

NEIL ABERCROMBIE  
GOVERNOR



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

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
AUDREY HIDANO  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

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

RESCIND PRIOR BOARD ACTION OF APRIL 8, 2011, ITEM M-2,  
AND ISSUANCE OF AMENDMENT OF GRANT OF A NON-EXCLUSIVE  
EASEMENT AND BILL OF SALE FOR WATERLINE PURPOSES  
TO THE WATER BOARD OF THE COUNTY OF HAWAII  
KONA INTERNATIONAL AIRPORT AT KEAHOLE  
TMK: (3) 7-3-43:03 (PORTION)

HAWAII

On April 8, 2011, under agenda Item M-2, the Land Board previously authorized the Department of Transportation (DOT) to issue a Grant of Non-Exclusive Easement and Bill of Sale in favor of the Water Board of the County of Hawaii, for waterline purposes to service the Federal Aviation Administration's (FAA) Air Traffic Control Tower.

The DOT requests that the Board of Land and Natural Resources rescind the foregoing action and authorize DOT to issue an Amendment of a Grant of a Non-Exclusive Easement and Bill of Sale ("Amendment") for waterline purposes. This "Amendment" is for the purpose of including the extension of the waterline in the "AOA Access Road" that will service the FAA Air Traffic Control Tower Facility and the DOT's Regional Aircraft Rescue and Fire Fighting (ARFF) Facility.

APPLICANT:

Water Board of the County of Hawaii (Water Board)

LEGAL REFERENCE:

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

LOCATION:

Government lands of Keahole, Kona International Airport at Keahole (KOA), Kona, Island of Hawaii, identified by Tax Map Key: (3) 7-3-43: 03

**ITEM M-1**

AREAS:

- Exhibit A: Non-Exclusive Easement “1”, containing an area of approximately 1.264 acres, more or less
- Exhibit B: Utility Easement/Non-Exclusive Easement “4” containing an area of approximately 14,091 square feet, more or less
- Exhibit C: Non-Exclusive Easement “5” for Utility Purposes, containing an area of approximately 0.29 acres, more or less.

ZONING:

State Land Use District: Urban  
County: MG-1a (General Industrial)

LAND TITLE STATUS:

Governor’s Executive Order No. 3074  
Ceded Land – 5(b), Hawaii Admission Act  
DHHL, 30% entitlement lands: YES \_\_\_ NO X

CURRENT USE:

Airport purposes

CHARACTER OF USE:

Perpetual, non-exclusive easements for waterline purposes, crossing over and across portions of KOA, together with access over Airport roads to the easements. The right, privilege and authority to install, construct, reconstruct, use, maintain, repair, replace and remove underground water transmission pipelines under and across State-owned land.

TERM:

Perpetual

COMMENCEMENT DATE:

Upon execution of the document.

CONSIDERATION:

\$10.00. The Water Board requires the conveyance of the easements to accommodate waterlines that it maintains. The State of Hawaii, Department of Transportation (DOT) will convey the waterline facilities in the easement to the Water Board through the Bill of Sale, who will then own and maintain the waterlines. The Water Board will convey the water facilities to DOT if required by the State for future development of the Airport.

The easement and conveyance of the waterline is necessary to accommodate DOT's need to connect to the water system operated and maintained by the Water Board.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The FAA completed a Final Environmental Assessment and Finding of No Significant Impact, titled Airport Traffic Control Tower Replacement at the Kona International Airport, Keahole, Hawaii (September 15, 2009). The DOT, Airports Division (DOTA) completed a Final Environmental Assessment (FEA) for the construction of the ARFF Facility that was published in the Office of Environmental Quality Control's Environmental Notice on March 23, 2013, with a Finding of No Significant Impact. The FEA is titled Airfield, Terminal, and Facility Improvements at the Kona International Airport at Keahole (March 2013).

REMARKS:

On September 23, 2005, under agenda Item M-3, the Land Board approved the issuance of a Grant of a Non-Exclusive Easement and conveyance of a potable waterline system identified as Easements 1, 2, 3, C-1, C-2, D and E to the Water Board of the County of Hawaii (formerly Water Commission of the County of Hawaii). This waterline system services the southern end of KOA, including a portion of the northern end of KOA.

Following this approval, a Grant of Non-Exclusive Easement and Bill of Sale in favor of the Water Board of The County of Hawaii, dated April 13, 2006, was recorded in the Bureau of Conveyances on May 31, 2006 as Document No. 2006-101552.

This Land Board submittal requests approval to issue an Amendment to the Grant of Non-Exclusive Easement and Bill of Sale recorded as Document No. 2006-101552, for the following: 1) A waterline extension in the "AOA Access Road" that will service the FAA Air Traffic Control Tower Facility; and 2) An extension of the waterline that was constructed and installed by DOTA, to service the DOTA's ARFF Facility. Upon approval of this request, DOTA will proceed to work with the Water Board to execute an Amendment of the Grant of a Non-Exclusive Easement and Bill of Sale to include these Non-Exclusive Easements "1", "4", and "5" for waterline purposes. Conveyance of these easements to the Water Board is necessary because DOTA does not have the "in-house" capability to maintain the potable waterline system.

RECOMMENDATION:

That the Board authorizes DOT to issue an Amendment to the Grant of Non-Exclusive Easement and Bill of Sale recorded as Document No. 2006-101552, subject to the following: (1) standard terms and conditions of the most current perpetual easement document form; (2) conveyance of the water facilities to the Water Board; (3) conveyance of water facilities by the Water Board to the DOT if required by the State for future development of the Airport; (4) the easement document will include access to and from the easement sites over Airport roads; (5) other terms and conditions as may be

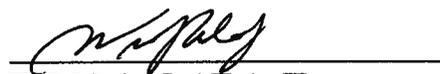
prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State; and (6) attach the necessary legal descriptions and maps showing the designation of easement for waterline purposes.

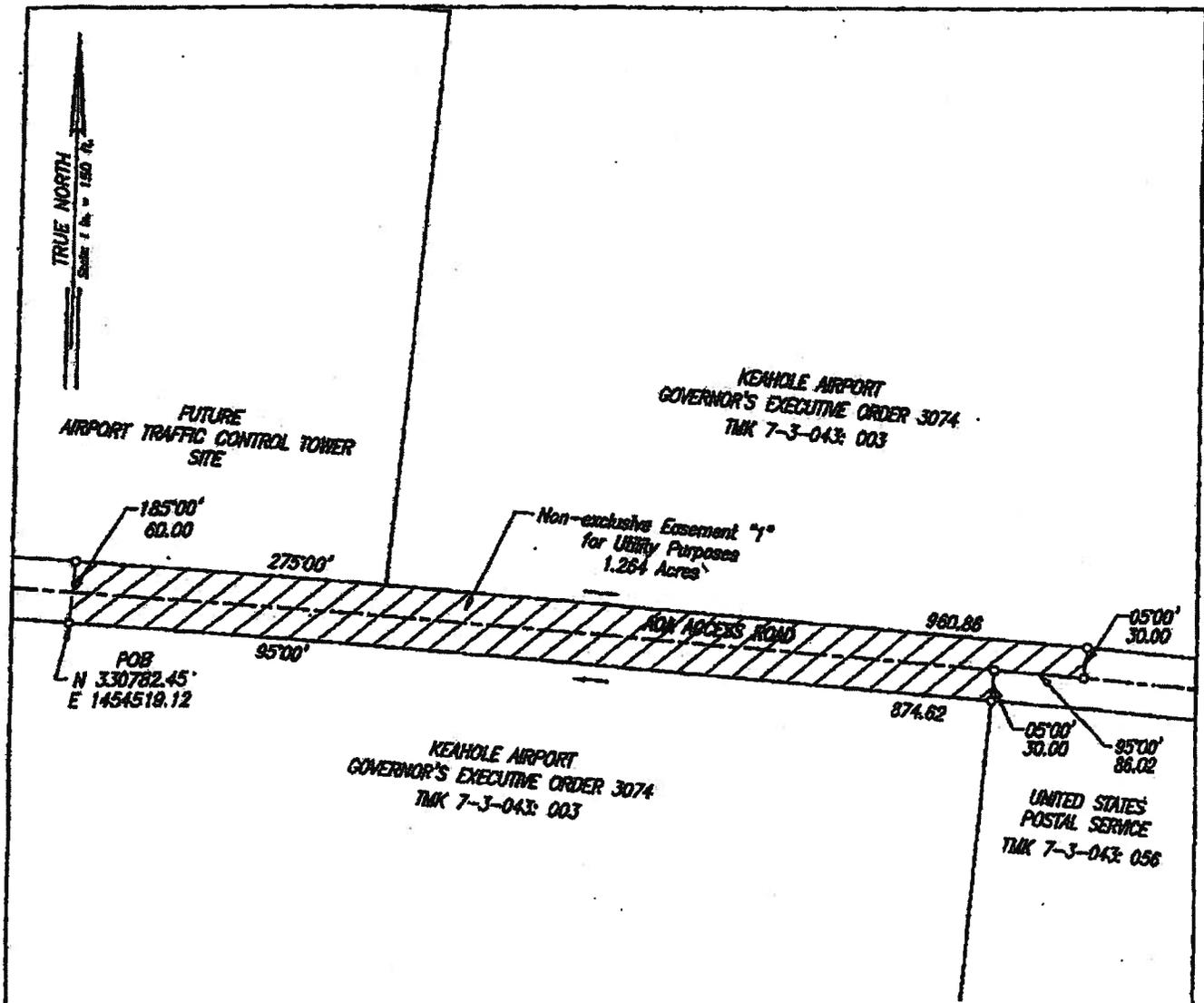
Respectfully submitted,



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

APPROVED FOR SUBMITTAL:

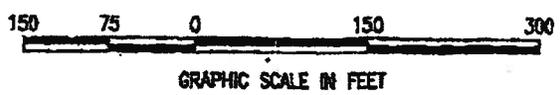
  
\_\_\_\_\_  
WILLIAM J. AILA, JR.  
Chairperson and Member



**NON-EXCLUSIVE EASEMENT "1" FOR UTILITY PURPOSES**  
**AFFECTING KEAHOLE AIRPORT,**  
**GOVERNOR'S EXECUTIVE ORDER 3074**  
**KONA INTERNATIONAL AIRPORT AT KEAHOLE**  
**HAMANAMANA, NORTH KONA, ISLAND OF HAWAII, HAWAII**  
**TAX MAP KEY: (3RD DIV.) 7-3-043: portion 003**



M & E Pacific, Inc.  
*Roy G. Hollowell*  
 Licensed Professional Land Surveyor  
 Certificate No. 12741 Exp. 4/30/10  
 100 Puuahi Street  
 Hilo, Hawaii 96720  
 July 1, 2009



**NON-EXCLUSIVE EASEMENT "1" FOR UTILITY PURPOSES**

**Being a portion of Keahole Airport (Governor's Executive Order 3074)**

**At Hamanamana, North Kona, Island of Hawaii, State of Hawaii**

**Tax Map Key: (3rd Div.) 7-3-043: portion 003**

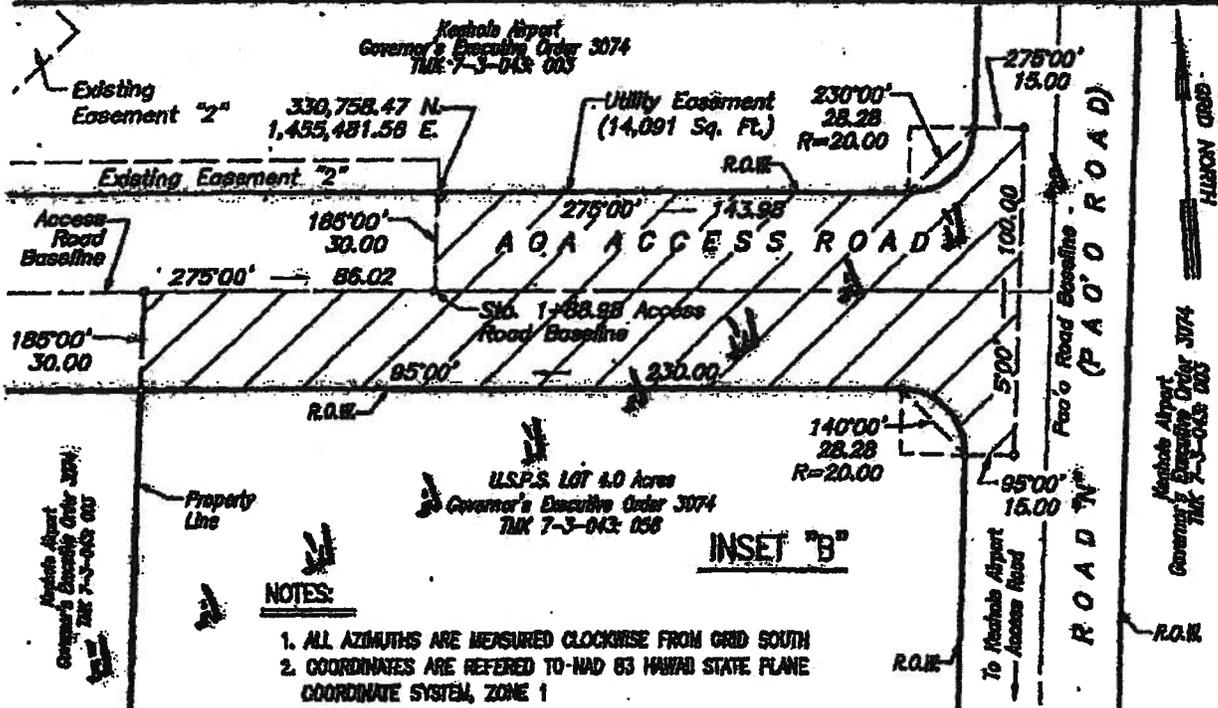
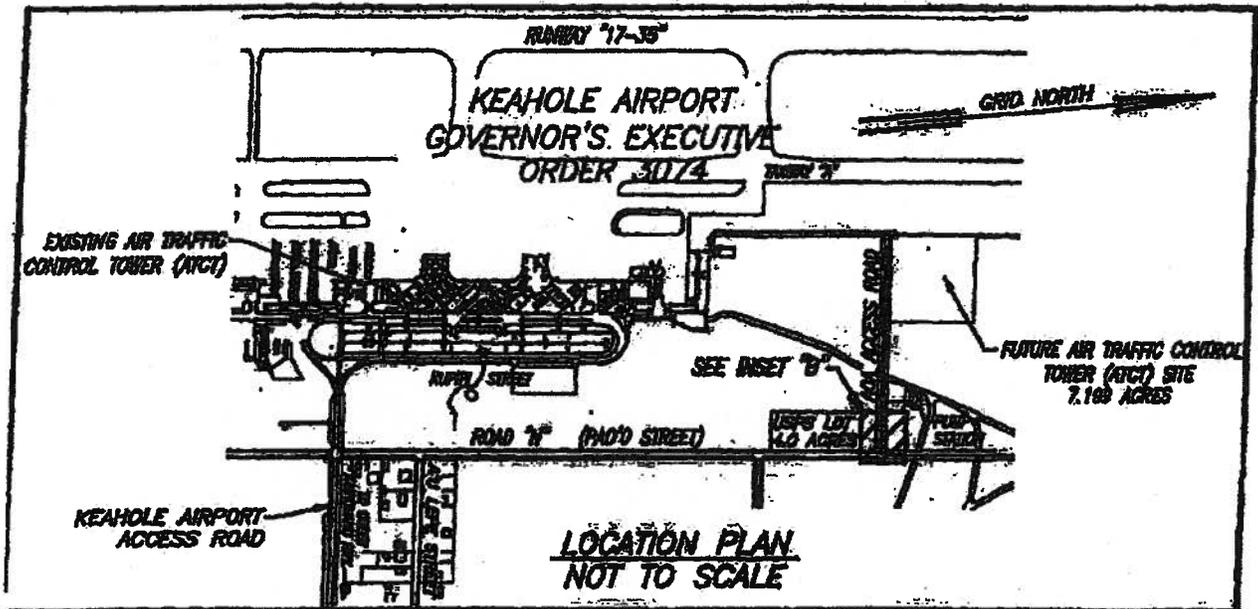
**Beginning at a point at the Southwest corner of this piece of land, being on the South side of the AOA Access Road, the coordinates of said point of beginning referred to Hawaii State Plane Coordinate System, Zone 1, NAD 83, being 330,782.45 feet North and 1,454,519.12 feet East, and running by azimuths measured clockwise from true South:**

- |    |          |             |  |
|----|----------|-------------|--|
| 1. | 185° 00' | 60.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 2. | 275° 00' | 960.86 feet | along the North side of the AOA Access Road;   |
| 3. | 05° 00'  | 30.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 4. | 95° 00'  | 86.02 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 5. | 05° 00'  | 30.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 6. | 95° 00'  | 874.62 feet | along the South side of the AOA Access Road to the point of beginning and Containing an area of 1.264 acres, more or less. |



Description prepared by:  
M&E PACIFIC, INC. / AECOM

*George S. Yoshimura*  
George S. Yoshimura  
Licensed Professional Land Surveyor  
Certificate No. 2927, Expires 4/30/12  
Hilo, Hawaii, March 16, 2011



Scale: 1" = 50'

<p>DEPT. OF TRANSPORTATION AIRPORTS DIVISION STATE OF HAWAII KEAHOLE AIRPORT</p>	<p style="text-align: center;">FAA PROPERTY DESCRIPTION</p> <p style="text-align: center;"><b>UTILITY EASEMENT</b></p> <p style="text-align: center;">EXHIBIT "1-2"</p> <p style="text-align: center;">June 28, 2010</p>
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**NON-EXCLUSIVE EASEMENT "4" FOR UTILITY PURPOSES**

**BEING A PORTION OF KEAHOLE AIRPORT,  
GOVERNOR'S EXECUTIVE ORDER NO. 3074,**

**SITUATE AT HAMANAMANA, NORTH KONA, ISLAND OF HAWAII, HAWAII**

**TAX MAP KEY: (3<sup>RD</sup> Div.) 7-3-043: PORTION 003**

Beginning at a point on the Northwest corner of this parcel of land, being also Baseline Station 1+88.98 of the AOA Access Road, the coordinates of said point of beginning referred to Hawaii State Plane Coordinate System, Zone 1, NAD 83, being 330,758.47 feet North and 1,455,481.56 feet East, and running by azimuths measured clockwise from Grid South:

1. 275° 00' 143.98 feet;  
thence on a curve to the left with  
a radius of 20.00 feet, the chord  
azimuth and distance being:
2. 230° 00' 28.28 feet;
3. 275° 00' 15.00 feet;
4. 5° 00' 100.00 feet;
5. 95° 00' 15.00 feet;  
thence on a curve to the left with  
a radius of 20.00 feet, the chord  
azimuth and distance being:
6. 140° 00' 28.28 feet;
7. 95° 00' 230.00 feet;
8. 185° 00' 30.00 feet;
9. 275° 00' 86.02 feet;

**AECOM**

**CIVIL ENGINEERS • SURVEYORS  
1001 BISHOP STREET, SUITE 1600 • HONOLULU, HAWAII 96813**

**Exhibit "B"**  
(Page 2 of 3)

10. 185° 00'

30.00 feet to the point of beginning and containing an area of 14,091 square feet, as shown on the attached Exhibit "I-2".

AECOM

Description prepared by:

1001 Bishop Street, Suite 1600  
Honolulu, Hawaii 96813  
June 29, 2010



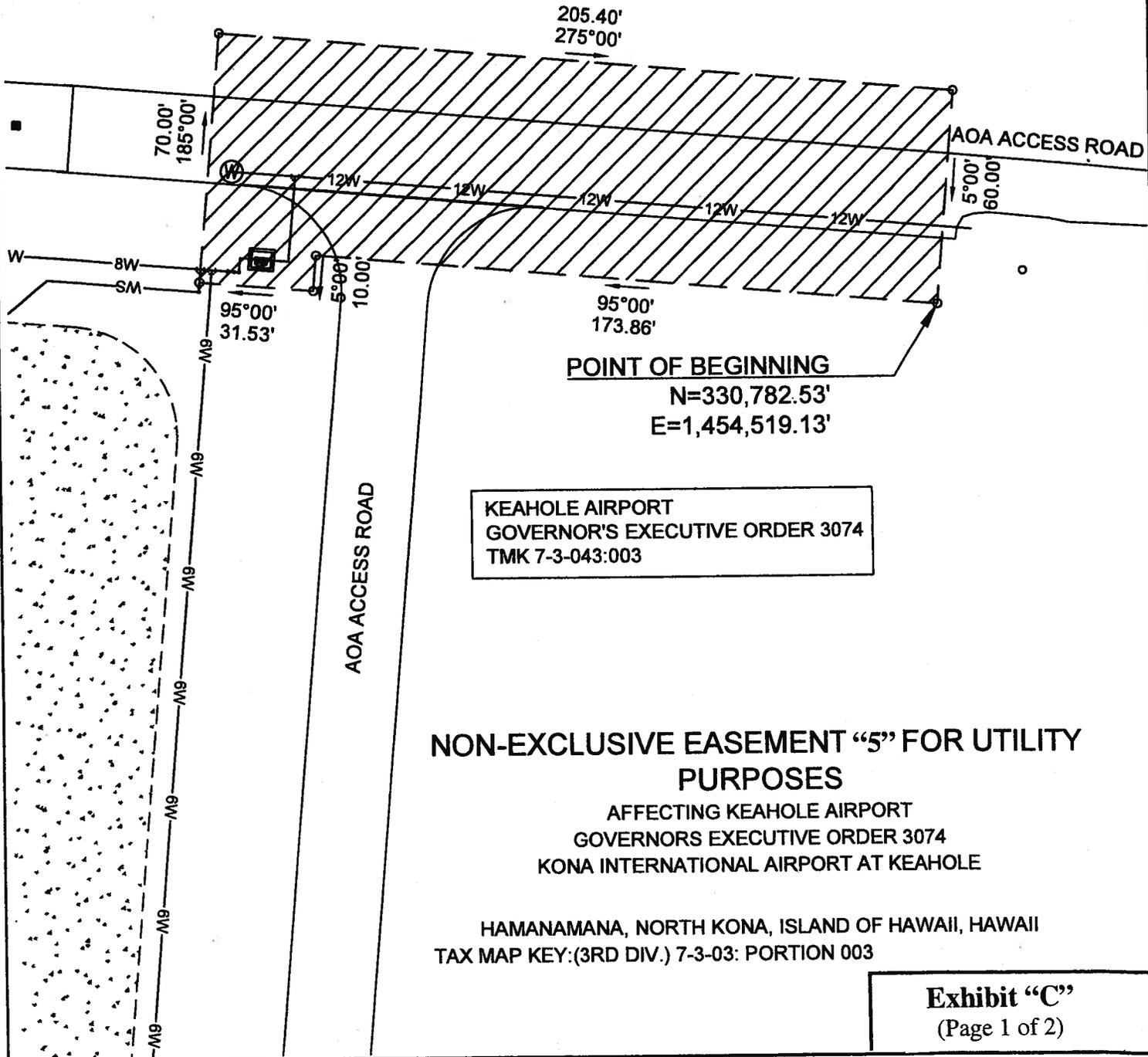
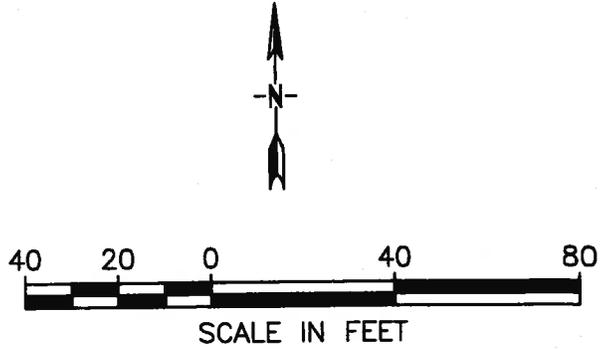
*George S. Yoshimura*  
George S. Yoshimura  
Licensed Professional Land Surveyor  
Certificate No. 2927, Expires 4/30/12

AECOM

CIVIL ENGINEERS • SURVEYORS  
1001 BISHOP STREET, SUITE 1600 • HONOLULU, HAWAII 96813

Exhibit "B"  
(Page 3 of 3)

AIRPORT TRAFFIC CONTROL TOWER SITE



KEAHOLE AIRPORT  
GOVERNOR'S EXECUTIVE ORDER 3074  
TMK 7-3-043:003

**NON-EXCLUSIVE EASEMENT "5" FOR UTILITY PURPOSES**  
AFFECTING KEAHOLE AIRPORT  
GOVERNORS EXECUTIVE ORDER 3074  
KONA INTERNATIONAL AIRPORT AT KEAHOLE

HAMANAMANA, NORTH KONA, ISLAND OF HAWAII, HAWAII  
TAX MAP KEY:(3RD DIV.) 7-3-03: PORTION 003

**Exhibit "C"**  
(Page 1 of 2)

NON-EXCLUSIVE EASEMENT "5" FOR UTILITY PURPOSES

Being a portion of Keahole Airport (Governor's Executive Order 3074)

At Hamanamana, North Kona, Island of Hawaii, State of Hawaii

Tax Map Key: (3<sup>rd</sup> Div.) 7-3-043: portion 003

Beginning at a point at the Southeast corner of this piece of land, being on the south side of the AOA Access Road, the coordinates of said point of beginning referred to the Hawaii State Plane Coordinate System, Zone 1, NAD 83, being 330,782.53 feet North, and 1,454,519.13 feet East, and running by azimuths measured clockwise from true south:

Segment	Azimuth	Length	Desc.
1	95°00'	173.88 feet	Along the South side of the AOA Access Road;
2	05°00'	10.00 feet	Along the remainder of Keahole Airport Governor's Executive Order 3074;
3	95°00'	31.53 feet	Along the South side of the AOA Access Road;
4	185°00'	70.00 feet	Along the remainder of Keahole Airport Governor's Executive Order 3074;
5	275°00'	205.40 feet	Along the North side of the AOA Access Road;
6	05°00'	60.00 feet	Along the remainder of Keahole Airport Governor's Executive Order 3074 to the point of beginning and Containing an area of 0.290 acres more or less.

NEIL ABERCROMBIE  
GOVERNOR



GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
JAN S. GOUVEIA  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

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

April 8, 2011

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

ISSUANCE OF GRANT OF A NON-EXCLUSIVE EASEMENT  
AND BILL OF SALE FOR WATERLINE PURPOSES  
TO THE WATER BOARD OF THE COUNTY OF HAWAII  
KONA INTERNATIONAL AIRPORT AT KEAHOLE

HAWAII

APPLICANT:

Water Board of the County of Hawaii (Water Board)

LEGAL REFERENCE:

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

LOCATION:

Portion of government lands of Keahole, Kona International Airport at Keahole, Kona,  
Island of Hawaii, identified by Tax Map Key: (3) 7-3-43:03

AREAS:

Exhibit A: Utility Easement, containing an area of approximately 14,091 square feet,  
more or less

Exhibit B: Non-Exclusive Easement "1", containing an area of approximately 1.264  
acres, more or less

ZONING:

State Land Use District: Urban  
County: MG-1a (General Industrial)

Approved by the Board  
at its meeting held on  
04-08-11

**ITEM M-2**

BLNR – Approval of Grant of Easement and Bill of Sale  
Kona International Airport at Keahole  
Page 2

LAND TITLE STATUS:

Governor's Executive Order No. 3074  
Ceded Land – 5(b), Hawaii Admission Act  
DHHL, 30% entitlement lands:      YES       NO

CURRENT USE:

Airport purposes

CHARACTER OF USE:

Perpetual, non-exclusive easement for waterline purposes, as identified in Exhibits A and B, crossing over and across portions of Kona International Airport at Keahole (KOA), together with access over Airport roads to the easement. Conveyance of the waterline through the Bill of Sale provides the Water Board the right, privilege and authority to install, construct, reconstruct, use, maintain, repair, replace and remove any and all water pipes under and across State-owned land.

TERM:

Perpetual

COMMENCEMENT DATE:

Upon execution of the document.

CONSIDERATION:

\$10.00. The Water Board requires the conveyance of the easement to accommodate waterlines that it maintains. The waterlines in the "AOA Access Road" were constructed and installed by the Federal Aviation Administration (FAA) to connect to the lateral waterline on FAA's lot leased from the Department of Transportation (DOT). The DOT will convey the waterline facilities in the easement to the Water Board through the Bill of Sale, who will then own and maintain the waterline. The Water Board will convey the water facilities to DOT at the Water Board's expense if required by the State for future development of the Airport. The easement and conveyance of the main waterline is necessary to accommodate DOT's tenant, the FAA, who can then request the Water Board for a water meter to connect FAA's lateral waterline to the main waterline.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

A Final Environmental Assessment dated September 2009 was prepared and proposed by the FAA. A Supplemental Environmental Assessment was completed in July 2010.

REMARKS:

On September 23, 2005, under agenda Item M-3, the Land Board granted the conveyance of a Grant of a Non-Exclusive Easement and Bill of Sale for a potable waterline system identified as Easements 1, 2, 3, C-1, C-2, D and E to the Water Board of the County of Hawaii. This waterline system services the southern end of KOA, including a portion of the northern end of KOA. The newly installed waterline, situated in the "AOA Access Road" at the northern end of KOA, was not included in the initial conveyance to the Water Board and is now ready for conveyance through this Grant of Non-Exclusive Easement and Bill of Sale. Conveyance of the easement to the Water Board is necessary because the Airports Division does not have the "in-house" capability to maintain the potable waterline system.

RECOMMENDATION:

That the Board authorizes DOT to issue a Non-Exclusive Easement and Bill of Sale to the Water Board, subject to the following: (1) standard terms and conditions of the most current perpetual easement document form; (2) conveyance of the water facilities to the Water Board; (3) conveyance of water facilities by the Water Board to the DOT at the Water Board's expense if required by the State for future development of the Airport; (4) the easement document will include access to and from the easement sites over Airport roads; (5) other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State; and (6) attach the necessary legal descriptions and maps showing the designation of easement for waterline purposes.

Respectfully submitted,



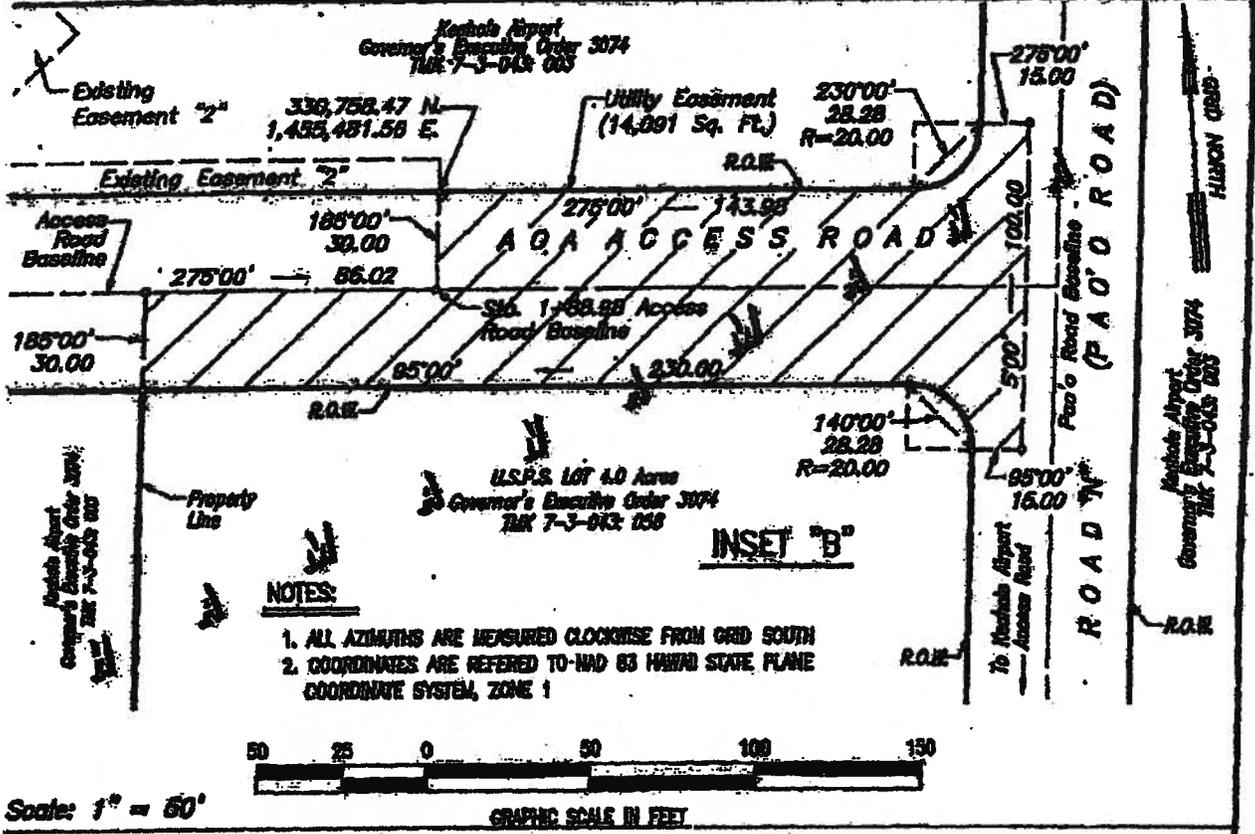
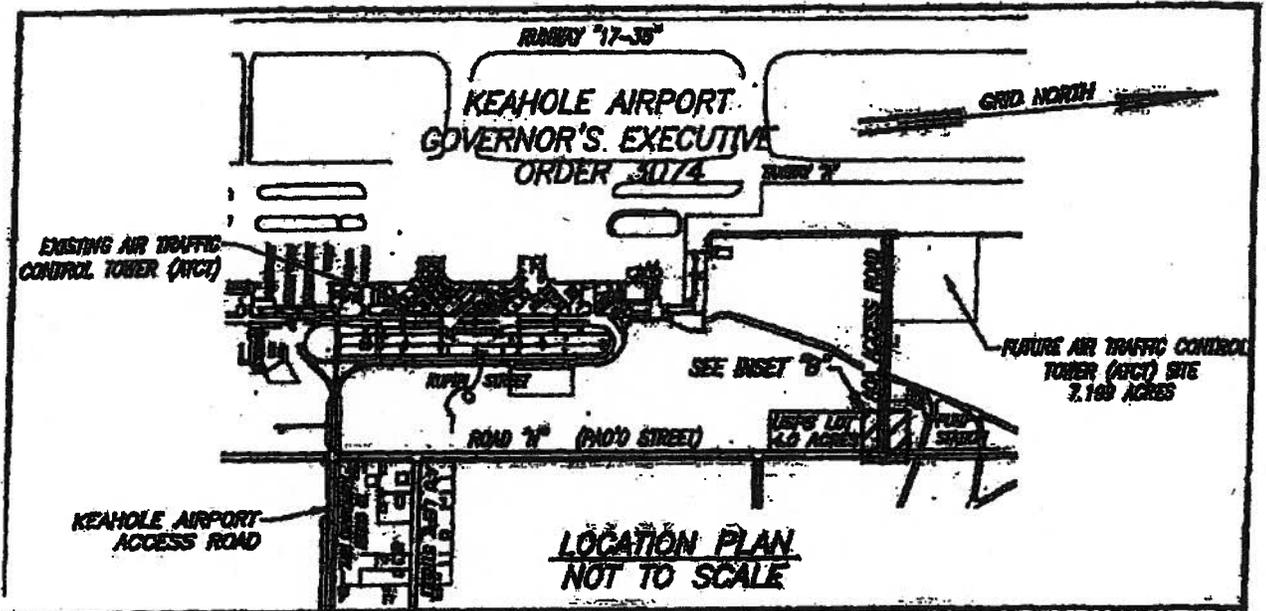
GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

APPROVED FOR SUBMITTAL:



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WILLIAM J. AILA, JR.  
Chairperson and Member



DEPT. OF TRANSPORTATION AIRPORTS DIVISION STATE OF HAWAII KEAHOLE AIRPORT	FAA PROPERTY DESCRIPTION <b>UTILITY EASEMENT</b> EXHIBIT "1-2" June 28, 2010
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NON-EXCLUSIVE EASEMENT "4" FOR UTILITY PURPOSES

BEING A PORTION OF KEAHOLE AIRPORT,  
GOVERNOR'S EXECUTIVE ORDER NO. 3074,

SITUATE AT HAMANAMANA, NORTH KONA, ISLAND OF HAWAII, HAWAII

TAX MAP KEY: (3<sup>RD</sup> Div.) 7-3-043: PORTION 003

Beginning at a point on the Northwest corner of this parcel of land, being also Baseline Station 1+88.98 of the AOA Access Road, the coordinates of said point of beginning referred to Hawaii State Plane Coordinate System, Zone 1, NAD 83, being 330,758.47 feet North and 1,455,481.56 feet East, and running by azimuths measured clockwise from Grid South:

- |    |          |              |  |
|----|----------|--------------|--|
| 1. | 275° 00' | 143.98 feet; |  |
|    |          |              | thence on a curve to the left with<br>a radius of 20.00 feet, the chord<br>azimuth and distance being: |
| 2. | 230° 00' | 28.28 feet;  |  |
| 3. | 275° 00' | 15.00 feet;  |  |
| 4. | 5° 00'   | 100.00 feet; |  |
| 5. | 95° 00'  | 15.00 feet;  |  |
|    |          |              | thence on a curve to the left with<br>a radius of 20.00 feet, the chord<br>azimuth and distance being: |
| 6. | 140° 00' | 28.28 feet;  |  |
| 7. | 95° 00'  | 230.00 feet; |  |
| 8. | 185° 00' | 30.00 feet;  |  |
| 9. | 275° 00' | 86.02 feet;  |  |

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AECOM  
CIVIL ENGINEERS • SURVEYORS  
1001 BISHOP STREET, SUITE 1600 • HONOLULU, HAWAII 96813

EXHIBIT "A"  
(Page 2 of 3)

10. 185° 00'

30.00 feet to the point of beginning and containing an area of 14,091 square feet, as shown on the attached Exhibit "I-2".

AECOM

Description prepared by:

1001 Bishop Street, Suite 1600  
Honolulu, Hawaii 96813  
June 29, 2010

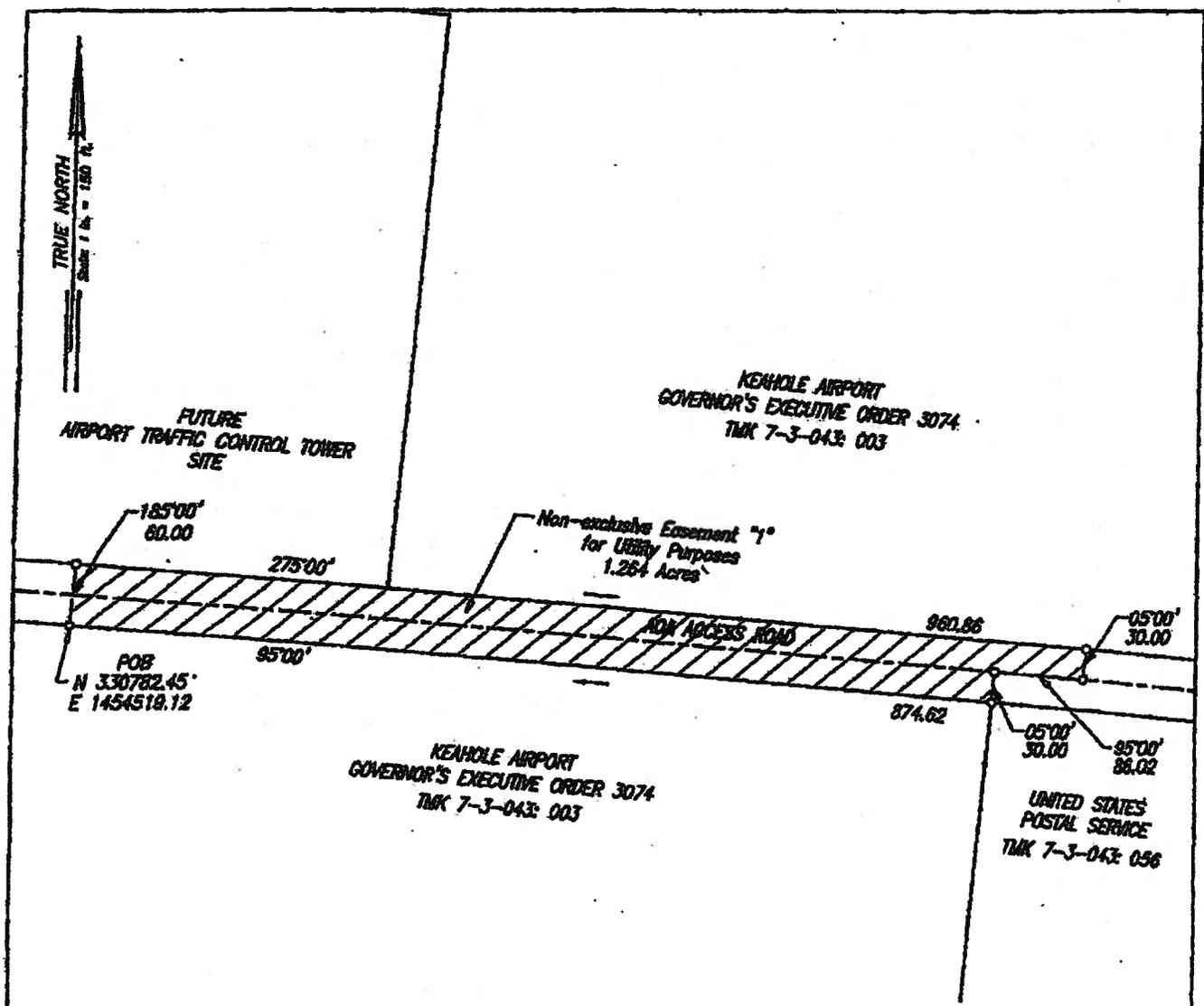


*George S. Yoshimura*  
George S. Yoshimura  
Licensed Professional Land Surveyor  
Certificate No. 2927, Expires 4/30/12

AECOM

CIVIL ENGINEERS • SURVEYORS  
1001 BISHOP STREET, SUITE 1600 • HONOLULU, HAWAII 96813

**EXHIBIT "A"**  
(Page 3 of 3)

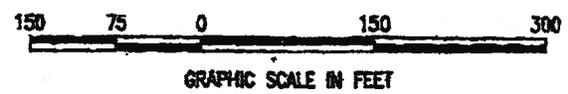


**NON-EXCLUSIVE EASEMENT "1" FOR UTILITY PURPOSES**  
**AFFECTING KEAHOLE AIRPORT,**  
**GOVERNOR'S EXECUTIVE ORDER 3074**  
**KONA INTERNATIONAL AIRPORT AT KEAHOLE**  
**HAMANAMANA, NORTH KONA, ISLAND OF HAWAII, HAWAII**  
**TAX MAP KEY: (3RD DIV.) 7-3-043: portion 003**



M & E Pacific, Inc.  
*Roy G. Hollowell*  
 Licensed Professional Land Surveyor  
 Certificate No. 12741 Exp. 4/30/10

100 Puuahi Street  
 Hilo, Hawaii 96720  
 July 1, 2009



**NON-EXCLUSIVE EASEMENT "1" FOR UTILITY PURPOSES**

**Being a portion of Keahole Airport (Governor's Executive Order 3074)**

**At Hamanamana, North Kona, Island of Hawaii, State of Hawaii**

**Tax Map Key: (3rd Div.) 7-3-043: portion 003**

**Beginning at a point at the Southwest corner of this piece of land, being on the South side of the AOA Access Road, the coordinates of said point of beginning referred to Hawaii State Plane Coordinate System, Zone 1, NAD 83, being 330,782.45 feet North and 1,454,519.12 feet East, and running by azimuths measured clockwise from true South:**

- |    |          |             |  |
|----|----------|-------------|--|
| 1. | 185° 00' | 60.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 2. | 275° 00' | 960.86 feet | along the North side of the AOA Access Road;   |
| 3. | 05° 00'  | 30.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 4. | 95° 00'  | 86.02 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 5. | 05° 00'  | 30.00 feet  | along the remainder of Keahole Airport, Governor's Executive Order 3074;   |
| 6. | 95° 00'  | 874.62 feet | along the South side of the AOA Access Road to the point of beginning and Containing an area of 1.264 acres, more or less. |



Description prepared by:  
M&E PACIFIC, INC. / AECOM

*George S. Yoshimura*  
George S. Yoshimura  
Licensed Professional Land Surveyor  
Certificate No. 2927, Expires 4/30/12  
Hilo, Hawaii, March 16, 2011