

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

November 9, 2012

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

PSF No.:12KD-095

Kauai

Grant of Perpetual, Non-Exclusive Easement to Board of Water Supply, County of Kauai, for Construction, Installation, Reinstallation, Use, Maintenance, Repair, and Removal of Two Water Meters and Appurtenant Water Pipelines, Valves, and Related Waterworks Equipment; Lihue Town, Lihue, Kauai, Tax Map Key: (4) 3-6-005:011 por.

APPLICANT:

Board of Water Supply, County of Kauai

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalapaki situated at Lihue Town, Lihue, Kauai, identified by Tax Map Key: (4) 3-6-005:011, as shown on the attached maps labeled Exhibits A & B.

AREA:

600 sq. ft., more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: STP R-1

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered by Governors Executive Order No. S-2380, Department of Accounting and General Services for Lihue State Office Building.

CHARACTER OF USE:

Right, privilege and authority to construct, install, reinstall, use, maintain, repair, and remove two water meters and appurtenant water pipelines, valves, and related waterworks equipment.

COMMENCEMENT DATE:

To be determined by the Chairperson.

ANNUAL RENT:

Gratis. Disposition involves a government agency.

RENTAL REOPENINGS:

Not applicable.

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."

Exemption notification attached; Exhibit C.

DCCA VERIFICATION:

Not applicable, applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant has provided:

- 1) Survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The subject property is the location of the Lihue State Office Building covered under Governor's Executive Order No. 2380 to the Department of Accounting and General Services (DAGS).

DAGS made improvements to the fire protection supply and domestic water supply lines for the Lihue State Office Building through a contract executed with the County of Kauai, Department of Water (DOW). The improvements included installation of a new fireline lateral with a reduced pressure detector assembly (RPDA), a new fireline water meter, valves and appurtenances required by codes and regulations for the water systems. DOW retains ownership of the new and existing water meters (one attached to the RPDA, and a second one for an existing domestic supply line) and needs access to the meters for reading, maintenance, repair, etc. Because the facilities are underground (with access to the meters from the surface), major repairs would likely involve excavation of the ground around the facilities within the requested easement area.

The governing body of the DOW, the Board of Water Supply, County of Kauai (BWS), has requested a perpetual easement over a 600-square foot portion of the subject land as shown in Exhibit B attached, to allow for such reading, maintenance and repair.

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.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
Historic Preservation	No objections
OHA	No response by suspense date

County Agencies

County Planning	
Public Works	No floodplain requirements, future maintenance - check on tunnel easement

Dept. of Water	No response by suspense date
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DAGS concurs in the grant of the perpetual, non-exclusive easement to BWS. There are no pertinent issues or concerns. Staff has no objections to the request.

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 County of Kauai, Board of Water Supply, covering the subject area for Construction, Installation, Reinstallation, Use, Maintenance, Repair, and Removal of Two Water Meters and Appurtenant Water Pipelines, Valves, and Related Waterworks Equipment 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,



Marvin Mikasa
Land Agent

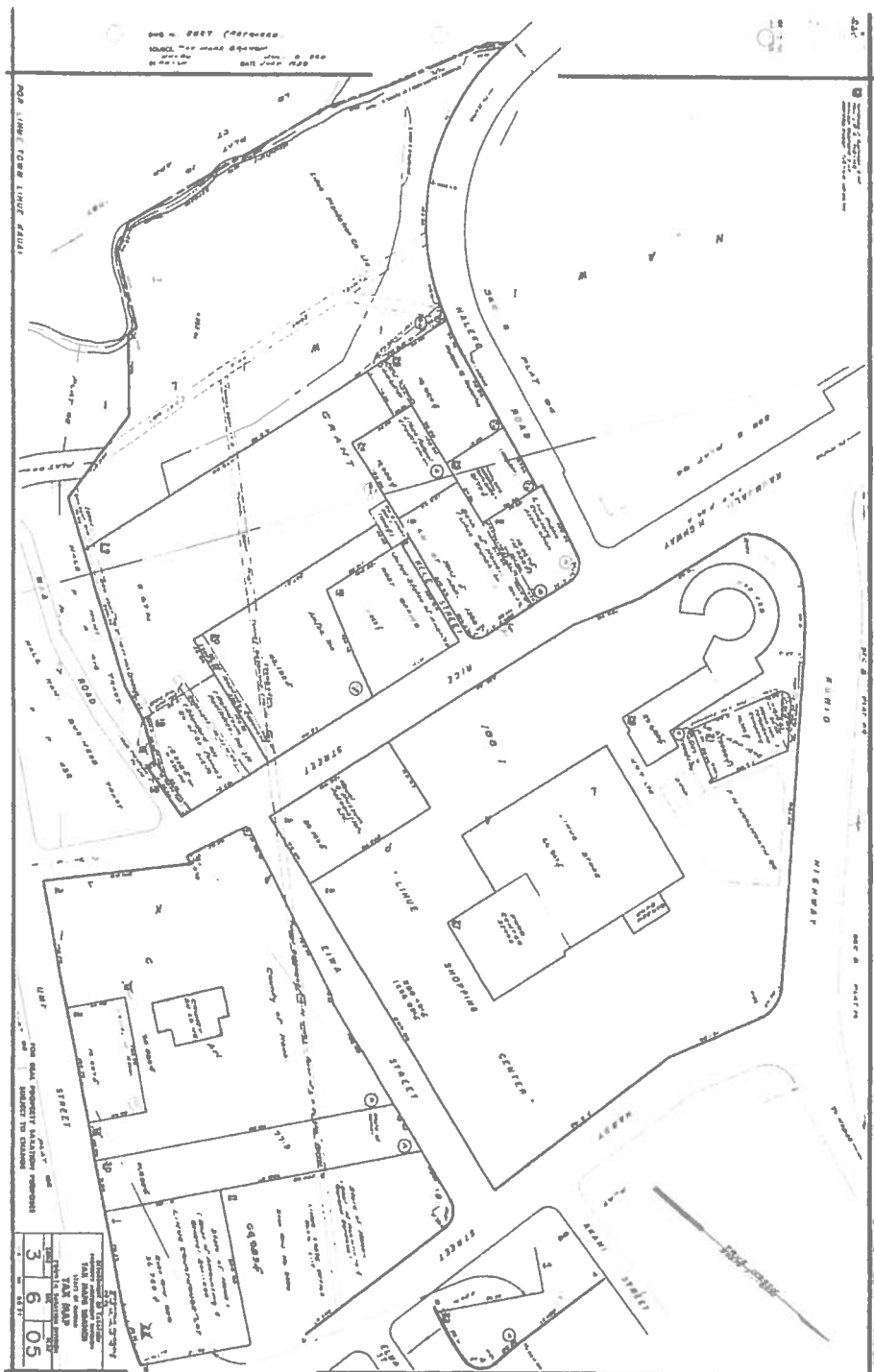
APPROVED FOR SUBMITTAL:

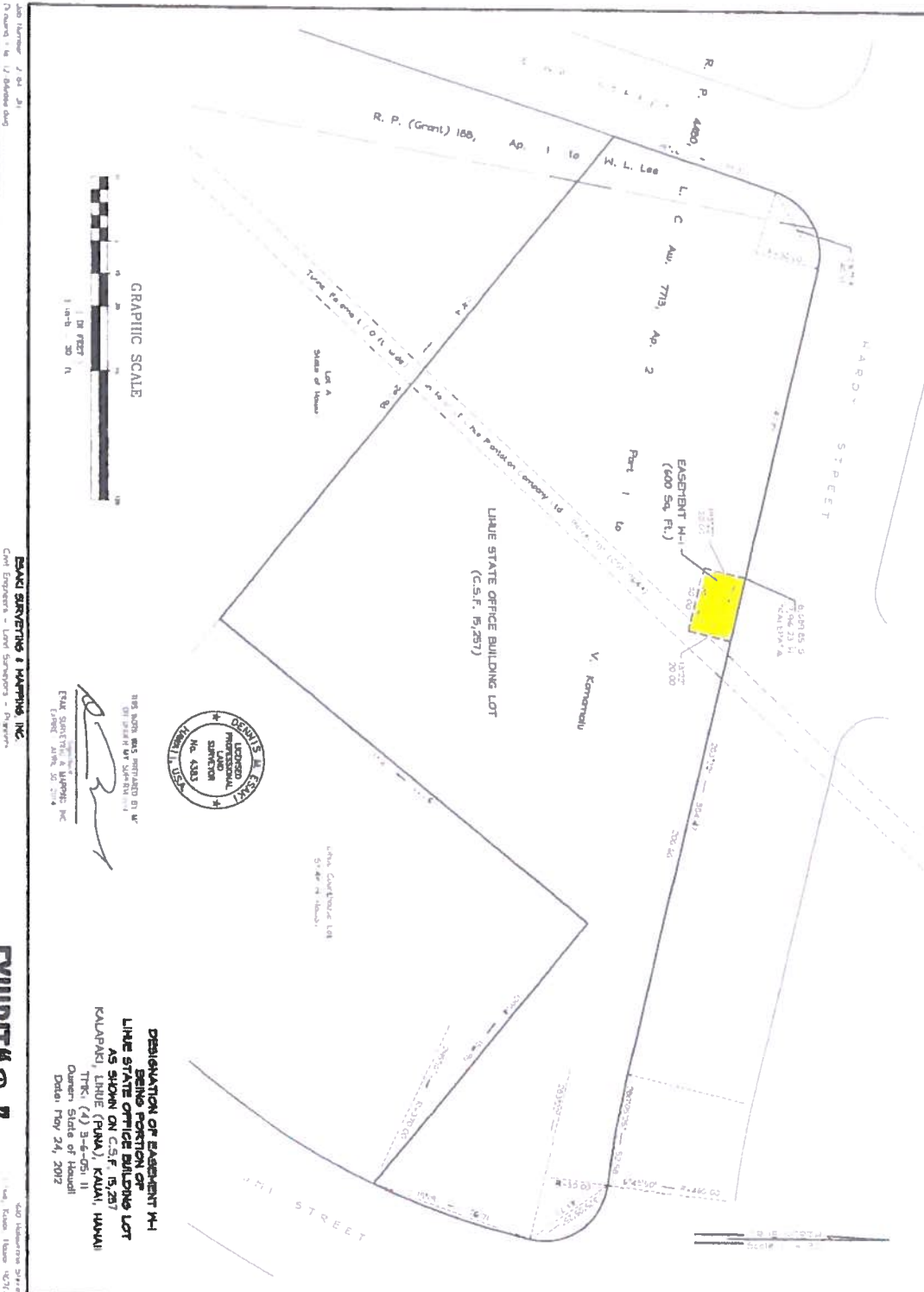


William J. Aila, Jr., Chairperson

N
for

EXHIBIT "A"





John Hammer 7/24/2012
Drawing Title: U: 15287.dwg

ESAKI SURVEYING & PLANNING, INC.
Civil Engineers - Land Surveyors - Planners

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION
AND I AM A LICENSED PROFESSIONAL
LAND SURVEYOR
No. 4383

DESIGNATION OF EASEMENT M-1
BEING PORTION OF
LINE STATE OFFICE BUILDING LOT
AS SHOWN ON C.S.F. 15,287
KALAPAKI, LINE (PANA), KAUAI, HAWAII
TRK (4) 3-4-05-11
Owner: State of Hawaii
Dated: May 24, 2012

EXHIBIT 3

440 Wai'anae Street
Honolulu, Hawaii 96814

EASEMENT W-1

LAND SITUATED AT KALAPAKI, LIHUE (PUNA), KAUAI, HAWAII

Being Portion of Lihue State Office Building Lot

Beginning at the northwest corner of this parcel of land on the south side of Hardy Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POOKU" being 8,689.85 feet South and 2,916.23 feet West, thence running by azimuths measured clockwise from true South:

- | | | |
|-------------|-------|--|
| 1. 283° 22' | 30.00 | feet along the south side of Hardy Street; |
| 2. 13° 22' | 20.00 | feet along the remainder of Lihue State Office Building Lot; |
| 3. 103° 22' | 30.00 | feet along the remainder of Lihue State Office Building Lot; |
| 4. 193° 22' | 20.00 | feet along the remainder of Lihue State Office Building Lot to the point of beginning and containing an area of 600 square feet. |



Lihue, Hawaii
May 2012

DESCRIPTION PREPARED BY:
ESAKI SURVEYING & MAPPING, INC.

A handwritten signature in black ink, appearing to read "Dennis M. Esaki".

Dennis M. Esaki
Licensed Professional Land Surveyor
Certificate Number 4383

EXHIBIT "B"

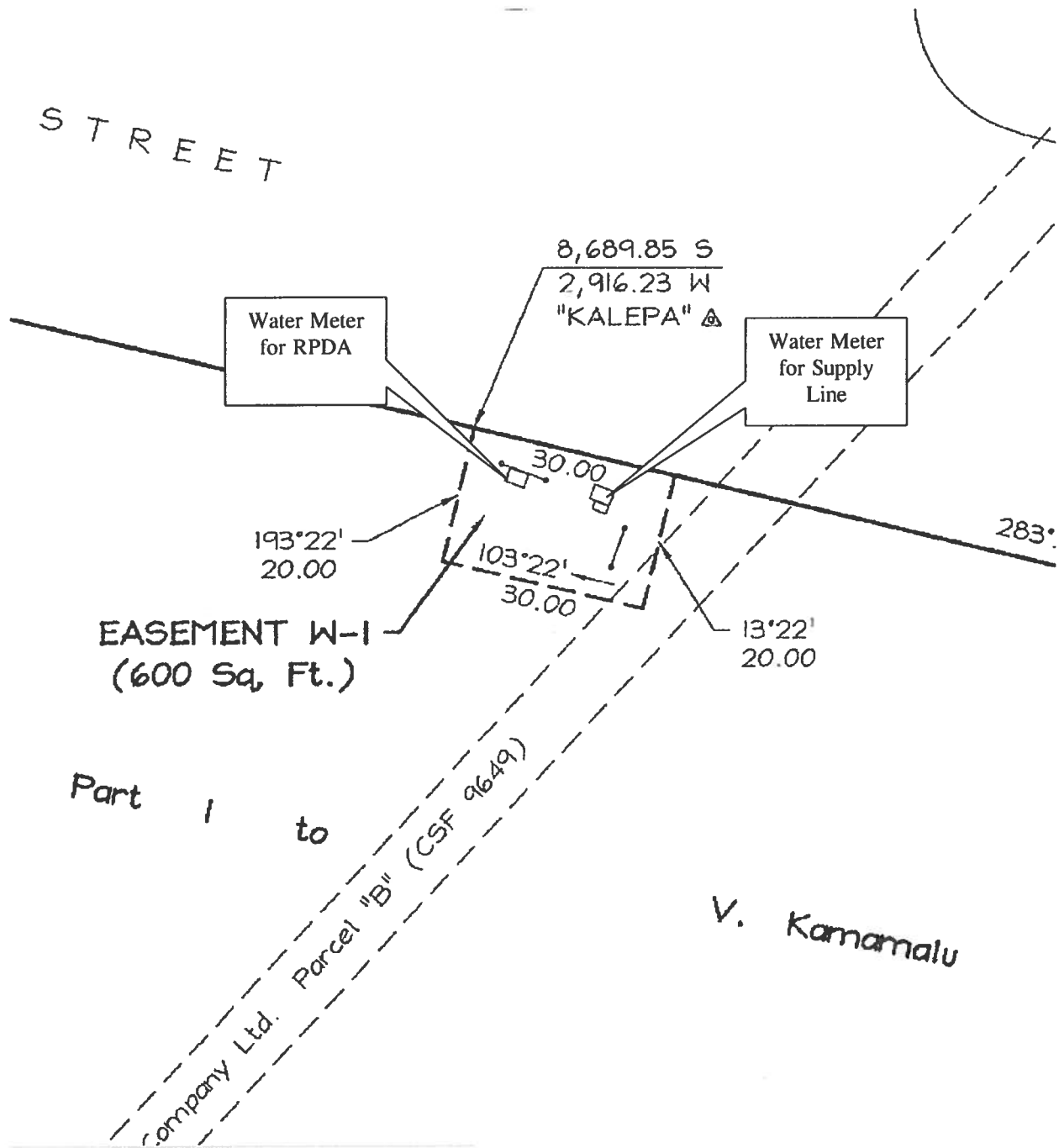


EXHIBIT B



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 30, 2012

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Grant of Perpetual, Non-Exclusive Easement to County of Kauai, Department of Water (DOW) for Reading of Water Meters, Construction, Installation, Reinstallation, Maintenance, Repair, and Removal of Potable Water Pipelines, and related Meters, Valves, and other Waterworks Facility Improvements and Appurtenances

Project / Reference No.: 12KD-095

Project Location: por. of Lihue Town, Lihue, Kauai, Tax Map Key: (4) 3-6-005:011.

Project Description: Grant of Perpetual, Non-Exclusive Easement

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: 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 for a grant of perpetual, non-exclusive easement is exempt from the preparation of an environmental assessment under the following:

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."

EXHIBIT C

Consulted Parties:

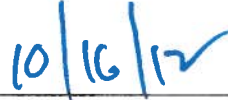
None

Recommendation:

It is recommended that the Board find that this request 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. Aila, Jr., Chairperson



Date

EXHIBIT C