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

May 10, 2024

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

Oahu

PSF No.: 24OD-037

Approve and Recommend to the Governor the Issuance of an Executive Order Amending Governor's Executive Order No. 4502 to Department of Education for Public School Purposes, Honouliuli, Ewa, Oahu, Tax Map Keys: (1) 9-1-017: 154 (portion) and 160.

The purpose of the amendment is to replace the superseded map and description attached to Executive Order No. 4502 (for former Lot 18062, Map 1410, Land Court Application No. 1069) with the map and description for the actual area of set-aside (current Lot 19894, Map 1667, Land Court Application No. 1069).

APPLICANT:

Department of Education (DOE).

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-017: 160; further identified as Lot 19894, Map 1667, Land Court Application (LCA) No. 1069, as shown on the attached maps labeled Exhibit A-1 and A-2.

AREA:

0.102 acre.

ZONING:

Parcel 154:

Not applicable. Part of Keahumoa Parkway.

<u>Parcel 160</u>:

State Land Use District: Agriculture, Urban

City & County of Honolulu: AG-1 Restricted Agriculture District, BMS-3 Community

Business Mixed Use District, R-3.5 Residential District

TRUST LAND STATUS:

Non-ceded, Government land acquired after statehood from the Estate of James Campbell.

CURRENT USE STATUS:

There are two conflicting executive orders covering the 0.102-acre portion of the subject lands:

- 1. Governor's Executive Order No. 4502 (EO 4502) setting aside 18.007 acres to DOE for public school purposes. This parcel houses Honouliuli Middle School.
- 2. Governor's Executive Order No. 4555 (EO 4555) setting aside 13.458 acres to the City and County of Honolulu (City) for construction, maintenance, repair, operation, and management of public roadway improvements and for ancillary purposes.

The actual and correct use is that described under item 2 above.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement Notice for the East Kapolei Master Plan was published in the OEQC Environmental Notice in July 1998. The subject lot is located within the East Kapolei Master Plan area.

BACKGROUND:

In 1936, Trustees under the Will and of the Estate of James Campbell, deceased, registered portions of the Ahupuaa of Honouliuli, Ewa, Oahu, in Land Court, pursuant to LCA No. 1069.

The Board of Land and Natural Resources (Board) initially approved the acquisition of over 4,000 acres in Kapolei from Campbell Estate at its July 22, 1988 meeting, under agenda item F-9. Subsequently, after lengthy negotiations, the Office of State Planning and Campbell Estate reached an agreement for the State to acquire a total of 1,236 acres. The Board ultimately approved this acquisition at its April 26, 1991 meeting, under agenda item F-13. The acquisition was intended for developing housing, public facilities, and land banking in anticipation of the growth of Oahu's master planned second city. By Final Order of Condemnation dated August 22, 1994, and Stipulated Final Judgment in Eminent

Domain dated July 19, 1994, the State acquired title to 1,100 acres including the subject parcels for the sum of \$31.7 million.

Over the intervening years, lands were subdivided out from the originally acquired acreage and transferred to various State agencies including the Departments of Home Lands (DHHL), the University of Hawaii (UH), and DOE as part of the ongoing development of Kapolei as Oahu's master planned second city.

REMARKS:

A previous iteration of the subject parcel described as Lot 18062, Map 1410, LCA No. 1069, was set aside to DOE via EO 4502, dated June 3, 2016, for public school purposes (Exhibit B). DOE has since constructed Honouliuli Middle School on this parcel. Lot 18062 was subdivided creating Lot 19894 as shown on Map 1667, LCA No 1069. This subdivision removed a sliver of land from Lot 18062, reducing the acreage from 18.007 to 17.905 acres in the newly created Lot 19894. The sliver of land that was removed from Lot 18062 was consolidated into Lot 19888, as shown on Map 1667, LCA No. 1609 (Exhibit A-1).

Lot 19888 constitutes a portion of Keahumoa Parkway, formerly called East – West Road, containing 13.458 acres. Lot 19888 was set aside to the City and County of Honolulu (City) for construction, maintenance, repair, operation, and management of public roadway improvements and for ancillary purposes via EO 4555, dated April 24, 2018 (Exhibit C).

Staff is recommending that the Board authorize the amendment of EO 4502 to reflect the actual acreage of the set-aside to DOE after the subdivision of Lot 18062. The amendment involves the replacement of the superseded map and description for Lot 18062, as shown on Map 1410, LCA No. 1069, with the current map and description for the actual area of set-aside identified as Lot 19894 as shown on Map 1667, LCA No. 1069. No action for set-aside of the 0.102-acre area to the City is necessary since it is already included as part of Lot 19888, as shown on Map 1667, LCA No. 1609, described in EO 4555 to the City for Keahumoa Parkway.

