

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

January 27, 2012

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

PSF No: 06KD-189

Kauai

Amend Prior Board Action of August 24, 2007, Item D-2, Sale of Remnant to Lynette Emi Umetsu, Calvin Sunao Umestu, Carol Yoshie Aceret, Gail Marie Umetsu-Lee and Lisa Naomi Kimura, Wailua Homesteads, First Series, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-2-06:through parcel 19.

BACKGROUND:

At its meeting of August 24, 2007, Agenda Item D-2 (Exhibit A), the Land Board approved the sale of remnant State land to Lynette Emi Umetsu, Calvin Sunao Umestu, Carol Yoshie Aceret, Gail Marie Umetsu-Lee and Lisa Naomi Kimura identified as Wailua Homesteads, First Series, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-2-06:through parcel 19.

ANALYSIS:

Due to a clerical error by staff, on the applicant section of the board submittal, Lisa Naomi Kimura was erroneously listed as Lisa Marie Kimura.

CONCLUSION:

Staff is therefore recommending that the Board amend its prior action of August 24, 2007, agenda item D-2 by clarifying the name of the applicant as Lisa Naomi Kimura.

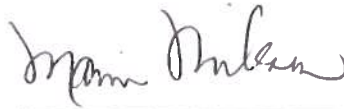
This will allow the Attorney General's office to properly issue the necessary documents with the correct legal name.

RECOMMENDATION: That the Board:

1. Amend its prior Board action taken at its meeting of August 24, 2007, agenda item D-2 by clarifying the name of one of the applicants as Lisa Naomi Kimura.

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,



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Marvin Mikasa  
Land Agent

APPROVED FOR SUBMITTAL:



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William J. Aila, Jr., Chairperson

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06KD-189

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
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August 24, 2007

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

PSF No.: 06KD-189

Kauai

Sale of Remnant to Lynette Emi Umetsu, Calvin Sunao Umetsu, Carol Yoshie Aceret, Gail Marie Umetsu-Lee and **Lisa Naomi Kimura**; Wailua Homesteads, First Series, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-2-06: through parcel 19.

APPLICANT:

Lynette Emi Umetsu (unmarried), Calvin Sunao Umetsu (husband of Donna Leilani Umetsu), Carol Yoshie Aceret (wife of Allan Gene Aceret), Gail Marie Umetsu-Lee (wife of Lawrence Lee, Jr.) and **Lisa Marie Kimura** (wife of Kenneth Yoshio Kimura), as Tenants in Common, whose mailing address is \_\_\_\_\_, Kapaa, Hawaii 96746.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government (Crown) Lands of Wailua, situated at Wailua Homesteads, First Series, Wailua, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-2-06: through parcel 19, as shown on the attached map labeled Exhibit A.

AREA:

2,300 square feet, more or less.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: R-4

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON 10

August 24, 2007

**EXHIBIT "A"**

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:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

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;
- 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:

The subject parcel is a portion of an abandoned 15-foot wide ditch right-of-way formally used for irrigation purposes by East Kauai Water Company, Ltd (General Lease No. S-3827). It is located within the Applicant's property making it physically unsuitable and

undesirable to be used as a separate unit. Staff favors the sale of the abandoned ditch right-of-way to the private property owner, as it will eliminate the liability and maintenance responsibility by the State.

Applicant is the owner of parcel (4) 4-2-06:19 as staff has confirmed by the Kauai County, Real Property Tax Office. Other abutting properties to the subject remnant parcel include TMK: (4) 4-2-06:20, owned by Waiapo Revocable Trust and TMK: (4) 4-2-06:43 owned by John P. Hall III and May R. Lee. According to Section 171-52, HRS, if there is more than one abutting owner who is interested in purchasing the remnant, it shall be sold to the one submitting the highest sealed bid or if the remnant abuts more than one parcel, the Board may subdivide the remnant so that a portion may be sold to each abutting owner.

By letter dated June 27, 2007, staff informed abutting property owners of the request to purchase subject remnant and the purchase was offered to them as well. To date, there been no response or indication of interest from Waiapo Revocable Trust or John P. Hall III and May R. Lee to purchase this remnant.

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.

