



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

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

IN REPLY REFER TO:

February 2, 2022

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 September 11, 2020, Item M-8, Request for:
Acquisition of Lands to the Department of Transportation, Highways
Division (DOT), for Highway Purposes, Relating to Farrington Highway,
Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua,
Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-006: Portions of 010,
(1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026.

OAHU

The purpose of this request is for the Board of Land and Natural Resources (Board) to approve deletion of the following hazardous material provisions from the Department of Land and Natural Resources (DLNR) form Warranty Deed for the specific property identified as Tax Map Key No. (1) 6-7-001: Portions of 026:

1. "The Grantor, warrants that if any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by the Grantor on or adjacent to the Property, as determined by the Grantee in its sole discretion, then the Grantor shall be responsible for the reasonable costs thereof. In addition, the Grantor shall execute affidavits, representations and the like from time to time at the Grantee's request concerning the Grantor's best knowledge and belief regarding the presence of hazardous materials on the Property placed or releases by the Grantor."
2. "The Grantor agrees to release, indemnify, defend and hold the Grantee harmless, from any damages and claims resulting from the release of hazardous materials on or about the Property occurring while the Grantor was in possession of the Property, or elsewhere if caused by the Grantor or persons acting through or under the Grantor."
3. "For the purpose of this warranty deed "hazardous material" shall mean any pollutant, contaminant, toxic substance, hazardous waste, hazardous material, hazardous

ITEM M-7

substance, or oil, as all of the above are defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, as amended, Chapter 128D, Hawaii Revised Statutes (HRS), as amended, or any other federal, state, or local law, regulation, ordinance, rule, or bylaw, whether existing as of the date thereof, previously enforces, or subsequently enacted.”

BACKGROUND:

At its meeting of September 11, 2020, Item M-8, the Board approved submittal of Acquisition of Lands to the DOT, for Highway Purposes, Relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-06: Portions of 010, (1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026 (Exhibit A).

At its meeting of October 8, 2021, due to the lengthy process of acquiring Parcels 8 and 9, Item M-4, the Board approved to authorize right-of-entry for construction purposes covering the land areas under Parcels 8 and 9. Parcels 8 and 9 are part of the total parcels the Board approved the DOT acquire per Item M-8 at the September 11, 2020 meeting (Exhibit B).

REMARKS:

The DOT is working towards finalizing the acquisitions of Parcels 8 and 9. However, the Grantor will not agree to voluntarily convey the parcels with the aforementioned hazardous material provisions in the DLNR form Warranty Deed (Exhibit C). If the provisions are not removed, the DOT will need to proceed with eminent domain proceedings, which will cause more delays and expenses.

The DOT has consulted with the Department of Attorney General, and there is no legal requirement to include the hazardous material provisions in the Warranty Deed other than the requirements relating to the use of the DLNR form Warranty Deed. Even if the hazardous material provisions are deleted from the Warranty Deed, in the event of an environmental liability (such as a release of hazardous material), the Grantor would continue to be liable under HRS Section 128D-6. However, the Grantor would not be obligated to release, indemnify, defend or hold harmless the State of Hawaii in regard to that liability. The Grantor would have the same liability in an eminent domain action, including no obligation to release, indemnify, defend or hold harmless the State of Hawaii in regard to environmental liability.

RECOMMENDATION:

That the Board:

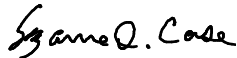
- A. Amend its prior Board action of September 11, 2020, Item M-8, by approving the deletion of the hazardous material provisions described above for this specific conveyance from the appropriate conveyance document also known as the DLNR form Warranty Deed.
- B. Except as amended hereby, all terms and conditions as approved on September 11, 2020 shall remain the same.

Sincerely,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosures

DAVID Y. IGE
GOVERNOR



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

JADE T. BUTAY
DIRECTOR

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

IN REPLY REFER TO:

August 24, 2020

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: Request for: (1) Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-006: Portions of 010, (1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026.

OAHU

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT).

LEGAL REFERENCE:

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

LOCATION:

Portion of lands relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, as shown and described on the enclosed map labeled as Exhibit A.

