

D-11

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

August 14, 2015

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

PSF No.: 15OD-105

OAHU

Sale of Remnant to Wayne C. Travillion and Arlene L. Travillion, Waianae-Kai,
Waianae, Oahu; Tax Map Key: (1) 8-5-013:062

APPLICANTS:

Wayne C. Travillion and Arlene L. Travillion, husband and wife, tenants by the entirety

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waianae-Kai, Waianae, Oahu, identified by Tax
Map Key: (1) 8-5-013:062, shown on the map attached as **Exhibit A**.

AREA:

1,995 square feet, more or less

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: R-5

TRUST LAND STATUS FOR BOTH LOTS:

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

CURRENT USE STATUS:

Encumbered by Special Sale Agreement No. 5540 issued to the Applicants.

CONSIDERATION:

\$3,192.00 as noted in the Special Sale Agreement 5540. Full payment received in 1980.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing” and Class No. 4, that states “Minor alteration in the conditions of land, water or vegetation.” See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. The Applicants as landowners are not required to register with DCCA.

APPLICANTS REQUIREMENTS:

None.

REMARKS:

This is a housekeeping measure to reaffirm a prior Board action in 1976 by approving today’s request subject to current requirements as noted in the Recommendation Section below, namely, the declaration for exemption from preparation of an environmental assessment due to its anticipated minimal or significant effect in paragraph 2 of the Recommendation Section.

At its meeting on June 10, 1976, under agenda item F-13, the Board authorized the disposition of former railroad right-of-way as remnants to 17 private owners [Parcels 16, 43 to 58 shown on Exhibit A], including the Applicant of the subject request, along the right-of-way. The plan was to transfer the fee title of the remnants to the 17 owners upon their full payment of the appraised purchase price, with interest. Special Sale Agreements (“SSA”) were also executed to document the proposed transfer. Applicants, being the owners of the adjacent private property, (1) 8-5-013:048, are the holder of SSA 5540. A copy of the 1976 submittal is attached as **Exhibit C** for the Board’s reference.

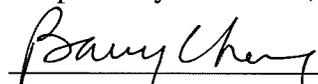
Mr. Travillion recently came to the office and inquired about the issuance of deed that would have transferred the title to him and his wife pursuant to the Board approval mentioned above. Upon checking, staff verified that no deed was ever issued to the Applicants. However, full payment plus interest was received from the Applicants around October 1980, and the other 16 owners had received their respective deeds issued between 1977 and 1982. In addition, consolidation of the remnant with the Applicants’ property was obtained in 1978. Apparently, all components for issuance of a deed were in place, but staff just cannot identify any reason why the deed was never issued.

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. Staff did not solicit comments from other agencies on the subject request as this is basically for housekeeping purposes only. There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Find that the subject land is 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. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcels described as Tax Map Key: (1) 8-5-013:048 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.
4. Authorize the sale of the subject remnant to Wayne C. Travillion and Arlene L. Travillion 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,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

N

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Sale of Remnant

Project / Reference No.: PSF 15OD-105

Project Location: Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-013:062

Project Description: Sale of Remnant

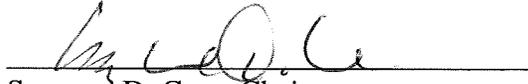
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

There will be minimal to none alteration in the conditions of land, water, and vegetation of the subject remnant. Therefore it is recommended that the subject request be exempted from an environment assessment.

Consulted Parties Not applicable

Recommendation: It is recommended that the Board declare that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


Suzanne D. Case, Chairperson

Date

7/19/15

EXHIBIT B



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

June 10, 1976

Board of Land and
Natural Resources
Honolulu, Hawaii

Gentlemen:

OAHU

Disposition of Former Railroad Right of Way
40-Ft. Wide at Waianae-Kai, Oahu, by Direct
Sale as Remnant to the Abutting Landowners

STATUTE: Chapter 171-52, Hawaii Revised Statutes

APPLICANT: Seventeen (17) homeowners represented by State Representative Henry Peters, as identified on the Partition Plan attached hereto.

FOR: State-owned land formerly a part of the OR&L Co.'s 40-ft. wide railroad right of way at Waianae-Kai, Oahu, shown on Tax Map Key 8-5-1 Por. of 4, appended to the basic file.

STATUS: Unencumbered and unassigned

AREA: Approximately 1.10 acres, to be partitioned into seventeen (17) separate parcels. A break-out of the 17 parcels, Tax Map Key No., and applicant's name is listed on the Partition Plan attached hereto.

CONSIDERATION: To be determined by independent appraisal, same subject to review and approval by Chairman.

ZONING: State Land Use Commission - Urban General Plan - Open space

REMARKS: Subject right of way measures 40 ft. wide by approximately 1100 ft. long and is situated between, but excluding, Army Street on the east, and Kaupuni Stream, on the west. Army Street serves as the main access road to the Army's Waianae-Kai reservation from Farrington Highway. The south boundary of said right of way abuts the Army's reservation which is separated by man-proof fencing. The north boundary abuts the rear boundary of seventeen (17) fee simple homesites.

Our files show that since in the early 1960's, the abutting landowners have asked the State to subdivide and sell to them the unused right of way. However, the State had withheld action

EXHIBIT "C"

ITEM F-13

June 10, 1976

to sell the property because of Department of Transportation's (DOT) possible use of the property as a utility energy corridor emanating from the Barbers Point area. In 1972, DOT indicated it had no requirement for the right of way.

The Department of the Army, also a landowner abutting the right of way, was offered a one-half portion, or 20-ft. wide strip of the 40-ft. wide right of way. The Army declined.

Verbal inquiries and letters have been received continuously from the abutting property owners expressing their desire to purchase the vacant property. More recently, Representative Peters has interceded for the landowners requesting positive action on the State for disposition of subject property.

Meanwhile, the abutting property owners have been cleaning and maintaining some portions of the right of way without a formal permit as an extension of their backyard.

Since neither the State nor County agencies, nor the Army has expressed an interest or requirement for the property, the staff concludes that the property should be disposed off as provided by law, which demise in this case should be under the remnant statute Chapter 171-52, Hawaii Revised Statutes, with the specific proviso that:

1. The sale must be unanimous and subject to purchase by all 17 abutting property owners i.e., refusal to purchase by one landowner shall negate the sale of the right of way.
2. The State reserves the right to install utility lines for public purposes within a ten-(10) ft. wide strip along the south boundary of the 40-ft. right of way.

RECOMMENDATION:

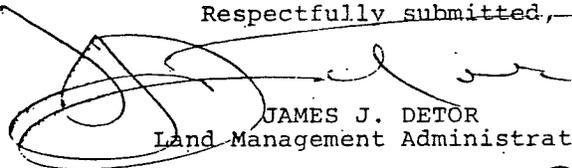
That the Board:

- A. Find the area to be physically unsuitable and inadequate for development as a separate unit because of zoning, slope and size, and therefore by definition, pursuant to Chapter 171-52, Hawaii Revised Statutes, constitutes a remnant.

June 10, 1976

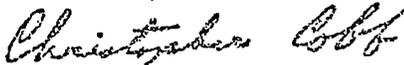
- B. Approve the direct sale of the remnant to the abutting property owners above-mentioned, subject to the applicable terms and conditions set forth above and as follows:
1. The purchaser shall pay each for the full sale price, or twenty-five percent (25%) of the sale price as down payment, and the balance in twelve (12) equal quarterly payments at six percent (6%) interest per annum on the unpaid balance.
 2. Purchaser to pay the pro-rated cost of the independent appraisal of the property.
 3. That the use of the area shall be in accordance with applicable State and County zoning requirements.
 4. Meet property subdivision and consolidation requirements and approvals set by the City and County of Honolulu prior to State conveyance of the fee title.
 5. Other terms and conditions prescribed by the Chairman.

Respectfully submitted,



JAMES J. DETOR
Land Management Administrator

APPROVED FOR SUBMITTAL:



CHRISTOPHER COBB, Chairman

Approved by the Board
at its meeting held on

June 10, 1976

TITLE
PARTITION PLAN OF STATE-OWNED
40-FT. RIGHT OF WAY

TMK No.	Area In+ Sq. Ft.=	Applicant
8-5-13-43	1262	J. Mooney
8-5-13-44	4880	N. Laquatan
8-5-13-45	2158	J. Thomas
8-5-13-46	2012	R. Basso
8-5-13-47	2012	C. Phelps
8-5-13-48	2012	W. Travillion
8-5-13-49	2012	C. Fong
8-5-13-50	2012	M. Trunwall
8-5-13-51	2012	I. Hanabusa
8-5-13-52	2012	J. P. Lee
8-5-13-53	2029	G. Patten
8-5-13-54	1997	B. Bond
8-5-13-55	1997	W. G. Cupit
8-5-13-56	1997	A. Ross
8-5-13-57	2160	M. Yoshimoto
8-5-13-58	4954	D. Allen
8-5-13-16	9582	K. Nomura