

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

January 24, 2014

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

PSF No.:02KD-420

Kauai

Sale of Remnant to Viola B. Atou, Trustee for the Viola B. Atou Self-Trusted Trust dated June 28, 2002, Por. Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-012: por. 3.

APPLICANT:

Viola B. Atou, Trustee for the Viola B. Atou Self-Trusted Trust dated June 28, 2002, whose mailing address is Honolulu, Hawaii 96815.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa Town Lots, situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-12: por. 3 (abutting parcel 10), as shown on the attached map labeled Exhibit A.

AREA:

1,500 sq. ft., more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

TRUST LAND STATUS:

Acquired after Statehood (non-Trust lands)

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

CURRENT USE STATUS:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point.

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

According to Section 171-52 (a) (2), the subject property, being a portion of an abandoned railway right-of-way, is determined to be a remnant.

Staff has confirmed that the applicant is the fee owner of parcel (4) 4-5-12:10 with the County of Kauai's Real Property Tax Assessment Division. In order to dispose of remnants, they must be first offered for sale to the abutting property owners. The only other property that abuts this remnant belongs to the County of Kauai (by Executive Order), who has

declined the opportunity to obtain any portion of this railroad right of way remnant. The Board has already consented to the sale of other portions of this railroad right-of-way remnant to other abutting owners.

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
DLNR - SHPD	No response by suspense date
DLNR - OCCL	No response by suspense date
OHA	No response by suspense date

County Agencies

Planning	No response by suspense date
Parks & Recreation	No response by suspense date
Dept. of Water	No Objections

RECOMMENDATION:

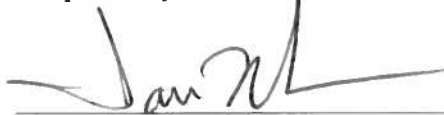
That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 4-5-012:010, 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.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Viola B. Atou, Trustee for the Viola B. Atou Self-Trusted Trust dated June 28, 2002, 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 deed or grant

(remnant) 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



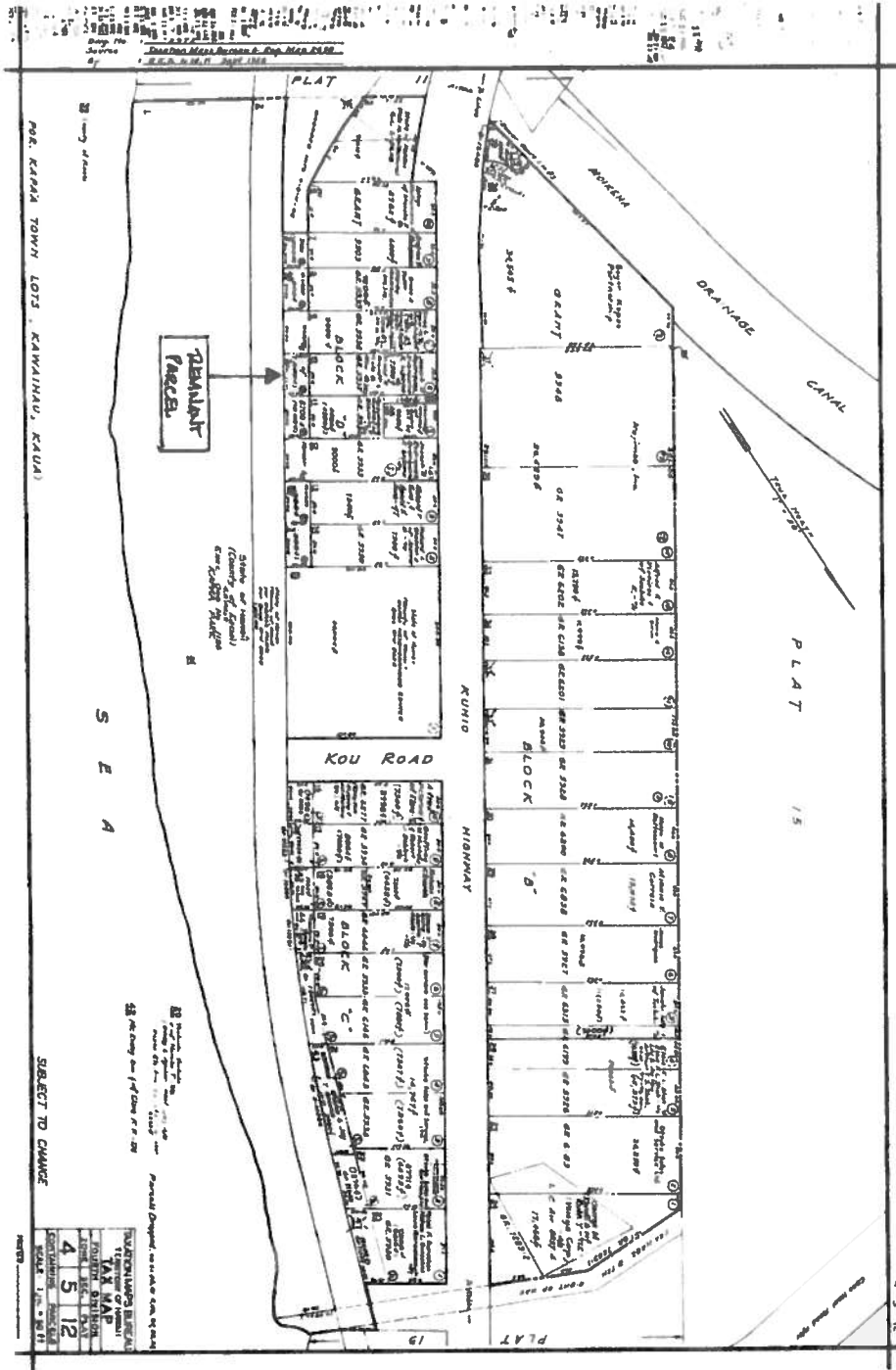


EXHIBIT "A"