

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

January 26, 2024

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

Hawai'i

Cancellation of Governor's Executive Order No. 1293 to State of Hawaii,  
Department of Defense, Hawaii National Guard for North Kohala Armory Site;  
Approve Waiver of Restrictive Conditions Contained in Land Office Deed No.  
8260 and Land Office Deed No. 8730, Honopueo, North Kohala, Hawaii, Tax  
Map Key: (3) 5-4-005:051.

APPLICANT:

State of Hawaii, Department of Defense

LEGAL REFERENCE:

Sections 171-6 and -11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands at Honopueo, North Kohala, Hawaii, identified by Tax Map  
Key: (3) 5-4-005:051, as shown on the attached map labeled Exhibit A.

AREA:

0.41 acre, more or less.

ZONING:

State Land Use District: Urban  
County of Hawaii CZO: Residential

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Governor's Executive Order No. 1293 setting aside 0.41 acre to State of Hawaii, Department of Defense (HDOD) for Armory site purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR)§ 11-200.1-16 (a)(1) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type No. 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Part 1, Item 37 that states, "Transfer of title to land." The proposed cancellation of the executive order is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR.

REMARKS:

By deed dated December 23, 1947, from Kohala Sugar Company to the Territory of Hawaii, Kohala Sugar Company conveyed to the Territory a 0.249-acre parcel of land in Kohala:

for the use by the Hawaii National Guard from this day on, so long as said parcel of land shall be used by the Hawaii National Guard for National Guard purposes, and when said parcel of land or any portion thereof shall by the Grantee be diverted from the use aforesaid to some other use, or in case of non-user or abandonment thereof over a period of two (2) years, then the title of the Grantee, its successors or assigns, in such shall forthwith cease and determine, and the same shall revert to the Grantor, its successors or assigns.

A copy of the deed, Land Office Deed (LOD) No. 8260 is attached (Exhibit B).

A second deed, LOD No. 8730, was issued in 1949 and included an additional 0.161 acre to the Territory of Hawaii, subject to a similar use restriction and reverter clause providing as follows:

THIS CONVEYANCE is made upon the following condition which shall be a condition subsequent, to-wit:

That the lands hereby conveyed shall be used solely by the Hawaii National Guard and for purposes incidental to its functions.

Upon failure of the Grantee to perform the foregoing condition, or other breach or failure thereof, or in the case of non-user or abandonment thereof over a period of two years, the Grantor, at any time while such breach, failure, non-user, or abandonment shall continue, may enter into or upon the lands hereby conveyed or any part thereof in the name of the whole and thereby terminate all estate, right, title or interest of the Grantee therein, and all of the estate, right, title and interest of the Grantee therein shall thereupon revert in the Granter, and the Granter may expel and remove from the said premises the Grantee or those claiming under the Grantee and its or their effects, all without service of notice or resort to any legal process and without being deemed guilty of any trespass or becoming liable for any loss or damage which may be occasioned thereby and without prejudice to any other remedy or right of action which the Grantor may have for such breach. The foregoing condition shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns[.]

A copy of LOD No. 8730 is attached (Exhibit C).

On December 3, 1948, the Governor of the Territory of Hawaii set aside the parcel "for armory site to be under the control and management of the Hawaii National Guard." A copy of Executive Order No. 1293 is attached (Exhibit D).

The Kapaau Armory is located in town of Kapaau, North Kohala, on the Big Island of Hawaii. Approximately 0.41 acre in size, the subject property is identified by tax map key (3) 5-4-05:51. The site is shown on the location map and tax map (Exhibit A). The Armory is adjacent to Kamehameha Park, about 0.2 mile north of Hawi-Niulii Road and about 0.3 mile west of Kohala Hospital. Located at the end of an access road through the park, the subject property is bounded by the access road and football/baseball field to the south, tennis courts, a park restroom to the east, a large athletic (soccer) field to the north and vacant land (including a gulch) to the west.

Evidently, the property has not been used by the Hawaii National Guard for National Guard purposes since the mid 1990's. In 1997, the HDOD submitted a request to the Department of Land and Natural Resources (DLNR) for the cancellation of the Executive Order. HDOD claims to have followed DLNR's requirements for return of the property and turned the keys over to personnel from the Hawaii District Land Office.

