

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

January 10, 2025

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

PSF No.: 24OD-127

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 022.

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 022 as shown on **Exhibits A1 to A2**.

AREAS:

503 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:

Section 5(a) land of the Hawaii Admission Act.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 1663 setting aside to the Department of Accounting and General Services (DAGS) for Keelikolani Building and Tax Office Building Annex.

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 column on a portion of State-owned land at the subject location. See copy of the survey map at **Exhibit B**.

During the consultation, DAGS, Public Works Division raised concerns about potential impacts of differential settlement resulting from the construction of the guideway. Responses from HART via its email dated November 22, 2024 are shown below.

There are requirements built into our Contract with Tutor-Perini (Design-Builder) protecting adjacent properties from damages, specifically damage due to settlement, resulting from construction of the Project. The Design-Builder is responsible for the means and methods of construction; however, we have some controls in place to eliminate undesirable construction activities. For example, dewatering is not an uncommon construction method due to the high-water table on Oahu. If there is a high-water table at this location, it's possible that the Design-Builder is prohibited to perform dewatering because substantial damages to adjacent buildings is anticipated if dewatering were to occur. (e.g. the soil conditions would be unsuitable if the water were removed, increasing the risk of settlement) (TP 3.6.2.H). We also anticipate that the Design-Builder will utilize steel casings when they perform the shaft construction, which will keep the soil outside of the hole from caving in, further reducing the risk of any adjacent settlement.

The Design-Builder is also required to define settlement reference points on buildings that could be affected by vibration from the Work and develop and implement a surveying program to document any horizontal and vertical movement throughout construction in the adjacent area. They are required to survey these reference points weekly while construction is occurring and document the findings with HART. (TP 3.17.2.F & Specification 31 09 00)

Understanding that we cannot foresee all circumstances that may be encountered during construction, we believe there is adequate coverage in our Contract to protect adjacent properties owners from any damage caused by settlement due to construction of the Project.

Pursuant to the memorandum dated November 26, 2024 (**Exhibit C**), DAGS did not have any objections to the subject request subject to the concerns raised above.

For the Board's reference, the easement document with HART has not been finalized as Land Division is still in consultation with the Department of the Attorney General about the easement languages. Typically, any grantee of an easement is required to indemnify the State as part of the easement condition. Staff anticipates the above-mentioned concerns from DAGS could be incorporated in the upcoming easement document.

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:



