

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

January 13, 2012

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

PSF No.: 11OD-199

OAHU

Authorization of a Bill of Sale to the City and County of Honolulu for the Waimanalo
Wastewater Treatment Plant, , TMK (1) 4-1-09:270

APPLICANT AGENCY:

City and County of Honolulu (City)

LEGAL REFERENCE:

Sections 171-6, Hawaii Revised Statutes, as amended.

LOCATION:

Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-09:270, as shown on
the attached map labeled **Exhibit 1**.

BUILDING IMPROVEMENTS:

Waimanalo Wastewater Treatment Plant

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This request is to document the transfer of the completed building improvements and
would not be subject to Chapter 343, HRS requirements.

REMARKS:

The subject parcel has been set aside to the City pursuant to Governor's Executive Order
(EO) No. 3434 issued in 1989, for wastewater treatment plant site purposes.

In the year 2008, the State completed the construction of the wastewater treatment plant.

Discussions had transpired between the State and the City regarding the operations, maintenance, repairing and upgrading to the sewage treatment plant. An agreement was tentatively reached between the two parties. A copy of the written agreement is currently under review by the Attorney General's office, and is included as **Exhibit 2**.

For purposes of facilitating the transfer of the improvements, the Engineering Division requests that the Board issue a bill of sale.

Due to the housekeeping purposes of this request, a request for comments was not conducted.

There are no other pertinent issues or concerns. Staff has no objection to the subject request.

Staff now brings the subject request to the Board for its approval.

RECOMMENDATION:

That the Board authorize the issuance of a bill of sale transferring the Waimanalo Wastewater Treatment Plant, as described above to the City and County of Honolulu and further subject to the following:

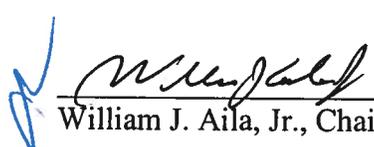
- A. Review and approval by the Department of the Attorney General; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