The Hawaii Army National Guard had an Armory Closure Report prepared for the property. (See attached Exhibit E). It describes certain environmental issues at the site, including lead-based paint and non-friable asbestos. HDOD believes it has no further environmental clean-up obligations.

However, the cancellation of Executive Order No. 1293 was never processed and in the intervening time, the County of Hawaii utilized portions of the armory site for storage of equipment and vehicles without authorization by the Board of Land and Natural Resources (Board). A letter was sent to the County asking to clean up the site and conduct a Phase I Environmental Assessment or provide a request should they wish to continue their use of the property. There is no indication that the County responded to this request. Additionally, members of the community have evidently used the property for various activities, also without Board authorization.

Land Division's current practice upon any agency's request to return land the agency holds under an executive order is to require the agency to provide a Phase I Environmental Site Assessment (ESA) to evaluate the likelihood of hazardous materials on the property, and if warranted, a Phase II ESA testing building materials and soil. Additionally, Land Division will require any unusable improvements on the property to be demolished at the agency's expense. In this case, due to the time that has elapsed since HDOD ceased using the property, Land Division will work to secure capital improvement project funding at the Legislature for and hazardous materials abatement and demolition of remaining improvements on the property.<sup>1</sup>

Finally, based on Land Division's communications with representatives of Dole Food Company, Inc., who is the successor-in-interest to Kohala Sugar Company, Dole Food Company, Inc. is agreeable to waiving the use restrictions in the deeds by which the Territory of Hawaii acquired the property. This would allow the State to continue to maintain ownership of the property and seek Board approval for a new disposition of the site once the existing improvements are remediated and demolished. Staff is therefore including recommendations below that the Board agree to a waiver of the restrictive conditions on use contained in LOD Nos. 8260 and 8730.

**RECOMMENDATION:** That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
2. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 1293, subject to:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;

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<sup>1</sup> The DLNR Engineering Division determined the estimated cost for full remediation of the site to be in excess of one million dollars.



- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Approve the waiver of the restrictive conditions on use contained in Land Office Deed No. 8260 and Land Office Deed No. 8730 subject to;
- A. The standard terms and conditions of the most current waiver of restrictive covenant/condition 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,

*Gordon C. Heit*

\_\_\_\_\_  
Gordon C. Heit  
District Land Agent

*KEM*

APPROVED FOR SUBMITTAL:



\_\_\_\_\_  
Dawn N. S. Chang, Chairperson

*RT*

Tmk: (3) 5-4-005:051

SUBJECT PROPERTY

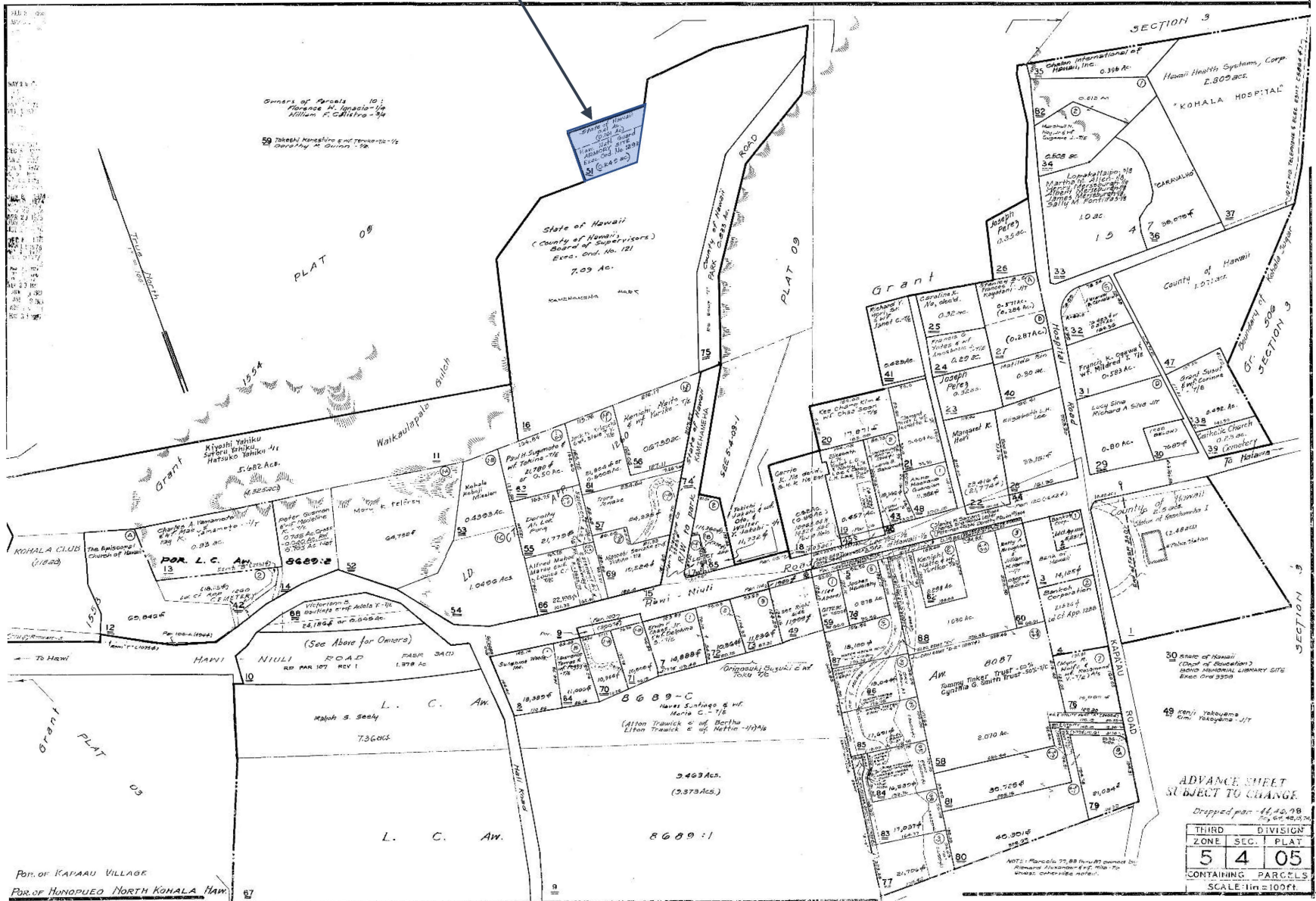
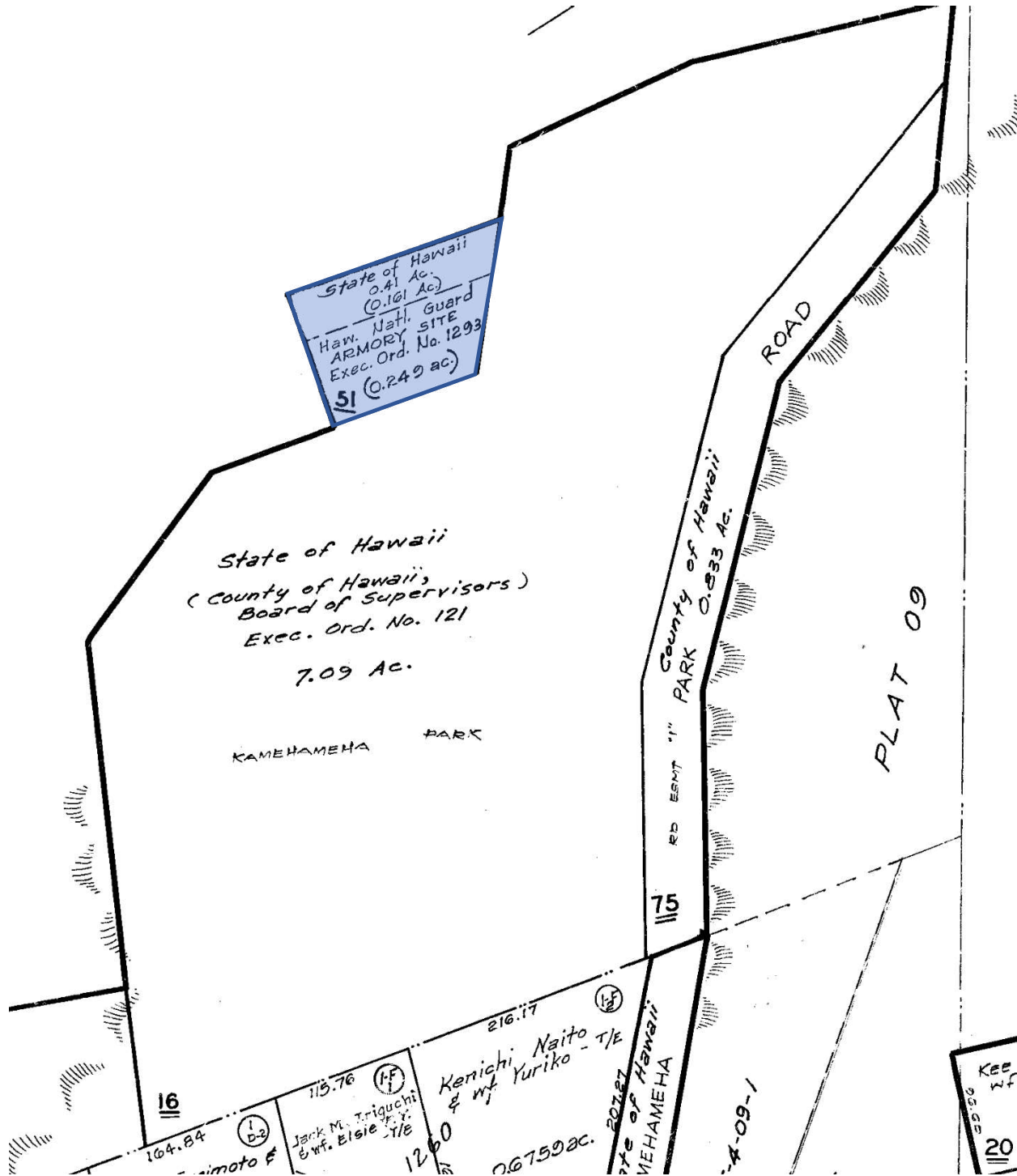


