

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

July 10, 2015

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

PSF No.: 14KD-169

Kauai

Sale of Old Government Road Remnant to Robinson Family Partners, por. of Makaweli, Waimea, Kauai, Tax Map Key: (4) 1-7-005:por. 001.

APPLICANT:

Robinson Family Partners, a Hawaii general partnership.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at por. of Makaweli, Waimea, Kauai identified by Tax Map Key: (4) 1-7-005, as shown on the attached map labeled Exhibit A.

AREA:

1.23 acres, more or less.

ZONING:

State Land Use District:     Agriculture  
County of Kauai CZO:        Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant and;
- 2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process; and
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been determined to be a remnant by this definition for the following reasons:

- 1) The parcel is a discontinued portion of an old government road.

Applicant in late 2012 applied to Department of Transportation, Highways Division (DOT-Highways), to purchase the road remnant assuming it was part of the old Kaunualii Highway before the highway was realigned.

On March 15, 2013, DOT-Highways wrote to the applicant explaining that a certificate of search was completed by DOT-Highways showing that the old government road remnant was acquired for the State of Hawaii through the Admissions Act. DOT-Highways determined that the remnant belongs to Department of Land and Natural Resources.<sup>1</sup> See Exhibits B & C.

Applicant is the owner of parcel (4) 1-7-005:006 (Parcel 6) as staff has confirmed by County of Kauai Real Property Tax Assessment website. Other abutting property to the subject remnant parcel includes parcel (4) 1-7-005:001 (Parcel 1), which is also owned by the applicant and is the planned future site of the Kapalawai Resort.

When the Kauai Belt Road project was completed, a portion of the new Kaumualii Highway dissected applicant's property, Parcel 6, and the adjoining property, Tax Map Key: (4) 1-7-005:002. This created an access situation for Parcel 1, which is separated from Kaumualii Highway by the highway remnant. See Exhibit D. Access to the planned Kapalawai Resort will need to cross the highway remnant.

Applicant Robinson Family Partners proposes to purchase the old government highway remnant and consolidate it into Parcel 6. This area will have two entrances to the resort and will landscape the remaining area between the highway and resort. See Exhibit E.

Kapalawai Resort is a planned 160-acre eco-tourist resort in Makaweli. Robinson Family Partners is leasing the land to Kapalawai Resort.

Robinson Family Partners has 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.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DOH	No environmental health concerns
DLNR – Historic Preserv.	No response by suspense date
OHA	Revenue reported in annual accounting of public land trust
DOT – Highways Div.	No objections

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<sup>1</sup> At its meeting of March 23, 1984, Item D-4, the Board authorized DOT-Highways to sell a number of road remnants statewide. Although the subject remnant was not included on the approved list, Land Division staff believes the remnant is under the jurisdiction of DOT-Highways pursuant to applicable law. Nevertheless, in order to facilitate a resolution of this matter, Land Division staff will process this disposition, if approved.

County Agencies

County Planning	No objections
Public Works	No comments

Staff has no objections to the request.

RECOMMENDATION:

That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. 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: (4) 1-7-005:001, 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. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Robinson Family Partners covering the subject area 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 deed or grant (remnant) form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Marvin Mikasa  
District Land Agent

APPROVED FOR SUBMITTAL:

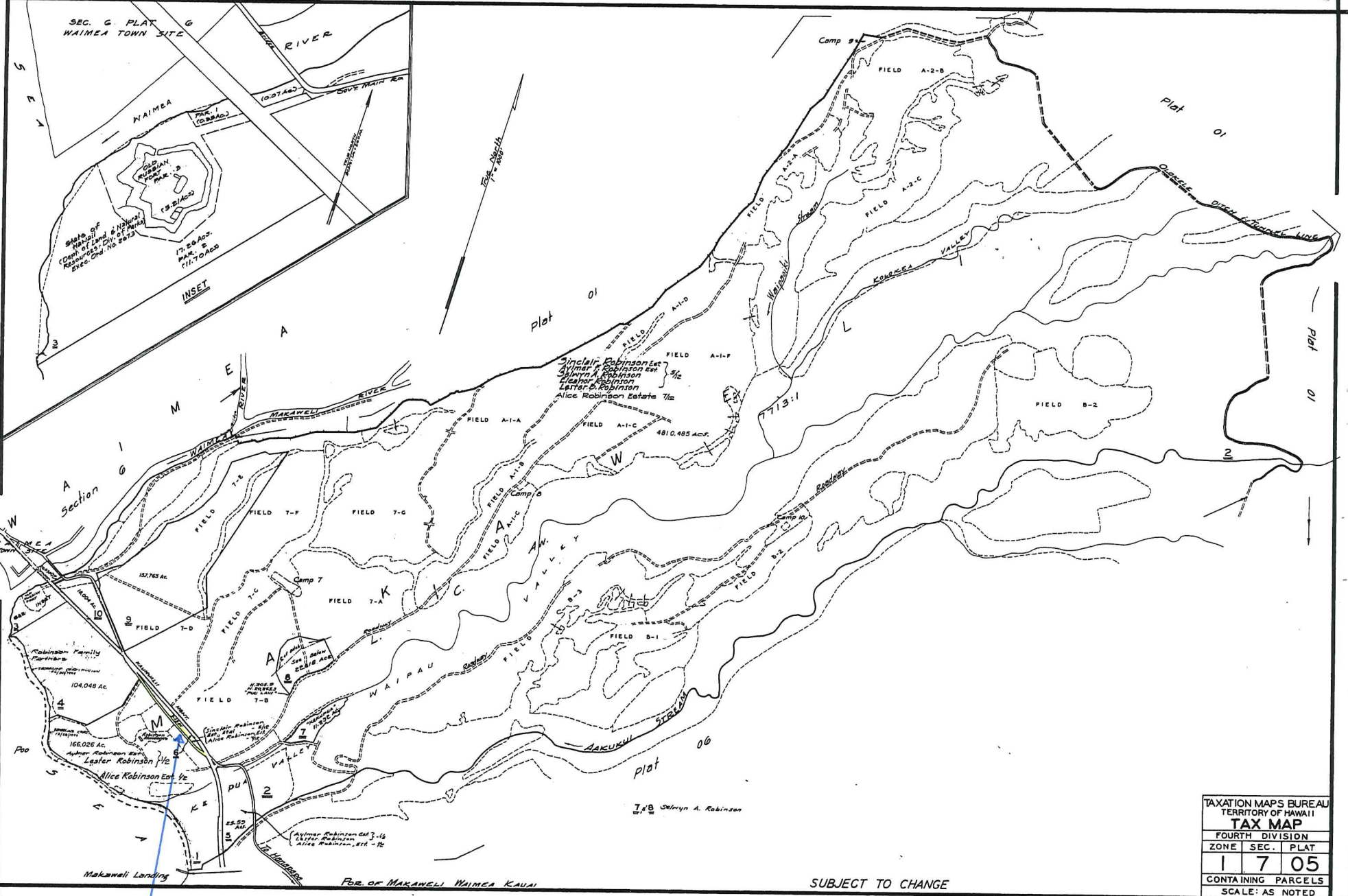


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Suzanne D. Case, Chairperson



OCT 23 1950  
 NOV 1 1951  
 NOV 3 1959  
 NOV 2 1971  
 AUG 7 1974



Orig. No. 1022 (Revised Dec. 1959)  
 Source: E. M. Inoué - Classification map  
 By: H. N. Dec. 1959

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
<b>TAX MAP</b>		
FOURTH DIVISION		
ZONE	SEC.	PLAT
1	7	05
CONTAINING PARCELS		
SCALE: AS NOTED		

SUBJECT TO CHANGE

OLD GOVERNMENT  
 ROAD REMNANT

EXHIBIT "A"




[Zoom County](#)
[Zoom to Box](#)
[Zoom In](#)
[Zoom Out](#)
[Pan by Hand](#)
[Get Info](#)
[Zoom To Parcel](#)
[Center On Parcel](#)
[Measure](#)
[Area Tool](#)
[Print Page](#)
[Search](#)
 Additional Options

[Kauai Home](#) / [Property Search](#)

**Controls**

Available Layers

- Parcels
- Parcel Numbers
- Address #
- Yearly Sales
- Buildings
- Streets ( Google )
- Satellite ( Google )
- Hybrid ( Google )
- Physical ( Google )



[Show Scale](#)



**Reports**

Parcel

View as: [Google Earth](#) | [Bird's Eye](#) | [Google Maps & Street View](#)

No data found for parcel 170059990000, contact Assessor's Office for more information.

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Parcel List

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Legend

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Measure

Kauai County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

**EXHIBIT "A"**

NEIL ABE FUCHIMORI  
GOVERNOR



GLENN M. OKIMOTO  
DIRECTOR

DEPUTY DIRECTORS  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
HANDY GRUNE  
JADINE UHASAKI

HIGHWAY DESIGN BRANCH, ROOM 688A  
BRIDGE DESIGN SECTION, ROOM 611  
CADASTRAL DESIGN SECTION, ROOM 600  
HIGHWAY DESIGN SECTION, ROOM 609  
HYDRAULIC DESIGN SECTION, ROOM 636  
TECHNICAL DESIGN SERVICE, ROOM 688  
LANDSCAPE DESIGN SECTION, ROOM 609

RIGHT-OF-WAY BRANCH, ROOM 691

TRAFFIC BRANCH, ROOM 602

MOTOR VEHICLE SAFETY OFFICE, ROOM 511

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION AT KAPOLEI  
601 KAMOKILA BOULEVARD  
KAPOLEI, HAWAII 96707

IN REPLY REFER TO  
HWY-RM  
3.90057

March 15, 2013

Mr. Charles Okamoto  
Robinson Family Partners

Kaunakani, Hawaii 96747

Dear Mr. Okamoto:

Subject: Kaunakani Highway, Old Government Road  
At Makaweli, Waimea, Kauai, Hawaii  
TMKs: (4) 1-7-05:01, 02, 05, 06, 09 and 10, (4) 1-7-06:04, 06, 09 and 10  
Request to Purchase Old Government Road

We regret to inform you that the processing of the sale of a portion of Old Government Road is being deferred to the Department of Land and Natural Resources. It was determined that the land belongs to DLNR and therefore would be the appropriate agency to process the sale.

Please contact Milo Spindt, Kauai District Land Agent at (808) 274-3491 for further information.

If you have any questions, please call me at (808) 692-7331 or you can email me at [Katja.M.Jordan-King@Hawaii.Gov](mailto:Katja.M.Jordan-King@Hawaii.Gov).

Very truly yours,

KATJA M. JORDAN-KING  
Right-of-Way Agent  
Property Management

**EXHIBIT "B"**



265-B

CERTIFICATE OF SEARCH

Dated February 22, 2012

FAP F-29(4)  
KAUAI BELT ROAD  
(Makaweli Section)

TAX KEYS: 1-7-05-portion of  
Old Government Road and  
1-7-06-portion of  
Old Government Road

PORTIONS OF OLD GOVERNMENT ROAD RUNNING THROUGH  
ROYAL PATENT NO. 4476, LAND COMMISSION AWARD NO. 7713,  
APANA 1 TO V. KAMAMALU,  
SITUATE AT MAKAWELI, DISTRICT OF WAIMEA,  
ISLAND AND COUNTY OF KAUAI,  
STATE OF HAWAII

STATE OF HAWAII

LIENS and/or ENCUMBRANCES: NONE

Request by K. Jordan-King dated 5/31/12 – Job No. 12-035-CS

**EXHIBIT "C"**

THIS IS TO CERTIFY that we have carefully examined the INDICES and RECORDS of the Public Lands Office and the Bureau of Conveyances of the Department of Land and Natural Resources, both at Honolulu, City and County of Honolulu, State of Hawaii, with reference to the title of

STATE OF HAWAII

All of that certain parcel of land situate at Makaweli, District of Waimea, Island and County of Kauai, State of Hawaii, described as follows:

PORTIONS OF AREA HIGHLIGHTED IN YELLOW AS SHOWN ON TAX MAPS 1-7-05 (Page 4) and 1-7-06 (Page 5)

(NOTE: As of July 5, 2012, no right-of-way map provided to HWY-RA. No area given for area highlighted in yellow. Search based on area highlighted in yellow as shown on pages 4-5, as provided by Katja Jordan-King, HWY-RM.)

Being portion of the government road running through Royal Patent Grant No. 4476, Land Commission Award No. 7713, Apana 1 to V. Kamamalu,

Being a portion of the land transferred to the STATE OF HAWAII by operation of Section 5(b) of the Admission Act (Act of March 18, 1959, Public Law 86-3, 73 Stat. 4).

NOTE: Registered Map 2246, dated 1891, "Map of Kauai Compiled from Government Surveys and Private Surveys of Lands belonging to Gay and Robinson", survey and map done by L. E. Imlay, shows said road in existence at that time.

No conveyance found of record to the City and County of Honolulu.

AND WE CERTIFY that there are no liens and/or encumbrances appearing of record of whatsoever kind or nature affecting the title at this time.

WE FURTHER CERTIFY that title to the premises herein described is in the said

STATE OF HAWAII

all as shown by said

INDICES and RECORDS.

DATED at Honolulu, City and County of Honolulu, State of Hawaii, this 22nd day of January

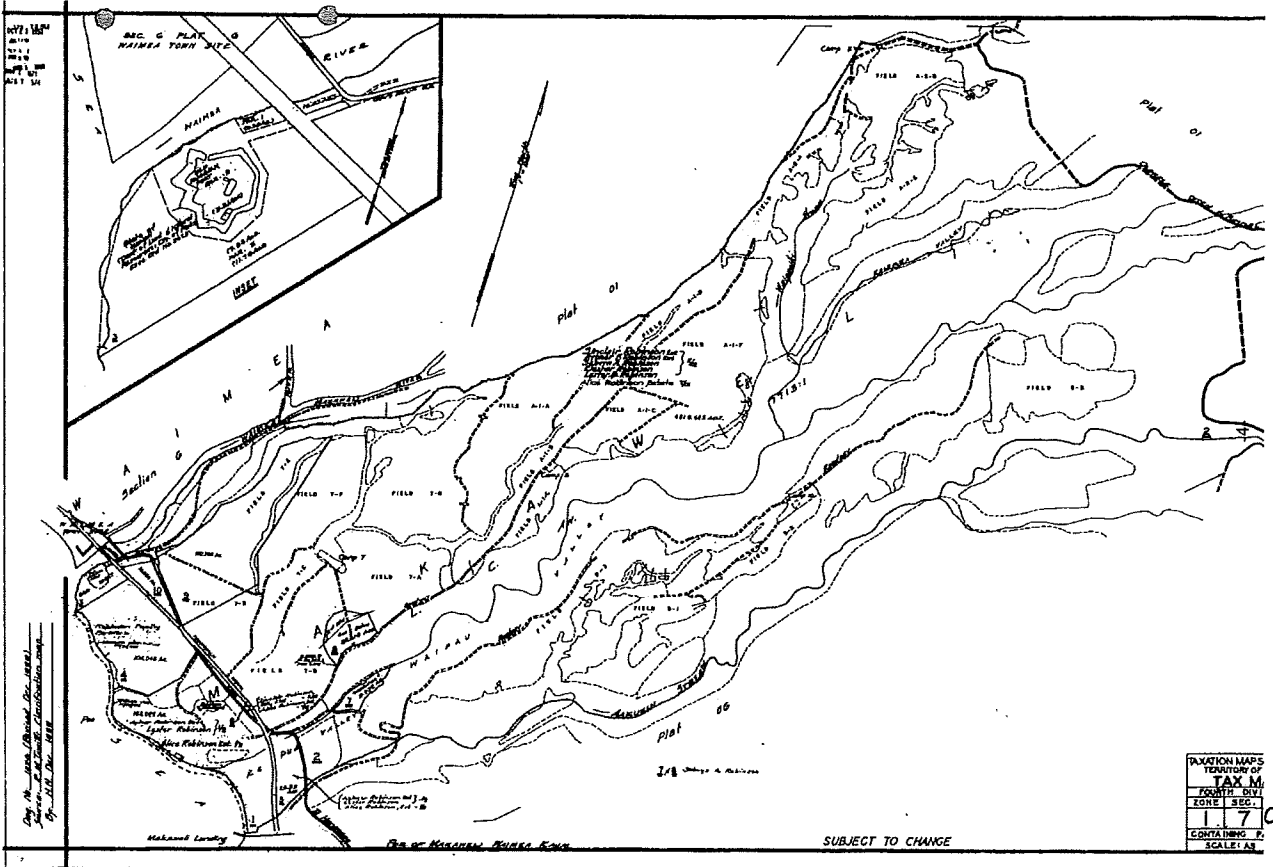
A.D. 2012, at 3:29 o'clock p.m.

ABSTRACTING SECTION  
STATE DEPARTMENT OF TRANSPORTATION

By Charles W. Sandray

TK/tk

The foregoing Certificate of Search and any further Continuation(s) thereto, are for the exclusive use of the State of Hawaii, its Department of Transportation, and shall not be relied upon by any person or corporation, individually or collectively.



1970 Map  
 1:10,000  
 1970  
 1970  
 1970

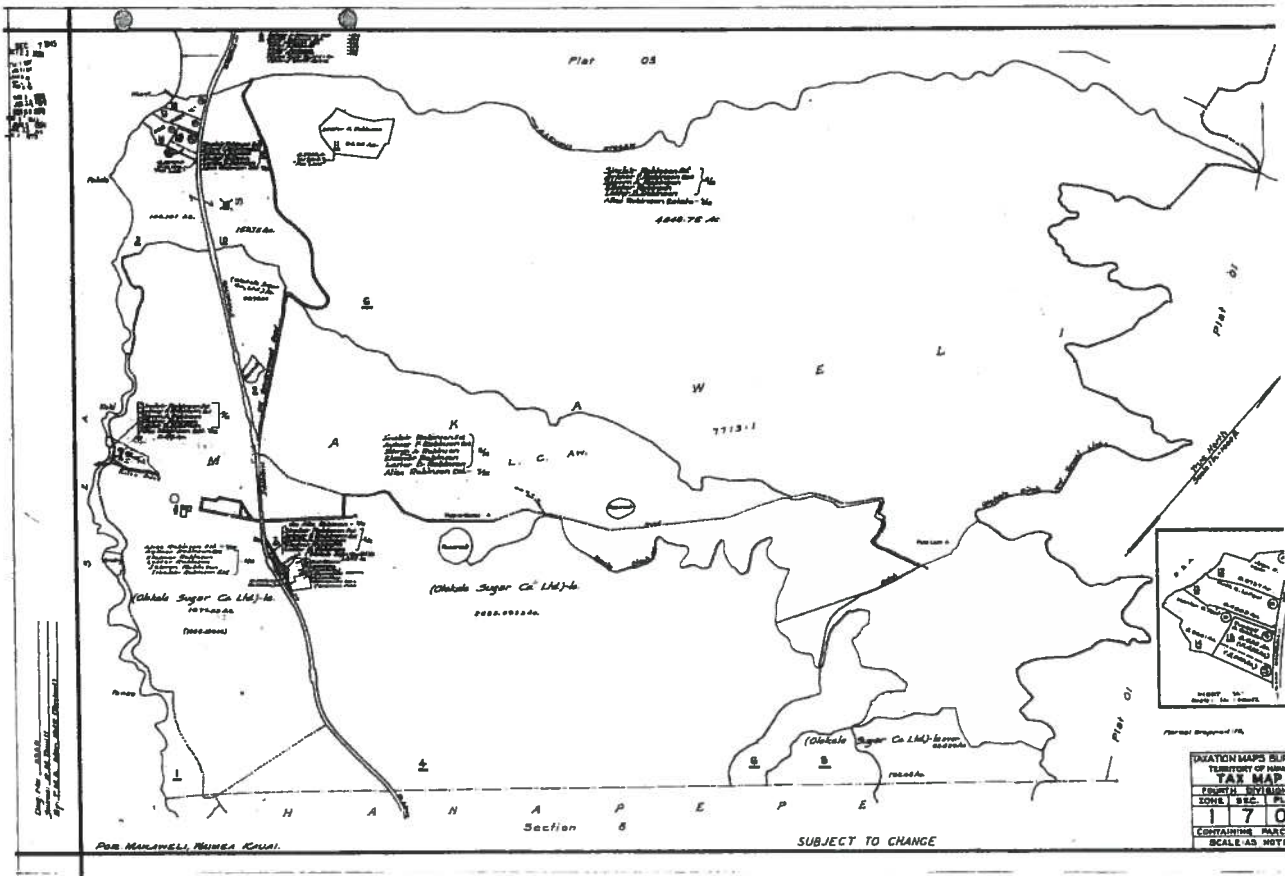
Map No. 1000 (Revised Dec. 1968)  
 Prepared by J. H. Jones & Associates, Inc.  
 1970

TAXATION MAP'S  
 TERRITORY OF  
**TAX M.**  
 FOURTH DIV.  
 ZONE 1 SEC.  
**17**  
 CONTAINING P.  
 SCALE: AS

05

SUBJECT TO CHANGE

4



POB NAWANAWA, NAWA KAWA.

SUBJECT TO CHANGE



QUANTON MAPS BUR  
 TERRITORY OF HAWAII  
 TAX MAP  
 COUNTY DIVISION  
 ZONE SEC. PL.  
 1 7 0  
 CONTAINING PAGE  
 SCALE AS NOTED



Dwg. No. 1020 (Revised Dec. 1930)

Source: R.M. Tamuli Classification map

By: H.N. Dec. 1939

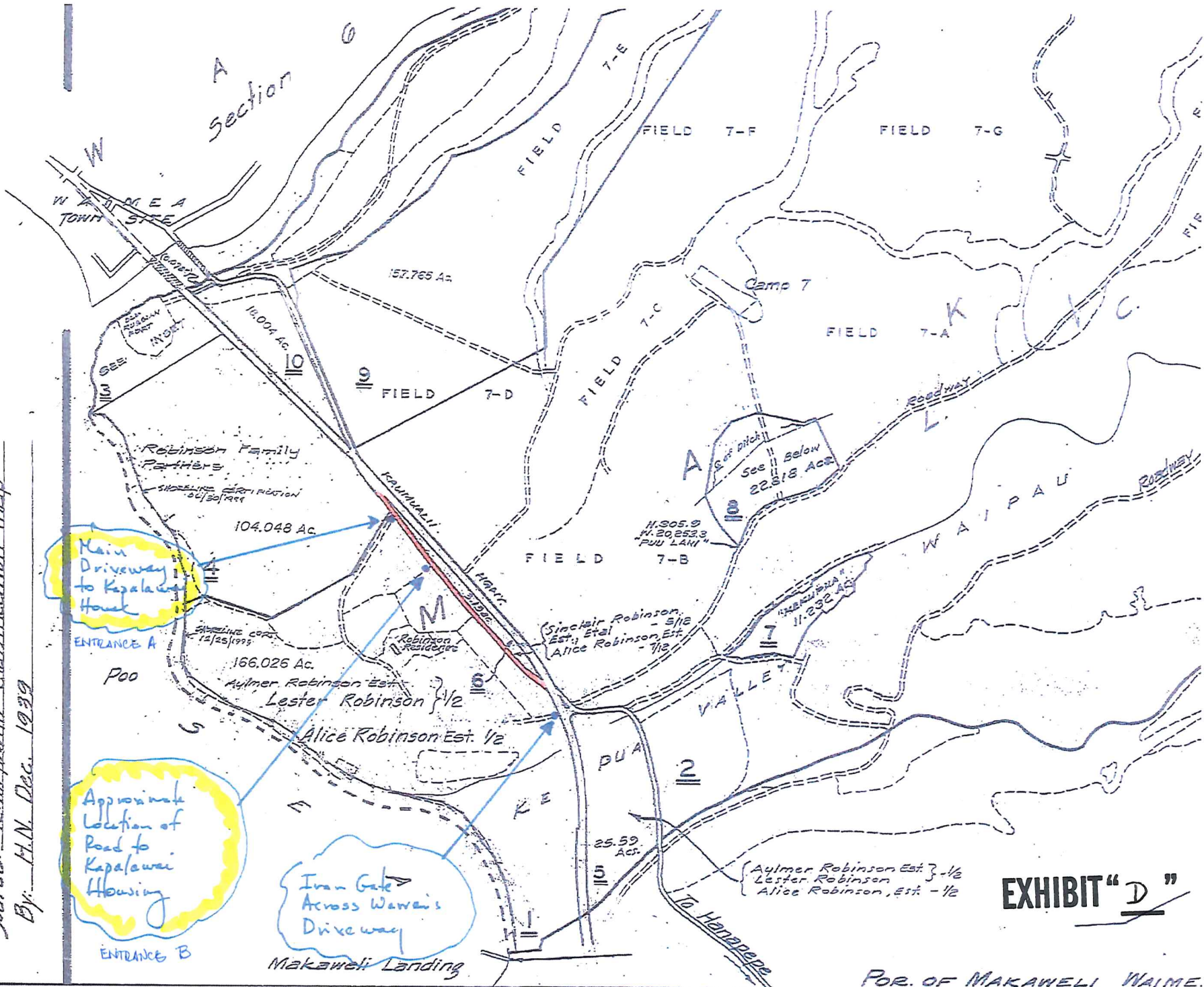


EXHIBIT "D"

POR. OF MAKAWELI WAIME.

ENTRANCE A.

LANDSCAPE AREA

ENTRANCE B.

END

**PARKING**

CONDOMINIUM RESIDENTIAL UNIT (18)  
2627 sq. ft.

CONDOMINIUM HOTEL UNIT (20)  
175 sq. ft.

CONDOMINIUM RESIDENT UNIT (18)  
1522 sq. ft.

CONDOMINIUM RESIDENT UNIT (18)  
1522 sq. ft.

CONDOMINIUM RESIDENT UNIT (18)  
1522 sq. ft.

VEHICLE AS ROAD - 38 ft.

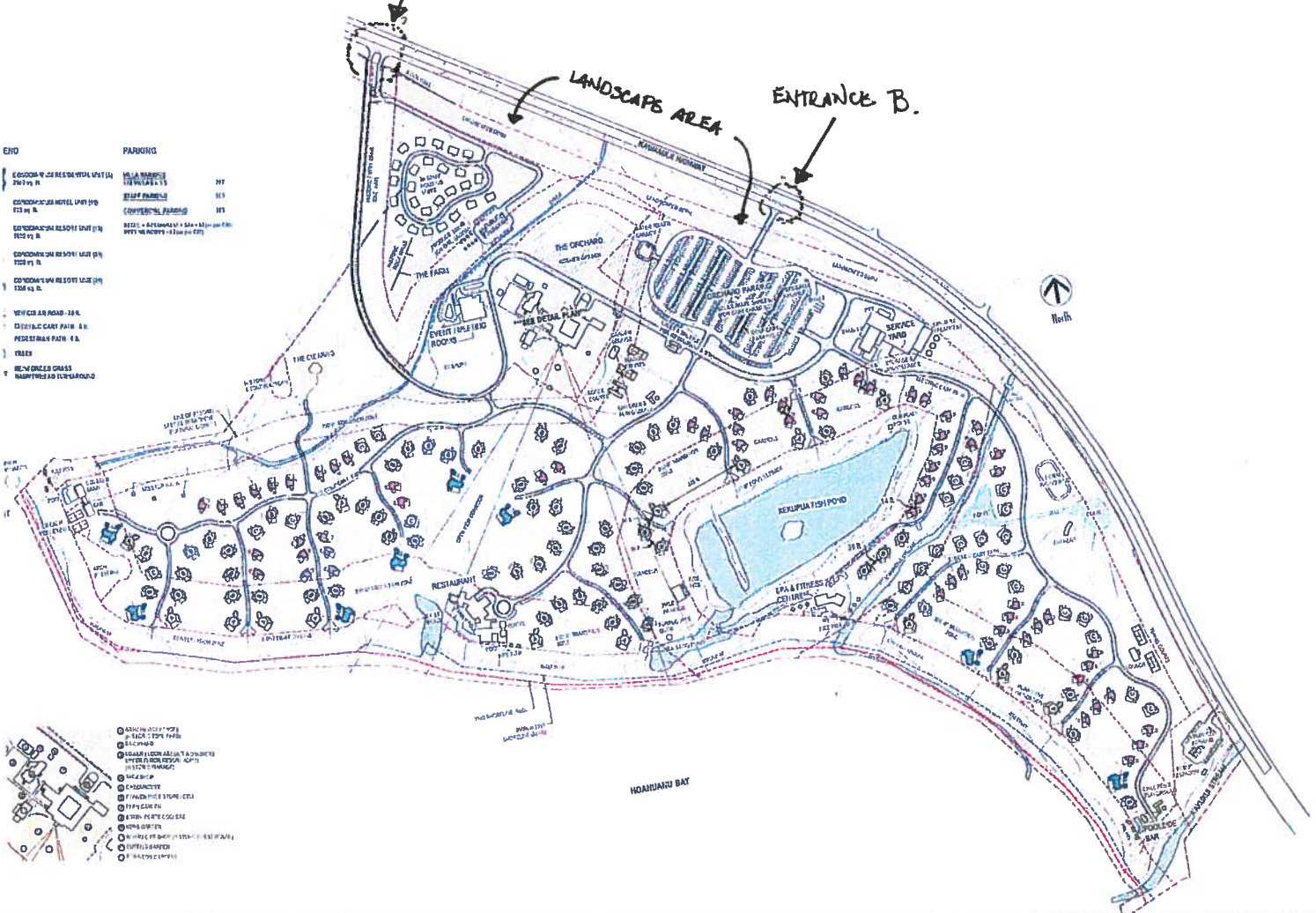
CYCLIST CART PATH - 3 ft.

