

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

November 30, 2012

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

PSF No.:12HD-045

Hawaii

Grant of Perpetual, Non-Exclusive Easement to the Department of Accounting and General Services for Waterline Purposes, Keauhou 1<sup>st</sup>, North Kona, Hawaii, Tax Map Key: 3<sup>rd</sup>/7-8-07: portion of parcel 28 with Issuance of an Immediate Right-of-Entry for Construction and Management Purposes.

APPLICANT:

Department of Accounting and General Services, a governmental agency.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Encumbered Government lands of Keauhou 1<sup>st</sup>, situated at Keauhou, North Kona, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/7-8-07:28, as shown on the attached map labeled Exhibit A.

AREA:

1,176 square feet, more or less.

ZONING:

State Land Use District: Agricultural  
County of Hawaii CZO: RA-.5a Residential and Ag

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-4964, Hawaii County Economic Opportunity Council, Lessee, for Senior Citizen, Youth and Community Activities purposes and also encumbered by Revocable Permit No. S-7646, Parents and Children Together, Lessee, for Day Care purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on June 23, 2011 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Not applicable. The Applicant as a governmental agency is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Coordinate construction activities with current lessees to mitigate the disturbance of the lessee's daily operations.
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost

REMARKS:

The subject parcel was originally encumbered under Governor's Executive Order No. 479 (GEO 479), dated April 17, 1931, to the Department of Public Instructions, for Keauhou School Lot.

Governor's Executive Order No. 2260, dated February 4, 1966 withdrew 0.973 acres from GEO 479 effectively subdividing the property into two parcels (TMK: 3<sup>rd</sup>/7-8-07:61 and 3<sup>rd</sup>/7-8-07:28). Governor's Executive Order No. 2261, of the same date, set aside TMK: 3<sup>rd</sup>/7-8-07:61 (parcel 61) for Highway Baseyard purposes.

At its meeting of September 12, 1969, under agenda Item F-9, the Board of Land and Natural Resources (Board), approved to recommend to the governor, issuance of an executive order canceling Executive Order No. 479 (Keauhou School/Department of Education) because the Keauhou School and grounds were no longer being utilized for school purposes.

At its meeting of June 8, 1973, Item F-1-a, the Board approved the issuance of a revocable permit no. S-4964 to the Hawaii County Economic Opportunity Council (HCEOC) for Senior Citizen, Youth and Community Activities purposes in Cottage area 1 (see attached Exhibit A). The permit was issued at gratis and the bond requirement was waived.

At its meeting of December 9, 2010, Item D-9, the Board approved the issuance of a revocable permit no. S-7646 to Parents and Children Together (PACT) for Day Care purposes in Cottage areas 2 and 3 (see attached Exhibit A). The permit was issued at the monthly minimum rate with an eighty dollar bond requirement.

The Department of Accounting and General Services (DAGS) is currently in the design/build phase of a project to relocate their Hawaii District Office and Kona Baseyard to the makai adjoining parcel 61. In 1966, when this parcel was created, no provisions for utility accessibility were arranged.

During the Environmental Assessment process, the County of Hawaii Department of Water Supply determined water is available on Mamalahoa Highway fronting parcel 28 (attached as Exhibit B). In order for DAGS to access this water supply, an easement across parcel 28 is required. A temporary water hookup and flexible pipe installed within the requested easement is currently providing water to parcel 61 for dust control purposes during land grubbing activities (see Exhibit C).

Both Lessees were solicited to provide comments and concerns on the Draft Environmental Assessment and neither had comments to provide. HCEOC, the closest

and most impacted lessee, has been very cooperative with the consultant and contractor during site visits.

RECOMMENDATION: That the Board:

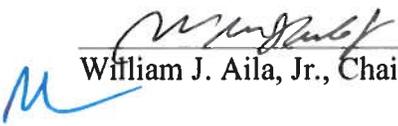
1. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: 3<sup>rd</sup>/7-8-07:61, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
2. Authorize the issuance of a perpetual non-exclusive easement to Department of Accounting and General Services covering the subject area for waterline 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, 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: 3<sup>rd</sup>/7-8-07:61, provided, however, that it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the termination or abandonment of the easement;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Issue an immediate right-of-entry permit to the Department of Accounting and General Services for the purposes of construction and management 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, as may be amended from time to time;