EXHIBIT A

TMK: (3) 5-4-005:051



**EXHIBIT A**



# EXHIBIT B

THIS INDENTURE made by and between KOHALA SUGAR COMPANY, a Hawaiian corporation, of Hawi, North Kohala, County and Territory of Hawaii, hereinafter referred to as the "Grantor" and the TERRITORY OF HAWAII, hereinafter referred to as the "Grantee,"

WHEREAS, the Grantee is desirous of obtaining a piece of land to be used by the "Hawaii National Guard" for National Guard purposes, and

WHEREAS, Grantor is willing to give to Grantee for the monetary consideration of One Dollar ( \$1.00) a piece of land only upon the condition that it is to be used for such purposes alone, and that when it is no longer used by the Hawaii National Guard it will revert to Grantor,

NOW, THEREFORE, in consideration of the premises and One Dollar (\$1.00) in hand paid, receipt of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto the Grantee a parcel of land being a portion of Grant 1554 to Hooehua, situate at Honopueo, North Kohala, County and Territory of Hawaii and more particularly described as:

Beginning at the Southeast corner of this parcel of land at a pipe in concrete marked 908, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kauhola" being 4678.79 feet South and 10055.23 feet West and running by azimuths measured clockwise from true South:

1. 91° 23' 125.00 feet along the boundary of Kamehameha Park, to a pipe; thence
2. 181° 23' 75.00 feet through the remainder of Grant 1554 to Hooehua, to a pipe; thence
3. 271° 23' 164.34 feet through the remainder of Grant 1554 to Hooehua, to a pipe on the boundary of Kamehameha Park, thence

4. 29° 04' 84.70 feet along the boundary of  
Kamehameha Park to the  
point of beginning and  
containing an area of 0.249 acre more or less.

TO HAVE AND TO HOLD the same unto the Grantee, its  
successors or assigns, for the use by the Hawaii National Guard  
from this day on, so long as said parcel of land shall be used  
by the Hawaii National Guard for National Guard purposes, and  
when said parcel of land or any portion thereof shall by the  
Grantee be diverted from the use aforesaid to some other use,  
or in case of non-user or abandonment thereof over a period of  
two (2) years, then the title of the Grantee, its successors or  
assigns, in such shall forthwith cease and determine, and the  
same shall revert to the Grantor, its successors or assigns.

