

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

January 11, 2013

PSF No: 01HD-332

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

HAWAII

Amend Prior Board Action of October 8, 2004, Item D-14, Grant of Perpetual, Non-Exclusive Easement to Honomalino-Okoe Community Association, for Access and Utility Purposes, Honomalino & Okoe, South Kona, Hawaii, Tax Map Key: (3) 8-9-003: portion of 001 & 083, and 8-9-005: portion of 002. Purpose of the Amendment is to Change the Grantee's Name to Honomalino Bay Property Owners Association.

BACKGROUND:

In the immediate vicinity of Honomalino Bay, there are approximately fifteen (15) landlocked private parcels that are surrounded by unencumbered State lands, identified as Tax Map Keys: (3) 8-9-003:001 & 083. Historically, over the past fifty years or more, the various landowners have been utilizing a graveled 4-wheel drive roadway that traverses the unencumbered State parcels. The gravel roadway, once an internal service road for cattle operations, runs mauka/ makai between the Mamalahoa Highway and the landlocked parcels near the bay. Due to inquiries by individuals requesting vehicular access to Honomalino Bay for recreational purposes, staff was made aware that the abutting landlocked private parcels did not have easements for legal accesses between the Mamalahoa Highway and the respective private properties. As a result, under staff's recommendation, the landowners of the landlocked properties have formed a community association and are now requesting an easement from the State to establish their legal accesses.

Act 59, Session Laws of Hawaii 2003, the 22<sup>nd</sup> Legislature, passed HB No. 1509. The Act establishes the South Kona Wilderness Area, which includes the unencumbered lands of Honomalino and Okoe.

At its meeting of October 4, 2004, Item D-14, the Board of Land and Natural Resources approved, as amended, the issuance of a perpetual, non-exclusive easement to Honomalino-Okoe Community Association for access and utility purposes.

At its meeting of September 9, 2010, Item D-8, the Land Board approved to amend its prior Board action of October 4, 2004 (D-14), to insert references of Tax Map Key (3) 8-9-005: portion of 002 as additional government lands affected in the granting of the

proposed easement.

In processing the easement document, it was realized that the survey of the proposed easement alignment was not in the proper location; therefore, the survey maps needed to be revised.

REMARKS:

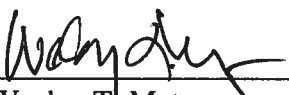
Upon obtaining the revised survey maps for the subject easement area, and in commencing with the processing of the above request, staff noted that the grantee's name was not yet registered with the Department of Commerce and Consumer Affairs (DCCA). As a result, processing was held in abeyance until the community association could confirm that its name was registered with DCCA.

On November 21, 2012, the Hawaii District Land Office received notification that the Honomalino Bay community association is now registered with DCCA. Upon review of the DCCA website, staff noted that the name as registered with DCCA was different from the name as referenced in the Board Action of October 10, 2004. As a result, staff is now recommending that the Land Board amend its prior actions of October 10, 2004 (Item D-14) to change all references of the applicant's name from "Honomalino-Okoe Community Association" to "Honomalino Bay Property Owners Association."

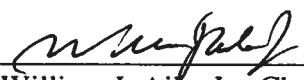
RECOMMENDATION: That the Board:

1. Amend its prior Board action of October 10, 2004, under agenda item D-14 by changing the Grantee's name as referenced, from Honomalino-Okoe Community Association to Honomalino Bay Property Owners Association.
2. All terms and conditions listed in its October 10, 2004 approval to remain the same.

Respectfully Submitted,

  
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Wesley T. Matsunaga  
Land Agent

APPROVED FOR SUBMITTAL:

  
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William J. Aifa, Jr., Chairperson