

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

November 14, 2025

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

Ref: 21OD-034

OAHU

- I. After-the-Fact Consent to Assignment of Grant of Non-Exclusive Easement No. S-5337, Pupukea, Koolauloa, Oahu, Tax Map Key: (1) 5-9-001: portion of 038 as follows:
 - a. From Paul G. Stader, Successor Trustee of the Paul B. Stader and Marilyn M. Stader 1989 Trust dated April 6, 1989, Assignor, to Paul Gerard Stader, Assignee;
 - b. From Paul Gerard Stader, Assignor, to Paul Gerard Stader and Joseph Laranang Ampil, Assignees; and
 - c. From Paul Gerard Stader and Joseph Laranang Ampil, Assignors, to Paul Gerard Stader, Trustee of the Paul Gerard Stader Trust dated January 19, 2018 and Joseph Laranang Ampil, Trustee of the Joseph Laranang Ampil Trust dated January 19, 2018, Assignees.
- II. Amend Grant of Non-Exclusive Easement No. S-5337 by:
 - a. Updating the Insurance Provision to the Current Standard Provision used by the Department of the Attorney General; and
 - b. Insert a provision allowing the easement to be appurtenant to and inure to the benefit of the private real property identified as Tax Map key (1) 1-5-9-020:052.

APPLICANTS:

Paul Gerard Stader and Joseph Laranang Ampil, both in their individual capacity and trustee as described in the subject line (Applicants).

LEGAL REFERENCE:

Sections 171-6, -13, and -36(a)(5), Hawaii Revised Statutes, as amended. (HRS)

LOCATION:

Portion of government land located in Pupukea, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-9-001: portion of 038, as shown on the attached map labeled **Exhibit A**.

AREA:

3,255 square feet, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands 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. 2598 to the City and County of Honolulu for park and related purposes.

CHARACTER OF USE:

Revetment purpose.

TERM OF EASEMENT:

65-year term from October 16, 1992 to October 15, 2057.

ANNUAL RENTAL:

\$19,530.00 lump sum consideration was paid.

DCCA VERIFICATION:

Individuals, not applicable.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Hawaii Administrative Rules (HAR) §11-200.1-16 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 general Exemption Class 1, that states, “Operations, repairs or maintenance of existing structures, facilities,

equipment, or topographical features, involving negligible or change of use beyond that previously existing.” Part 1, Item 38, that states, “Transfer of title to land.” The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

The subject request is for housekeeping purpose and there is no new or additional use of land that would occur under this action.

REMARKS:

Pursuant to a Consent Decree and Order in Puumalu Beach Homeowners’ Association, et al. v. William Paty, in his official capacity, et al.; Civil No. 92-00663 ACK, subject easement (GL5337) was issued on October 7, 1993 to Marilyn M. Stader, Trustee of the Marilyn M. Stader 1989 Trust. The grantee was one of the plaintiffs in the civil case.

During review of the subject request, staff noted that the Marilyn M Stader Trust, as it appeared on GL5337, apparently was not the proper owner’s name when the civil lawsuit was filed. As noted from the court record, the proper name of the abutting private property should be The Paul B. Stader and Marilyn M Stader 1989 Trust. Marilyn M. Stader became the sole trustee upon the passing of Paul B. Stader in 1991.¹

Notwithstanding the above-mentioned, GL5337 was fully executed and recorded under Marilyn M. Stader, Trustee of the Marilyn M. Stader 1989 Trust. Staff was told Marilyn M. Stader passed away in 2017.

In 2018, there were multiple changes in the ownership of the abutting private property, namely, (1) from Paul G. Stader, Successor Trustee of the Paul B. Stader and Marilyn M. Stader 1989 Trust conveyed the abutting private property and GL5337 to Paul Gerard Stader; (2) from Paul Gerard Stader to Paul Gerard Stader and Joseph Laranang Ampil, a married couple; and (3) Paul Gerard Stader and Joseph Laranang Ampil to Paul Gerard Stader, Trustee of the Paul Gerard Stader Trust dated January 19, 2018 and Joseph Laranang Ampil, Trustee of the Joseph Laranang Ampil Trust dated January 19, 2018.

In the deeds for all the above-referenced transactions, GL 5337 was included in the legal description of the property conveyed, with the result that the deeds served as an assignment of the easement. However, the easement does not “run with the land” and each assignment requires Board consent. For housekeeping purposes, staff recommends the Board consent after the fact to the three prior assignments mentioned above.

None of the assignees listed above have 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.

¹ Source: Petition of Marilyn M. Stader, Trustee for Amendment of Land Court certificates recorded as Land Court Document #149526 on February 25, 2003

The standard consent to assignment document used by the Department of the Attorney General includes the following acknowledgement in the consent:

FURTHERMORE, Assignor hereby acknowledges that the Grantor's consent to the assignment of this grant of non-exclusive easement does not release the Assignor of any and all responsibilities obligations, liabilities, and all claims respecting or arising under or out of same grant of non-exclusive easement.

Staff believes the slight discrepancy in the name of the grantee should not be an obstacle to the subject request. The Assignor is still bound by the above condition regarding the consent to assign.

Since the subject request is for housekeeping purposes, staff did not solicit comments from other government agencies. There are no other pertinent issues or concerns. Staff has no objections to the subject request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed dispositions as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this action 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. Consent, after the fact, to the following assignments of Grant of Non-Exclusive Easement No. S-5337:
 - A. From Paul G. Stader, Successor Trustee of the Paul B. Stader and Marilyn M. Stader 1989 Trust dated April 6, 1989, Assignor, to Paul Gerard Stader, Assignee;
 - B. From Paul Gerard Stader, Assignor, to Paul Gerard Stader and Joseph Laranang Ampil, Assignees; and
 - C. From Paul Gerard Stader and Joseph Laranang Ampil, Assignors, to Paul Gerard Stader, Trustee of the Paul Gerard Stader Trust dated January 19, 2018 and Joseph Laranang Ampil, Trustee of the Joseph Laranang Ampil Trust dated January 19, 2018, Assignees, further subject to the following:
 - a. The standard terms and conditions of the most current consent 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.

3. Authorize the amendment of Grant of Non-Exclusive Easement No. S-5337 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 amendment of easement form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key (1) 5-9-020:052, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration of other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
 - C. Update paragraph 8 of the subject easement with the current insurance provision, including the requirement of coverage in an amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate, and naming the State of Hawaii as additional insured;
 - D. Review and approval by the Department of the Attorney General; and
 - E. 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

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TMK (1) 5-9-001: portion of 038

EXHIBIT A-1



TMK (1) 5-9-001: portion of 038

EXHIBIT A-2