

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: 05OD-206
Oahu

Amend Prior Board Action of January 13, 2006, item D-12, by Adding Hawaiian Telcom, Inc. as an Applicant; Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Access and Utility Purposes, Auwaiolimu, Honolulu, Oahu, Tax Map Key: (1) 2-2-003: portion of 013

BACKGROUND:

The Board had approved of the subject access and utility easement on January 13, 2006, included as item D-12, to the Hawaiian Electric Company, Inc. (HECO). A copy of this submittal is attached as Exhibit 1.

The easement area consists of approximately 251 square feet which will enable HECO to provide electric power service over State owned land for delivery to a privately owned property.

For consideration purposes of the easement request, an appraisal report was prepared and dated on January 6, 2012. Subsequently, a written request was mailed to HECO for payment purposes.

REMARKS:

Included within HECO's response letter regarding the payment process, dated April 3, 2012 (Exhibit 2), is an additional request made by HECO to further include Hawaiian Telcom Inc. (HTI), as the Applicant for the grant of the subject easement.

Until recently, Staff was not made aware of HTI's joint ownership interest of the existing utility poles and of its ownership of the communication lines that are currently aligned within the subject easement area. Further, HECO's original request for the grant of the subject easement area did not include HTI as the Applicant.

Staff has no objections to amending the prior Board action by including Hawaiian Telcom, Inc. as the Applicant.

Due to the housekeeping purposes of this request, no comments from other agencies were requested.

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

RECOMMENDATION: That the Board:

Amend the prior Board action of January 13, 2006, under agenda item D-12, by adding Hawaiian
Telcom, Inc. as the Applicant.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



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

January 13, 2006

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

PSF No.: 05od-206

Oahu

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Access and Utility Purposes, Auwaiolimu, Honolulu, Oahu, Tax Map Key: 2-2-03:13 portion.

APPLICANT:

Hawaiian Electric Company, Inc. (HECO), a Hawaii corporation, whose business and mailing address is P.O. Box 2750, Honolulu, Hawaii 96840-0001.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Auwaiolimu situated at Auwaiolimu, Honolulu, Oahu, identified by Tax Map Key: 2-2-03:13 portion, as shown on the attached map labeled Exhibit A.

AREA:

251 sq. ft. (approximately 18.3 feet wide and 14.5 feet long).

ZONING:

State Land Use District: Urban
City & County of Honolulu CZO: A-2 Apartment & 3.5 Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO X

CURRENT USE STATUS:

Governor's Executive Orders 1060 and 1275 to Board of Water Supply for Bella Vista Reservoir Site.

EXHIBIT " / "

APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES

January 13, 2006

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, 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."

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment and
- 2) Provide survey maps and descriptions acceptable to State DAGS standards and at Applicant's own cost.

REMARKS:

HECO requested a perpetual easement for access and utility purposes by letter dated August 29, 2005 (see Exhibit B). The utility line will service a private customer adjacent to the BWS parcel. The BWS wrote separate letters to HECO and DLNR Land Division in response to the request and stated they had no objections for the planned overhead power line easement provided they can review the construction plans prior to HECO applying for the building permit (see Exhibit B).

The Department of Hawaiian Home Lands and Office of Hawaiian Affairs replied to our request for comments memorandum indicating they had "no comments". No other agency comments were received.

The Department of Hawaiian Home Lands and Office of Hawaiian Affairs replied to our request for comments memorandum indicating they had "no comments". No other agency comments were received.

RECOMMENDATION: That the Board:

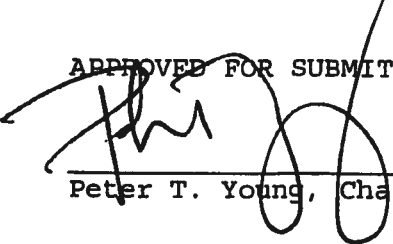
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. covering the subject area for access and utility purposes 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 perpetual 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,

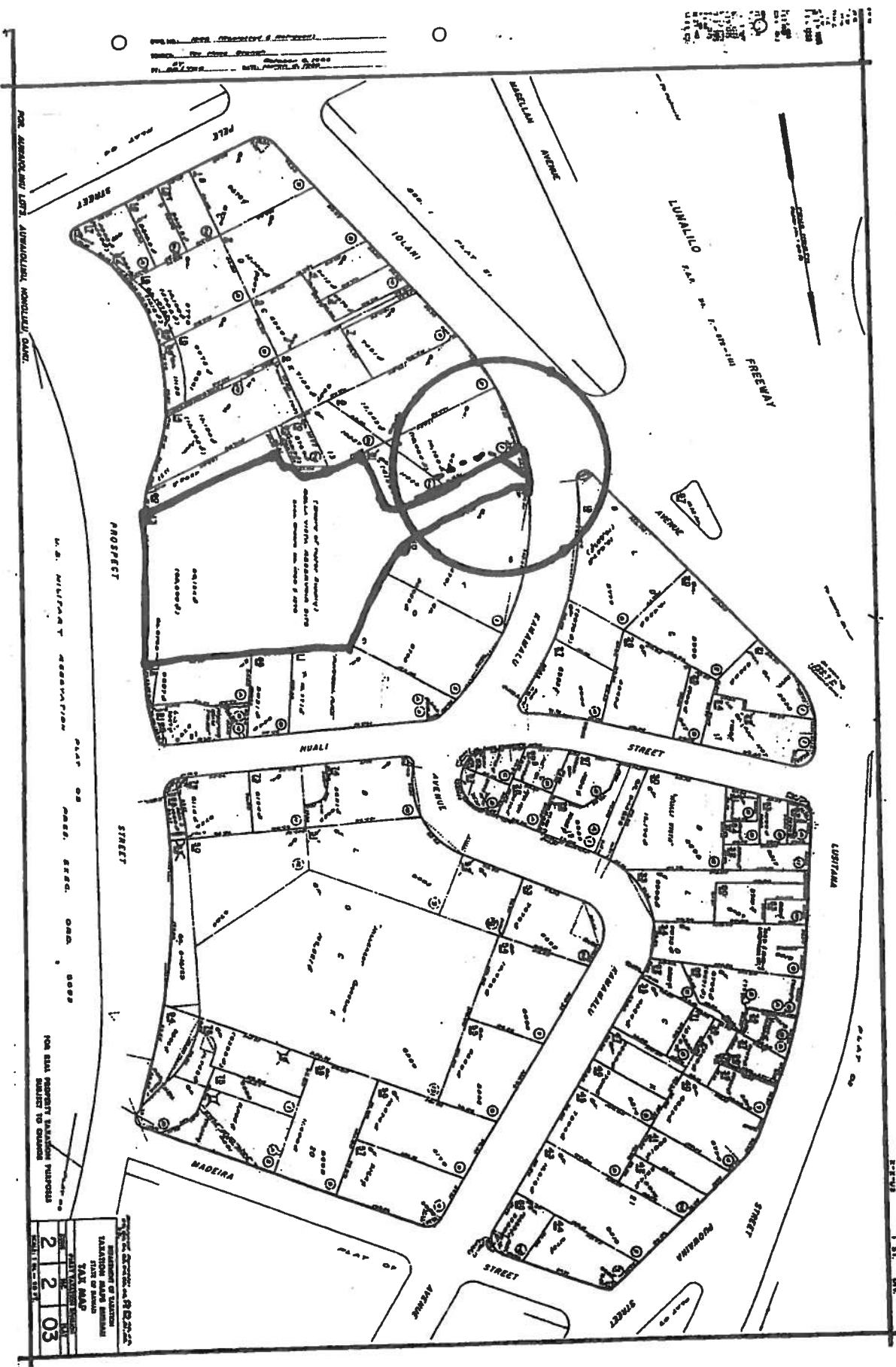


Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



THE HONOLULU CITY ENGINEER'S OFFICE
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 HONOLULU, HAWAII

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EXHIBIT "A"

RECEIVED
LAND DIVISION

2005 AUG 31 A 9 30

DEPT. OF LAND & August 29, 2005
NATURAL RESOURCES
STATE OF HAWAII



Ms. Charlene Unoki
Oahu District Manager
State of Hawaii, Land Division
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Grant of Perpetual, Non-Exclusive Easement
Iolani Avenue, Auwaiolimu, Honolulu, Oahu, TMK (1) 2-2-003:013

Dear Ms. Unoki:

Please find enclosed a copy of the following for your review:

1. Letter dated December 8, 2004, from the undersigned to Shirley Saffery, Board of Water Supply, Land Division, with an enclosure copy of -
 - a. Tax Map (1) 2-2-003;
 - b. Hawaiian Electric Company, Inc. ("HECO") Engineering Drawing No. P0012345; and,
 - c. HECO R/W Map No. 2004-048 dated August 16, 2004.
2. Letter dated May 27, 2005, from Shirley F. Saffery to the undersigned.

