

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

September 28, 2012

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

PSF No. 11MD-202  
Maui

Consent to Assign Grant of Perpetual, Non-Exclusive Easement  
LOD No. S-27747, Walter Charles Schachter and Sara Catherine  
Harrold (also known as Sara Catherine Harrold-Schachter)  
Assignor, to Terry J. Korpi and Terry L. Korpi, Assignee,  
Ualapue, Molokai, Hawaii, Tax Map Key: (2) 5-6-002:Por. 026;  
Amendment of Grant of Easement LOD S-27747 to Allow Easement  
to Run with the Land Identified as Tax Map Key No.: (2) 5-6-  
002:021, also situate at Ualapue, Molokai, Hawaii

APPLICANT:

Walter Charles Schachter and Sara Catherine Harrold (also known as  
Sara Catherine Harrold-Schachter), as Assignor, to Terry J. Korpi  
and Terry L. Korpi, husband and wife, Tenants by the Entirety, as  
Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Ualapue, Molokai, identified  
by Tax Map Key: (2) 5-6-002:Por. of 026, consisting of approximately  
10,651 square feet, as shown on the attached map labeled Exhibit A.

AREA:

10,651 square feet, more or less.

Refer to Metes and Bounds description and CSF map number 19,171  
easement at the subject location labeled as Exhibit B.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO X

CHARACTER OF USE:

Right, privilege, and authority to construct, use, maintain, and repair a roadway for access and utility purposes.

TERM OF LEASE:

In perpetuity.

CONSIDERATION:

One-time payment of \$1,700.00 was made upon execution of Grant of Easement LOD S-27747 on May 2, 1989. No monetary consideration will be paid for the assignment of easement.

DCCA VERIFICATION:

Assignor and Assignees are individual landowners and as such not required to register with DCCA.

REMARKS:

At its meeting of March 27, 1981, under item F-12, the Board of Land and Natural Resources approved a perpetual, non-exclusive easement for roadway ingress-egress purposes. Grant of Easement No. LOD S-27747 to Henry Bush was executed on May 2, 1989.

Pursuant to a Land Board meeting of October 28, 1994, this board approval allowed for conveyance of the parcel over which the easement traverses to the Department of Hawaiian Home Lands (DHHL). Land Patent No. S-15,867 was issued to DHHL, reserving LOD S-27747 to the State of Hawaii.

By the Land Board actions of October 8, 2004, under Item D-10 and amended June 24, 2005 item D-6, a Consent to the Assignment of Easement of LOD No. S-27747 was approved. The Consent to Assignment from Henry Bush to Walter Schachter and Sara Catherine Harrold (also referred to as Sara Catherine Harrold-Schachter) was completed on April 1, 2009.

The Schachters have sold their property at Tax Map Key: (2) 5-6-002:021, which is benefitted by the easement, to Terry J. and Terry L. Korpi. By application the Korpis have made a request for Consent to Assignment of the Grant of Easement LOD No. S-27747. A warranty deed no. 11-188702 dated November 24, 2011 confirms this sale and transfer of the benefitted property.

The language of LOD S-27747 requires the Board's approval prior to an assignment of the easement and is not updated to that of the most current easement instrument. Staff is therefore recommending that LOD S-27747 be amended to state that the easement will run with the land at Tax Map Key: (2) 5-2-002:021, provided that the assignor notifies the State of the assignment and also notifies the assignee of the insurance requirement in writing. This will eliminate the

need for Board action of future consents to assignment.

The applicants have 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.

RECOMMENDATION:

That the Board:

- A. Consent to the assignment of Grant of Easement No. LOD S-27747 from Walter Schachter and Sara Catherine Harrold (also known as Sara Catherine Harrold-Schachter), as Assignor, to Terry J. Korpi and Terry L. Korpi, as Assignee, subject to the following:
  1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
  2. Review and approval by the Department of the Attorney General; and
  3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  
- B. Authorize the amend of Grant of Non-Exclusive Easement No. LOD S-27747, under terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  1. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 5-2-002:021, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or 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 the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
  2. Authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (2) 5-2-002:021, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
  3. Review and approval by the Department of the Attorney

