

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

June 8, 2012

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

PSF: No. 11od-106

Oahu

Consent to Assign Grant of Non-Exclusive Easement No. S-5341 from Linda Renaud, Assignor, to Pipeline Shores, LLC, Assignee; Amend the Easement Condition by Allowing the Easement to Run With the Abutting Property; Pupukea, Koolauloa, Oahu, Tax Map Key: (1) 5-9-020:048 seaward.

APPLICANT:

Linda Renaud, as Assignor, to Pipeline Shores, LLC, a domestic limited liability company, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of lands situated at Pupukea, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-9-020:048 seaward, as shown on the attached map labeled Exhibit 1.

AREA:

2,940 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

Right, privilege, and authority to use, repair, construct and maintain an existing revetment.

TERM OF LEASE:

65 years, commencing on October 16, 1992 and expiring on October 15, 2057.

ANNUAL RENTAL:

Not Applicable

CONSIDERATION:

None

RECOMMENDED PREMIUM:

Not applicable, there is no allowance for a premium.

DCCA VERIFICATION:

ASSIGNOR:

Not applicable, the assignor is an individual landowner.

ASSIGNEE:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

At its meeting of July 14, 2006, under agenda item D-11, the Board had approved of, and consented to, the assignment of the existing revetment (Non-Exclusive Easement No. S-5341), from Thomas William Coulson, Patricia Marie Coulson, Tracy Minard Patrick, III, and Cathy Ann Patrick, as Assignor, to Linda Renaud, as Assignee.

Subsequently, by way of a quitclaim deed document, numbered as 2010-117422, and recorded on August 13, 2010, Miss Renaud sold the abutting private property together with the subject easement area to Pipeline Shores, LLC. This event transferred property ownership rights and triggers the need for the Board to consent to the assignment of the easement.

Staff now brings this request to the Board to seek its consent for an assignment to include the existing revetment easement area, as included in the sale of the abutting privately owned property.

In the event of changes to the ownership of the abutting privately owned property, staff recommends that the Board now amend the easement to inure to the benefit of the said abutting property, to eliminate the consent needed from the Board regarding any future assignment(s).

Because the subject request is primarily for housekeeping purposes, no requests were routed to government and/or community agencies for their comments. Previously, staff had mailed a draft copy of this Board submittal to the Assignee for their review and comments. At the

time of writing this submittal, the Assignee has not responded.

According to our research, Pipeline Shores LLC, 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.

There are no other pertinent issues or concerns, and staff has no objection to the subject request. Staff now brings the subject request to the Board for its approval.

RECOMMENDATION: That the Board:

A. Consent to the assignment of Grant of Non-Exclusive Easement No. S-5341 from Linda Renaud, as Assignor, to Pipeline Shores, LLC, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
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.

B. Amend the Grant of Non-Exclusive Easement No. 5341 by adding the following condition:

“The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 5-9-020:048, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document.”

Respectfully Submitted,

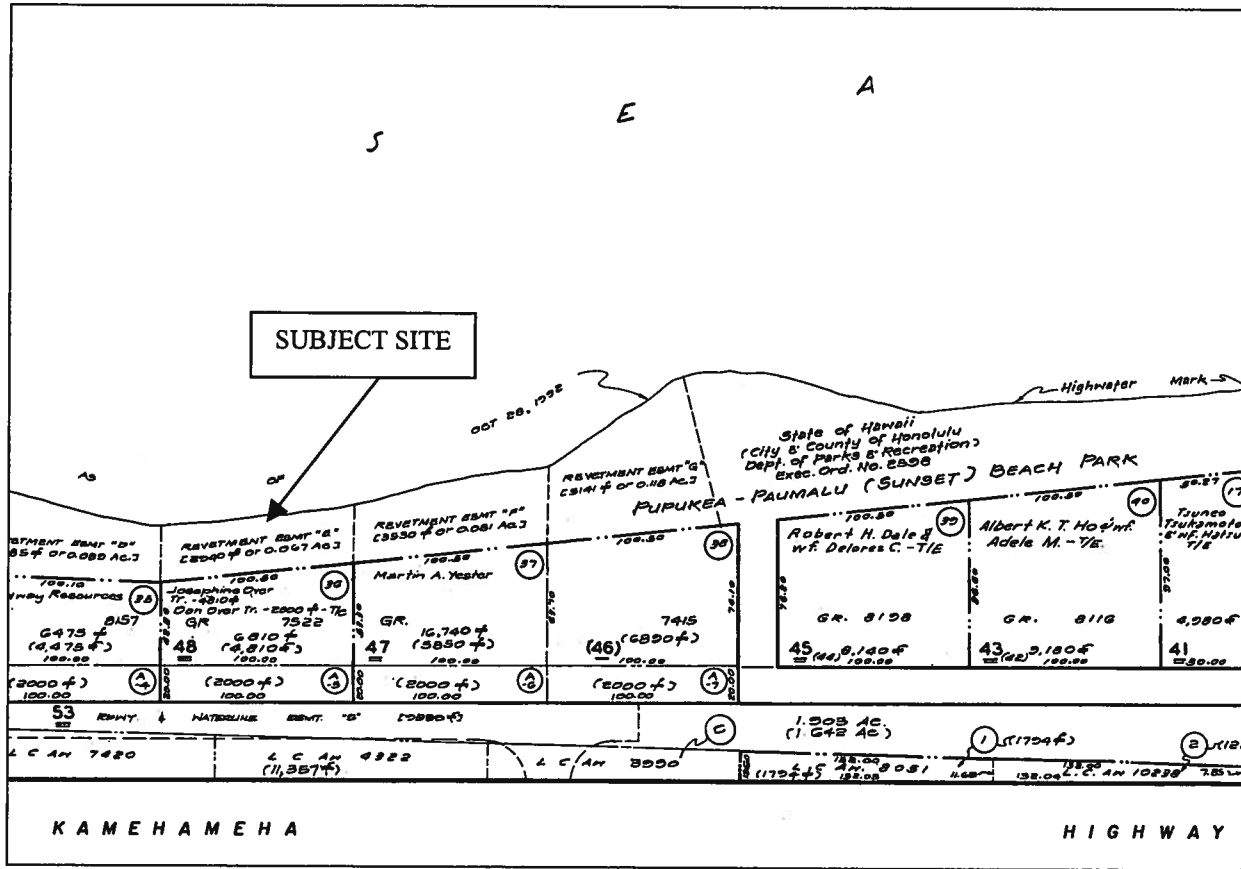


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TAX MAP KEY: (1) 5-9-020:048 SEWARD

EXHIBIT 1