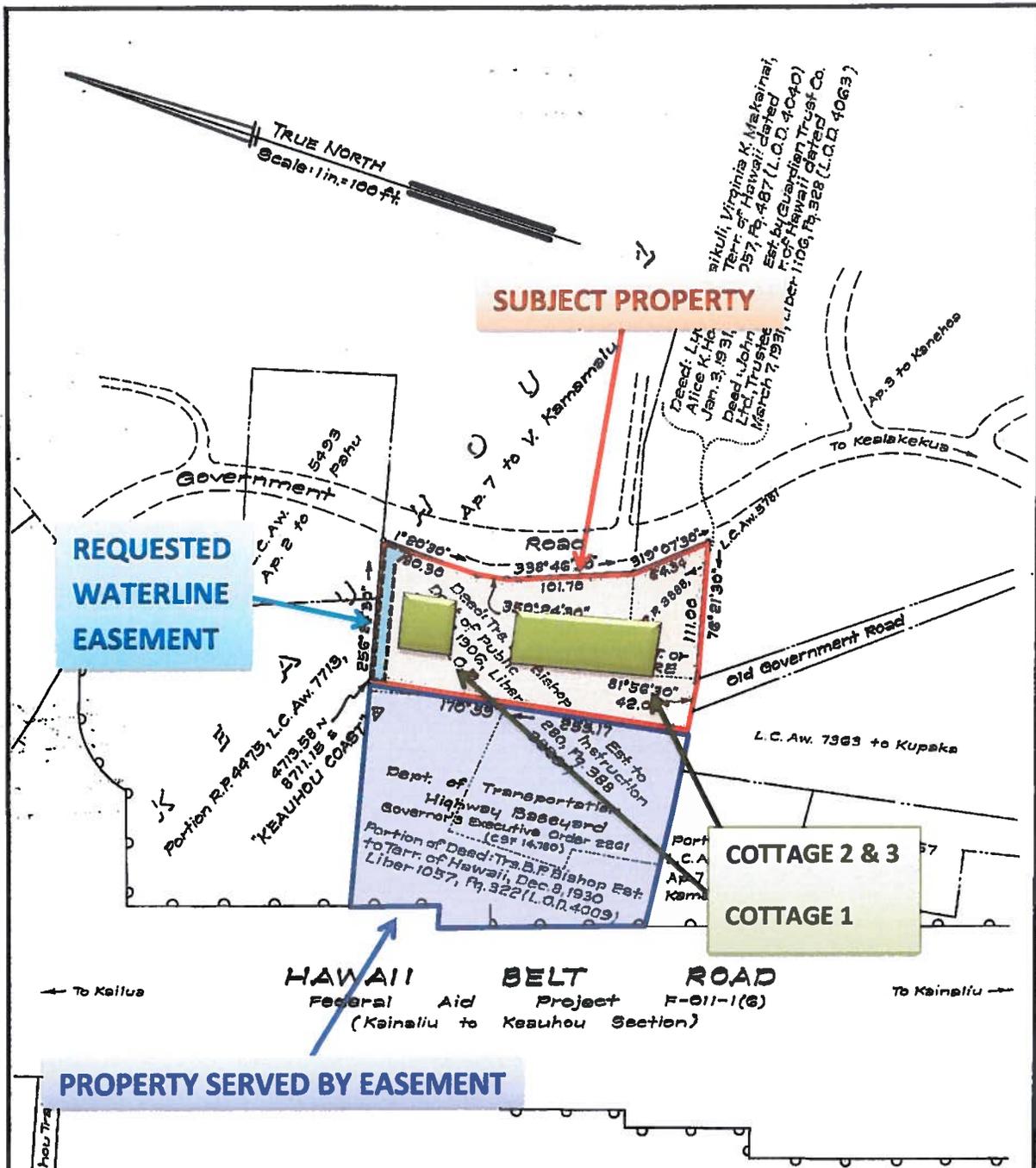
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
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Candace Martin  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson



**TEACHERS' HOUSING PROJECT SITE**  
 Keauhou 1, North Kona, Island of Hawaii, Hawaii  
 Scale: 1 inch = 100 feet

JOB H-2792  
 C. BK

TAX MAP 7-8-07

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

C. S. F. No. 16,235

R.K. Oct. 30, 1970



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**  
345 KEKONAOA STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-6050 • FAX (808) 961-8657

January 26, 2011

**RECEIVED JAN 28 2011**

Mr. Glenn T. Kimura  
Kimura International, Inc.  
1600 Kapi'olani Boulevard, Suite 1610  
Honolulu, HI 96814

**PRE-ENVIRONMENTAL ASSESSMENT CONSULTATION  
STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES KONA DISTRICT  
BASEYARD  
TAX MAP KEY 7-8-007:061**

We have reviewed the subject Pre-Environmental Assessment Consultation and have the following comments.

Water is available from an existing 12-inch waterline within Māmalahoa Highway fronting Tax Map Key 7-8-007:028. There are two (2) existing 5/8-inch meters serving the subject parcel, each capable of supporting an average daily demand of 400 gallons.

Prior to effecting a water commitment for the project, the Department will require that the applicant submit estimated maximum daily water usage calculations for the project, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval. Based on the water usage calculations provided, the Department will determine if the existing meters are adequate to support the estimated water demand. If the estimated demand exceeds the capacity of the meters, a larger meter will need to be installed and payment of the applicable facilities charges will be required.

If one is not already installed, the proposed land use will require the installation of a reduced pressure type backflow prevention assembly within five (5) feet of the meter(s) serving the project, on private property. The installation of the backflow prevention assembly must be inspected and approved by the Department before water service can be activated.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Milton D. Pavao, P.E.  
Manager-Chief Engineer

FM:dld

## EXHIBIT C



Temporary water connection at Mamalahoa Highway within requested easement area (between orange lines).

Temporary waterline within requested easement area (between orange lines) providing water for dust control purposes during land clearing activities.