IN WITNESS WHEREOF the Grantor and Grantee have  
caused this indenture to be executed in duplicate this 23rd  
day of December, 1947.

KOHALA SUGAR COMPANY, Grantor

|                                      |
|--------------------------------------|
| APPROVED                             |
| Contents: <u>T.B.</u>                |
| Form:<br>ROBERTSON, CASTLE & ANTHONY |
| By <u>MA</u>                         |

By C. J. Henderson  
Its Vice-President

By Edward Hubbard  
Its Asst. Treasurer

TERRITORY OF HAWAII, Grantee

By A. John Mark  
Commissioner of Public Lands

CORPORATION

TERRITORY OF HAWAII, }  
City and County of Honolulu } 88.

On this 31st day of December, A. D. 1947, before me appeared


C. J. HENDERSON and HOWARD HUBBARD

to me personally known, who, being by me duly sworn, did say that they are the

VICE-PRESIDENT and ASST. TREASURER

respectively of KOHALA SUGAR COMPANY

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said C. J. Henderson and Howard Hubbard acknowledged said instrument to be the free act and deed of said corporation.

  
Notary Public, First Judicial Circuit,  
Territory of Hawaii.

MY COMMISSION EXPIRES JULY 2, 1954



# EXHIBIT C

April 26, 1949

Survey Office  
Honolulu, T. H.

Gentlemen:

By deed dated February 21, 1949, the Kohala Sugar Company conveys to the Territory of Hawaii for use by the National Guard, 161 acres of land situate at Honopueo, North Kohala, Hawaii, being portion of Grant 1554 to Hooehua, as is shown on the attached whiteprint.

Please be advised that this instrument is on file in the Bureau of Conveyances in Liber 2209 on pages 329-332 and is on file in this office also, under our Deed No. 8730.

Very truly yours,



For A. LESTER MARKS  
Commissioner of Public Lands

ps  
encs

April 25, 1949

Castle & Cooke, Limited  
Agents, Kohala Sugar Company  
Honolulu, T. H.


Attention: Mr. Lewis T. Sterry, Land Department

Gentlemen:

With your letter of February 25, 1949, you submitted to us for recordation purposes, deed to the Territory of Hawaii from Kohala Sugar Company for .161 acres of land situate at Honopueo, North Kohala, Hawaii, which land is to be used for National Guard purposes.

We are returning to you herewith, copy of the abovementioned document with the recording data noted thereon. Please be informed that this instrument is on file in this office also, under our Deed No. 8730.

Very truly yours,

  
A. LESTER MARKS  
Commissioner of Public Lands

ps  
encl  
cc

TK



April 25, 1949


Captain David Silva  
Hawaii National Guard  
Honolulu, T. H.

Dear Sir:

Enclosed you will find fully executed and re-  
corded copy of Deed to the Territory of Hawaii from Kohala  
Sugar Company for .161 acre of land situate at Honopueo,  
North Kohala, Hawaii, to be used for National Guard purposes.

This instrument is also on file in this office,  
under our Deed No. 8730.

Very truly yours,

  
A. LESTER MARKS  
Commissioner of Public Lands

ps

encs

mm

# CASTLE & COOKE, LIMITED

P. O. BOX 2990

HONOLULU 2, HAWAII, U.S.A.

SAN FRANCISCO OFFICE  
215 MARKET STREET

TELEGRAPHIC ADDRESS  
"CASTLECOOK"

February 25, 1949

Mr. A. Lester Marks  
Commissioner of Public Lands  
Territory of Hawaii  
Honolulu, Oahu, T. H.

Dear Sir:

Re: Our File KS PE-24, National Guard

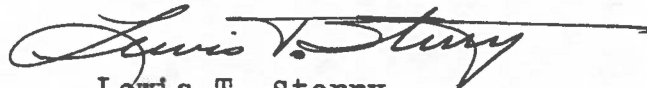
In accordance with the request of the National Guard for additional land at Honopueo, North Kohala, Hawaii, we are handing you herewith the original and two copies of a deed executed by the officers of the Kohala Sugar Company, whereby an area of 0.161 acre immediately adjoining the area conveyed to the Territory by deed dated December 23, 1947 is conveyed to the Territory for National Guard uses by Kohala Sugar Company.

