

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  
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EDWIN H. SNIFFEN

IN REPLY REFER TO:

Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

ISSUANCE OF A SECOND AMENDMENT TO GRANT OF NON-EXCLUSIVE  
EASEMENT AND BILL OF SALE FOR WATERLINE PURPOSES  
WATER BOARD OF THE COUNTY OF HAWAII  
ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEĀHOLE  
TAX MAP KEY: (3) 7-3-43:03 (PORTION). HAWAII

APPLICANT:

Water Board of the County of Hawai'i ("Grantee")

LEGAL REFERENCE:

Section 171-95, Hawai'i Revised Statutes, as amended.

LOCATION:

Portion of Ellison Onizuka Kona International Airport at Keāhole (KOA), Kailua-Kona,  
Hawai'i, identified by Tax Map Key: (3) 7-3-43: 03 (Por.), as shown on Exhibit "A".

AREAS:

The location of Easements A, B, C and D are shown on map provided in Exhibits "B" and "B-1":

Easement A, containing an area of approximately 358 sq. ft.  
Easement B, containing an area of approximately 715 sq. ft.  
Easement C, containing an area of approximately 318 sq. ft.  
Easement D, containing an area of approximately 214 sq. ft.

**ITEM M-12**

BLNR –ISSUANCE OF A SECOND AMENDMENT TO GRANT OF NON-EXCLUSIVE  
EASEMENT AND BILL OF SALE FOR WATERLINE PURPOSES, WATER BOARD  
OF THE COUNTY OF HAWAI‘I  
PAGE 2

ZONING:

State Land Use District: Urban  
County: MG-1a (General Industrial)

LAND TITLE STATUS:

Ceded Land – 5(b), Hawai‘i Admission Act  
DHHL, 30% entitlement lands: YES \_\_\_ NO X

CURRENT USE STATUS:

Land presently encumbered by Governor’s Executive Order No. 3074, dated August 20, 1981, setting aside 4,204.10 acres designated as KOA under the control and management of the State of Hawai‘i, Department of Transportation, Airports Division for Airport Purposes.

CHARACTER OF USE:

Perpetual, non-exclusive easements for waterline purposes identified as Easements “A”, “B”, “C” and “D”, crossing over and across portions of KOA, together with access over Airport roads to the easements. The right, privilege and authority to install, construct, reconstruct, use, maintain, repair, replace and remove underground water transmission pipelines under and across State-owned land.

TERM:

Perpetual.

COMMENCEMENT DATE:

Upon execution of the document.

CONSIDERATION:

\$10.00. The Grantee requires the conveyance of the easements to accommodate the water system and waterlines that it will maintain. The Grantor will convey the waterline facilities in the easement to the Grantee through the Bill of Sale, who will then own and maintain the waterlines. The Grantee will convey the water facilities to the Grantor if required by the State for future development of the Airport. The easement and conveyance of the waterlines are necessary to accommodate DOT’s need to connect to the water system and waterlines operated and maintained by the Grantee.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The impacts of this action have been reviewed and analyzed in the Final Environmental Assessment and Finding of No Significant Impact (FEA/FONSI) for the Airfield, Terminal and Facility Improvements for the Kona International Airport at Keāhole, North Kona, Hawai'i (dated March 2013) that was published in the Office of Environmental Quality Control's Environmental Notice on March 23, 2013. The mitigation measures identified in the 2013 FEA/FONSI are still valid to address the environmental impacts of this action.

REMARKS:

On September 23, 2005, under agenda Item M-3, the Land Board approved the issuance of a non-exclusive, perpetual easement for waterline purposes and conveyance of the waterline system identified as Easements 1, 2, 3, C-1, C-2, D and E to the Water Commission, County of Hawai'i. A grant of non-exclusive easement and bill of sale was subsequently issued to the Water Board of the County of Hawai'i (formerly Water Commission of the County of Hawai'i) dated April 13, 2006, recorded in the Bureau of Conveyances on May 31, 2006, as Document No. 2006-101552 (the "Water Board Grant"). This waterline system services the KOA.

The above-mentioned Water Board Grant was amended per Land Board's approval on April 25, 2014 (Item M-1). The amendment to the Water Board Grant, recorded with the State of Hawai'i, Bureau of Conveyances on June 25, 2014, as Document No. A-52890415, was for the extension of the existing main waterline in the "AOA Access Road" to service the Federal Aviation Administration's Air Traffic Control Tower Facility and the DOT Airports Division's Aircraft Rescue and Fire Fighting Facility. The amendment included -- three (3) additional Non-Exclusive Perpetual Easements "1", "4", and "5" (and Bill of Sale) for waterline purposes.

Recently, additional development at KOA in the South Ramp area included aircraft hardstands (for aircraft parking) and other improvements requiring four (4) additional Non-Exclusive Perpetual Easements "A", "B", "C" and "D" as shown in Exhibit "B" and "B-1". Upon approval of this request, DOT will proceed to work with the Grantee to execute a Second Amendment of the Grant of Non-Exclusive Easement and Bill of Sale to include these additional easements for waterline purposes. Conveyance of these easements to the Grantee is necessary because DOT does not have the "in-house" capability to maintain the waterline system to service KOA.