RECOMMENDATION: That the Board:

- 1. Approve of and recommend to the Governor issuance of an executive order amending Governor's Executive Order No. 4502, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - 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.

Respectfully Submitted,

Luke Sarvis	RT
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Luke J. Sarvis Project Development Specialist

APPROVED FOR SUBMITTAL:

Dawn N. S. Chang, Chairperson

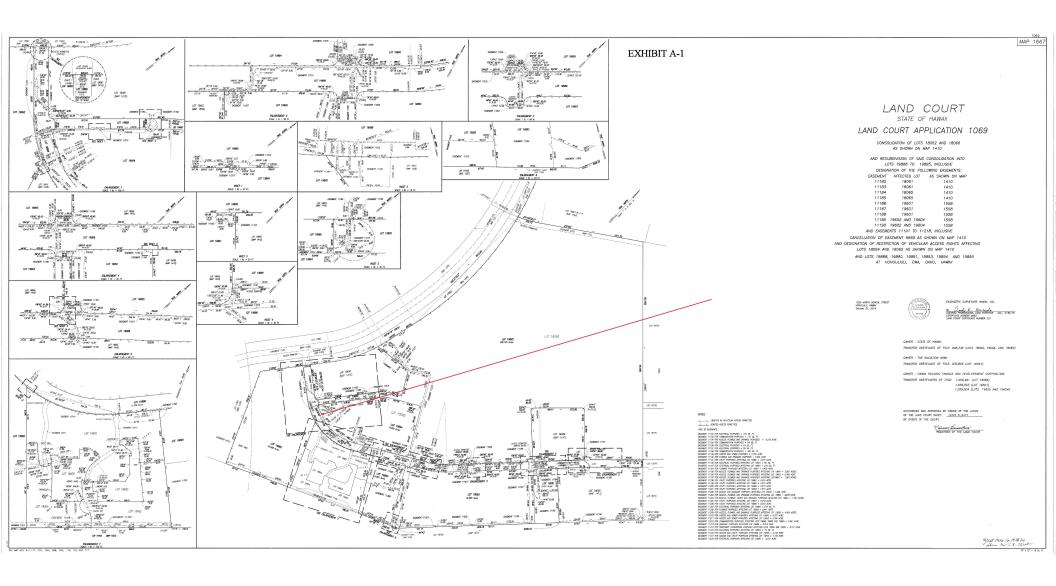


EXHIBIT B

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STATE OF HAWAII OFFICE OF ASSISTANT REGISTRAR RECORDED

June 16, 2016 10:45 AM

Doc No(s) T – 9663229 on Cert(s) 908339 Issuance of Cert(s)



1 1/1 klr B – 32823513 /s/ NICKI ANN THOMPSON ASSISTANT REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup (

DLNR-Land Division 587-0432

Total Number of Pages:

Tax Map Key No. (1) 9-1-017:106

FROM:

STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

TO:

STATE OF HAWAII

DEPARTMENT OF EDUCATION

1390 Miller Street

Honolulu, Hawaii 96813

4502

EXECUTIVE ORDER NO.

SETTING ASIDE LAND FOR PUBLIC PURPOSES

BY THIS EXECUTIVE ORDER, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, as amended, 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 PUBLIC SCHOOL SITE, to be under the control and management of the State of Hawaii, Department of Education, being all of Lot 18062 as shown on Map 1410 of Land Court Application No. 1069 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, containing an area of 18.007 acres and covered by Transfer Certificate of Title 908,339 issued

PESLIM. APPR'D. Department of the Attorney General to the State of Hawaii, situate at Honouliuli, Ewa, Oahu, Hawaii, and identified as "Public School Purposes Site," more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated C.S.F. No. 25,350 and dated December 13, 2013, and as shown on Land Court Map 1410.

Said lot is subject to:

- 1. Declaration dated February 3, 1989, filed in Land Court Document No. 1611704.
- 2. Declaration of Covenants, Conditions, and Restrictions on Use (Makai Lands) dated April 29, 1997, filed in Land Court Document No. 2378007.
- 3. Assignment of Rights (Golden Triangle) dated March 1, 2006, filed as Land Court Document No. 3398318.
- 4. Certificate and Authorization dated December 4, 2000, filed in Land Court Document No. 2682016.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the State of Hawaii, Department of Education shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public land.