You will note that the deed contains a provision that the same shall revert to Kohala Sugar Company upon non-user for National Guard purposes or upon abandonment for a period of two years, similar to the provision contained in the above referred to prior deed.

If this is satisfactory to the Territory, will you please execute the same and return one duly executed copy to this office together with notation thereon of the recording of the original.

Very truly yours,

CASTLE & COOKE, LIMITED



Lewis T. Sterry  
Land Department

Agents: KOHALA SUGAR COMPANY

LTS:lrw  
Encls. (3)



Hawaii U.S.A.

— an integral part of the United States, sharing equally with the 48 states, the nation's obligations —  
is entitled to statehood now.



ok  
MTC

THIS INDENTURE made by and between KOHALA SUGAR COMPANY, a Hawaiian corporation, of Hawi, North Kohala, County and Territory of Hawaii, hereinafter referred to as the "Grantor" and the TERRITORY OF HAWAII, hereinafter referred to as the "Grantee",

W I T N E S S E T H:

WHEREAS, the Grantee is desirous of obtaining a piece of land to be used by the "Hawaii National Guard" for National Guard purposes; and

WHEREAS, the Grantor is willing to give to Grantee for the monetary consideration of One Dollar (\$1.00) a piece of land only upon the condition that it is to be used for such purposes alone;

NOW, THEREFORE, KOHALA SUGAR COMPANY, Grantor as aforesaid, for and in consideration of One Dollar (\$1.00) to it paid by the Territory of Hawaii, Grantee as aforesaid, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, all that certain parcel of land being a portion of Grant 1554 to Hoohua, situated at Honopueo, North Kohala, Island of Hawaii, Territory of Hawaii, which said piece or parcel of land is more particularly described as follows, to-wit:

Beginning at a nine at the southeast corner of

pipe in concrete marked 908, the coordinates of said pipe in concrete referred to Government Survey Triangulation Station "Kauhola" being 4,678.79 feet south and 10,055.23 feet west, and thence running by azimuths measured clockwise from true south as follows:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 91° 23'  | 164.34 | feet along the boundary of that parcel of land conveyed by Kohala Sugar Company to Territory of Hawaii by said deed dated December 23, 1947 to a pipe; thence |
| 2. | 181° 23' | 40.00  | feet through the remainder of Grant 1554 to Hooehua to a pipe; thence   |
| 3. | 271° 23' | 185.32 | feet through the remainder of said Grant 1554 to a pipe on the boundary of Kamehameha Park; thence  |
| 4. | 29° 04'  | 45.18  | feet along the boundary of Kamehameha Park to the point of beginning and containing an area of 0.161 Acres, more or less.                                     |

With the improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof, and also all the estate, right, title and interest, both at law and in equity, of the said Grantor, in and to the above granted premises and every part and parcel thereof.

TO HAVE AND TO HOLD the said piece or parcel of land hereinabove described and conveyed, together with all the rights, easements, and appurtenances thereto belonging, to the said Grantee, its successors and assigns, to its and their own use forever.

THIS CONVEYANCE is made upon the following condition which shall be a condition subsequent, to-wit:

That the lands hereby conveyed shall be used solely by the Hawaii National Guard and for purposes intended to

PLEASE TO ESTABLISH THE CORRECT NUMBER AND THE CORRECTNESS OF THIS  
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TYPE IN COMPLETE NUMBER AND THE CORRECTNESS OF THIS

2209-331

LIBER 2209 PAGE 331

UPON FAILURE OF THE GRANTEE TO PERFORM THE FOREGOING  
condition, or other breach or failure thereof, or in the case  
of non-user or abandonment thereof over a period of two years,  
the Grantor, at any time while such breach, failure, non-user,  
or abandonment shall continue, may enter into or upon the lands  
hereby conveyed or any part thereof in the name of the whole  
and thereby terminate all estate, right, title or interest of  
the Grantee therein, and all of the estate, right, title and  
interest of the Grantee therein shall thereupon revert in the  
Grantor, and the Grantor may expel and remove from the said  
premises the Grantee or those claiming under the Grantee and  
its or their effects, all without service of notice or resort  
to any legal process and without being deemed guilty of any  
trespass or becoming liable for any loss or damage which may  
be occasioned thereby and without prejudice to any other reme-  
dy or right of action which the Grantor may have for such  
breach. The foregoing condition shall be binding upon and  
shall inure to the benefit of the parties hereto and their  
respective successors and assigns.

