

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

November 8, 2024

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

Oahu

Authorize the Deregistration from Land Court, Lot 12022, Map 888, Land Court Application No. 1069; Certificate of Title No. 498,504; Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-031:001

APPLICANT:

Department of Land and Natural Resources (Department)

LEGAL AUTHORITY:

Sections 171-6 and 501-261.5, Hawaii Revised Statutes (HRS)

LOCATION & AREA:

110.106 acres situated at Honouliuli, Ewa, Oahu, and further described in Exhibit A.

BACKGROUND:

In 1936, Trustees under the Will and the Estate of James Campbell, deceased, registered portions of the Ahupuaa of Honouliuli, Ewa, Oahu, in Land Court, pursuant to Land Court Application 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 parcel 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 Hawaiian Home

Lands (DHHL) and Education (DOE), and the University of Hawaii (UH) as part of the ongoing development of Kapolei as Oahu's master planned second city. The Department retained several parcels including the subject parcel.

At its meeting of November 9, 2018, under agenda item D-16, the Board authorized the set-aside of the subject parcel to the Department of Agriculture (DOA) to ensure that its lessee, which operates a slaughterhouse on an adjoining parcel, could access adequate water to sustain its operations. The subject parcel was set aside to DOA via Governor's Executive Order No. 4584 (EO 4584) on May 15, 2019. EO 4584 contained a reservation to the Department to issue leases to develop renewable energy projects to the extent that they do not unreasonably interfere with DOA's use of the land. The Department has been pursuing renewable energy development and has been negotiating with DOA on a potential division of the subject parcel that would suit both departments' needs. Staff is recommending that the Board authorize the deregistration of the subject parcel from Land Court to streamline future subdivision and development efforts.

REMARKS:

The subject lot was registered in Land Court by the Estate of James Campbell. The State of Hawaii acquired the fee interest from the successor landowner by order of condemnation in 1994. For purposes of Section 501-261.5, HRS, the State is a self-insured sovereign. There is no obvious downside to deregistering the subject lots from Land Court.

The principal benefit of land registered with Land Court versus the regular system is that a landowner cannot lose title via adverse possession. The State, however, by virtue of its sovereign character, cannot lose title to land via adverse possession, irrespective of whether the land is registered in Land Court.

The downside to keeping the subject lots in Land Court is the lengthy backlog at Land Court which frequently causes delays, the need to obtain additional surveys and documents that would not be required in the regular system, and the need to navigate Land Court procedures.

This request represents a continuation of a larger initiative to deregister lands formerly owned by the Estate of James Campbell from Land Court to expedite planned development in Kapolei. At its meetings of October 24, 2022, under Agenda Item M-15 and April 26, 2024, under Item D-10, the Board considered and approved similar requests from the Department and DHHL to deregister other parcels acquired from Campbell Estate.

To accelerate the Department's development process, staff is requesting that the Board authorize the deregistration from Land Court Lot 12022, Map 888, Land Court Application No. 1069; Certificate of Title No. 498,504.

Staff contacted DOA to check if it had concerns regarding deregistration of the subject parcel from Land Court but have not received a response to date.

RECOMMENDATION: That the Board:

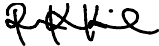
1. Authorize the deregistration of Lot 12022, Map 888, Land Court Application No. 1069; Certificate of Title No. 498,504

Respectfully Submitted,

Luke Sarvis

Luke J. Sarvis
Project Development Specialist

APPROVED FOR SUBMITTAL:



