

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

September 13, 2024

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

PSF No.: 24OD-064

Oahu

Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway Purposes; Issuance of Immediate Construction Right-of-Entry Permit; Honolulu, Oahu, Tax Map Key: (1) 2-1-026: portion of 027.

APPLICANT:

The City and County of Honolulu (“City”) on behalf of the Honolulu Authority for Rapid Transportation (“HART”)

LEGAL REFERENCE:

Sections 171-55 and 171-95, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1) 2-1-026: portion of 027 as shown on **Exhibits A1 to A3**.

AREAS:

602 square feet, more or less, subject to review and approval by the Department of Accounting and General Services, Survey Division

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: B-2

TRUST LAND STATUS:

Acquired after 8/59, i.e., non-ceded.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 3447 setting aside to the Department of Accounting and General Services (DAGS) for Civic Center purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis. Government agency.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor subject project was published in the OEQC's Environmental Notice on January 8, 2011.

On August 24, 2012, the Hawaii Supreme Court ruled that the City should have completed archaeological survey work along the entire proposed rail transit route prior to starting construction.

In February 2013 the field work for the Archaeological Inventory Survey (“AIS”) for the entire proposed transit route was completed and the AIS reports were then submitted to DLNR’s State Historic Preservation Division (“SHPD”) for review, which was accepted by SHPD pursuant to its letter dated August 27, 2013.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
2. Obtain Department of Accounting and General Services written concurrence to the issuance of the subject easement; and
3. Process and obtain subdivision approval from the City’s Department of Planning and Permitting at Applicant's own cost.

BACKGROUND:

In connection with the construction of the Honolulu Rail Transit Project, HART plans to construct a straddle bent column on a portion of State-owned land located at 825 Mililani Street. See the graphic illustration for the structure on **Exhibit B**.

DAGS was consulted on the subject request. Pursuant to an email dated August 14, 2024 from DGS Public Works Division, they did not have any comment/objection on the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns, and staff recommends the Board authorize the issuance of the requested easement and right-of-entry.

RECOMMENDATION: That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

1. Authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the subject areas for elevated guideway purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form for elevated guideway purposes, 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.

2. Authorize the issuance of construction right-of-entry permit to the City and County of Honolulu, Honolulu Authority for Rapid Transit covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form for the City and County of Honolulu, Honolulu Authority for Rapid Transit regarding the rail project, as may be amended from time to time; and
 - B. Delegate to the Chairperson authority to approve any continuation or renewal of the right of entry for additional one-year periods for good cause shown; and

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson *KEM*

RT



TMK (1) 2-1-026:027

EXHIBIT A-1



TMK (1) 2-1-026: portion 027

EXHIBIT A-2

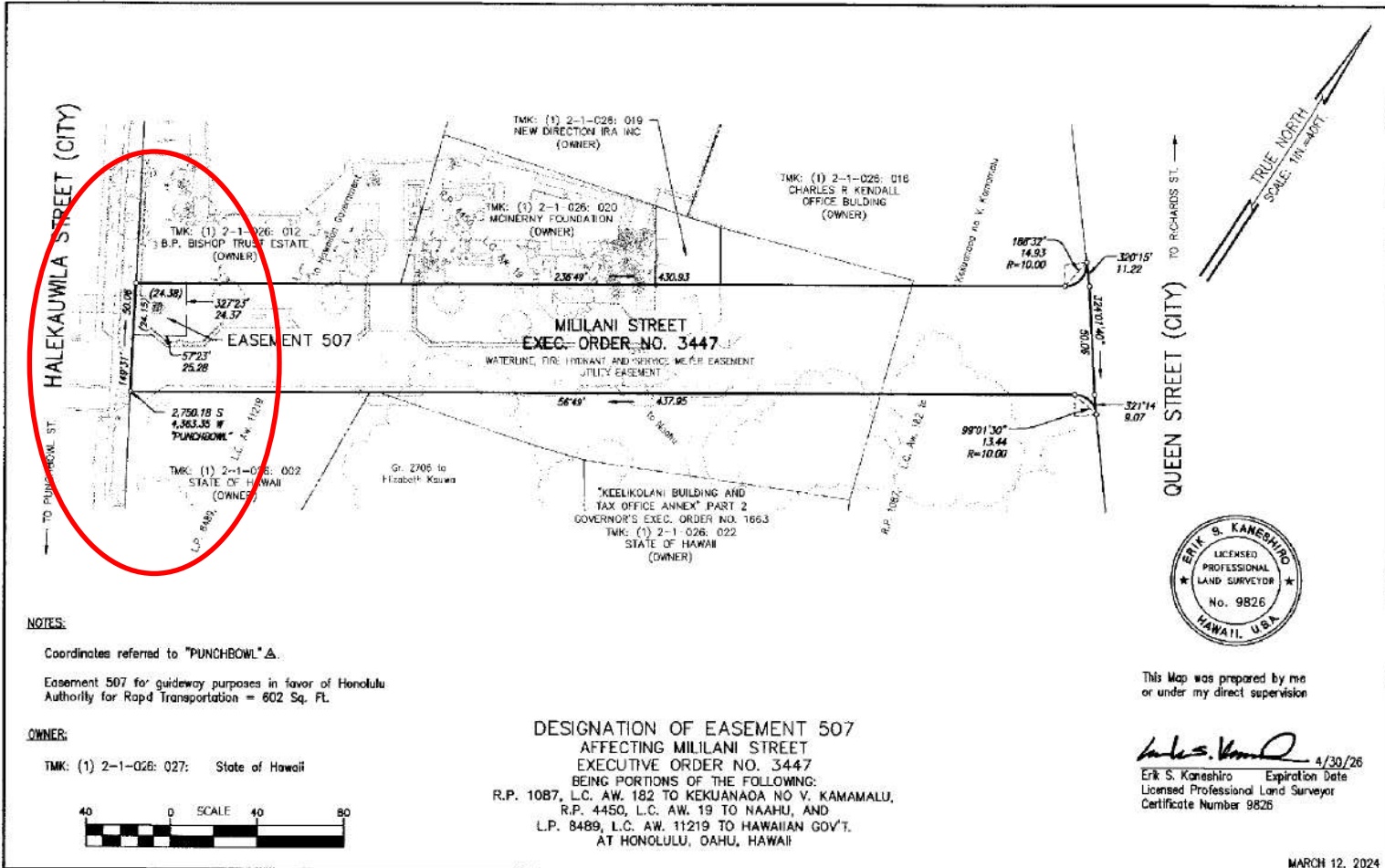


EXHIBIT A-3

See attached sample of a straddle bent design.



A straddle bent is a structure that has two columns and a cross beam between them that the guideway sits on top of. One of the columns of the straddle bent is on Mililani Street.

EXHIBIT B