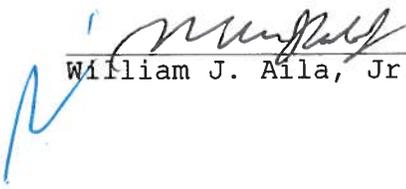
General; and

4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully Submitted,

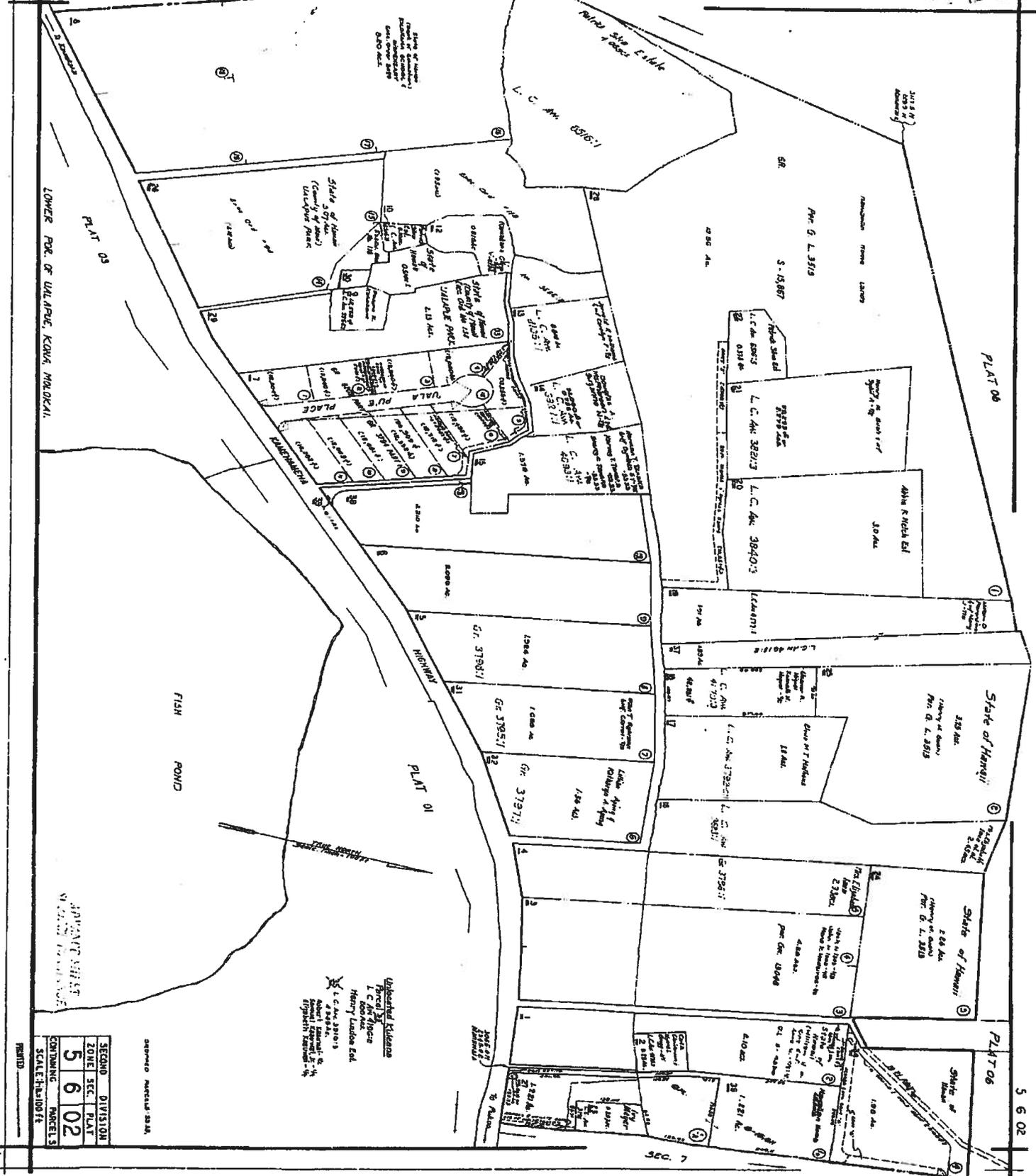
  
Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson

Dwg No: 2085  
 By: L.C. Am. Co. 1988  
 Source: The State Survey Department

Revised To: ...  
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APPROXIMATE  
 IN FEET TO CENTERLINE

CONTINUING	PARCELS
5	6102
SCALE: 1/4" = 100'	

DESIGNED: MARSHALL 1988

Unrecorded Kuleana  
 Parcel 1  
 L.C. Am. Co.  
 Henry Ludlow Esq.

# EXHIBIT A



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.P. No. 19,171

May 19, 1981

PERPETUAL NON-EXCLUSIVE EASEMENT  
FOR ACCESS AND UTILITY PURPOSES  
Over and Across Lot 1 of Ualapue Pasture Lots

Ualapue, Molokai, Hawaii

Being a portion of the Government (Crown) Land of Ualapue.

Beginning at the southeast corner of this easement, the southwest corner of R.P. 3871, L.C. Aw. 4177, Apana 1 to Kualualu and on the north side of a 20-foot Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANAWAI" being 2,979.44 feet North and 1,044.63 feet East, thence running by azimuths measured clockwise from True South:-

1. 72° 45' 20.03 feet along the north side of a 20-foot Road;
2. 166° 08' 30" 116.56 feet along the remainder of Lot 1 of Ualapue Pasture Lots;
3. 68° 50' 130.51 feet along the remainder of Lot 1 of Ualapue Pasture Lots;
4. 77° 00' 139.98 feet along the remainder of Lot 1 of Ualapue Pasture Lots;
5. 73° 15' 124.35 feet along the remainder of Lot 1 of Ualapue Pasture Lots;
6. 163° 15' 20.00 feet along the remainder of Lot 1 of Ualapue Pasture Lots;
7. 253° 15' 125.00 feet along R.P. 6070, L.C. Aw. 3821, Apana 3 to Puupuu;
8. 257° 00' 139.20 feet along R.P. 3874, L.C. Aw. 3840, Apana 3 to Paluhi;
9. 248° 50' 151.80 feet along R.P. 3874, L.C. Aw. 3840, Apana 3 to Paluhi;

C.S.F. No. 19,171

May 19, 1981

10. 346° 08' 30" 138.10 feet along R.P. 3871, L.C. Aw. 4177,  
Apana 1 to Kualualu to the point of  
beginning and containing an AREA of  
10,651 SQUARE FEET.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Stanley Hasegawa  
Stanley Hasegawa  
Land Surveyor

CV

Compiled from CSF 16,417 and  
other Gov't Survey records.