IN WITNESS WHER	EOF, I	have hereunto s	et my hand and
caused the Great Seal of			be affixed.
Done at the Capitol at Ho	nolulu	this 3m	_ day of
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		And M	
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		DAVID X. IGE	0
	Ken	Governor of the	State of Hawaii
APPROVED AS TO FORM:	V		•
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alle	_		
AMANDA J. WESTON			
Deputy Attorney General			
1.10			
Dated: UM(18,2016	-		



STATE OF HAWAII

Office of the Lieutenant Governor

Order No setting aside land for public the original of which is on file in this office.
IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed his name and caused the Great Seal of the State to be affixed.
8-8.0





STATE OF HAWAI'I SURVEY DIVISION DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES HONOLULU

C.S.F. No. 25,350

December 13, 2013

PUBLIC SCHOOL PURPOSES SITE

Honouliuli, Ewa, Oahu, Hawaii

Being all of Lot 18062 as shown on Map 1410 of Land Court Application 1069, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and containing an AREA OF 18.007 ACRES and covered by Transfer Certificate of Title 908,339 issued to the State of Hawaii.

Lot 18062 shall have access to Farrington Highway (a public road) over Lot 18066 and Easement 9669 as shown on Map 1410, Lot 17853 as shown on Map 1375 and Easement 4770 as shown on Map 712 as set forth by Land Court Order 176857.

SUBJECT, HOWEVER, to any and all encumbrances that may be noted on Transfer Certificate of Title 908,339.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

STATE OF HAWAII

Glenn J. Kodani

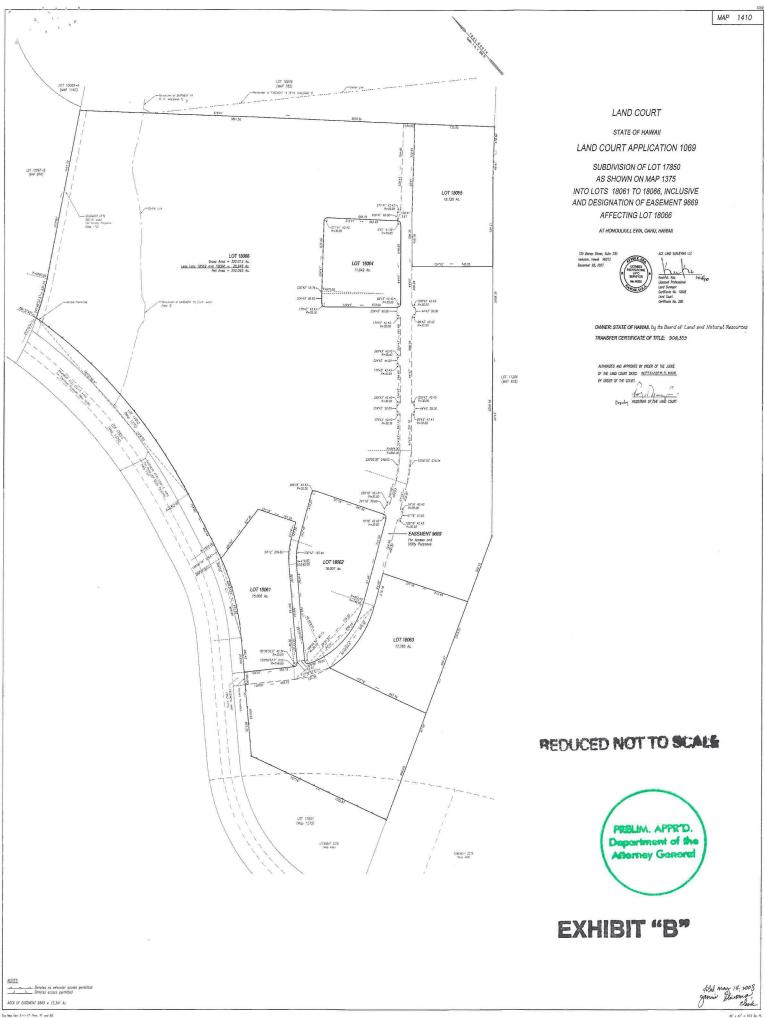
Land Surveyor

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Compiled from Land Court Records.



EXHIBIT "A"



0F-1959

STATE OF HAWAII OFFICE OF ASSISTANT REGISTRAR RECORDED

June 06, 2018 8:02 AM

Doc No(s) T — 10383250 on Cert(s) 908339 Issuance of Cert(s)



/s/ LESLIE T. KOBATA ASSISTANT REGISTRAR

B - 33175927

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup (X) To:

DEPT. OF LAND AND NATURAL RESOURCES

LAND DIVISION

Total Number of Pages:

Tax Map Key No. (1) 9-1-017: Portion 110

FROM:

STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

TO:

CITY AND COUNTY OF HONOLULU

650 South King Street Honolulu, Hawaii 96813

4555

EXECUTIVE ORDER NO.