ITEM M-8

EXHIBIT A

Item M- Q, Request for Acquisition of Lands
Suzanne D. Case, Chairperson
August 24, 2020
Page 2

AREA:

Parcels:

Parcel 1 = 300 square feet
Parcel 2 = 900 square feet
Parcel 3 = 200 square feet
Parcel 4 = 800 square feet
Parcel 5 = 600 square feet
Parcel 6 = 300 square feet
Parcel 7 = 184 square feet
Parcel 8 = 200 square feet
Parcel 9 = 300 square feet

Tax Map Key Nos.:

(1) 6-8-006: 010
(1) 6-8-007: 002
(1) 6-8-007: 002
(1) 6-8-006: 010
(1) 6-8-007: 002
(1) 6-8-007: 002
(1) 6-8-006: 010
(1) 6-7-001: 026
(1) 6-7-001: 026

ZONING:

Tax Map Key No. (1) 6-8-006: 010	Agricultural
Tax Map Key No. (1) 6-8-007: 002	Agricultural
Tax Map Key No. (1) 6-7-001: 026	Agricultural

CURRENT USE STATUS:

Tax Map Key No. (1) 6-8-006: 010	Occupied and encumbered by encumbrances that will not be affected by the project
Tax Map Key No. (1) 6-8-007: 002	Occupied and encumbered by encumbrances that will not be affected by the project
Tax Map Key No. (1) 6-7-001: 026	Occupied and encumbered by encumbrances that will not be affected by the project

Current ownership is as follows:

Parcels:

Parcels 1, 4, 7
Fee owner = Mahiko Farms, LLC, et al

Tax Map Key Nos.:

(1) 6-8-006: 010

Parcels 2, 3, 5, 6
Fee owner = Pioneer Hi-Bred International, Inc.

(1) 6-8-007: 002

Parcels 8, 9
Fee owner = Dole Food Company, Inc.

(1) 6-7-001: 026

COMPENSATION:

The compensation for Parcels 1 through 9 were determined by compensation estimates prepared by our in-house staff appraiser.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Chapter 343, Hawaii Revised Statutes Environmental Impact Statement requirements for the proposed action is exempt and approved by the Environmental Quality Commission on November 15, 2000.

REMARKS:

The purpose of the project is to replace and correct asphalt concrete pavement, upgrade and replace drainage facilities, and improve safety within the project limits.

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 §171-30, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board:

- A. Authorize the acquisition of the subject lands 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 conveyance document, 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 of Hawaii.

Item M- 8, Request for Acquisition of Lands
Suzanne D. Case, Chairperson
August 24, 2020
Page 4

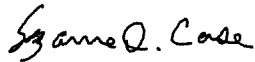
- B. Authorize the acquisition even in the event of a change in the ownership of those parcels described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosure

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 3.96966

September 28, 2021

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

FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: FARRINGTON HIGHWAY
PROJECT NO. STP-0930-1(006)
AT MOKULEIA AND KAMANANUI, WAIALUA, OAHU, HAWAII
TAX MAP KEY NOS. (1) 6-8-06: 010, (1) 6-8-07: 002, AND (1) 6-7-01: 026

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 and inform Mr. Jaime Yamashiro, of our Highways Division, Right-of-Way Branch, Land Acquisition Section at (808) 692-7336 or jaime.k.yamashiro@hawaii.gov

Enclosure

EXHIBIT B



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

IN REPLY REFER TO:

September 28, 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 September 11, 2020, Item M-8, Request for:
(1) Acquisition of Lands to the Department of Transportation, Highways
Division, for Highway Purposes, Relating to Farrington Highway,
Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua,
Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-006: Portions of 010,
(1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026.

OAHU

The purpose of this amendment is to request the Board of Land and Natural Resources (Board) to authorize right-of-entry for construction purposes covering the land areas under Parcels 8 and 9.

BACKGROUND:

At its meeting of September 11, 2020, Item M-8, the Board approved submittal of (1) Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-06: Portions of 010, (1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026 (Exhibit A).

REMARKS:

The Department of Transportation, Highways Division is working towards finalizing the acquisitions of Parcels 8 and 9. Clearing title has been a lengthy process and right-of-entry for construction purposes may be necessary to prevent project delays.

