

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

May 11, 2012

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

PSF No.: 12od-025

OAHU

Request to Extinguish an Existing Drainage Easement, Gannett Pacific Corporation;  
Applicant, Honolulu, Oahu, Tax Map Key: (1) 2-1-047:004.

APPLICANT:

Gannett Pacific Corporation, a domestic profit corporation

LEGAL REFERENCE:

Section 171-57, Hawaii Revised Statutes, as amended.

**§171-57 Reserved rights and easements.** Notwithstanding any limitations to the contrary, where public land is disposed of with reservation in the State of quarry rights to rock, sand or gravel or an easement, and if the board of land and natural resources finds that a disposition of the reserved right or easement is not prejudicial to the best interest of the State, community or area in which the land is situated, it may, after giving public notice of the intended disposition as provided in section 171-16(d), dispose of the reserved right or easement to the owner of the land by direct sale or by lease without public auction.

LOCATION:

Portion of drainage easement reserved in favor of the State of Hawaii situated at Honolulu, Oahu, identified by Tax Map Key: (1) 2-1-047:portion of 004, as shown on the attached map labeled Exhibit A.

AREA:

2,570 square feet, [measuring 10 feet x 257 feet], more or less.

ZONING:

State Land Use District: Urban  
City & County of Honolulu LUO: Kakaako Community Development District

TRUST LAND STATUS:

Private land. Not applicable.

CURRENT USE STATUS:

Portion of parking lot

DCCA VERIFICATION:

Place of business registration confirmed: YES x NO \_\_\_  
Registered business name confirmed: YES x NO \_\_\_  
Applicant in good standing confirmed: YES x NO \_\_\_

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market value of the proposed extinguishment, subject to review and approval by the Chairperson.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Pay for an appraisal to determine one-time payment; and
2. Pay for the advertising costs of the public notice pursuant to Section 171-16(d), HRS.

REMARKS:

The subject parcel is the former Honolulu Advertiser building. During the subdivision process involving the subject and the neighbor lots, the owner discovers that there is a drainage easement reserved in favor of the State as recorded in liber 715 page 84. The subject is a 10-foot wide drainage easement. An excerpt of the proposed subdivision map showing the easement is attached as **Exhibit B**.

Further, the owner notes that the drainage system managed by the City is running on the nearby Kapiolani Boulevard and South Street. In short, the subject drainage easement is abandoned. To facilitate the future development of the subject lot, the owner requests the Board authorize extinguishing the subject drainage easement.

Applicant 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.

Department of Planning and Permitting, Department of Facility Maintenance, Board of Water Supply have no comment/objection to the subject request. Department of Health and Office of Hawaiian Affairs have not responded as of the suspense date.

RECOMMENDATION: That the Board:


1. Find that the extinguishment of the subject drainage easement is not prejudicial to the best interest of the State, community or area in which subject ditch easement is located.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the underlying parcel described as Tax Map Key: (1) 2-1-047:004, 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the extinguishment of the drainage easement 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 extinguishment of easement document 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,

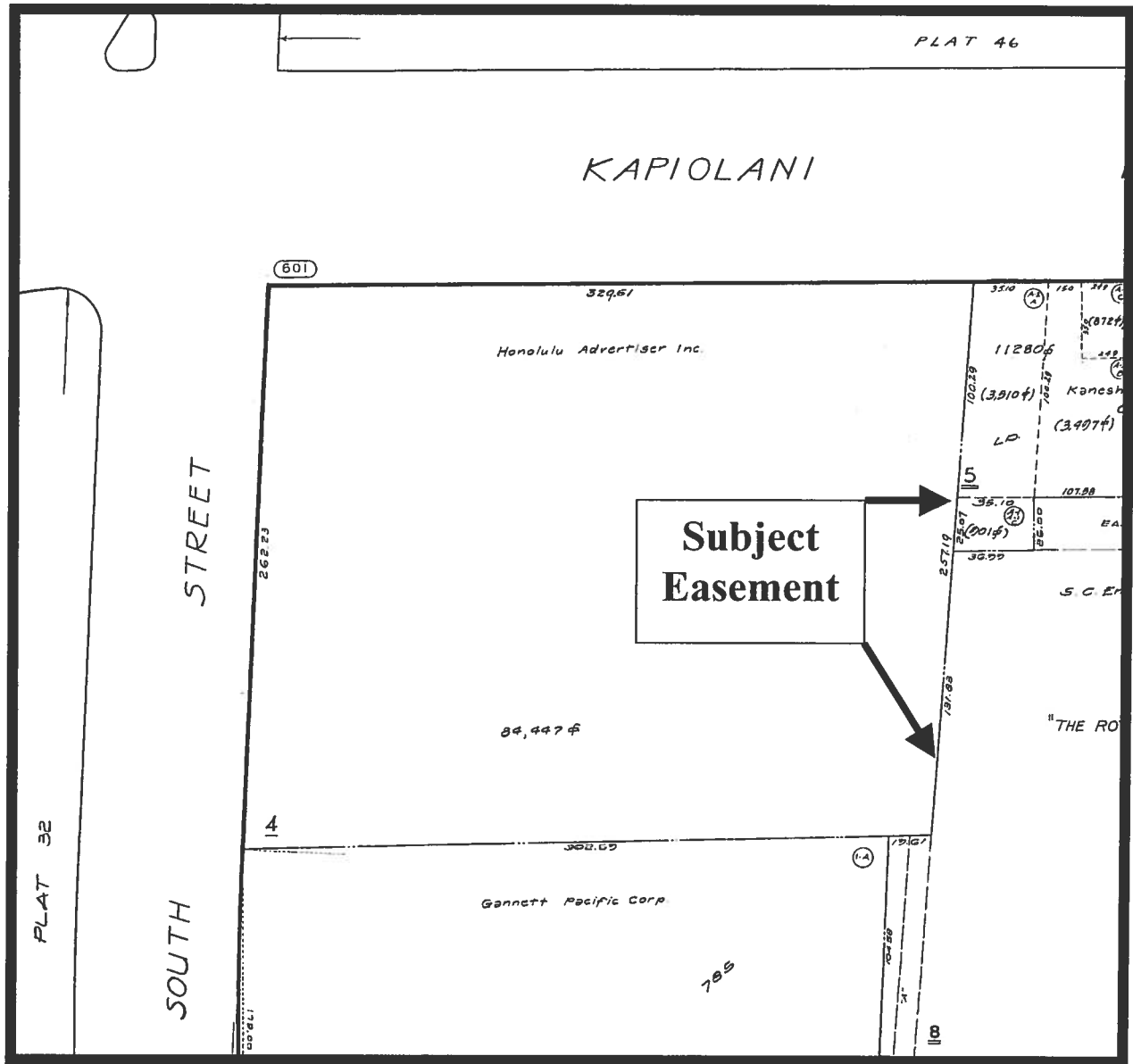


Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



**TMK (1) 2-1-047:por. 004**

**EXHIBIT A**