The following agencies were solicited for comments:

AGENCY	COMMENTS
Kauai County Planning Dept.	No Objections
Kauai County Public Works Dept.	No Objections
Kauai County Water Dept.	No Objections
State Dept. of Health	No Comments
DLNR-Historic Preservation	No historic properties will be affected.
OHA	No Objections
DLNR-Conservation & Coastal Lands	No Comments
DLNR-Water Resource Management	No Comments
East Kauai Water Users Cooperative	No Objections

RECOMMENDATION:

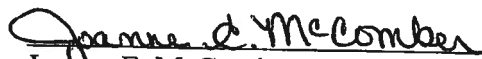
That the Board:

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

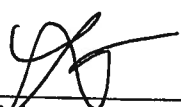
ownership of the abutting parcel described as Tax Map Key: (4) 4-2-06:19, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.

3. 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.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Lynette Emi Umetsu, Calvin Sunao Umetsu, Carol Yoshie Aceret, Gail Marie Umetsu-Lee and Lisa Naomi Kimra and 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,

  
Joanne E. McComber  
Land Agent

APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Interim Chairperson

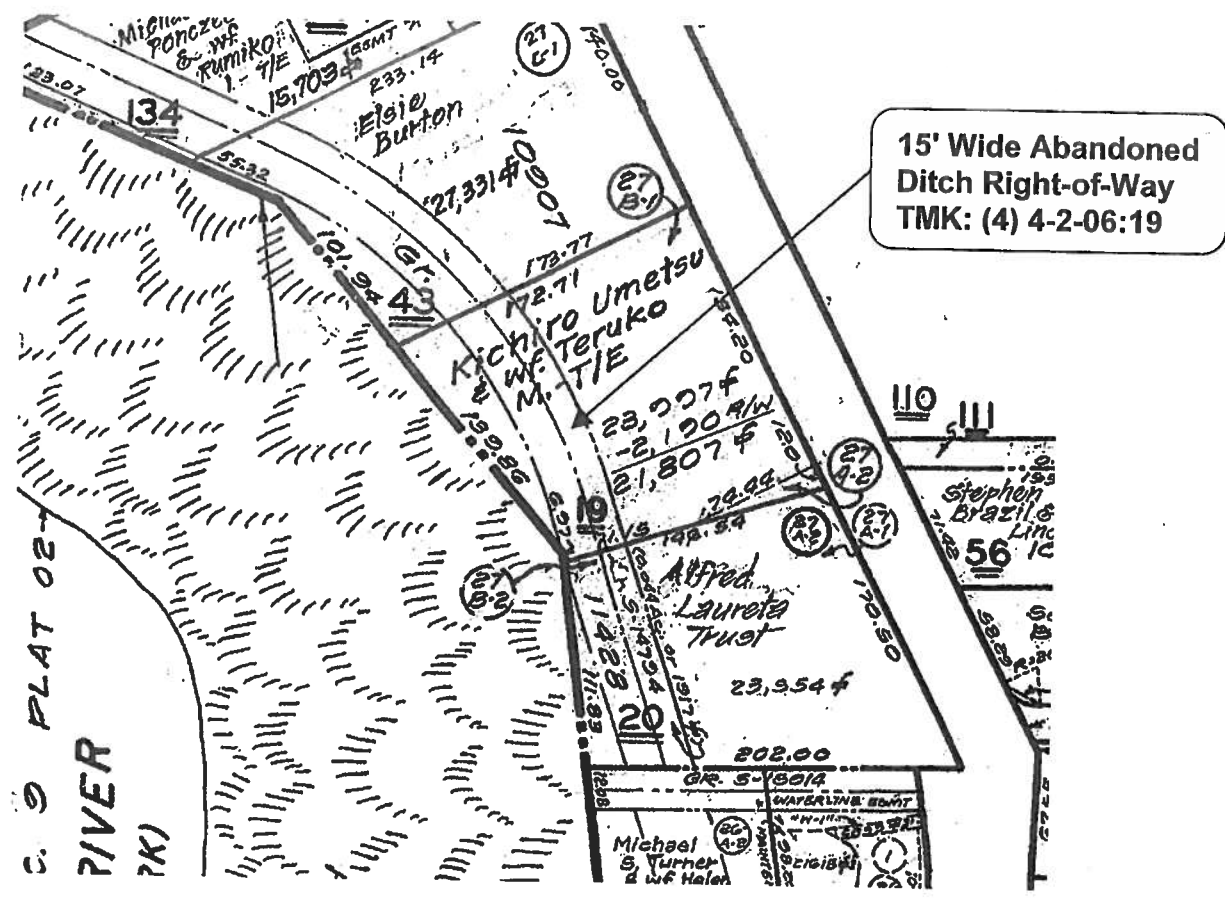


EXHIBIT A