RECOMMENDATION:

That the Board authorizes DOT to issue a second amendment to the Water Board Grant dated April 13, 2006, to include the additional waterline easement areas, subject to the following: (1) standard terms and conditions of the most current easement amendment

BLNR –ISSUANCE OF A SECOND AMENDMENT TO GRANT OF NON-EXCLUSIVE  
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OF THE COUNTY OF HAWAI'I

PAGE 4

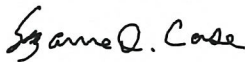
document form; (2) conveyance of the water facilities to the Grantee; (3) conveyance of water facilities by the Grantee to the Grantor if required by DOT for future development of the Airport; (4) the easement document will include access to and from the easement sites over Airport roads; (5) Review and approval by the Department of the Attorney General; (6) other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State; and (7) attach the necessary legal descriptions and maps showing the designation of easement for waterline purposes.

Respectfully submitted,



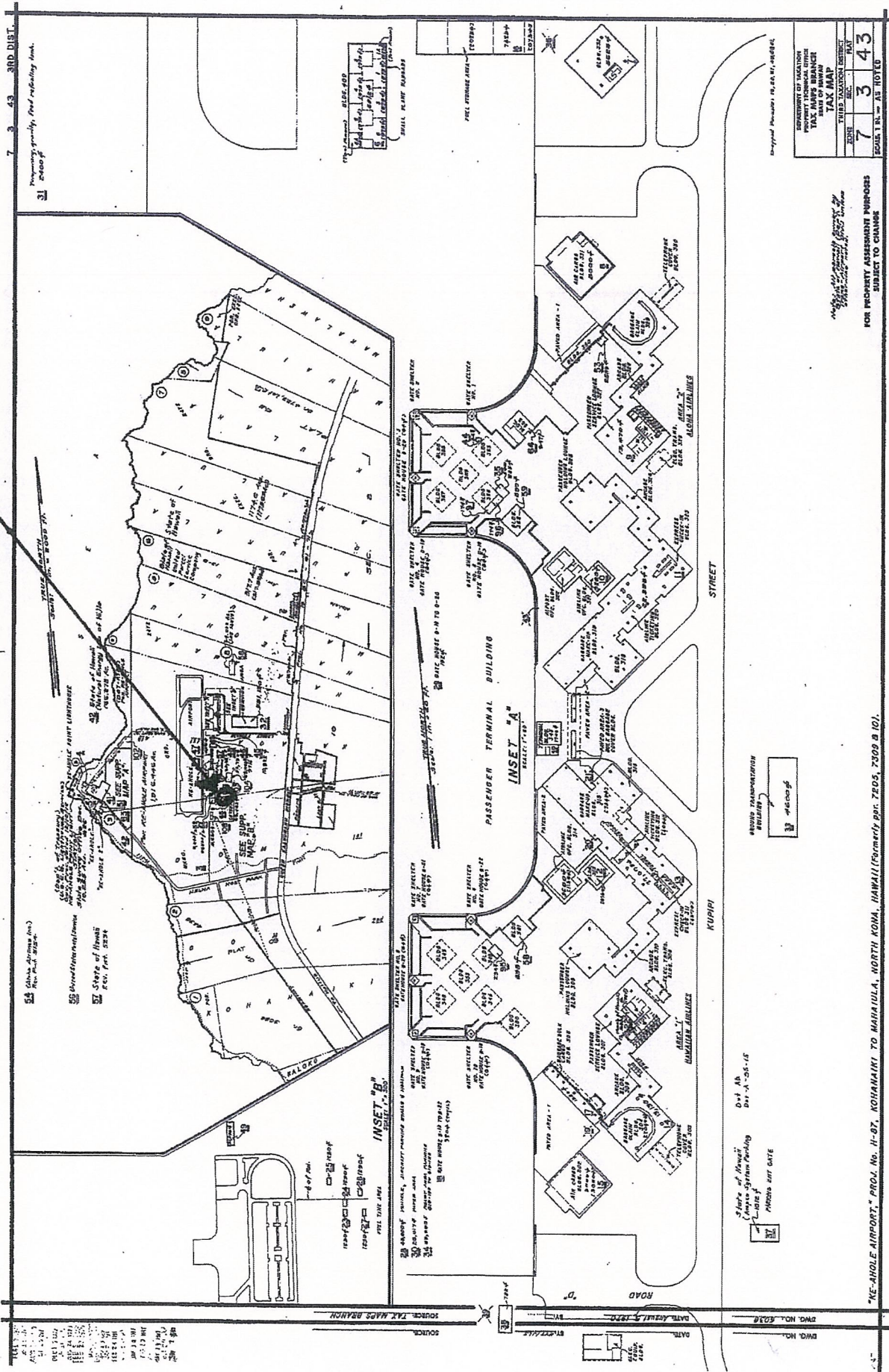
JADE T. BUTAY  
Director of Transportation

APPROVED FOR SUBMITTAL:



SUSANNE D. CASE  
Chairperson and Member

# Second Amendment and Bill of Sale



7 3 43 3RD DIST.  
 Property quantity and reflecting book  
 31 240000

DEPARTMENT OF TACATION	7	3	43
TAX MAP			
TAX MAP			
FOR PROPERTY ASSESSMENT PURPOSES			
SUBJECT TO CHANGE			

EXHIBIT A

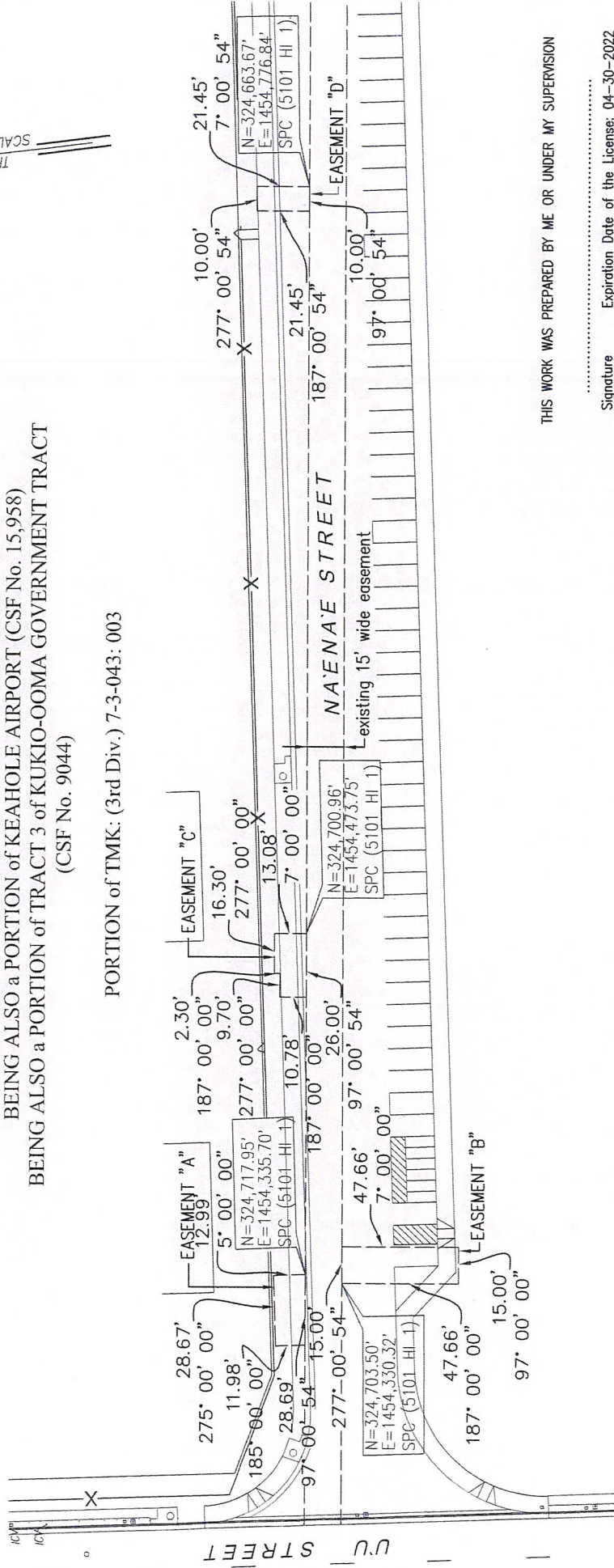
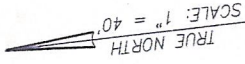
KE-AHOLE AIRPORT, PROJ. No. H-87, KOHAIKAI TO MAHAULUA, NORTH KOHA, HAWAII (Formerly per. 7205, 7309 B D.)



# EXHIBIT MAP TO ACCOMPANY LEGAL DESCRIPTION

LAND SITUATED on the WESTERLY SIDE of QUEEN KAAHUMANU HIGHWAY  
 at KALAOA, 1st - 4th, NORTH KONA, ISLAND of HAWAII, HAWAII  
 BEING a PORTION of GOVERNMENT LAND  
 BEING ALSO a PORTION of KEAHOLE AIRPORT (CSF No. 15,958)  
 BEING ALSO a PORTION of TRACT 3 of KUKIO-OOMA GOVERNMENT TRACT  
 (CSF No. 9044)

PORTION of TMK: (3rd Div.) 7-3-043: 003



**Notes:**

1. This Plan, Map & Exhibit is not a boundary survey it is intended to accompany easement descriptions for information and reference only.
2. Exhibit Map is based on information provided by Orion Engineers & Associates. Azimuths and coordinates are referred to Hawaii State Plane Zone 5101 HI1 and based on information provided by Orion Engineers & Associates for control points KP-4 & KP-5.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION  
 Signature ..... Expiration Date of the License: 04-30-2022



**ENGINEERING PARTNERS**  
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