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

January 13, 2012  

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

PSF No.: 11OD-199  
OAHU  

Authorization of a Bill of Sale to the City and County of Honolulu for the Waimanalo  
Wastewater Treatment Plant, TMK (1) 4-1-09:270  

APPLICANT AGENCY:  
City and County of Honolulu (City)  

LEGAL REFERENCE:  
Sections 171-6, Hawaii Revised Statutes, as amended.  

LOCATION:  
Waimanalo, Ko'olau Poko, Oahu, identified by Tax Map Key: (1) 4-1-09:270, as shown on  
the attached map labeled Exhibit 1.  

BUILDING IMPROVEMENTS:  
Waimanalo Wastewater Treatment Plant  

CONSIDERATION:  
Gratis  

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:  

This request is to document the transfer of the completed building improvements and  
would not be subject to Chapter 343, HRS requirements.  

REMARKS:  
The subject parcel has been set aside to the City pursuant to Governor's Executive Order  
(EO) No. 3434 issued in 1989, for wastewater treatment plant site purposes.
In the year 2008, the State completed the construction of the wastewater treatment plant.

Discussions had transpired between the State and the City regarding the operations, maintenance, repairing and upgrading to the sewage treatment plant. An agreement was tentatively reached between the two parties. A copy of the written agreement is currently under review by the Attorney General’s office, and is included as Exhibit 2.

For purposes of facilitating the transfer of the improvements, the Engineering Division requests that the Board issue a bill of sale.

Due to the housekeeping purposes of this request, a request for comments was not conducted.

There are no other pertinent issues or concerns. Staff has no objection to the subject request.

Staff now brings the subject request to the Board for its approval.

RECOMMENDATION:

That the Board authorize the issuance of a bill of sale transferring the Waimanalo Wastewater Treatment Plant, as described above to the City and County of Honolulu and further subject to the following:

A. Review and approval by the Department of the Attorney General; and

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

Respectfully Submitted,

Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson
TMK (1) 4-1-09:270

EXHIBIT 1
COOPERATIVE AGREEMENT

Between the

STATE OF HAWAII –
DEPARTMENT OF LAND AND NATURAL RESOURCES

and

CITY AND COUNTY OF HONOLULU –
DEPARTMENT OF ENVIRONMENTAL SERVICES

CITY TAKEOVER OF WAIMANALO WASTEWATER TREATMENT PLANT FROM THE STATE

This AGREEMENT is entered into this _______ day of ____________, 2010, by and between the State of Hawaii – Department of Land and Natural Resources (hereinafter the “STATE”), AND the City and County of Honolulu – Department of Environmental Services (hereinafter “CITY”),

WITNESSETH, that

WHEREAS, the STATE owns, in fee, the property upon which the Waimanalo Wastewater Treatment Plant and Underground Injection System Facility (the “Waimanalo WWTP”) is situated, and originally constructed the Waimanalo WWTP; and

WHEREAS, the Waimanalo WWTP, located at 41-1060 Kalanianaole Highway, Waimanalo, Hawaii (Tax Map Key 4-1-9:270) serving the Waimanalo tributary area provides secondary treatment and disposal by injection wells; and

WHEREAS, the CITY operates the Waimanalo WWTP; and

WHEREAS, a letter dated April 18, 1972, purports to set out responsibilities of the STATE and CITy over the operation, maintenance, repair and upgrades of the Waimanalo WWTP; and

WHEREAS, by Executive Order No. 3434 on October 24, 1989, the STATE set aside land to the CITY for the public purpose of providing the site for the Waimanalo WWTP; and

WHEREAS, the Waimanalo Wastewater Facilities Plan identified additional infrastructure improvements for the Waimanalo WWTP to meet needs until 2020; and

WHEREAS, the STATE completed improvements to the treatment plant in July 2008; and

EXHIBIT "Z"
WHEREAS the STATE desires to dedicate the Waimanalo Wastewater Treatment Plant to the CITY and CITY desires to own the plant.

NOW, THEREFORE, the STATE and CITY, in consideration of the mutual promises herein set forth, hereby agree as follows:

1. The CITY will accept the transfer of ownership of the Waimanalo Wastewater Treatment Plant; and

2. The instruments for the transfer of ownership will be the Executive Order and a Bill of Sale.

This agreement may only be modified by written agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Cooperative Agreement on the day and date first above written.

APPROVED:

STATE OF HAWAII
DEPARTMENT OF
LAND AND NATURAL RESOURCES

By__________________________
Chairperson

CITY & COUNTY OF HONOLULU
DEPARTMENT OF
BUDGET AND FISCAL SERVICES

By__________________________
RIX MAURER III
Director

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF
ENVIRONMENTAL SERVICES

By__________________________
TIMOTHY E. STEINBERGER, P.E.
Director

APPROVED AS TO FORM:

DEPUTY ATTORNEY GENERAL

DATE:________________________

APPROVED AS TO FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL