

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

July 12, 2013

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

PSF No: 12HD-006

Hawaii

Rescind Prior Board Action of November 9, 2012, Item D-4, Sale of Storm Drainage Easement Reservations 1 and 2 in Favor of the State of Hawaii to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom, Paukaa, South Hilo, Hawaii, Tax Map Key: (3) 2-7-20:14.

BACKGROUND:

At its meeting of November 9, 2012 agenda item D-4 (attached as Exhibit A), the Board of Land and Natural Resources approved the sale of two storm drainage easement reservations to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom (applicants). The two easement reservations were created during the subdivision of Honolii Pali Tract 2, File Plan 489. The easements were intended to allow for a 10-foot wide storm drain and are entirely within the boundaries of the applicant's private property. Physical inspection by staff found no indication the drainage system was ever laid out.

REMARKS:

Upon receiving Board approval of the sale, staff sent out a bid request for an independent appraisal to determine the purchase price for the easement reservations. The applicants objected to the appraisal fee of \$3,277.49 for the two small easement reservations and have notified the Hawaii District Land Office that they are no longer interested in purchasing the storm drainage easement reservations and withdraw their request to do so.

Staff is recommending that the Board rescind the prior action of November 9, 2012 agenda item D-4 authorizing the sale of storm drainage easements 1 and 2.

RECOMMENDATION: That the Board:

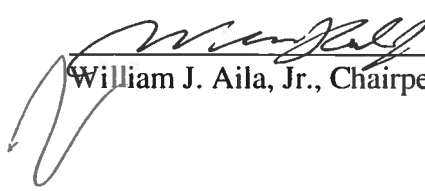
1. Rescind Prior Board Action of November 9, 2012, Item D-4, Sale of Storm Drainage Easement Reservations 1 and 2 in Favor of the State of Hawaii to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom, Paukaa, South Hilo, Hawaii, Tax Map Key:(3)2-7-20:14.

Respectfully Submitted,



 Candace Martin  
Land Agent

APPROVED FOR SUBMITTAL:



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William J. Aila, Jr., Chairperson

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.: 12HD-006

Hawaii

**Sale of Storm Drainage Easement Reservations 1 and 2 in Favor of the State of Hawaii to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom, Paukaa, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-7-20:14.**

APPLICANT:

Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom. Husband and Wife, Tenants by the Entirety.

LEGAL REFERENCE:

Section 171-57, Hawaii Revised Statutes, as amended.  
Section 171-16(d), Hawaii Revised Statutes, as amended.

LOCATION:


Portion of lands of Honolii Pali Tract 2, situated at Pauka'a, South Hilo, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/2-7-20:14, as shown on the attached map labeled Exhibit A.

AREA:

Easement reservation 1 = 3,100 square feet, more or less.  
Easement reservation 2 = 3,478 square feet, more or less.

ZONING:

State Land Use District: Urban  
County of Hawaii CZO: RS-10 residential

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES   
AT ITS MEETING HELD ON  
November 9, 2012

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:

Reservation for Storm Drainage

CURRENT USE STATUS:

Vacant and unencumbered

CONSIDERATION:

A one-time lump sum payment of the difference in fair market value with and without the easement reservations (easement) 1 and 2, to be determined by independent appraiser contracted for by the State, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Refer to Exhibit B – Exemption Notification letter.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicants shall be required to:

1. Pay for an appraisal to determine the one-time payment of the difference in fair market value with and without the easement.
2. Pay for the costs of public notice pursuant to section 171-16(d).

REMARKS:

Easement 1 was created by Onomea Sugar Company on September 5, 1952 during the subdivision of Honolii Pali Tract 2, File Plan 489 as “Easement J”. The subject easement was carried forward as “Easement 1” in Land Court Application 1658. The 10 foot wide easement courses along the northern boundary, as indicated in yellow on the attached Exhibit A and was made in reservation to the State of Hawaii for the purpose of storm

drainage. Currently, the State has not made use of this easement and there are no indications of pending or planned future usage.

Easement 2 was created in conjunction with Easement 1 and traverses the property along the western border as indicated in blue on the attached Exhibit A. Easement 2 is also 10-foot wide and was reserved to the State of Hawaii and County of Hawaii for the purpose of storm drainage and water pipeline. Currently, the State has not made use of this easement and there are no indications of pending or planned future usage.

The Applicant is the owner of parcel (3) 2-7-20:14 as staff has confirmed by the County of Hawaii, Real Property Tax Office web site. A copy of the reservation wording attached to the Warranty Deed is attached as Exhibit C. The easements were intended to allow for a 10-foot wide storm drain and are entirely within the Applicant's property. Physical inspection by staff revealed no indication the drainage system was ever laid out and existing contour of the land suggests a drainage system in this location would not be feasible.

The Applicant has a pending request with the County of Hawaii (COH) to abandon the COH's interest in Easement 2 and has acquired letters from the County of Hawaii Department of Public Works, Planning Department, Department of Water Supply and Department of Environmental Management in support of the applicant's request for the COH to abandon Easement 2 (attached as Exhibit D). The Applicant asks the State of Hawaii to dispose of the State's interest in Easement 2.

The 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.

Section 171-57, HRS allows the Board to authorize disposal of an easement reservation to the State by direct sale. Staff recommends an appraisal be conducted to determine the consideration payable to the State from the sale of Easement 1 and Easement 2.

Request for comments were sent to various interested agencies. Nine agencies were solicited for comments; two responses were received. Hawaii County Planning had no comments and Hawaii County Environmental Management had no objections.

The disposition of these easements does not involve any expansion or change of use beyond that previously existing. Therefore, staff believes this transaction to be exempt from the preparation of an environmental assessment.

**RECOMMENDATION:**

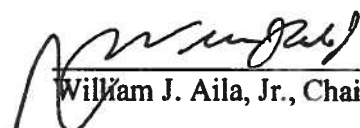
That the Board:

1. Find that the sale of Storm Drainage Easement Reservations 1 and 2 is not prejudicial to the best interest of the State, community or area in which the storm drainage easement reservations are located.
2. 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.
3. Authorize the subject request to be applicable in the event of a change in the ownership of the private parcel described as Tax Map Key: (3) 2-7-20:14, 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.
4. Subject to the Applicant fulfilling the Applicant Requirements listed above, authorize the sale of Storm Drainage Easement Reservations 1 and 2 to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom covering the subject area 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 waiver of easement 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,

