

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

April 25, 2014

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

PSF No.: 14HD-063
PSF No.: 14HD-064

HAWAII

Set Aside to the County of Hawaii for Kapiolani Street Extension Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-001: 181 & 182 and (3) 2-4-056:029;

Grant of Perpetual Easements to the County of Hawaii, for Kapiolani Street Extension, Affecting Tax Map Keys: (3) 2-4-001: portion of 019, 024, 167 & 183; (3) 2-4-056:014, 022 & 028; and

Construction Rights-of-Entry to County of Hawaii for Kapiolani Street Extension, onto State Parcels, Waiakea, South Hilo, Hawaii, identified as Tax Map Keys: (3) 2-4-001:019, 024, 167, 181, 182 & 183; (3) 2-4-056:014, 022, 028 & 029.

APPLICANT:

County of Hawaii, a municipal corporation of the State of Hawaii.

LEGAL REFERENCE:

Sections 171-11 and 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-4-001:019, 024, 167, 181, 182 & 183, and (3) 2-4-056:014, 022, 028 & 029, as shown on the attached map labeled Exhibit A.

TAX MAP KEY:	DISTRICT	ZONING		ENCUMBRANCE(S)	AREA (Acres)
		SLU	CZO		
(3) 2-4-001:019	Waiakea, South Hilo	Urban	Agriculture	EO #2125 to County of Hawaii for Wailoa River & Tributary Flood Control.	33.087
(3) 2-4-001:024	Waiakea, South Hilo	Urban	Residential	Vacant – In progress, proposed set aside to University of Hawaii. (5/12/06, D-4)	35.11
(3) 2-4-001:167	Waiakea, South Hilo	Urban	Residential	EO #4372 to University of Hawaii-Hilo. GLS-4594; University of Hawaii-Hilo. LODS-28,598; COH DWS	215.917 (36.088) (2.123)
(3) 2-4-001:179	Waiakea, South Hilo	Urban	Residential	General Lease No. S-5976: Hospice of Hilo.	3.500
(3) 2-4-001:181	Waiakea, South Hilo	Urban	Residential	Vacant – Proposed Kapiolani Street Extension	0.7719
(3) 2-4-001:182	Waiakea, South Hilo	Urban	Residential	Vacant - Proposed Kapiolani Street Extension	0.663
(3) 2-4-001:183	Waiakea, South Hilo	Urban	Residential	Vacant	2.559
(3) 2-4-056:014	Waiakea, South Hilo	Urban	Residential	Vacant – In progress, proposed set aside to University of Hawaii. (5/12/06, D-4)	7.521
(3) 2-4-056:022	Waiakea, South Hilo	Urban	Residential	General Lease No. S-4610: Kamana, Inc.	7.159
(3) 2-4-056:028	Waiakea, South Hilo	Urban	Residential	Vacant	3.592
(3) 2-4-056:029	Waiakea, South Hilo	Urban	Residential	Vacant – Proposed Kapiolani Street Extension	1.679

ZONING:

State Land Use District: Urban
County of County CZO: Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

See the table above for the current use of each subject parcel.

PURPOSE/CHARACTER OF USE:

The County is requesting a set-aside for Proposed Kapiolani Street Extension for public roadway purposes.

The County is requesting perpetual slope, access, drain, detention basin, and utility easements for right, privilege and authority to construct, use, maintain and repair such easements over and across State-owned lands over parcels that abut the Kapiolani Street Extension.

CONSIDERATION FOR EASEMENTS:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on October 23, 2012 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

At its meeting of May 12, 2006, Item D-4, the Board of Land and Natural Resources approved the direct lease of the subject parcels [TMK: (3) 2-4-001: 024 and 2-4-056:014] to the University of Hawaii for Education, Housing, and related purposes. The transfer of management to the University is still in the process, pending preparation and execution of the lease document.

By letter dated September 27, 2013, the Honorable Mayor William P. Kenoi, requested the set aside of certain roadway parcels identified as Tax Map Keys: (3) 2-4-001:181 & 182, and 2-4-056:029. The construction of the extension along with future road widening plans will also require the acquisition of additional drain, slope and access easement areas which consist of three foot wide strips abutting the new roadway and drainage culvert

TMK: (3) 2-4-001:019, 024, 167, 179, 181, 182 & 183;
(3) 2-4-056:014, 022, 028 & 029

inlets/outlets along Tax Map Keys: (3) 2-4-001:024 & 183, and 2-4-056: portion of 014, 022 & 028, an access area to Waiakea Stream on parcels 014, 024 and 183, and an approximately 58,780 +/- square foot portion of parcel 028 also required for a detention basin and utility installation. Planned improvements at the Lanikaula Street and Kapiolani Street intersection require the acquisition of an additional roadway easement area along Tax Map Key (3) 2-4-001:167, which is a portion of land under Governor's Executive Order No. 4372 to the University. The County is working directly with the University of Hawaii at Hilo to acquire the necessary roadway easement. There is also a section involving a stream crossing over the Wailoa River & Tributary Flood Control Channel, identified as TMK: (3) 2-4-001: portion of 019, which is under Governor's Executive Order No. 2125 to the County of Hawaii.

Letters of concurrence from Kamana Inc. for the drain and slope easements affecting (3) 2-4-056:022 and the University of Hawaii at Hilo for the drain, slope and access easements affecting Tax Map Keys (3) 2-4-001:024 and 2-4-056:014 are attached as Exhibit B & Exhibit C, respectively.

In light of the planned development of the area, staff is of the opinion that the highest and best use of the subject land is for public roadway purposes. Staff further believes that the proposed use fully utilizes the requested land. As indicated above, the road lot is vacant and unencumbered. Construction of the proposed roadway will enable accesses into the interior sections of the subject abutting properties.

Perpetual Slope Easements

The County has also requested perpetual easements for drain, slope, access, utility and detention basin purposes on the parcels abutting the proposed Kapiolani Street Extension. The slope easements shall be approximately 20-25 feet wide at their widest points. According to the County, the roadbed will be built up from grade and at the shoulders will slope back down to grade over the abutting parcels. The slope easements will ensure that the road has adequate lateral support during and after construction.

The Board also has authority to grant slope easements to the County over the DLNR Parcels. Via the final EA, all abutting property owners have indicated that they have no objections to the proposed roadway and perpetual slope easements on the DLNR Parcel. Staff is of the opinion that the requested easements are consistent with the designation and use of the proposed Kapiolani Street Extension for highway purposes.

Construction and Management Right-of-Entry

A construction and management right-of-entry issued to the County for proposed Kapiolani Street Extension would permit the County to begin groundwork pending issuance of the executive order. The County Department of Public Works has advised staff that, in addition to a construction right-of-entry onto the subject area, the County requires construction rights-of-entry onto the abutting parcels up to one hundred feet from the boundary. Abutting landowners have been notified and are in agreement with

the proposed construction.

Various governmental agencies and interest groups were solicited for comments during the Environmental Assessment process and their respective concerns, if any, were addressed at that time.

RECOMMENDATION: That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

- A. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Hawaii under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - 1. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - 2. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - 3. Review and approval by the Department of the Attorney General; and
 - 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

- B. Authorize the issuance of perpetual non-exclusive easements to the County of Hawaii covering portions of TMKs (3) 2-4-001: portion of 019, 024, 167 & 183, and (3) 2-4-056:014, 022 & 028 for drain, slope, access, utility and detention basin purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - 1. The standard terms and conditions of the most current perpetual easement document 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.

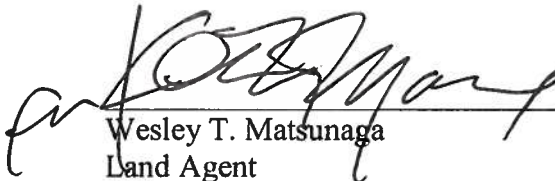
- C. Grant an immediate construction and management right-of-entry to the County of Hawaii, its consultants, contractors, and/or persons acting for or on its behalf,

TMK: (3) 2-4-001:019, 024, 167, 179, 181, 182 & 183;
(3) 2-4-056:014, 022, 028 & 029

onto the DLNR Parcels designated as TMKs (3) 2-4-001: portion of 019, 024, 167, 181, 182 & 183, and (3) 2-4-056: portion of 014, 022, 028 & 029, up to one hundred (100) feet from the boundary of the proposed Kapiolani Street Extension Road Right-of-Way, covering the areas of the DLNR Parcels, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

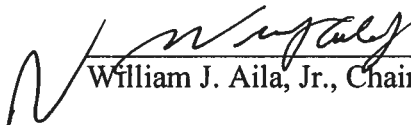
1. The standard terms and conditions of the most current construction right-of-entry form, as may be amended from time to time;
2. This management and construction right-of-entry is effective upon Land Board approval and shall continue until the executive order is issued; and
3. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

