Construction Parcel C-6 = 5,551 square feet or 0.127 acre TMK No. (1) 5-5-013-079 (por.)	Property Reserve, Inc.
Construction Parcel C-7 = 1,022 square feet or 0.023 acre TMK No. (1) 5-5-013-076 (por.)	Property Reserve, Inc.
Construction Parcel C-8 = 759 square feet or 0.017 acre TMK No. (1) 5-5-013-075 (por.)	Benjamin Dumlao Martin
Construction Parcel C-9 = 3,944 square feet or 0.091 acre TMK No. (1) 5-5-013-080 (por.)	Memorandum of Title in and to Portion of Royal Patent 922
Construction Parcel C-10 = 1,679 square feet or 0.039 acre TMK No. (1) 5-5-013-Puuahi Street (por.)	Property Reserve, Inc.

Ms. Suzanne D. Case, Chairperson
May 15, 2020
Page 3

Construction Parcel C-11 = 12,421 square feet or 0.285 acre TMK No. (1) 5-5-006-038 (por.)	Property Reserve, Inc.
Construction Parcel C-12 = 494 square feet or 0.011 acre TMK No. (1) 5-5-013-079 (por.)	Property Reserve, Inc.
Construction Parcel C-13 = 409 square feet or 0.009 acre TMK No. (1) 5-5-013-080 (por.)	Memorandum of Title in and to Portion of Royal Patent 922
Construction Parcel C-14 = 416 square feet or 0.010 acre TMK No. (1) 5-5-013-Puuahi Street (por.)	Property Reserve, Inc.
Construction Parcel C-15 = 1,104 square feet or 0.025 acre TMK No. (1) 5-5-013-079 (por.)	Property Reserve, Inc.
Construction Parcel C-16 = 134 square feet or 0.003 acre TMK No. (1) 5-5-013-077 (por.)	Property Reserve, Inc.
Construction Parcel C-17 = 649 square feet or 0.015 acre TMK No. (1) 5-5-013-076 (por.)	Property Reserve, Inc.
Construction Parcel C-18 = 85 square feet or 0.002 acre TMK No. (1) 5-5-013-075 (por.)	Benjamin Dumlao Martin
Construction Parcel C-19 = 951 square feet or 0.022 acre TMK No. (1) 5-5-014-001 (por.)	Property Reserve, Inc.

ZONING:

TMK: (1) 5-5-003-201	R-5 Residential
TMK: (1) 5-5-006-038	R-5 Residential
TMK: (1) 5-5-011-068	R-5 Residential
TMK: (1) 5-5-011-070	R-5 Residential
TMK: (1) 5-5-013-075	R-5 Residential
TMK: (1) 5-5-013-076	R-5 Residential
TMK: (1) 5-5-013-077	B-1 Neighborhood Business District
TMK: (1) 5-5-013-078	B-1 Neighborhood Business District

Ms. Suzanne D. Case, Chairperson
May 15, 2020
Page 4

TMK: (1) 5-5-013-079
TMK: (1) 5-5-013-080
TMK: (1) 5-5-013-Puuahi Street
TMK: (1) 5-4-014-001

B-1 Neighborhood Business District
R-5 Residential
R-5 Residential
B-1 Neighborhood Business District

CURRENT USE STATUS:

TMK: (1) 5-5-003-201

Ruth B. Larsen and Lois R. Klaus, co-Trustees of the Survivor's Trust, established November 7, 1998 and created by the Larsen Trust dated June 5, 1998, and amended March 9, 2007

Residential and encumbered by Mortgage in favor of Bank of Hawaii, Document No. 3960863; Reservations and covenants as contained in Deed, Document No. 15115; Declaration of Protective Provisions, Document No. 1146783; Right-of-Entry Agreement in favor of Hawaii Reserves, Inc., Document No. 3556101.

TMK: (1) 5-5-006-038

Property Reserve, Inc.

Vacant. Liens and/or encumbrances: none.

TMK: (1) 5-5-011-068

Property Reserve, Inc.

Residential and encumbered by Drainage Easement as contained in Limited Warranty Deed, Document No. 2004-108221; Declaration of Protective Provisions, Liber 16787, Page 394; Reservations and covenants as contained in Limited Warranty Deed, Document No. 2004-108221; Right-of-Entry Agreement in favor of Hawaii Reserves, Inc., Document No. 2008-039292.