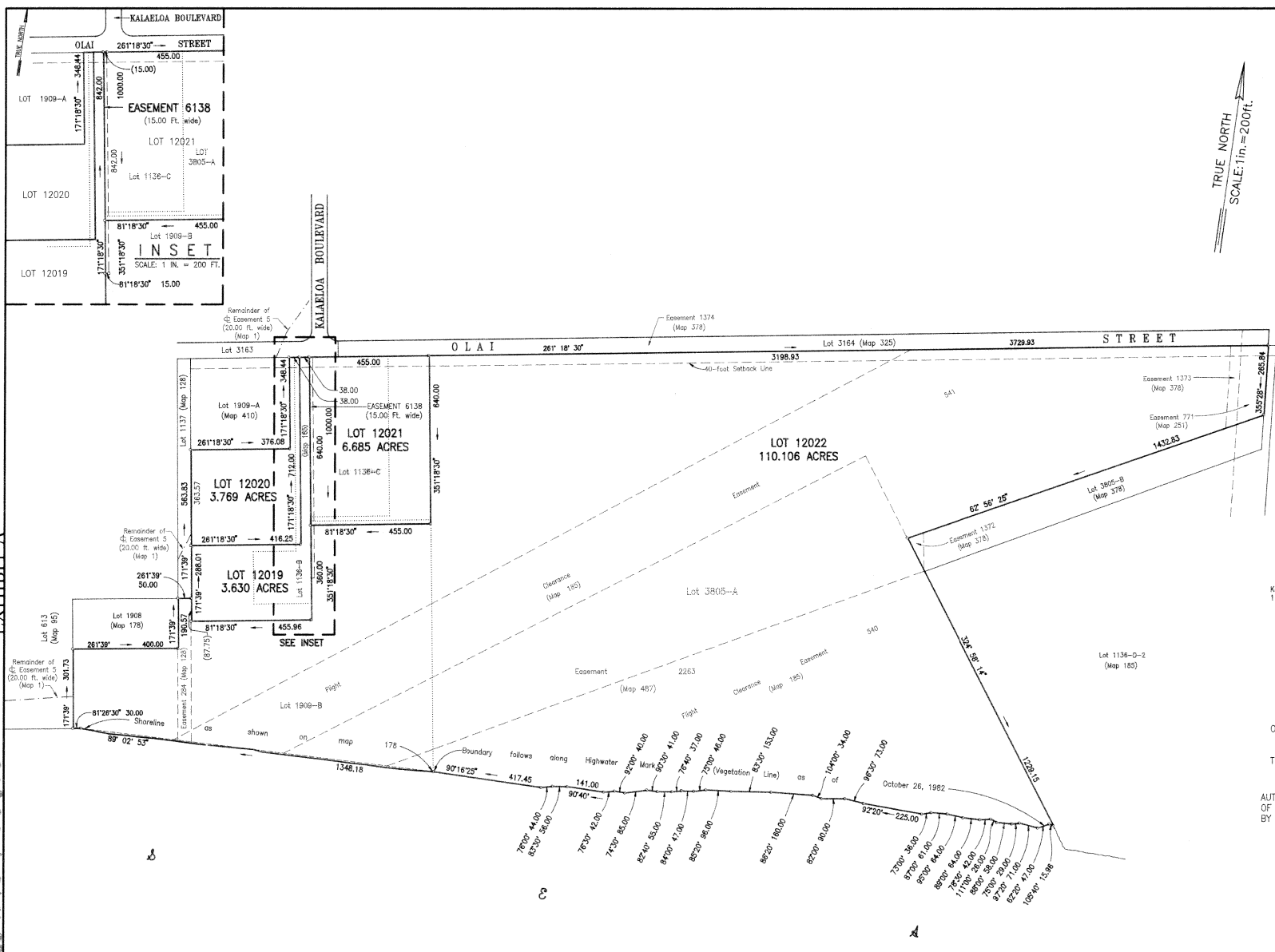
RT

Dawn N.S. Chang, Chairperson

LAND COURT
STATE OF HAWAII
LAND COURT APPLICATION 1069

CONSOLIDATION OF LOT 3805-A
AS SHOWN ON MAP 378
LOTS 1136-B AND 1136-C
AS SHOWN ON MAP 165
LOT 1909-B
AS SHOWN ON MAP 410
AND RESUBDIVISION OF SAID CONSOLIDATION
INTO LOTS 12019, 12020, 12021 AND 12022,
CANCELLATION OF EASEMENT 488
AS SHOWN ON MAP 165,
CANCELLATION OF PORTIONS OF EASEMENT 5
AS SHOWN ON MAP 1
AND DESIGNATION OF EASEMENT 6138
HONOLULU, EWA, OAHU, HAWAII

TRUE NORTH
SCALE: 1 in. = 200 ft.



Kalahele Building
1151 Punchbowl St.
Room 210
Honolulu, Hawaii
July 17, 1996



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
SURVEY DIVISION

Ronald W. Hanahoe
Licensed Professional Land Surveyor
Certificate No. 7549
Registered Land Court Surveyor
Certificate No. 255

OWNER: TRUSTEES UNDER THE WILL AND OF THE
ESTATE OF JAMES CAMPBELL, DECEASED

TRANSFER CERTIFICATE OF TITLE: 410,853

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED FEBRUARY 10, 1997
BY ORDER OF THE COURT

Ronald W. Hanahoe
ACTING REGISTRAR OF THE LAND COURT

EXHIBIT A

MAP 1069 (PARTIAL)

FILE: C:\CAMP\1069

NOTE:
EASEMENT 6138 = 12,630 Sq. Ft. for Waterline and Electric Purposes affecting Lots 12021 and 12022.

Filed June 20, 1997
Rocco P. ...