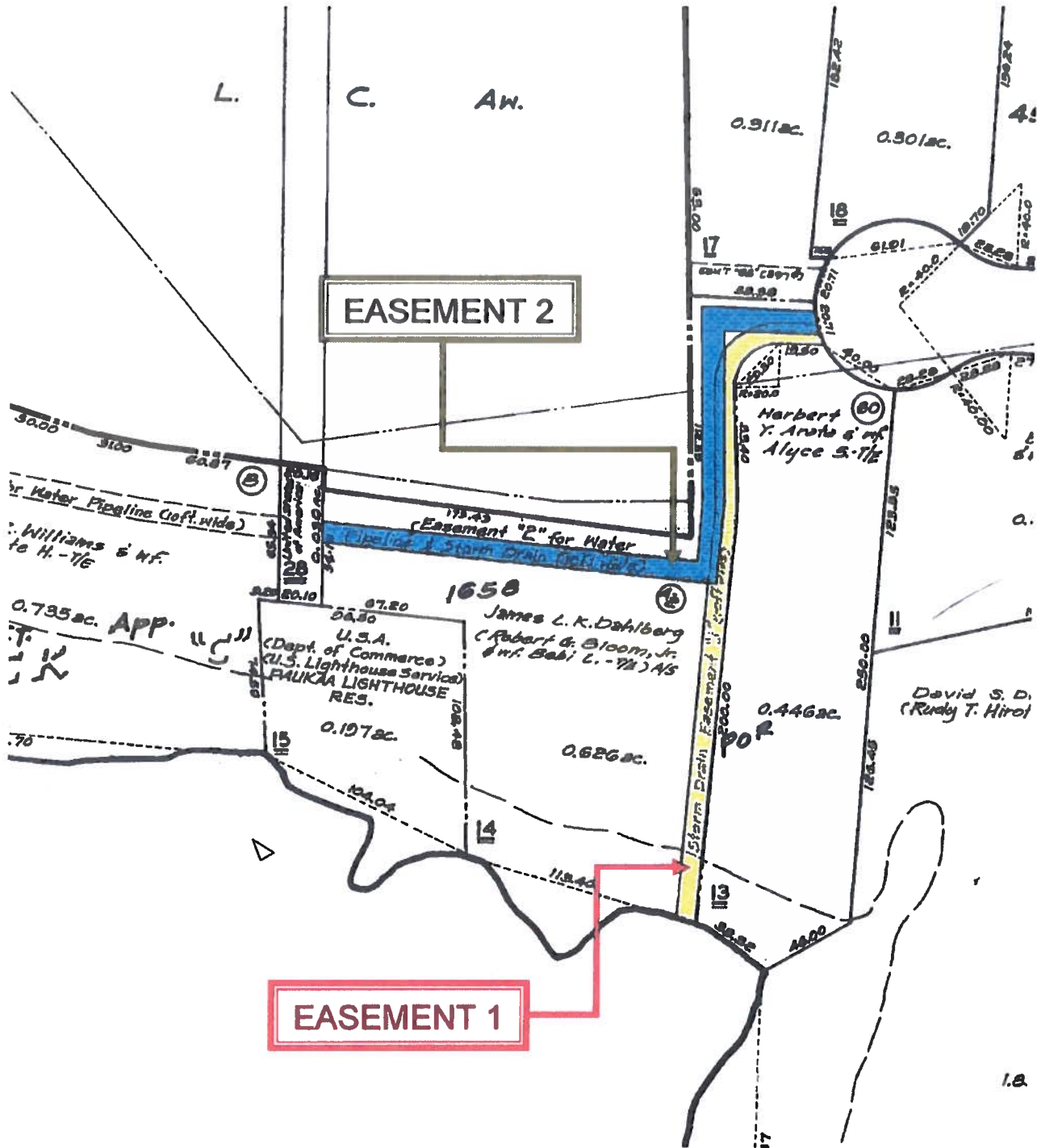
  
\_\_\_\_\_  
Candace Martin  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson

# EXHIBIT A

TMK: 3<sup>rd</sup>/ 2-7-20:14



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



## EXHIBIT B

WILLIAM J. AILA, JR.  
CHAIRMAN  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

PAUL J. CONRY  
DEPUTY CHAIRMAN

WILLIAM M. TAM  
DEPUTY DIRECTOR WATER

AQUATIC RESOURCES  
DIVISION AND OCEANIC RELATION  
DIVISION COMPLIANCE  
COMMISSION ON WATER SOURCE MANAGEMENT  
CONSERVATION AND COASTAL ZONE  
CONSERVATION AND RESOURCES INFORMATION  
ENGINEERING  
FORESTRY AND WILDLIFE  
HIS HONORABLE PRESIDENT  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

October 15, 2012

### EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Sale of Storm Drainage Easement Reservations 1 and 2 in Favor of the State of Hawaii to Robert Glenn Bloom, Jr. and Bebi Latiefa Bloom, Pauka'a, South Hilo, Hawai'i, Tax Map Key: 3<sup>rd</sup>/2-7-20:14

**Project / Reference No.:** PSF 12HD-006

**Project Location:** Portion of lands of Honoli'i Pali Tract 2, situated at Pauka'a, South Hilo, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/2-7-20:14

**Project Description:** Proposed sale of storm drainage easement reservations 1 and 2 through private property owned by the applicants. Said easement reservations were made in 1952 during subdivision development. There is no evidence the drainage system was ever constructed and existing contours of the land suggest a drainage system in this location would not be feasible.

**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 is exempt from the preparation of an environmental assessment under the following:

Exemption Class No. 1, which 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" and;

Exemption Class No. 4, which states "Minor alteration in the conditions of land, water, or vegetation."



Consulted Parties:

State of Hawaii:

DOH – Environmental Health, Department of Hawaiian Home Lands, DLNR – Conservation District Planning and DLNR – Water Resource Management.

County of Hawaii:

Planning Department, Department of Public Works, Department of Water Supply and Department of Environmental Management.

Other agencies:

Office of Hawaiian Affairs.

Recommendation:

That the Board find this project 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

10/23/12  
\_\_\_\_\_  
Date

# EXHIBIT C

## SUBJECT A

All of the certain parcel of land situate at Paikaa, District of South Hilo, Island, County and State of Hawaii, described as follows:

Lot A-3, Area 0.626 Acres, as shown on Map 1, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1658 of Onuma Sugar Company.

Being all of the land described in Transfer Certificate of Title No. 167,188.

Having and Excepting that portion of the land last hereinabove described, lying seaward of the line of vegetation,

SUBJECT, HOWEVER, to the following:

1. As to that portion of the land herein described bordering on the Ocean:

The effect of Sections 203-31 to 208-37, inclusive, Hawaii Revised Statutes, as now or hereafter amended, pertaining to Shoreline Setbacks.

2. Any adverse claim of State of Hawaii based upon the contention that some portion of the land hereinabove described lies seaward of the line of vegetation, pursuant to the ruling in County of Hawaii v. Sotomura (1978) 55 H. 176, 317 P. 2d 57.

3. Easement 1 in favor of the State of Hawaii, being an easement 10 feet wide for storm drainage, and Easement 2 in favor of the State of Hawaii and County of Hawaii, being an easement 10 feet wide for water pipe line and storm drain, as shown on Map 1 of Land Court Application No. 1658.

4. The covenants in Deed dated July 8, 1958, filed as Land Court Document No. 220291, to which reference is hereby made.

**DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII**

DATE: October 17, 2011

*Memorandum*

TO: Katherine A. Gerson, Assistant Corporation Counsel

FROM: Department of Public Works

SUBJECT: REQUEST TO ABANDON DRAINAGE EASEMENTS J & K  
Property Owner: Robert G. Bloom, Jr., and Bebi L.K. Bloom  
Location.  
TMK: 2-7-020:014

We have reviewed the property owners' request and have no objection to abandoning the drainage easements referenced above.

Questions may be referred to Carter Romero at 961-8327.

  
WARREN H. W. LEE, P.E.  
Director

CLR

c: ENG

William P. Kono  
Mayor



BJ Leithard Todd  
Director


Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-0044 Aiea Kauhakolo Hwy  
Kalihi-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Puuhii Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-6288  
Fax (808) 961-6742

**MEMORANDUM**

**TO:** Katherine A. Garson, Assistant Corporation Counsel  
**FROM:**  BJ Leithard Todd, Planning Director  
**DATE:** October 13, 2011  
**SUBJECT:** Robert G. Bloom, Jr., and Bebi L.K. Bloom's  
Request to the County of Hawai'i to Acquire Drainage Easements J and K  
TMK: (3) 2-7-020-014

We have reviewed the Bloom's request to the County of Hawai'i to acquire the above-reference easements.

We have no objection to the County of Hawai'i abandoning the above-referenced easements.

DSA:mmm

P:\pwin60\lms\2011\M3UB725Easement.doc



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**  
346 KEKĀNAO'A STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8060 • FAX (808) 961-8657

October 21, 2011

**TO:** Katherine A. Garson, Assistant Corporation Counsel  
**FROM:** Milton Pavao, Manager-Chief Engineer – Department of Water Supply  
**SUBJECT:** **ROBERT G BLOOM, JR., AND BEBI L. K. BLOOM'S REQUEST TO THE COUNTY OF HAWAII TO ACQUIRE DRAINAGE EASEMENTS J AND K TAX MAP KEY 2-7-020:014**

We have reviewed the Bloom's request to the County of Hawai'i to acquire the above-referenced easements and we have no objections to the County of Hawai'i abandoning the subject easements.

Should you have any questions, please contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.

Sincerely yours,

  
Milton D. Pavao, P.E.  
Manager-Chief Engineer

LEB:dfg

...Water, Our Most Precious Resource... *Ka Wai A Kāne*...

William P. Koneal  
Mayor



Dora Beck, P.E.  
Acting Director

Hester Bishop  
Deputy Director

**County of Hawai'i**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
25 August Street • Hilo, Hawai'i 96720  
(808) 961-6000 • Fax (808) 961-6000  
<http://www.hawaii.gov/dem/department/department.htm>

**MEMORANDUM**

**DATE** : October 13, 2011  
**TO** : Katherine Garson, Deputy Corporation Counsel  
**FROM** : Dora Beck, P. E., Acting Director *DB*  
**SUBJECT**: Storm Drainage Easement  
TMK: (3)2-7-020-014  
[REDACTED]  
Robert G. & Bob L. K. Bloom

We have reviewed the documents you have provided regarding the subject easements and have no objection to abandonment of the easements as requested by the property owners.

Should there be any questions, please don't hesitate to contact me.

County of Hawai'i is an Equal Opportunity Provider and Employer.