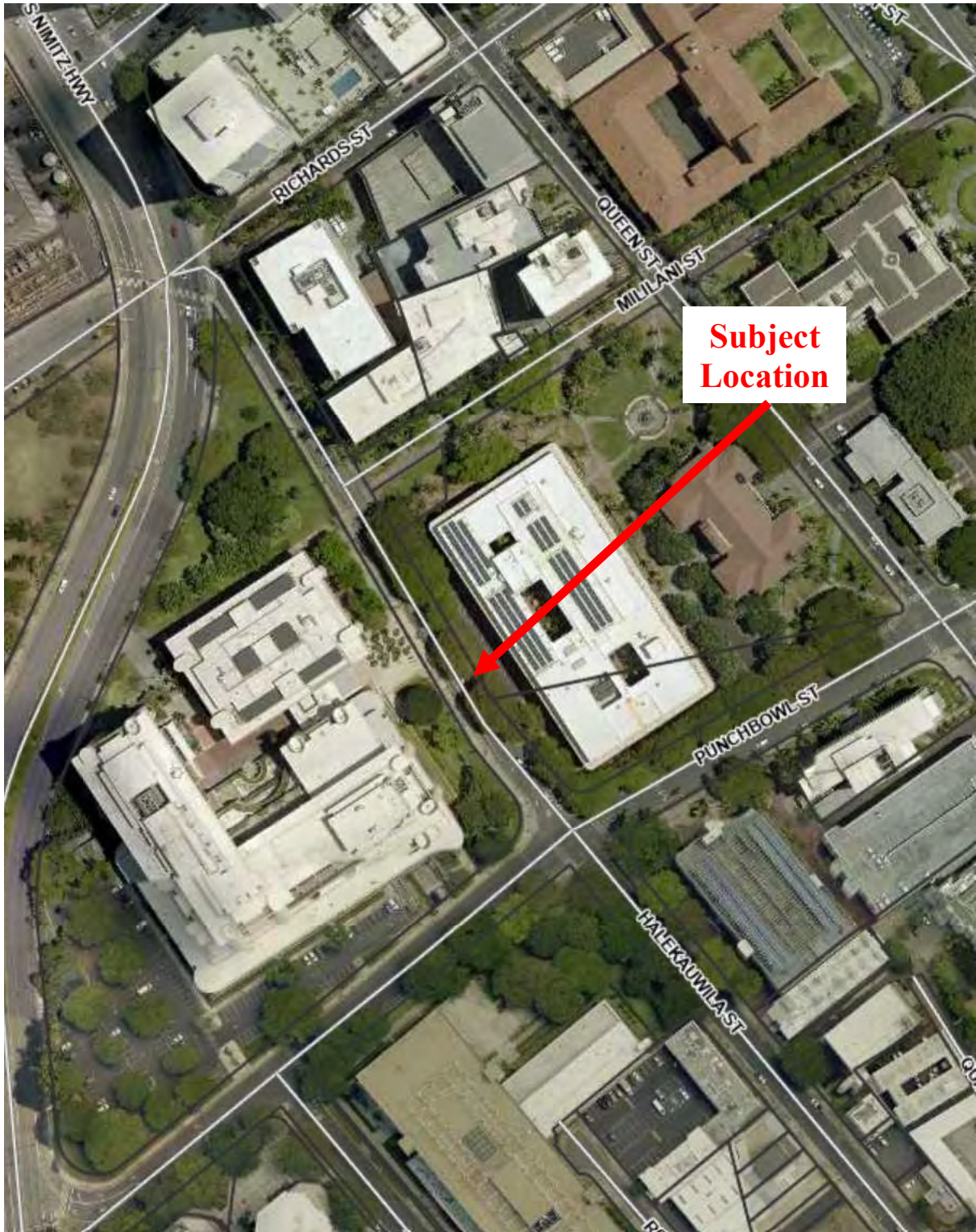
Dawn N. S. Chang, Chairperson

RT



TMK (1) 2-1-026:022

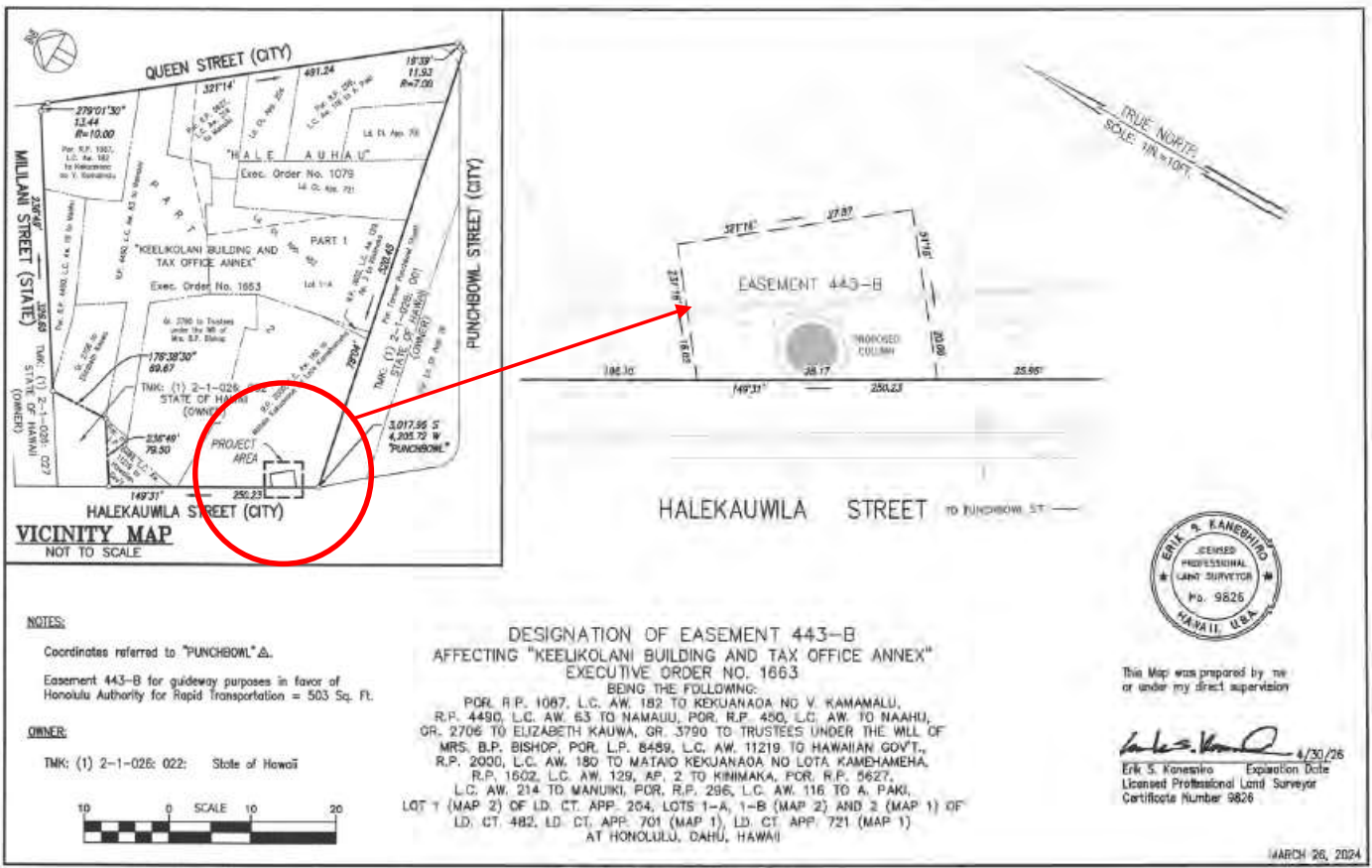
EXHIBIT A1



TMK (1) 2-1-026: portion 022

EXHIBIT A2

EXHIBIT B



NOTES:
 Coordinates referred to "PUNCHBOWL" Δ.
 Easement 443-B for guideway purposes in favor of Honolulu Authority for Rapid Transportation = 503 Sq. Ft.

OWNER:
 TMK: (1) 2-1-026: 022: State of Hawaii

10 0 10 20
 SCALE

**DESIGNATION OF EASEMENT 443-B
 AFFECTING "KEELIKOLANI BUILDING AND TAX OFFICE ANNEX"
 EXECUTIVE ORDER NO. 1663
 BEING THE FOLLOWING:**

PGR, R.P. 1067, L.C. AW. 182 TO KEKUANAOA NG V. KAMAMALU, R.P. 4490, L.C. AW. 63 TO NAMAALU, POR, R.P. 450, L.C. AW. TO MAAHUI, GR. 2706 TO ELIZABETH KAUKA, GR. 3790 TO TRUSTEES UNDER THE WILL OF MRS. B.P. BISHOP, POR, L.P. 8489, L.C. AW. 11219 TO HAWAIIAN GOV'T, R.P. 2000, L.C. AW. 180 TO NATAIO KEKUANAOA NO LOTA KAMEHAMEHA, R.P. 1602, L.C. AW. 129, AP. 2 TO KINIMAKA, POR, R.P. 5627, L.C. AW. 214 TO MANUKI, POR, R.P. 296, L.C. AW. 116 TO A. PAKI, LOT 1 (MAP 2) OF LD. CT. APP. 204, LOTS 1-A, 1-B (MAP 2) AND 2 (MAP 1) OF LD. CT. 482, LD. CT. APP. 701 (MAP 1), LD. CT. APP. 721 (MAP 1) AT HONOLULU, DAHU, HAWAII



This Map was prepared by me or under my direct supervision

Erik S. Kameshiro 4/30/26
 Erik S. Kameshiro Expiration Date
 Licensed Professional Land Surveyor
 Certificate Number 9825

MARCH 26, 2024

TAX MAP KEY: (1) 2-1-026: 022

ATA ALSTIN, TSUTSUMI & ASSOCIATES, INC.
 REGISTERED SURVEYORS • HONOLULU, HAWAII, USA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ


STATE OF HAWAII | KA MOKU'ĀINA O HAWAII'