TMK: (3) 2-4-001:019, 024, 167, 179, 181, 182 & 183;
(3) 2-4-056:014, 022, 028 & 029

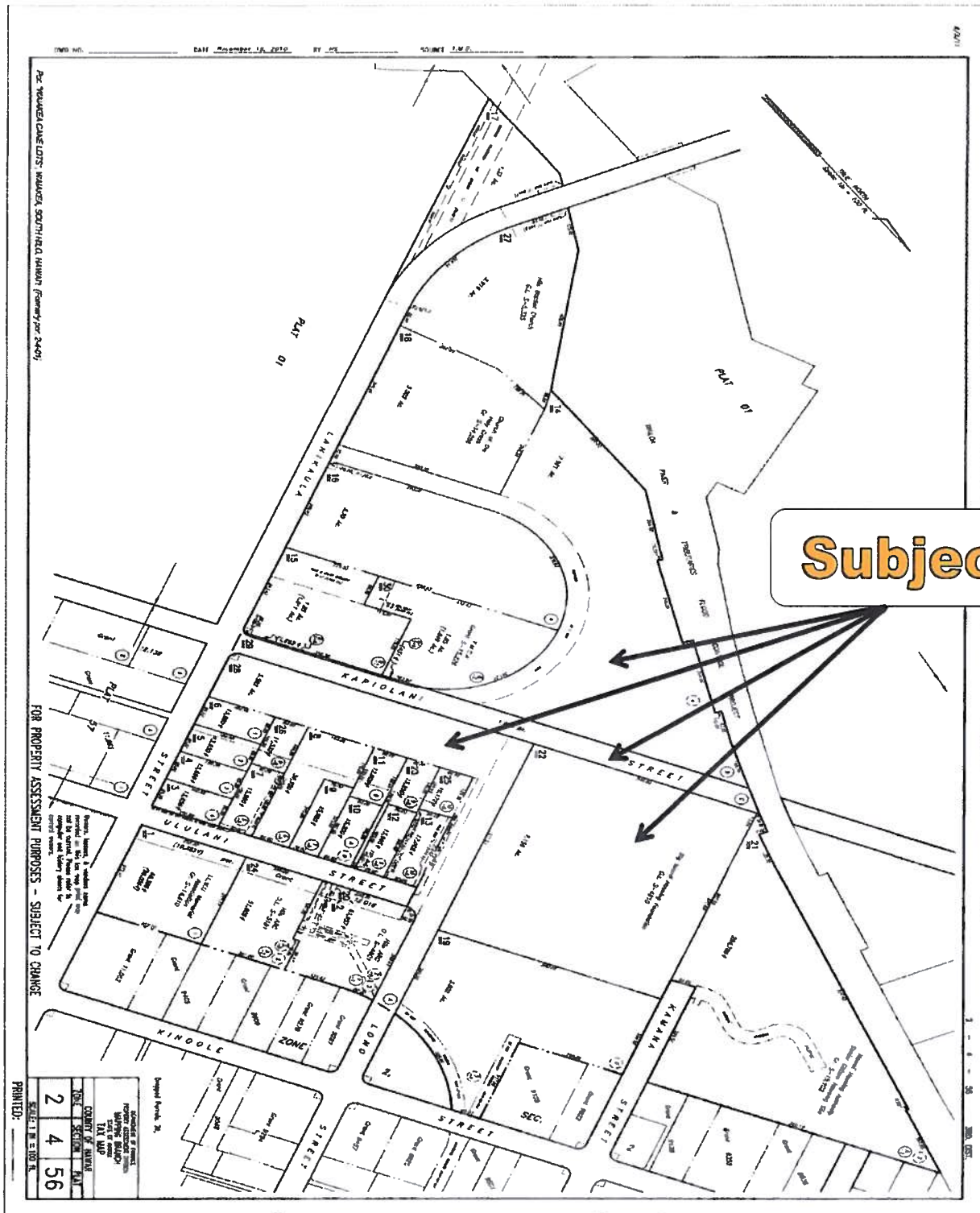


EXHIBIT A

William P. Kenoi
Mayor

Walter K. M. Lau
Managing Director



Warren H. W. Lee
Director

Brandon A. K. Gonzalez
Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS
Aupuni Center
101 Pauahi Street, Suite 7 Hilo, Hawai'i 96720-4224
(808) 961-8321 Fax (808) 961-8630
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June 13, 2013

Kamana Inc.
c/o Big Island Housing Foundation
Attn.: Mr. Yukio Takeya

Hilo, Hawai'i 96720

Subject: Kapi'olani Street Extension,
Lanikāula Street to Mohouli Street Project
Tax Map Key: (3) 2-4-056:022
Waiakea, South Hilo, Island of Hawai'i

Dear Mr. Takeya,

The County of Hawai'i (County) is moving forward with the Kapi'olani Street Extension, Lanikāula Street to Mohouli Street Project (Project). The current roadway plans cross State owned lands between Lanikāula and Mohouli Streets, Waiākea, South Hilo, Island of Hawai'i. The Project will enhance vehicular, pedestrian, ADA and bicycle circulation between the University of Hawai'i at Hilo and downtown Hilo. The County's construction of this section of Kapi'olani Street will further advance the University of Hawai'i at Hilo's efforts to develop additional housing and support facilities in the immediate area.

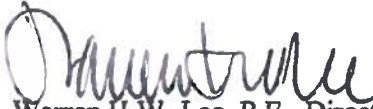
The County will be requesting the set aside of roadway parcels identified as tax map keys (3) 2-4-001:181, 2-4-001:182 and 2-4-056:029 from the State Department of Land and Natural Resources (DLNR). The construction of the extension will require the acquisition of an additional drain and slope easement area consisting of a three (3) foot wide strip abutting the new roadway and drainage culvert outlet along tax map key (3) 2-4-056:022, which your organization leases. An Easement Acquisition Plan map showing the land needed for the drain and slope easement and Temporary Construction Right of Entry area is attached as Exhibit A.

Prior to submitting a set aside request of the roadway parcels to DLNR and to prevent any future misunderstandings, the County would like to ask for your concurrence on the proposed use of a portion of the lands under your General Lease No. S-4610. Please indicate your decision by returning one signed copy of this letter in the postage-paid envelope provided.

Kamana Inc.
June 13, 2013
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Thank you for your assistance in helping us to improve our roadways island-wide. Should you have any questions, please feel free to contact Allan Simeon at (808) 961-8925.

Yours truly,


Warren H.W. Lee, P.E. Director
Department of Public Works

As the Lessee of land under General Lease No. S-4610, and recognizing the importance of the County of Hawai'i Department of Public Works' construction of the Kapi'olani Street Extension, we concur with the use of a drain and slope easement area consisting of a three (3) foot wide strip abutting the new roadway and drainage culvert outlet as well as the Temporary Construction Right of Entry area affecting tax map key (3) 2-4-056:022 as shown on the attached Easement Acquisition Plan map identified as Exhibit A.



Kamana Inc.

Date: July 22, 2013

cc: Nancy Crawford, Finance Director

Enclosure

William P. Kenoi
Mayor

Walter K. M. Lau
Managing Director



Warren H. W. Lee
Director

Brandon A. K. Gonzalez
Deputy Director

County of Hawai'i

DEPARTMENT OF PUBLIC WORKS

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September 13, 2013

University of Hawai'i at Hilo
Attn.: Harry Yada, Director of Real Property
200 W. Kawili Street
Hilo, Hawaii 96720-4091

COPY

Subject: Kapi'olani Street Extension,
Lanikāula Street to Mohouli Street Project
Tax Map Key: (3) 2-4-001:024 and (3) 2-4-056:014
Waiakea, South Hilo, Island of Hawai'i

Dear Mr. Yada,

The County of Hawai'i (County) is moving forward with the Kapi'olani Street Extension, Lanikāula Street to Mohouli Street Project (Project). The current roadway plans cross State owned lands between Lanikāula and Mohouli Streets, Waiākea, South Hilo, Island of Hawai'i. The Project will enhance vehicular, pedestrian, ADA and bicycle circulation between the University of Hawai'i at Hilo (UHH) and downtown Hilo. The County's construction of this section of Kapi'olani Street will further advance the University of Hawai'i at Hilo's efforts to develop additional housing and support facilities in the immediate area.

The County will be requesting the set aside of roadway parcels identified as tax map keys (3) 2-4-001:181, 2-4-001:182 and 2-4-056:029 from the State Department of Land and Natural Resources (DLNR). Planned improvements require the acquisition of additional easement areas along tax map keys (3) 2-4-001:024 and (3) 2-4-056:014, for slope, access and drainage purposes ("easement areas"). The Easement Acquisition Plan maps showing the lands needed for the easement areas are attached as Exhibit A.

The UHH has been approved for a lease to parcels with tax map keys (3) 2-4-001:024 and (3) 2-4-056:014 under a General Lease for Education, Housing, and Related Purposes, approved by the DLNR Land Board on May 12, 2006.


The County would like to ask for the University of Hawai'i at Hilo's acknowledgement and concurrence of the proposed easement areas and that UHH has no objections to DLNR's

University of Hawai'i at Hilo
September 13, 2013
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conveyance of the necessary easements to the County for the Kapi'olani Street Extension Project. We appreciate your returning one signed copy of this letter in the postage-paid envelope provided.

Thank you for your assistance in helping us to improve our roadways island-wide. Should you have any questions, please feel free to contact Allan Simeon at (808) 961-8925.

Yours truly,


Warren H. W. Lee, P.E. Director
Department of Public Works

The University of Hawai'i at Hilo recognizes the importance of the County of Hawai'i Department of Public Works' construction of the Kapi'olani Street Extension and is willing to work with the County by concurring to the conveyance of the necessary easements for the proposed use of portions of the lands affecting tax map key (3) 2-4-001:024 and (3) 2-4-056:014 for slope, access and drainage purposes as shown on the attached Easement Acquisition Plan maps identified as Exhibit A.



University of Hawai'i at Hilo

Date: 9/24/2013

cc: Nancy Crawford, Finance Director

Enclosure