STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 10, 2012

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

PSF No.: 11od-104
OAHU

Sale of Remnant to City and County of Honolulu, Waikiki, Honolulu, Oahu, Tax
Map Key: (1) 2-6-008:adjacent to parcel 001.

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map
Key: (1) 2-6-08:adjacent to 01, as shown on the attached map labeled Exhibit A1 & A2.

AREA:

8,272 square feet, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Resort Mixed Use Precinct

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:

Gratis. [Government agency]

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, 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. [Government agency]

APPLICANT REQUIREMENTS:

None [Note: Applicant has provided survey maps and descriptions. Staff understands the City is in the process of conveying the subject remnant to the abutting private owner. Any consolidation of the subject remnant with the abutting private property shall be performed by then.]

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 subject remnant is land acquired in 1895 by Land Office Deed 431 that is in excess of the needs for which the land was acquired;
2) The parcel is an abandoned strip of State land.

City is the owner of the adjoining Kalia Road and Paoa Place as staff has confirmed with the City's Department of Budget & Fiscal staff. Other abutting properties to the subject remnant parcel include (1) 2-6-008:001, owned by Hilton Hawaiian Village LLC (HHV). Staff understands that HHV is negotiating with the City regarding the purchase of the subject remnant and other parcels, if appropriate, from the City.

Staff recommends the subject remnant be sold as gratis since the City is a government entity
Department of Transportation has no objections/comments to the request. Office of Hawaiian Affairs and Department of Planning and Permitting have not responded as of the suspense date.

Board of Water Supply and Department of Facility Maintenance have provided their responses as Exhibit C1 and C2 respectively. Staff notes that the subject remnant is planned to be conveyed by the City to the abutting private owner. Therefore, staff believes that the City can address the issues raised by both agencies subsequently.

There are no other pertinent issues or concerns and staff does not have any objection 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. 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 sale of the subject remnant to the City and County of Honolulu 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:

William J. Aila, Jr., Chairperson
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 11od-104

Project Location: Honolulu, Oahu, Tax Map Key: (1) 2-6-008: adjacent to 001

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(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, 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."

Staff understands the subject remnant has been used as part of the roadway. The City and the abutting private owner are not planning to change the use of the subject remnant. Therefore it is recommended that the subject request be exempted from an environment assessment.

Consulted Parties Not applicable

Exemption Item Description from Agency Exemption List: 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.

William J. Aha, Jr., Chairperson

Date 1/23/12

EXHIBIT B
MEMORANDUM

TO: State Agencies:
   ___DOH
   ___DHHL
   ___DLNR-Aquatic Resources
   ___DLNR-Forestry & Wildlife
   ___DLNR-Historic Preservation
   ___DLNR-State Parks
   ___DLNR-Conservation and Coastal Lands
   ___DLNR-Water Resource Management
   ___DOT (Highways Division)

County Agencies:
   x Planning & Permitting
   x Board of Water Supply
   x Public Works
   x Budget & Fiscal
      (Attn. Diane Murata)

Federal Agencies:
   ___ Corps of Engineers
   ___ NRCS

Other Agencies:
   x Office of Hawaiian Affairs

FROM: Barry Cheung, District Land Agent

SUBJECT: Sale of Remnant

LOCATION: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-6-08: adjacent to parcel 01.

APPLICANT: City and County of Honolulu

Transmitted for your review and comment is a copy of the draft Land Board submittal of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by January 10, 2012. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0430. Thank you.

Attachments

   (X) We have no objections.
   ( ) We have no comments.
   (X) Comments are attached.

Signed: [Signature]

Date: December 23, 2011

The Board of Water Supply (BWS) has no objection to the sale of the remnant property to the City and County of Honolulu. Please note that BWS may have facilities located within the remnant property. As such, BWS would require the relocation of such facilities to a public right-of-way or would require the appropriate grant of easements, prior to the City conveying the remnant to a private owner.
MEMORANDUM

TO: State Agencies:
    ___ DOH
    ___ DHHL
    ___ DLNR-Aquatic Resources
    ___ DLNR-Forestry & Wildlife
    ___ DLNR-Historic Preservation
    ___ DLNR-State Parks
    ___ DLNR-Conservation and Coastal Lands
    ___ DLNR-Water Resource Management
    ___ DOT (Highways Division)

County Agencies:
    ___ Planning & Permitting
    ___ Board of Water Supply
    ___ Public Works
    ___ Budget & Fiscal
    (Attn. Diane Murata)

Federal Agencies:
    ___ Corps of Engineers
    ___ NRCS

Other Agencies:
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Attachments

DRM 12–35

( X ) We have no objections.
( ) We have no comments.
( X ) Comments are attached.

Signed: [Signature]

Date: 1/14/12
We have no objections to the disposal of the subject City property. However, there are City drainage facilities (manhole, inlets and drain lines) that may be affected with the selling of the remnant property. Therefore, we recommend that the maintenance responsibility of the drainage facilities be turned over to the new owner(s) if sold.

Should there be any questions, please call Dexter Akamine of the Division of Road Maintenance at 768-3696.