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

(P)24.235

NOV 26 2024

MEMORANDUM

TO: Dawn N.S. Chang, Chairperson
Department of Land and Natural Resources

FROM: Keith A. Regan 
Comptroller

SUBJECT: Honolulu Rail Transit Project (H RTP)
Request for Column Easement Over State-Owned Land, Keelikolani Building
Tax Map Key: (1) 2-1-026:022

The Honolulu Authority for Rapid Transportation (HART) has requested an easement from the Department of Land and Natural Resources for the placement of a guideway support column on the Keelikolani Building property, identified by Tax Map Key (1) 2-1-026:022. The Department of Accounting and General Services (DAGS) has control and management of the property under EO 1663.

Due to its proximity, we have expressed our concerns to HART about the potential impacts of differential settlement resulting from construction of the guideway. HART indicated that controls are in place to eliminate undesirable construction activities and the design-builder for the project is required to define settlement reference points on buildings that could be affected by vibration from the work and implement a surveying program to document horizontal and vertical movement throughout the construction in the adjacent area. Other than this concern, DAGS does not have any objections to the issuance of the easement to HART.

If there are any questions, please have your staff call David DePonte of the Public Works Division at (808) 586-0492, or email david.c.deponte@hawaii.gov.

c: Matt Scanlon, HART
Russell Tsuji, DLNR

EXHIBIT C