SETTING ASIDE LAND FOR PUBLIC PURPOSES

BY THIS EXECUTIVE ORDER, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, as amended, and every other authority me hereunto enabling, do hereby order that the public land and improvements hereinafter described be, and the same is, hereby set aside for the following public purposes:

FOR CONSTRUCTION, MAINTENANCE, REPAIR, OPERATION, AND MANAGEMENT OF PUBLIC ROADWAY IMPROVEMENTS AND FOR ANCILLARY PURPOSES, to be under the control and management of the City and County of Honolulu, being that parcel of land situate at Honouliuli, Ewa, Oahu, Hawaii and identified as "Keahumoa Parkway (East-West Road)," being all of Lot 19888 as shown on Map 1667 of Land Court Application 1069, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, containing an

PRRLIM. APPR'D.
Department of the

Aftomey General

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area of 13.458 acres covered by Transfer Certificate of Title 908339 issued to the State of Hawaii, and Lot 19888 shall have direct access to Lot 17853 and then over Easement 4770, as shown on Map 712, to Farrington Highway, a public road as set forth by Land Court Order recorded as Document No. T-10193134, SUBJECT, HOWEVER, to any and all encumbrances that may be noted on Transfer Certificate of Title 908339, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being a survey description prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated C.S.F. No. 25,649 and dated February 20, 2018, and a copy of Land Court Map 1667.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the City and County of Honolulu shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public land.

IN	WITNESS WHE	REOF, I have	hereunto se	et my hand and
caused the Gr				be affixed.
Done at the C	Capitol at Ho	onolulu this	24+n	_day of
April		, 2018.		

APPROVED AS TO FORM:

the State of Hawaii

DANIEL A. MORRIS

Deputy Attorney General

Dated:

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Department of the Afterney General

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY that the within is a true copy of Executive Order No. _____ setting aside land for public purposes, the original of which is on file in this office.





STATE OF HAWAI'I SURVEY DIVISION DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES HONOLULU

C.S.F. No. 25,649

February 20, 2018

KEAHUMOA PARKWAY (EAST-WEST ROAD)

Honouliuli, Ewa, Oahu, Hawaii

Being all of Lot 19888 as shown on Map 1667 of Land Court Application 1069, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, containing an AREA OF 13.458 ACRES covered by Transfer Certificate of Title 908339 issued to the State of Hawaii.

Lot 19888 shall have direct access to Lot 17853 and then over Easement 4770, as shown on Map 712, to Farrington Highway, a public road as set forth by Land Court Order recorded as Document No. T-10193134.

SUBJECT, HOWEVER, to any and all encumbrances that may be noted on Transfer Certificate of Title 908339.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By:

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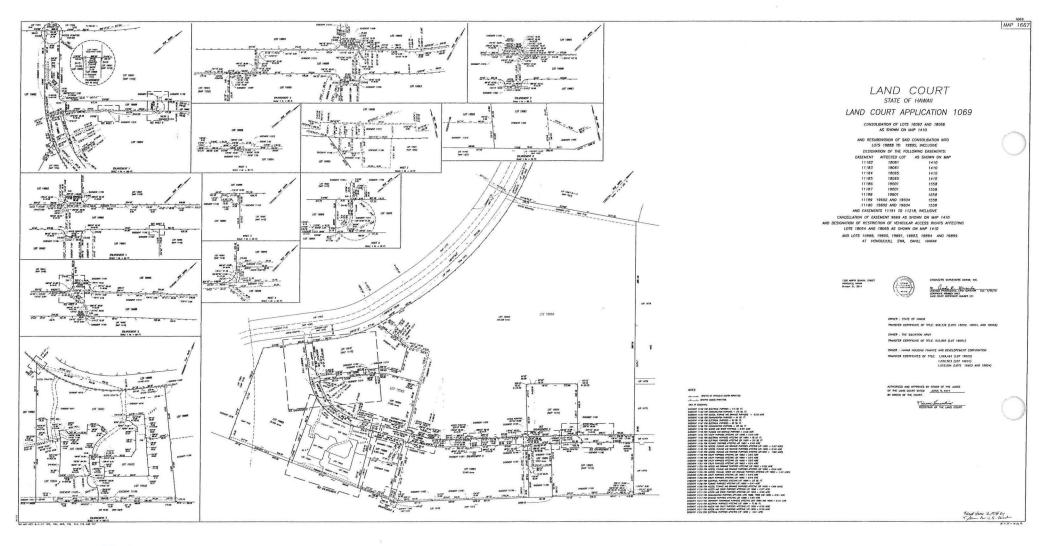
Gerald Z. Yonashiro Land Surveyor

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Compiled from Land Court Records.



EXHIBIT "A"





REDUCED NOT TO SCALE

EXHIBIT "B"