HECO is in the planning process to provide electrical service to TMK (1) 2-2-003:009 (owned by Mary Wilkowski), a parcel which abuts Bella Vista Reservoir Site (Executive Order Nos. 1060 & 1275). We had hoped to provide service without crossing over the reservoir site, but after much analysis, tapping off of our Pole 15 is the only option available. This would require an easement over the Reservoir Site in order to connect service from Pole 15 to the Wilkowski's property.

Pursuant to Ms. Saffery's letter, we are contacting you for the formal approval and processing of a grant of easement document over and across the Bella Vista Reservoir Site.

If you have any questions, or require additional information, please feel free to call me at 543-4736. Thank you.

Sincerely yours,

Harrilynn Kameenui
Land Agent

Enclosures

EXHIBIT "B"

WINNER OF THE EDISON AWARD
FOR DISTINGUISHED INDUSTRY LEADERSHIP



BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



December 14, 2005

MUFI HANNEMANN, Mayor

RECEIVED
LAND DIVISION

RANDALL Y. S. CHUNG, Chairman
HERBERT S. K. KAOPUA, SR.
SAMUEL T. HATA
ALLY J. PARK

RODNEY K. HARAGA, Ex-Officio
LAVERNE HIGA, Ex-Officio

DONNA FAY K. KIYOSAKI
Deputy Manager and Chief Engineer

2005 DEC 21 A 9:28
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. AL Jodar, Land Agent
Department of Land and Natural Resources
Land Management Division
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Jodar:

Subject: HECO's request for Electrical Easement over Board of Water Supply's Bella Vista Reservoir Site off Iolani Avenue at Honolulu, Oahu - TMK: 2-2-003:013

The Board of Water Supply (BWS) has no objection to Hawaiian Electric Company, Inc. (HECO) conceptual plans for an overhead power line easement over our above property, granted by Executive Order 1060.

We had informed HECO that their construction plans must be reviewed and approved by the BWS before they can apply for a building permit.

If there are any questions, please call Shirley Saffery at 748-5913.

Very truly yours,

JONATHAN M. SUZUKI
Civil Engineer VI

EXHIBIT "B"



April 3, 2012

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Timothy Chee
State of Hawaii Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

RECEIVED
LAND DIVISION
2012 APR -4 P 3:04
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Re: Grant of Perpetual, Non-Exclusive Access and Utility Easement at
Auwaiolimu, Honolulu, Oahu
TMK: (1) 2-2-003:013 (portion)
Your File No. 05OD#206

Dear Mr. Chee:

Following up on my March 13, 2012 letter to you regarding the above matter, HECO obtained an appraisal from Sanford D. Goto, MAI, on the fair market value of the requested 251-square foot utility easement over a portion of the property identified above. Mr. Goto's appraisal came in substantially below your appraiser's estimate of \$22,155.00.

As mentioned in my earlier letter, we request that the fair market value of the easement be determined through binding arbitration in accordance with Chapter 658A, Hawaii Revised Statutes. Please advise us as to how we may initiate the arbitration process.

On a related note, please be aware that Hawaiian Telcom, Inc. ("HTI") is a joint owner with HECO on the utility poles located adjacent to the subject property, and has aerial telecommunication lines in the same alignment as HECO's lines. HECO is seeking the requested easement of behalf of both joint pole owners.

We look forward to hearing from you regarding the arbitration process. I can be reached at (808) 543-4736 if you have any questions.

Sincerely,

Dave Nagata
Land Agent
Land & Rights of Way Division

cc: Karen Sunahara-Teruya, HTI

EXHIBIT "2"