TMK: (1) 5-5-011-070

Alice M. Reed and Stephen A. Higgs

Residential and encumbered by Mortgage in favor of Wells Fargo Bank, N.A., Document No. A-45130416; Declaration of Protective Provisions, Liber 16787, Page 394; Reservation in favor of Property Reserve, Inc. and covenants as contained in Limited Warranty Deed, Document No. 99-012798;

Ms. Suzanne D. Case, Chairperson
May 15, 2020
Page 5

Right-of-Entry Agreement in favor of
Hawaii Reserves, Inc., Document No. 2006-
035107.

TMK: (1) 5-5-013-075

Benjamin Dumlao Martin

Residential and encumbered by Declaration
of Protective Provisions, Liber 16787, Page
394; Right-of-Entry Agreement in favor of
Hawaii Reserves, Inc., Document No. 2006-
035109.

TMK: (1) 5-5-013-076

Property Reserve, Inc.

Vacant. Liens and/or encumbrances: none.

TMK: (1) 5-5-013-077

Property Reserve, Inc.

Business use and encumbered by Unilateral
Agreement and Declaration for Conditional
Zoning, Liber 18494, Page 396; Agreement
for Issuance of Conditional Use Permit
Under Section 4.40-21 of the Land Use
Ordinance, Document No. 91-108870.

TMK: (1) 5-5-013-078

Property Reserve, Inc.

Business use and encumbered by building
setback line as shown on File Plan No. 894;
Agreement, Document No. 91-108870;
Right-of-Entry Agreement in favor of
Hawaii Reserves, Inc., Document No. 2007-
066563.

TMK: (1) 5-5-013-079

Property Reserve, Inc.

Business use and encumbered by building
setback line as shown on File Plan No. 894;
Unilateral Agreement and Declaration for
Conditional Zoning, Liber 18494, Page 396;
Agreement for Issuance of Conditional Use
Permit under Section 4.40-21 of the Land
Use Ordinance, Document No. 91-108870.

Ms. Suzanne D. Case, Chairperson
May 15, 2020
Page 6

TMK: (1) 5-5-013-080	Memorandum of Title in and to Portion of Royal Patent 922 Residential and encumbered by break in title; various encumbrances.
TMK: (1) 5-5-013-Puuahi Street	Property Reserve, Inc. Roadway use. Liens and/or encumbrances: none.
TMK: (1) 5-5-014-001	Property Reserve, Inc. Business use and encumbered by building setback line as shown on File Plan No. 894; Agreement for Issuance of Conditional Use Permit Under Section 4.40-21 of the Land Use Ordinance, Document No. 91-108870; Right-of-Entry Agreement in favor of Hawaii Reserves, Inc., Document No. 2007-066565; Grant of Easement in favor of Hawaiian Electric Company, Inc. and Hawaiian Telecom, Inc., Document No. 93-176830; Grant of Easement in favor of Laie Water Company, Inc., Document No. 2000-082556; Grant of Easement in favor of Laie Treatment Works, Inc., Document No. 2000-082559.

PROPOSED ACQUISITION:

Construction Parcels C-1 through and including C-19 are being acquired as temporary construction rights-of-entry.

COMPENSATION:

State of Hawaii DOT determined the compensation based on Compensation Estimates prepared by a staff appraiser, dated July 12, 2019 and appraisal reports prepared by an independent appraiser, dated June 11, 2019.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

A Final Environmental Assessment, prepared by AECOM, was prepared and notice of its availability published in OEQC's Environmental Notice on December 23, 2019.

Ms. Suzanne D. Case, Chairperson
May 15, 2020
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REMARKS:

The DOT proposes to replace Laieloa Stream Bridge along Kamehameha Highway in Laie, Koolauloa, Oahu, Hawaii. The purpose is to replace the existing bridge with a new bridge structure to meet current state and federal bridge and roadway design standards.

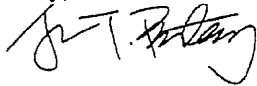
As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain Board approval for all acquisitions in accordance with Section 171-30, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board:

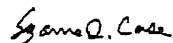
- A. Authorize the acquisition of the temporary construction rights-of-entry under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the appropriate construction right-of-entry form, as may 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 interest of the State.
- B. Authorize the acquisitions even in the event of a change in the ownership of those parcels described herein and on the attached maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,



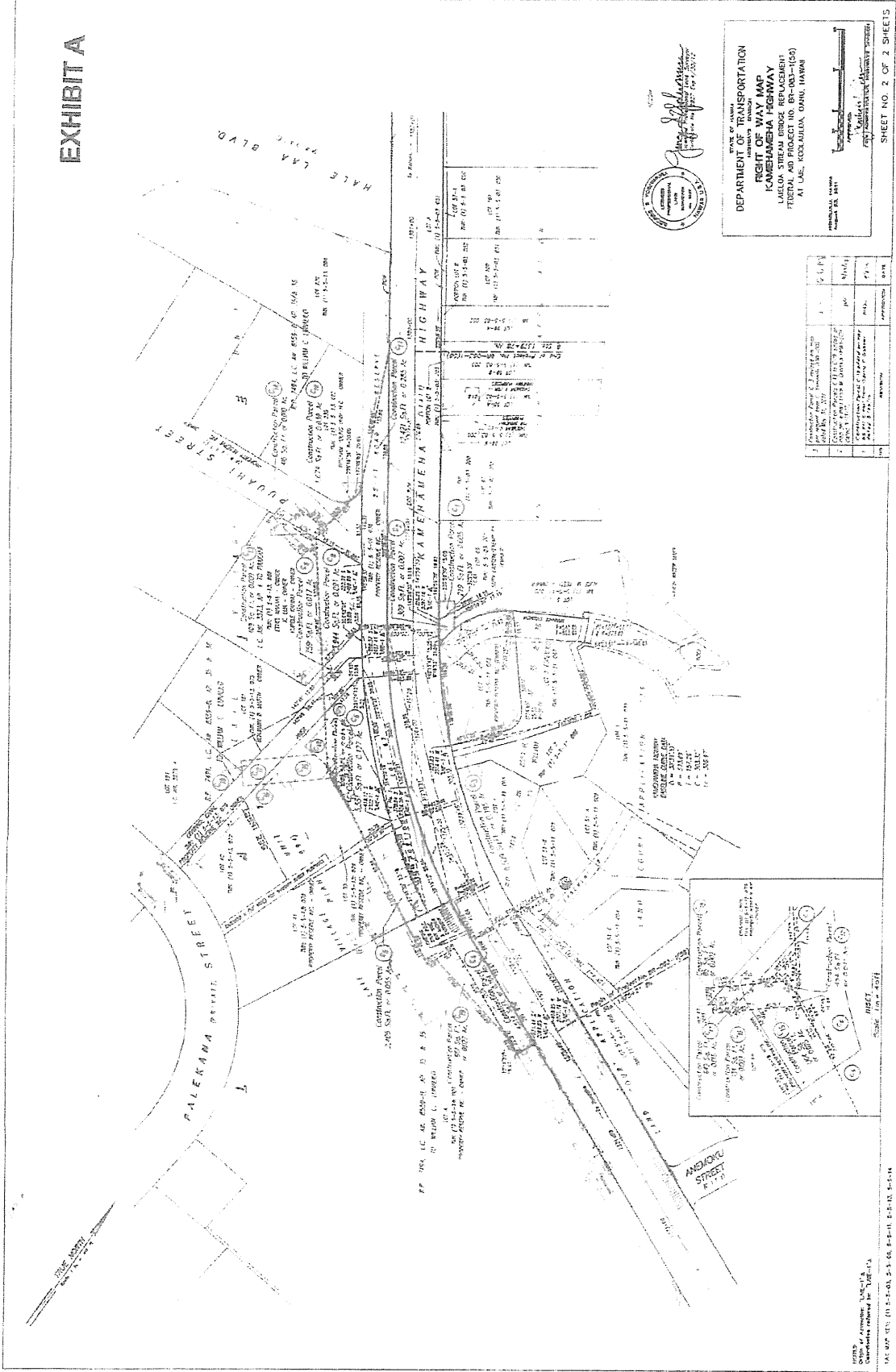
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

EXHIBIT A



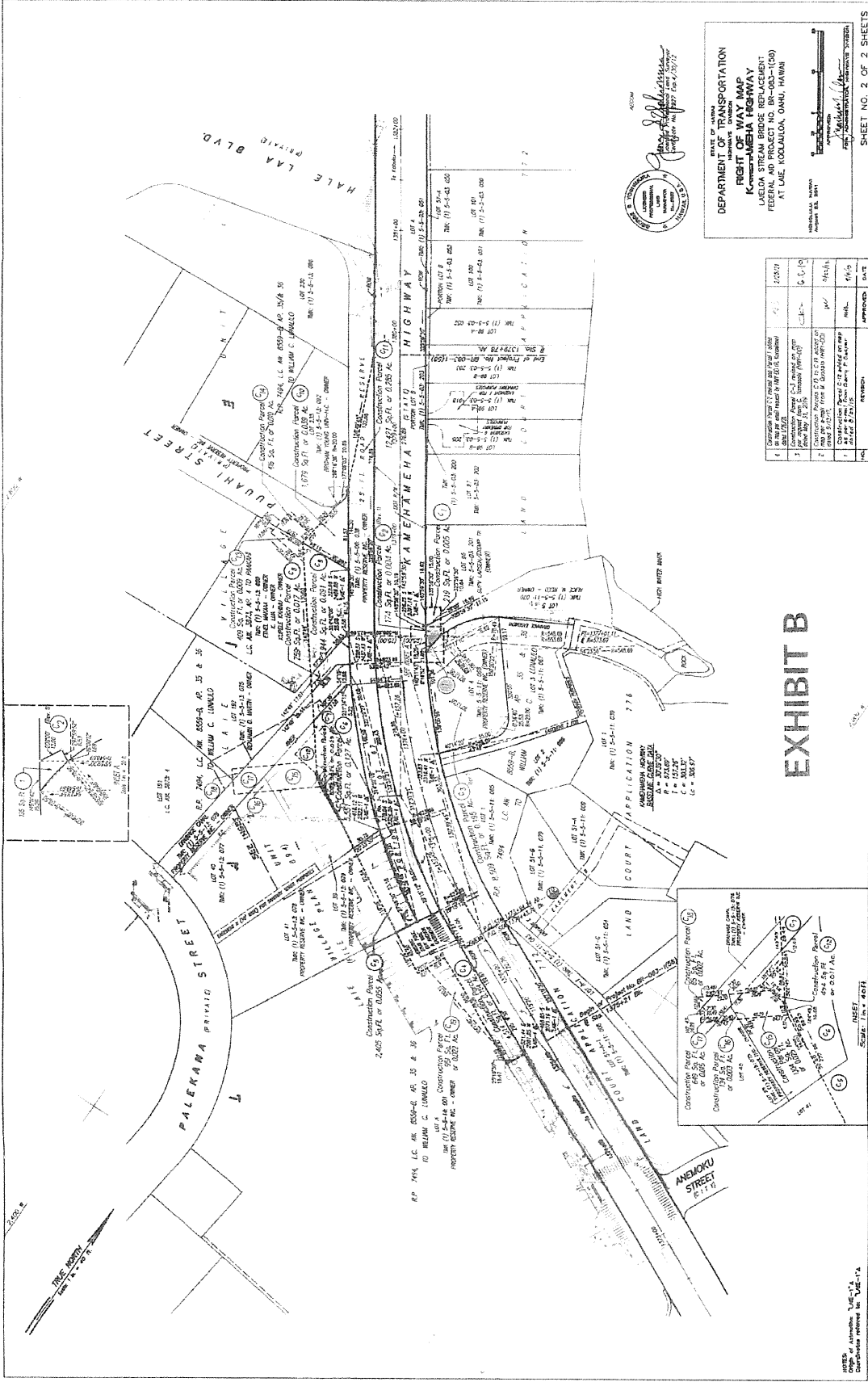
STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
KAMEHAMEHA HIGHWAY
 LABELD STREAM BRIDGE REPLACEMENT
 PROJECT NO. 2017-001
 AT LANE, KOKOAHA, OAHU, HAWAII

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/17
2	REVISED PLAN	10/1/17
3	REVISED PLAN	10/1/17
4	REVISED PLAN	10/1/17
5	REVISED PLAN	10/1/17
6	REVISED PLAN	10/1/17
7	REVISED PLAN	10/1/17
8	REVISED PLAN	10/1/17
9	REVISED PLAN	10/1/17
10	REVISED PLAN	10/1/17

SHEET NO. 2 OF 2 SHEETS

MAP DRAWING CONVENTIONS

DATE: 10/1/17
 DRAWN BY: [Name]
 CHECKED BY: [Name]



STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
 LAKELOA STREAM BRIDGE REPLACEMENT
 KAMEHAMEHA HIGHWAY
 FEDERAL AID PROJECT NO. BR-000-(190)
 AT LAKE, KONA, HAWAII, HAWAII



NO.	REVISION	DATE
1	Construction Plans to be added to the project file.	11/15/07
2	Construction Plans to be added to the project file.	11/15/07
3	Construction Plans to be added to the project file.	11/15/07
4	Construction Plans to be added to the project file.	11/15/07

EXHIBIT B

NOTES:
 1. Original drawings are in the file.
 2. Construction plans are in the file.

1	1/2" = 1' - 0"
2	1/4" = 1' - 0"
3	1/8" = 1' - 0"
4	1/16" = 1' - 0"
5	1/32" = 1' - 0"
6	1/64" = 1' - 0"