

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
Jade T. Buiay
Ford H. Fuchigami
Randy Grune
Jedine Urasaki

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO
HWY-RM
3.89019

JUN - 8 2012

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

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REQUEST:

Authorization to the Department of Transportation to lease a road remnant of Kauai Belt Road, Federal Aid Project No. BR-F-056-1(20), at Hanalei, Kauai, Hawaii, located at Tax Map Key (4) 5-4-03: Portion.

IN REPLY REFER TO
HWY-RM
3.89019

LEGAL REFERENCE:

Chapter 171, Hawaii Revised Statutes, as amended.

LOCATION:

REQUEST:

The road remnant is located on the island of Kauai, located at Tax Map Key (4) 5-4-03: Portion, formerly (4) 5-4-03:08.

AREA:

Tax Map Key (4) 5-4-03: Portion.

The road remnant is approximately 538,227 Square Feet of Land (12.356 Acres).

LEGAL REFERENCE:

ZONING:

Chapter 171, Hawaii Revised Statutes, as amended.
Road Remnant: AG-5.

LOCATION:

LAND TITLE STATUS:

The road remnant is located on the island of Kauai, located at Tax Map Key (4) 5-4-03: Portion, formerly (4) 5-4-03:08.
Ceded, DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

AREA:

YES ___ NO X

CURRENT USE STATUS:

The road remnant is approximately 538,227 Square Feet of Land (12.356 Acres).

ZONING:

Road remnant is currently being rented through a Revocable Permit for the growing of taro.
Road Remnant: AG-5.

LAND TITLE STATUS:

Ceded, DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

ITEM M-1

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COMMENCEMENT DATE:

Commencement date would be upon lease execution to current tenant.

COMPENSATION:

Road remnant to be appraised at fair market rent as established by in-house appraiser.

LIENS AND/OR ENCUMBRANCES:

None noted at this time.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Received Chapter 343 exemption citing that “there appears to be no measurable change in the impacts and the incremental change in the status of Haraguchi’s length of lease (from month to a seven year lease) is not significant, HWY-P provides at this time there will be no direct, secondary, cumulative or adverse impacts associated with this change”.

REMARKS:

The Haraguchi’s have been renting this parcel from the State of Hawaii since July 1, 1974. They have been renting from us on a month-to-month revocable permit that renews annually. They would like to change their term to a long term lease so they can apply for Federal programs that would benefit their farm. One of the requirements of the program is for the tenant to be in a long term lease. They have been exemplary tenants throughout their rent term. The length of term would be for seven years with certain conditions: a 30-day termination clause will be added in case the DOT needs the land for highway needs, a “no buy back” clause will be added, and no permanent structures will be allowed on the premises. The DOT has no objection to the leasing of the road remnant with these added conditions.

RECOMMENDATION:

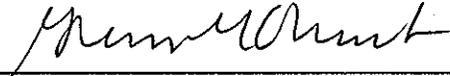
To authorize DOT to lease the road remnant located at TMK (4) 5-4-03: Portion, at fair market rent, in accordance with Chapter 171, Hawaii Revised Statutes, subject to the following:

1. The standard terms and conditions of the most current lease form with the specific added conditions;

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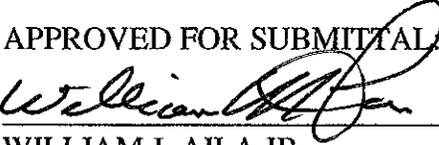
2. Review and approval by the Department of the Attorney General;
3. And such other terms and conditions as may be prescribed by the Director of Transportation to best serves the interests of the State;

Respectfully Submitted,



GLENN M. OKIMOTO, Ph. D.
Director of Transportation

APPROVED FOR SUBMITTAL



per

WILLIAM J. AILA JR.
Chairperson