Suzanne D. Case, Chairperson
September 28, 2021
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RECOMMENDATION:

That the Board:

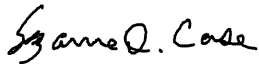
- A. Amend its prior Board action of September 11, 2020, Item M-8, by authorizing right-of-entry for construction purposes covering the land areas under Parcels 8 and 9 subject to an appropriate conveyance document, as reviewed and approved by the Department of Attorney General and by the Department 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 September 11, 2020 approved submittal.
- C. Except as amended hereby, all terms and conditions as approved on September 11, 2020 shall remain the same.

Sincerely,

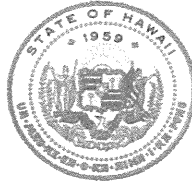
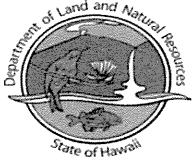


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson



**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**DRAFT MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: SEPTEMBER 11, 2020
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

A. MINUTES

1. Request approval of the July 10, 2020 Board of Land Natural Resources meeting minutes.
APPROVED

D. LAND DIVISION

1. Grant of Term, Non-Exclusive Quitclaim Easement to Anthony B. Aruda and Corinne S. Aruda in their capacities as successor co-trustees in and under that certain unrecorded Alfred Aruda Revocable Living Trust Agreement dated July 19, 1976; Anthony B. Aruda and Corinne S. Aruda in their capacities as the successor co-trustees in and under that certain unrecorded Mary T. Aruda Revocable Living Trust Agreement dated July 19, 1976; and Lisa R. Brown, Trustee under that certain unrecorded Lisa R. Aruda Brown Revocable Living Trust dated December 3, 1991, for Pedestrian and Equestrian Access Purposes; Kanahena, Makawao, Maui; Tax Map Key: (2) 2-1-004: 123 (Por.).

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. DEFERRED

2. Issuance of Request for Cancellation of Revocable Permit No. S-7785 (RP S-7785) to JINTA, LLC; Waiver of Phase I Environmental Site Assessment Requirement Under RP S-7785; Issuance of Revocable Permit to Jackson Wong Inc. for Landscaping and Business Parking Lot Purposes; Grant of Term, Non-Exclusive Easement to Jackson Wong, Inc. for Portion of Encroaching Building Addition; and Sale of Lease at Public Auction; Hanapepe, Waimea, Kauai; Tax Map Key: (4) 1-9-010: 042. APPROVED AS AMENDED: *Approved Staffs' Recommendations but Conditioned Recommendation NUMBER 7 on going forward with the Auction of a 30-year Lease upon Staff researching the actual Zoning Maps from the County to confirm the subject Parcel is Zoned Open.*

EXHIBIT A

3. Direct Lease to Regenerations International Botanical Garden for Intensive Agricultural Use Purposes; Issuance of Immediate Management Right-of-Entry Permit; Kapaa, Kawaihau, Kauai; Tax Map Keys: (4) 4-6-005: 007 & 008. APPROVED
4. Amend Prior Board Action of July 13, 2018, Item D-6, *Grant of Term, Non-Exclusive Easement to Kahanu Family Limited Partnership for Seawall Purposes; Kuau, Hamakuapoko, Maui; Tax Map Key (TMK): (2) 2-6-010: Seaward of 017.*

The purpose of the amendment is to 1) increase the easement area from the previously approved 1390 square feet to 1613 square feet (surveyed easement area) and 2) change the applicant from Kahanu Family Limited Partnership to Sea & Believe LLC. APPROVED

5. Quitclaim of State's Interests, if any, in a 1.576 Acre (more or less) Remnant Parcel, Described as a Portion of Old Cane Haul Road, to Hawaii Housing Finance and Development Corporation (HHFDC); Wahikuli, Lahaina, Maui; Tax Map Key: (2) 4-5-021: 013. APPROVED
6. 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. APPROVED
7. Grant of Term, Non-Exclusive Easements to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Lands and under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following locations:

Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Oahu; Tax Map Key (TMK): (1) 1-2-025: 113 (Por.);

and

Ala Wai Small Boat Harbor, Kalia, Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-3-037: 012 (Por.).

Authorize Negotiation and Issuance of Master License Agreement and Site License Agreement to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Land and Improvements under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following location:

Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, Oahu; Tax Map Key: (1) 3-1-042: 006 (Por.). APPROVED

8. Status Report Regarding Deed to the State for Submerged Lands and Improvements Thereon by the Doris Duke Foundation for Islamic Art (DDFIA); Waikiki, Honolulu, Oahu; Tax Map Key: (1) 3-1-041: 005.

Approval in Principle of Memorandum of Understanding Regarding a Possible Construction Project Regarding the Property. APPROVED

9. Amendment of Grant of Non-Exclusive Easement S-5601 to Robert W.S. Chang and Carol L.H. Chang, Trustees under Unrecorded Robert W.S. Chang and Carol L.H. Chang Revocable Living Trust dated December 23, 1986 and Ryan K. Chang for Seawall Purposes; Waialae Iki, Honolulu, Oahu; Tax Map Key: (1) 3-5-022: Seaward of 002.

The purpose of this amendment is to modify the easement condition regarding consent to assignment, eliminate the requirement of posting a performance bond, and add a new condition requiring the prior written approval of the Chairperson to mortgage the easement area. APPROVED

10. Acquisition of Private Land, Issuance of Immediate Management Right of Entry, and Set Aside to the Division of Forestry and Wildlife for Natural Area Reserve Purposes; Niu, Honolulu, Oahu; Tax Map Key: (1) 3-7-003: 003. APPROVED
11. Approval of Proposed Repair and Modification of Existing Seawall and Steps Covered by Non-Exclusive Easement GL S-6083 to Waimanalo Paradise, LLC, a Delaware limited liability company, Waimanalo, Koolau-poko, Oahu, Tax Map Keys: (1) 4-1-002: Seaward of 021 & 022 (formerly 007). APPROVED

J. DIVISION OF BOATING AND OCEAN RECREATION

1. After-The-Fact Consent to Sublease under Harbor Lease No H-83-2, Kona Marine Holdings, LLC, Lessee, to: Reel Action LLC., Kiholo Inc., and Wahine Charters, LLC, Sublessees; Kealakehe, Kailua-Kona; Tax Map Key: (3) 7-4-008: 040. DEFFER
2. Approve GKM, Inc., to Sell Fuel to its Subtenants Under Harbor Lease No. H-82-4, at A Rental Rate of Five Percent (5%) of Gross Fuel Receipts; Situated at Honokohau Small Boat Harbor, Kailua-Kona, Kealakehe, Island of Hawaii, Tax Map Key: (3) 7-4-008:042 (Por.). DEFFER

- ~~3. Sale of Concession by Sealed Bid for a Five-Year Parking Contract to Operate a Parking Concession; Situated at the Honokohau Small Boat Harbor, Kealahou, Kailua-Kona, Hawaii; Tax Map Key: (3) 7-4-008: 003 (Por.);~~

~~and~~

~~Declare Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules. WITHDRAWN~~

4. Sale of Concession by Sealed Bid for a Five-Year Parking Contract to Operate a Parking Concession; Situated at Ala Wai Small Boat Harbor Honolulu, Oahu; Tax Map Keys: (1) 2-6-010: 003 (Portion), (1) 2-3-037: 012 (Portion) 024: 027: 033, 035, and: 037,

and

Declare Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules. APPROVED

M. OTHERS

1. Grant of Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Underground Power Lines and Issuance of Immediate Construction Right-Of-Entry Permit; Daniel K. Inouye International Airport; Tax Map Keys: (1) 1-1-003: 009 (Portion), (1) 1-1-003: 010 (Portion), and (1) 1-1-003: 035 (Portion). APPROVED
2. Issuance of a Revocable Permit for a Construction Staging Area for Equipment and Materials to Nan, Inc.; Daniel K. Inouye International Airport; Tax Map Key: (1) 1-1-003: 021 (Portion). APPROVED
3. Issuance of a Revocable Permit for Cargo Area Ramp Space for Equipment Storage, Trans Executive Airlines of Hawaii, Inc.; Ellison Onizuka Kona International Airport at Keāhole; Tax Map Key: (3) 7-3-43: Portion of 040. APPROVED
4. Issuance of Three (3) Month-to-Month Revocable Permits to McCabe, Hamilton & Renny, Company, Limited., for Maintenance Shop, Clerk Office, and Container Office, situated at Pier 5, Kalaeloa Barbers Point Harbor, Oahu; Tax Map Key: (1) 9-1-014: 024 (Por.); pursuant to Governor's Executive Order No. 3383. APPROVED
5. Issuance of Month-to-Month Permit to Hawaii Stevedores, Inc., for an Office Trailer; situated at Pier 1, Kahului Harbor, Maui; Tax Map Key: (2) 3-7-010: 006 (Por.); pursuant to Governor's Executive Order No. 2986. APPROVED

6. Issuance of Construction Right-of-Entry (CROE) to Hawaii Fueling Facilities Corporation, to Perform Work on Harbors Lands to Install a Fuel Pipeline within a Portion of Pier 43, Kapalama Container Terminal Project; Honolulu Harbor, Oahu; Tax Map Key: (1) 1-2-025: 017 (Por.); pursuant to Governor's Executive Order No. 4206. APPROVED
7. Dedication of Land to the Department of Transportation, Highways Division, for Highway Purposes relating to Fort Weaver Road Realignment Federal Aid Secondary Project (FASP) No. S-RS-0760(2), situated at Honouliuli, Ewa, Oahu; Tax Map Key: (1) 9-1-012: 087. APPROVED
8. Request for: (1) Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes relating to Farrington Highway Project No. STP-0930-1 (006); Mokuleia and Kamananui, Waialua, Oahu; Tax Map Keys: (1) 6-8-006: Portions of 010, (1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026. APPROVED
9. Issuance of Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive Easement) to Hawaiian Electric Company, Inc., for the Installation and Operation of New Underground Lines and related Facilities needed to Service Kapalama Container Terminal; Honolulu Harbor, Oahu; Tax Map Key: (1) 1-2-025: Portions of 002, 009, 011, 012, 016, and 017. APPROVED
10. Request for (1) Fee Simple Parcel to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Fort Barrette Road Operational Improvements, Project No. 901A-01-19, at Honouliuli, Ewa, Hawaii, Tax Map Key: (1) 9-1-013: Road (Por.). APPROVED

DAVID Y. IGE
GOVERNOR



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

JADE T. BUTAY
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IN REPLY REFER TO:

August 24, 2020

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: Request for: (1) Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, Tax Map Key Nos. (1) 6-8-006: Portions of 010, (1) 6-8-007: Portions of 002, and (1) 6-7-001: Portions of 026.

OAHU

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT).

LEGAL REFERENCE:

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

LOCATION:

Portion of lands relating to Farrington Highway, Project No. STP-0930-1(006), at Mokuleia and Kamananui, Waialua, Island of Oahu, State of Hawaii, as shown and described on the enclosed map labeled as Exhibit A.

ITEM M-8

Item M- CB, Request for Acquisition of Lands
Suzanne D. Case, Chairperson
August 24, 2020
Page 2

AREA:

Parcels:

Parcel 1 = 300 square feet
Parcel 2 = 900 square feet
Parcel 3 = 200 square feet
Parcel 4 = 800 square feet
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Tax Map Key Nos.:

(1) 6-8-006: 010
(1) 6-8-007: 002
(1) 6-8-007: 002
(1) 6-8-006: 010
(1) 6-8-007: 002
(1) 6-8-007: 002
(1) 6-8-006: 010
(1) 6-7-001: 026
(1) 6-7-001: 026

ZONING:

Tax Map Key No. (1) 6-8-006: 010	Agricultural
Tax Map Key No. (1) 6-8-007: 002	Agricultural
Tax Map Key No. (1) 6-7-001: 026	Agricultural

CURRENT USE STATUS:

Tax Map Key No. (1) 6-8-006: 010	Occupied and encumbered by encumbrances that will not be affected by the project
Tax Map Key No. (1) 6-8-007: 002	Occupied and encumbered by encumbrances that will not be affected by the project
Tax Map Key No. (1) 6-7-001: 026	Occupied and encumbered by encumbrances that will not be affected by the project

Current ownership is as follows:

Parcels:

Tax Map Key Nos.:

Parcels 1, 4, 7 Fee owner = Mahiko Farms, LLC, et al	(1) 6-8-006: 010
Parcels 2, 3, 5, 6 Fee owner = Pioneer Hi-Bred International, Inc.	(1) 6-8-007: 002
Parcels 8, 9 Fee owner = Dole Food Company, Inc.	(1) 6-7-001: 026

Item M- 8, Request for Acquisition of Lands
Suzanne D. Case, Chairperson
August 24, 2020
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COMPENSATION:

The compensation for Parcels 1 through 9 were determined by compensation estimates prepared by our in-house staff appraiser.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Chapter 343, Hawaii Revised Statutes Environmental Impact Statement requirements for the proposed action is exempt and approved by the Environmental Quality Commission on November 15, 2000.

REMARKS:

The purpose of the project is to replace and correct asphalt concrete pavement, upgrade and replace drainage facilities, and improve safety within the project limits.

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 §171-30, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board:

- A. Authorize the acquisition of the subject lands 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 conveyance document, 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 of Hawaii.

Item M- 8, Request for Acquisition of Lands
Suzanne D. Case, Chairperson
August 24, 2020
Page 4

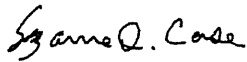
- B. Authorize the acquisition even in the event of a change in the ownership of those parcels described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,



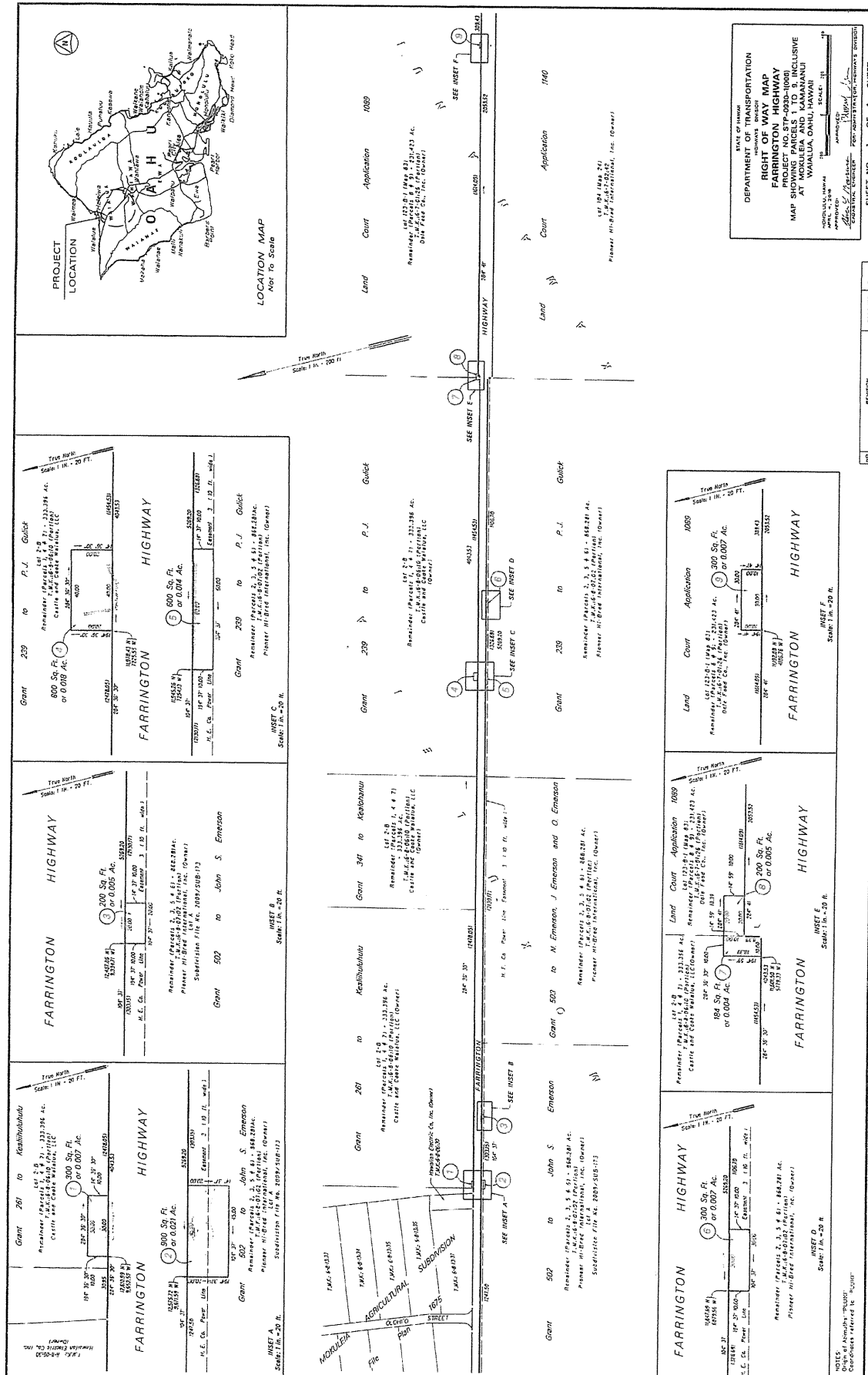
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosure



LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup (XX) To: THIS DOCUMENT CONTAINS ____ PAGES
(including this page)

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
ABSTRACTING SECTION

Tax Map Key No. (1) 6-7-1: 26 (Pors.)

WARRANTY DEED

GRANTOR: DOLE FOOD COMPANY, INC.
1116 Whitmore Avenue
Wahiawa, Hawaii 96786

GRANTEE: STATE OF HAWAII
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

THAT, effective as of the ____ day of _____, 2021, THAT DOLE FOOD COMPANY, INC., a North Carolina corporation, whose mailing address is 1116 Whitmore Avenue, Wahiawa, Hawaii, 96786, hereinafter referred to as the "GRANTOR", for and in consideration of the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), paid by the STATE OF HAWAII, by its Department of Transportation, whose address is 869 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter referred to as the "GRANTEE", the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, and convey unto the GRANTEE, the GRANTEE's successors and assigns those certain parcels of lands and premises situated at Kamananui, District of Waialua, City and County of Honolulu, State of Hawaii, designated as Parcels 8 and 9 as shown on the Right-of-Way Map of Farrington Highway, Project No. STP-0930-1(006), Map Showing Parcels 1 to 9, Inclusive, filed in Highways Division, Department of Transportation, State of Hawaii (hereinafter referred to as the "Project"), more particularly described in Exhibit A and delineated in Exhibit B (hereinafter collectively referred to as the "Property").

AND the reversions, remainders, rents, income and profits thereof, and all of the estate, right, title and interest of the GRANTOR, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, rights, tenements, easements, privileges and appurtenances thereunto belonging or in any way appertaining or held and enjoyed therewith in fee simple unto the GRANTEE, the GRANTEE'S successors and assigns, forever, free and clear of all liens and encumbrances.

AND the GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, its successors and assigns, that the GRANTOR is lawfully seised in fee simple and possessed of the Property; that it has a good and lawful right and title to sell and convey the Property as aforesaid; that the same is free and clear of and from all liens and encumbrances, and that the GRANTOR will and its successors and assigns shall WARRANT AND DEFEND the same unto the GRANTEE, its successors and assigns, forever, against the lawful claims and demands of all persons whomsoever.

AND, the GRANTOR, warrants that if any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by the GRANTOR on or adjacent to the Property, as determined by the GRANTEE in its sole discretion, then the GRANTOR shall be responsible for the reasonable costs thereof. In addition, the GRANTOR shall execute affidavits, representations and the like from time to time at the GRANTEE'S request concerning the GRANTOR'S best knowledge and belief regarding the presence of hazardous materials on the Property placed or released by the GRANTOR.

The GRANTOR agrees to release, indemnify, defend and hold the GRANTEE harmless, from any damages and claims resulting from the release of hazardous materials on or about the Property occurring while the GRANTOR was in possession of the Property, or elsewhere if caused by the GRANTOR or persons acting through or under the GRANTOR.

For the purpose of this warranty deed "hazardous material" shall mean any pollutant, contaminant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil, as all of the above are defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, as amended, Chapter 128D, Hawaii Revised Statutes, as amended, or any other federal, state, or local law, regulation, ordinance, rule, or bylaw, whether existing as of the date hereof, previously enforces, or subsequently enacted.

The GRANTOR shall be responsible for payment of all property taxes up to the date of execution of this Warranty Deed.

IT IS MUTUALLY AGREED that the terms "GRANTOR" and "GRANTEE" as and when used herinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations, partnerships, or other entities and their and each of their respective successors in interest, heirs, executors, personal representatives, administrators and permitted assigns, according

to the context thereof, and that if these presents shall be signed by two or more grantors, or by two or more grantees, all covenants of such parties shall be and for all purposes deemed to be their joint and several covenants.

THIS WARRANTY DEED may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same document, binding all of the parties hereto notwithstanding all of the parties are not signatory to the original or the same counterpart. For all purposes, including, without limitation, recordation, filling and delivery of this instrument, duplicate, unexecuted pages of the counterparts may be discarded, and the remaining pages assembled as one document.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties, by its duly authorized officers, have caused these presents to be executed this ____ day of _____, 20_____.

GRANTOR:

DOLE FOOD COMPANY, INC., a North Carolina corporation

By: _____
Print Name: _____
Its: _____


By: _____
Print Name: _____
Its: _____

GRANTEE:

STATE OF HAWAII

By: _____
JADE T. BUTAY
Its Director of Transportation

APPROVED AS TO LEGALITY,
FORM, EXCEPTIONS, AND
RESERVATIONS:



Deputy Attorney General
Name: Denise Wong
Dated: 11/02/2021

STATE OF)
COUNTY OF) SS:
)

On this _____ day of _____, 20____,
before me personally appeared _____
and _____, to me known,
who, being by me duly sworn, did say that they are the
_____ and
_____, of DOLE
FOOD COMPANY, INC., a North Carolina corporation, and that said
instrument was signed on behalf of said corporation by authority
of its Board of Directors, and the said
_____ and

acknowledged said instrument to be the free act and deed of said
corporation.

Notary Public

Print Name: _____

My commission expires: _____

Document Date : _____	# Pages : _____
Notary Name : _____	_____ Circuit
Doc. Description : _____	

Notary Signature _____	Date _____

FARRINGTON HIGHWAY
Project No. STP-0930-1(006)

PARCEL 8

Being a portion of Grant 276 to Kuhe

Being also a portion of Lot 123-B-1 as shown on Map 83 of Land Court Application 1089 said lot having been Deregistered from the Land Court by recordation of Certificate of Title 71,642 in the Bureau of Conveyances of the State of Hawaii as Document No. A-75830529

Land situated at Kamananui, Waialua, Oahu, Hawaii

Beginning at the Southwest corner of this piece of land and on the corner of the North side of Farrington Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puuiki" being 11,607.07 feet North and 5,767.45 feet West, thence running by azimuths measured clockwise from true South:

1. 194° 59' 10.00 feet along Grant 239 to P.J. Gulick;
2. 284° 41' 20.00 feet along the remainder of Grant 276 to Kuhe and along the remainder of Deregistered Lot 123-B-1 of Land Court Application 1089 as shown on Map 83;
3. 14° 59' 10.00 feet along same;
4. 104° 41' 20.00 feet along the North side of Farrington Highway to the point of beginning and containing an area of 200 square feet or 0.005

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
Highways Division

Honolulu, Hawaii
July 30, 2021

By  Associate Cadastral Engineer

Tax Map Key: 6-7-01:26 (portion)

EXHIBIT A

FARRINGTON HIGHWAY
Project No. STP-0930-1(006)

PARCEL 9

Being a portion of Grant 268 to Kaoo

Being also a portion of Lot 123-B-1 as shown on Map 83 of Land Court Application 1089 said lot having been Deregistered from the Land Court by recordation of Certificate of Title 71,642 in the Bureau of Conveyances of the State of Hawaii as Document No. A-75830529

Land situated at Kamananui, Waialua, Oahu, Hawaii

Beginning at the Southwest corner of this piece of land on the North side of Farrington Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puuiiki" being 11,192.88 feet North and 4,186.76 feet West, thence running by azimuths measured clockwise from true South:

- | | | |
|----|----------|---|
| 1. | 194° 41' | 10.00 feet along the remainder of Grant 268 to Kaoo, along the remainder of Deregistered Lot 123-B-1 of Land Court Application 1089 as shown of Map 83; |
| 2. | 284° 41' | 30.00 feet along same; |
| 3. | 14° 41' | 10.00 feet along same; |
| 4. | 104° 41' | 30.00 feet along the North side of Farrington Highway to the point of beginning and containing an area of 300 square feet or 0.007 acre. |

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
Highways Division

Honolulu, Hawaii
July 30, 2021

By _____
Associate Cadastral Engineer

Tax Map Key: 6-7-01:26 (portion)