PEDESTRIAN PATH - 5 ft.

TREES

WET-DRESSED GRASS

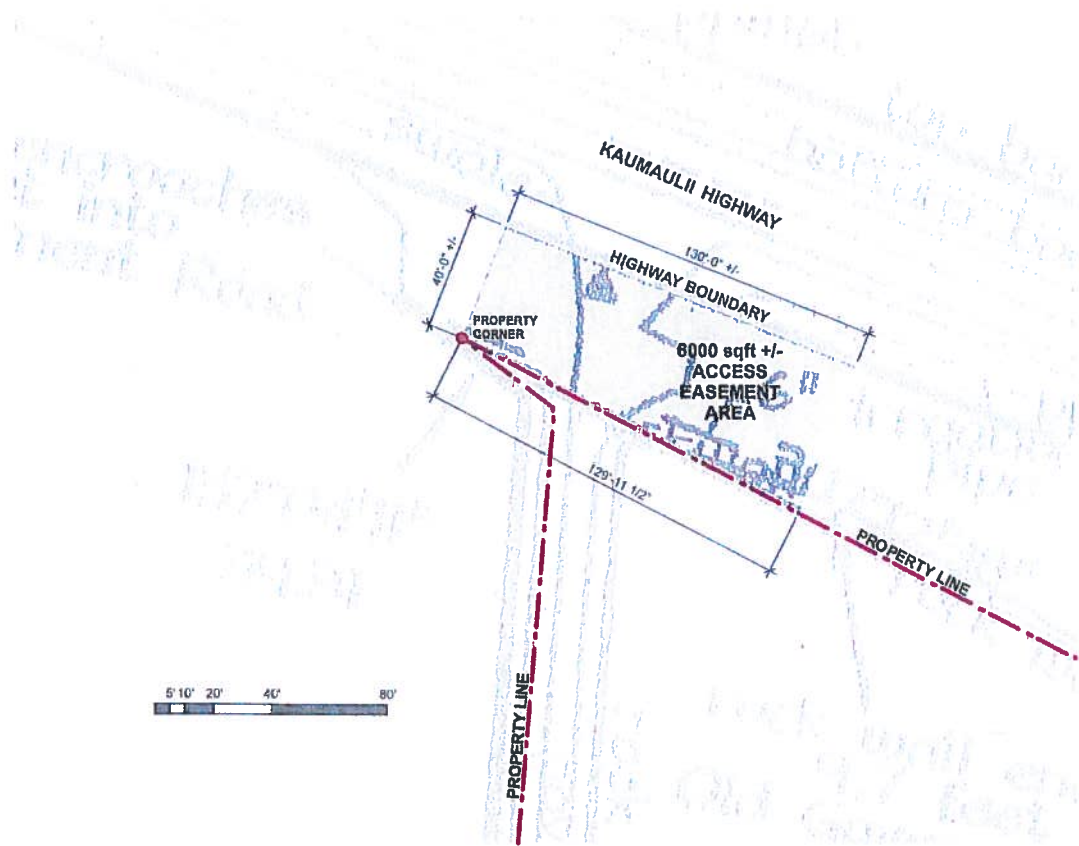
HAIRPIN TURN/SLIPROAD



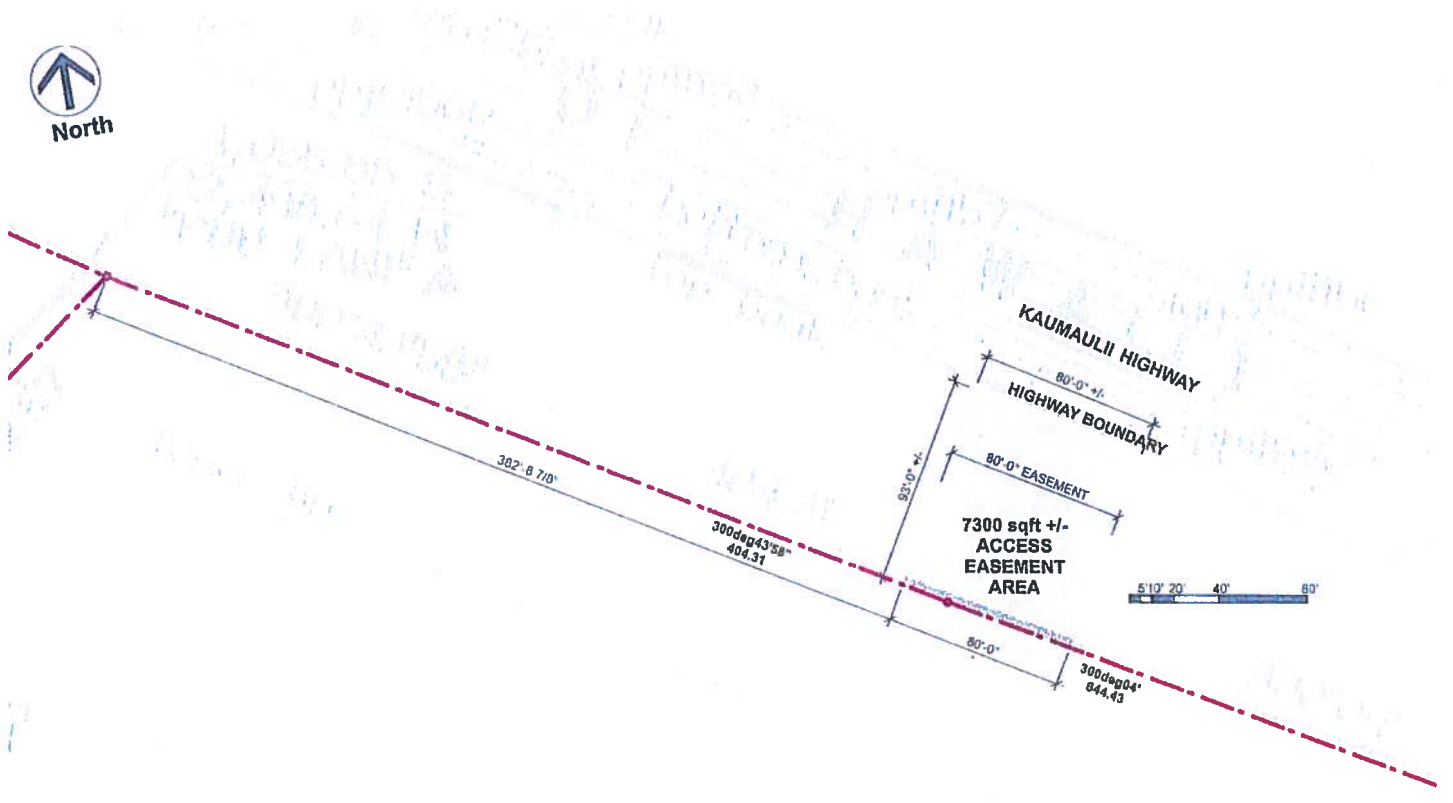
- 1. AROUNDING BY TOWER
- 2. BACK-COURT PARKING
- 3. DRIVEWAY
- 4. CHANGI (CONCRETE) OR COMPACTED
- 5. UPPER FLOOR RETAIL/ACTIVITIES
- 6. INTERIOR TERRAZZO
- 7. BALKON/PORCH
- 8. EXTERIOR
- 9. FURNISHING & STAIR CASE
- 10. TERRACE
- 11. 8.50m PLATE EDGE
- 12. ROOF DECK
- 13. SERVICE TO BACK-COURT (RESTAURANT)
- 14. TURF/GARDEN
- 15. BALCONY/DECK

EXHIBIT " E "





ENTRANCE A.



ENTRANCE 'B'