IN WITNESS WHEREOF, said KOHALA SUGAR COMPANY and  
the TERRITORY OF HAWAII have caused this instrument to be  
executed this 21st day of February, 1949.

KOHALA SUGAR COMPANY

By

*W. B. ...*





LIBER 2209 PAGE 332

TERRITORY OF HAWAII }  
CITY AND COUNTY OF HONOLULU } ss.

On this 21<sup>st</sup> day of February, 1949, before me personally appeared A. G. Budge and W. M. Bush to me known, who, being by me duly sworn did say that they are the President and Treasurer, respectively, of KOHALA SUGAR COMPANY, a Hawaiian corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said A. G. Budge and W. M. Bush acknowledged said instrument to be the free act and deed of said corporation.

HOWLAND B. REEVE  
NOTARY PUBLIC, FIRST JUDICIAL DISTRICT  
TERRITORY OF HAWAII  
MY COMMISSION EXPIRES JULY 2, 1951

Howland B. Reeve  
Notary Public, First Judicial  
Circuit, Territory of Hawaii.

My commission expires July 2, 1951

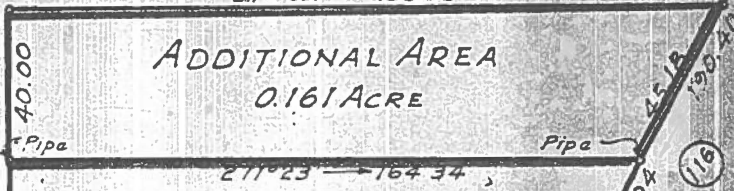
Entered of Record this 4th day of March A. D. 1949 at 3:41 o'clock P.M. and compared. Mark N. Huckestein, Registrar of Conveyances.

By [redacted] Clerk

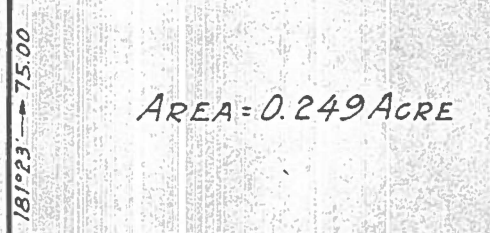
LOT 9 LAND COURT APPLICATION (Pending)

271°23' → 185.32

ADDITIONAL AREA  
0.161 ACRE



AREA = 0.249 ACRE



Pipe in conc. mkd. 909

Pipe

91°23' ← 125.00

91°23' ← 237.10

Pipe in conc. mkd. 908  
S. 46°28.79' Referred to  
W 10055 23 'Kauhoia' Δ

KAMEHAMEHA PARK  
EXECUTIVE ORDER 121  
County of Hawaii (owner)

SUBDIVISION  
OF  
LOT 9 LAND COURT APPLICATION  
NORTH KOHALA, HAWAII.

Nov 4, 1947  
Oct 4, 1948

Scale: 1 in. = 50 ft.

True North  
Scale: 1" = 50'

# EXHIBIT D

Executive Order No. 1293

## Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by paragraph q of Section 73 of the Hawaiian Organic Act, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

**FOR ARMSRY SITE TO BE UNDER THE CONTROL AND MANAGEMENT OF THE HAWAII NATIONAL GUARD.**

Being a portion of Grant 1554 to Heehua, conveyed to Territory of Hawaii by Kohala Sugar Company by deed dated December 23, 1947, recorded in Book 2100, Pages 293-299 (Land Office Deed 2860)  
Honopuao, North Kohala, Hawaii

Beginning at the southeast corner of this parcel of land, at a pipe in concrete marked 909, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHOOLA" being 4678.79 feet South and 10085.23 feet West, and running by azimuths measured clockwise from True South:-

1. 91° 33' 125.00 feet along Kamehameha Park (Executive Order 121) to a pipe;
2. 191° 33' 75.00 feet along portion of Grant 1554 to Heehua to a pipe;
3. 271° 25' 164.34 feet along portion of Grant 1554 to Heehua to a pipe;
4. 29° 04' 94.70 feet along Kamehameha Park (Executive Order 121) to the point of beginning.