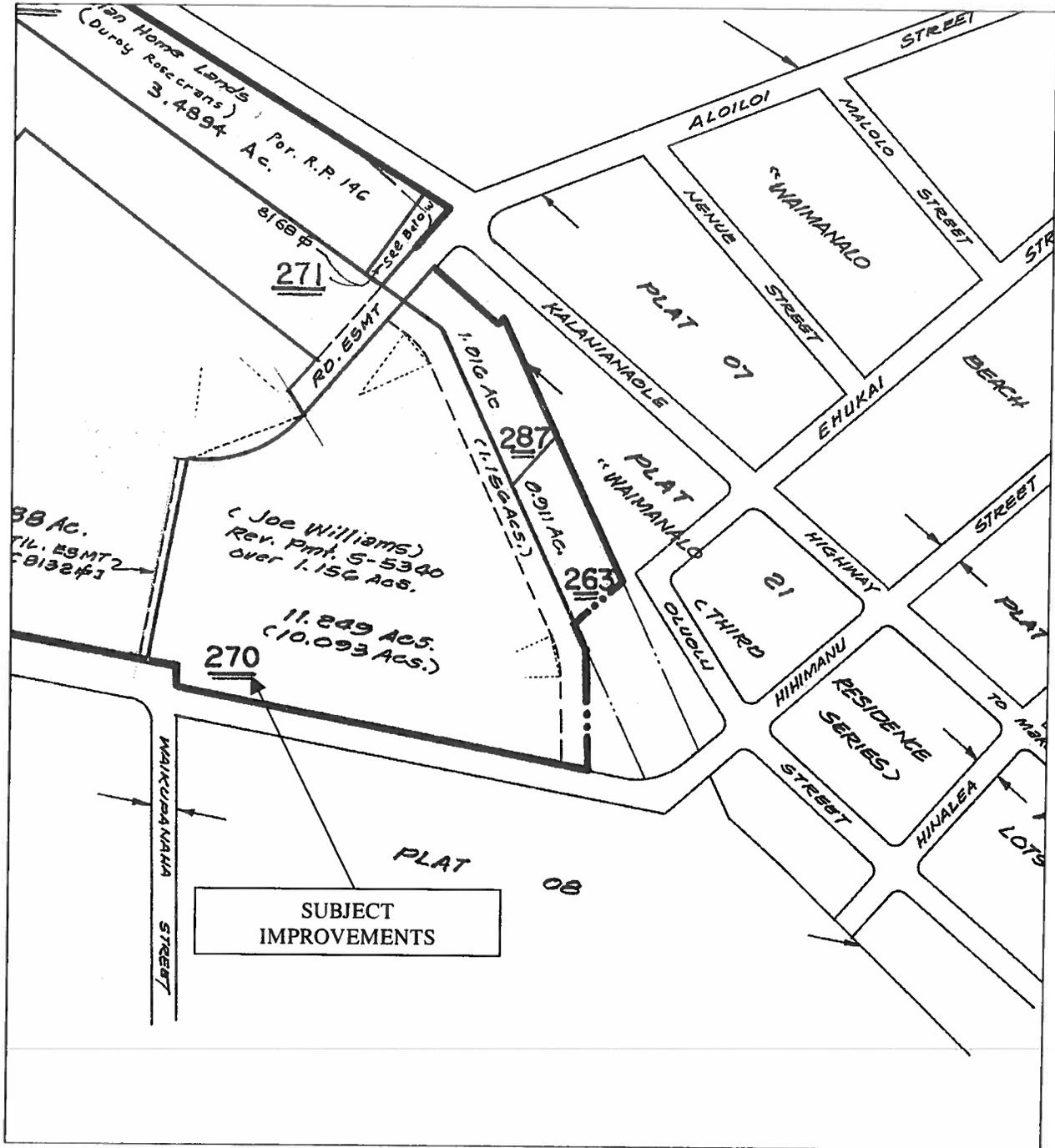


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TMK (1) 4-1-09:270

EXHIBIT 1

COOPERATIVE AGREEMENT
Between the
STATE OF HAWAII –
DEPARTMENT OF LAND AND NATURAL RESOURCES
and
CITY AND COUNTY OF HONOLULU –
DEPARTMENT OF ENVIRONMENTAL SERVICES

CITY TAKEOVER OF WAIMANALO WASTEWATER TREATMENT PLANT FROM THE STATE

This AGREEMENT is entered into this _____ day of _____, 2010, by and between the State of Hawaii – Department of Land and Natural Resources (hereinafter the "STATE"), AND the City and County of Honolulu – Department of Environmental Services (hereinafter "CITY"),

WITNESSETH, that

WHEREAS, the STATE owns, in fee, the property upon which the Waimanalo Wastewater Treatment Plant and Underground Injection System Facility (the "Waimanalo WWTP") is situated, and originally constructed the Waimanalo WWTP; and

WHEREAS, the Waimanalo WWTP, located at 41-1060 Kalaniana'ole Highway, Waimanalo, Hawaii (Tax Map Key 4-1-9:270) serving the Waimanalo tributary area provides secondary treatment and disposal by injection wells; and

WHEREAS, the CITY operates the Waimanalo WWTP; and

WHEREAS, a letter dated April 18, 1972, purports to set out responsibilities of the STATE and CITY over the operation, maintenance, repair and upgrades of the Waimanalo WWTP; and

WHEREAS, by Executive Order No. 3434 on October 24, 1989, the STATE set aside land to the CITY for the public purpose of providing the site for the Waimanalo WWTP, and

WHEREAS, the Waimanalo Wastewater Facilities Plan identified additional infrastructure improvements for the Waimanalo WWTP to meet needs until 2020; and

WHEREAS, the STATE completed improvements to the treatment plant in July 2008; and

WHEREAS the STATE desires to dedicate the Waimanalo Wastewater Treatment Plant to the CITY and CITY desires to own the plant.

NOW, THEREFORE, the STATE and CITY, in consideration of the mutual promises herein set forth, hereby agree as follows:

1. The CITY will accept the transfer of ownership of the Waimanalo Wastewater Treatment Plant; and
2. The instruments for the transfer of ownership will be the Executive Order and a Bill of Sale.

This agreement may only be modified by written agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Cooperative Agreement on the day and date first above written.

APPROVED:

**STATE OF HAWAII
DEPARTMENT OF
LAND AND NATURAL RESOURCES**

By _____
Chairperson

**CITY & COUNTY OF HONOLULU
DEPARTMENT OF
BUDGET AND FISCAL SERVICES**

By _____
RIX MAURER III
Director

**CITY AND COUNTY OF HONOLULU
DEPARTMENT OF
ENVIRONMENTAL SERVICES**

By _____
TIMOTHY E. STEINBERGER, P.E.
Director

APPROVED AS TO FORM:

DEPUTY ATTORNEY GENERAL

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL