

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

June 27, 2014

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

Ref: GL-5202

OAHU

Consent to Warranty Deed Regarding the Transfer of Non-Exclusive Easement S-5202; Marlene E. Ress, the Assignor; to Lisa Gouw Iwata, Trustee of the Lisa Gouw Revocable Living Trust Agreement dated May 8, 1997, as amended and completely restated on May 23, 2006, and John Allen Wong, Trustee of the John Allen Wong Revocable Trust dated November 24, 1990 as amended and completely restated on March 14, 1998; the Assignees; Kaalaea, Koolaupoko Oahu, Tax Map Key: (1) 4-7-016:seaward of 061

APPLICANTS:

Marlene E. Ress, the Assignor; and

Lisa Gouw Iwata, Trustee of the Lisa Gouw Revocable Living Trust Agreement dated May 8, 1997, as amended and completely restated on May 23, 2006, and John Allen Wong, Trustee of the John Allen Wong Revocable Trust dated November 24, 1990 as amended and completely restated on March 14, 1998; the Assignees, as tenants in common.

LEGAL REFERENCE:

Section 171-6 and 36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of lands situated at Kaalaea, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-7-016:seaward of 061, as shown on the attached map labeled Exhibit A.

AREA:

1,151 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

Seawall purposes

TERM OF EASEMENT:

55-year term beginning on September 8, 1989 until September 7, 2044

ANNUAL RENTAL:

\$3,181.00 annually until September 7, 2019, and subject to rent reopenings every ten (10) years thereafter.

DCCA VERIFICATION:

Applicant is a trustee and, as such, is not required to register with DCCA.

REMARKS:

In 1989, the subject seawall easement was issued to the previous owner of the abutting property. Ms. Ress, the Assignor, received consent from the Board around 2005 pertaining to the transfer of the subject easement when she became the owner of the abutting property.

Ms. Ress has sold her property to the Assignees noted above and the recordation of the transaction is scheduled on June 23, 2014. In the warranty deed prepared for the proposed sale, the subject easement is cited in the legal description of the property being sold. Pursuant to the current conditions of the subject easement, staff recommends the Board give its consent to the transfer of the easement.

The Assignees 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.

Since the subject request is for housekeeping purposes, staff did not solicit comments from other government agencies. There are no other pertinent issues or concerns. Staff has no objections to the subject request.

RECOMMENDATION: That the Board consent to the warranty deed regarding the transfer of Non-Exclusive Easement, No. 5202 from Marlene E. Ress, the Assignor to Lisa Gouw Iwata, Trustee of the Lisa Gouw Revocable Living Trust Agreement dated May 8, 1997, as amended and completely restated on May 23, 2006, and John Allen Wong, Trustee of the John Allen Wong Revocable Trust dated November 24, 1990 as amended and completely restated on March 14, 1998; the Assignees, subject to the following:

1. The standard terms and conditions of the most current consent 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.

Respectfully Submitted,



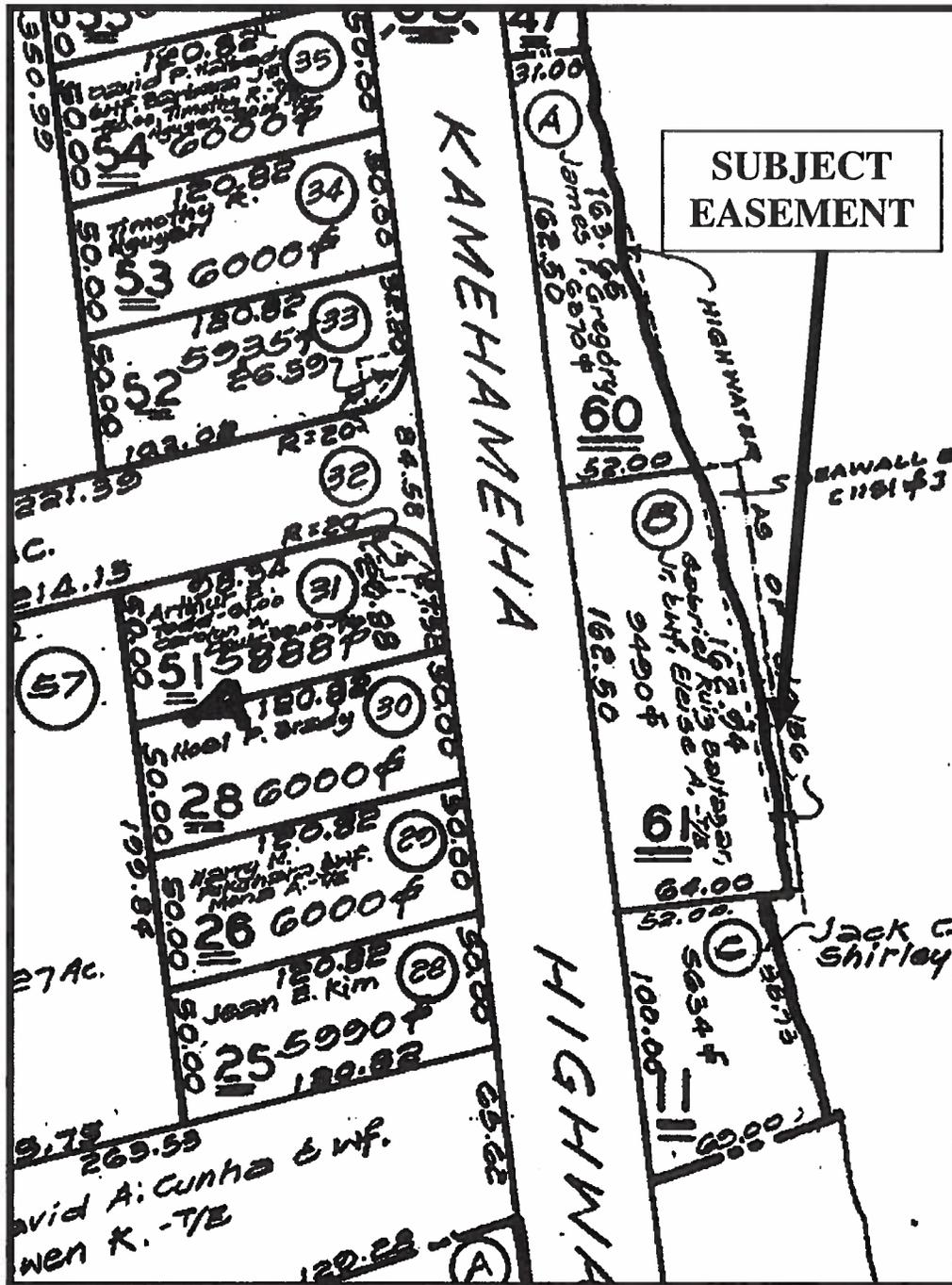
Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





TAX MAP KEY: (1) 4-7-016:seaward of 061

EXHIBIT A