AREA 0.249 ACRES

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this third day of

December, Nineteen Hundred and Forty Eight

*Ingram M. Stein*

By the Governor:

*Overton*  
Secretary of Hawaii.

Approved as to form:

*Pauline Day*  
Deputy Attorney General.

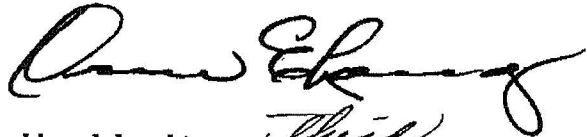


# Territory of Hawaii

Office of the Secretary

This is to Certify That the within is a true copy of Executive Order No. 12  
setting aside land for public purposes, the original of which is on file at this office. 1293

In Testimony Whereof, the Secretary of the Territory of  
Hawaii, has hereunto subscribed his name and caused  
the Great Seal of the Territory to be affixed.



DONE in Honolulu, this Third day of  
December, A. D. 1948

1293

Executive Order No. \_\_\_\_\_

**Setting Aside Land for  
Public Purposes**

Land.....

Purpose.....

Date.....

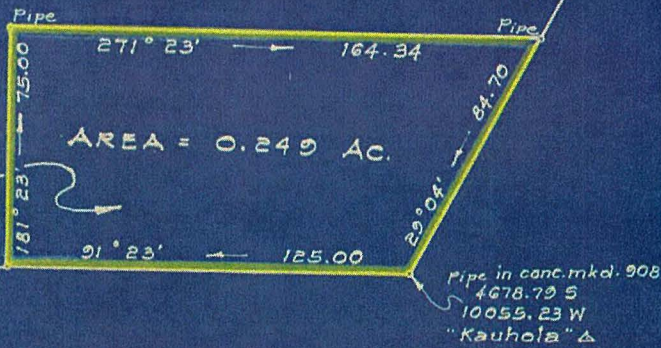


L. C. Aw. 8097 to Hoohua

Grant 1554 to Hoohua

Kohala Sugar Co. - owner

Deed: Kohala Sugar Co.  
to Territory of Hawaii  
December 23, 1947 Bk. 2100  
Pg. 288-289



KAMEHAMEHA PARK

Executive Order 121

True North  
Scale 1 in. = 50 ft.

EXECUTIVE ORDER

National Guard Armory Site

Honopuoo, North Kohala, Hawaii

Scale 1 in. = 50 ft.



# EXHIBIT E

DOD

MAY 24 3 13 PM '96

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
HILO, HAWAII

## KAPAAU ARMORY CLOSURE REPORT

PREPARED FOR THE HAWAII  
ARMY NATIONAL GUARD

BY TIM CHOW PLANNING CONSULTANT

January 1996

100

## EXECUTIVE SUMMARY

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The Hawaii Army National Guard (HIARNG), State Department of Defense, has proposed to close and dispose of its interest in the Kapaau Armory. Located in town of Kapaau, North Kohala, on the Big Island of Hawaii, the site is approximately 0.41 of an acre in size. The Armory is adjacent to Kamehameha Park, about 0.2 of a mile north of Hawi-Niulii Road and about 0.3 of a mile west of Kohala Hospital. The subject property is bounded by a park driveway and football/baseball field to the south, tennis courts, a park restroom and tot lot to the east, a large athletic field to the north and vacant land (including a gulch) to the west. Major improvements were erected about 45 years ago and consist of a Main Armory with 4,000 s.f. of gross floor area and a Vehicle Storage Shed.

Intended for planning purposes, this inquiry found no evidence of significant environmental hazards or contamination at the site. This Report concludes that the Armory is suitable for certain types of quasi-public (church or farmers market, e.g.) uses and public uses related to recreational, educational or cultural activities. The Armory should not be reutilized as a facility for pregnant women, infants or young children until the potential problem of lead based paint is further addressed.

Future uses will also be limited by property rights. The land was conveyed to the Territory of Hawaii on the condition that it be used for Hawaii National Guard purposes alone and that it revert to the grantor, successor or assigns. If this reversion proviso is enforceable, then title to the land would no longer be retained by the State. More intensive use of the site will be further limited by zoning regulations, proximity to a tot lot, the availability of parking and wastewater disposal requirements.

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