

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

November 14, 2014

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

PSF No.: 14OD-182

Oahu

Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway; Issuance of Immediate Construction Right-of-Entry; Honolulu, Oahu, TMK (1) 1-1-003:portions of 003, 004, 138, and 239.

APPLICANT:

The City and County of Honolulu (“City”) on behalf of the Honolulu Authority for Rapid Transportation (“HART”)

LEGAL REFERENCE:

Sections 171-55 and 171-95, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portions of government land situated at Honolulu, Oahu, identified by tax map keys (1) 1-1-003:portions of 003, 004, 138, and 239 as shown on the map attached as **Exhibit A** .

AREAS:

To be determined, subject to review and approval by the DAGS, Survey Division

Parcel	003	004	138	239
SLU	Urban	Urban	Conservation	Urban
LUO	P-2	P-2	P-1	P-2
Trust Land Status	5(b)	5(a)	5(b)	5(a)
DHHL Entitlements	No	No	No	No
Current Use Status	Set aside to the City and County of Honolulu under EO 1561 for park purposes.	Set aside to the Division of State Parks under EO 3967 for Pacific War Memorial Site purposes.	Unencumbered. Portion of stream	Leased to Tactical Airgun Games Hawaii LLP under RP 7843 for commercial recreational use.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor subject project was published in the OEQC's Environmental Notice on January 8, 2011.

On August 24, 2012, the Hawaii Supreme Court ruled that the City should have completed archaeological survey work along the entire proposed rail transit route prior to starting construction.

In February 2013 the field work for the Archaeological Inventory Survey ("AIS") for the entire proposed transit route was completed and the AIS reports were then submitted to DLNR's State Historic Preservation Division ("SHPD") for review, which was accepted by SHPD pursuant to its letter dated August 27, 2013.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
2. Process and obtain subdivision at Applicant's own cost;
3. Obtain written concurrences from the parties mentioned in the table above; and
4. HART to coordinate execution by the City and County of Honolulu on the easement

BACKGROUND:

As part for the 20-mile grade separated fixed guideway rail system from East Kapolei to Ala Moana Center, HART requests portions of the State land currently encumbered by various dispositions as mentioned above to be utilized for the elevated guideway

purposes.

In the past, the Board has authorized the issuance of perpetual non-exclusive easement to HART at various locations, including East Kapolei, Waipahu High School, and aloha Stadium. Subject request is similar to other previous locations in nature. HART is aware that written concurrence from the parties responsible for the requested parcels are required before the issuance of right-of-entry and easement.

The areas requested are depicted as hatched on the maps attached as **Exhibit B1** to **B4**. The actual square footage will be known when the drawings are finalized. HART also requests the utilization of two areas [shown crossed hatched] over State lands for construction staging area purposes. The exact duration of the construction staging area will be known at a later date.

Further, the requested easements are subject to the City's guideway easement requirements attached as **Exhibit C**, which has been adopted by the Board at its meeting on September 13, 2013, item D-8 regarding the East Kapolei site.

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.

As requests for agency or community comments have been conducted during the environmental assessment stages, staff did not solicit comments from other agencies on the subject disposition.

There are no other pertinent issues or concerns.


RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the subject areas for elevated guideway purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The City's guideway easement requirements at Exhibit C;
 - B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;
 - C. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;

- D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the requested easement areas and the construction staging areas under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The City’s guideway easement requirements at Exhibit C;
 - B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;
 - C. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - D. Written concurrence of the parties mentioned in the table above; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

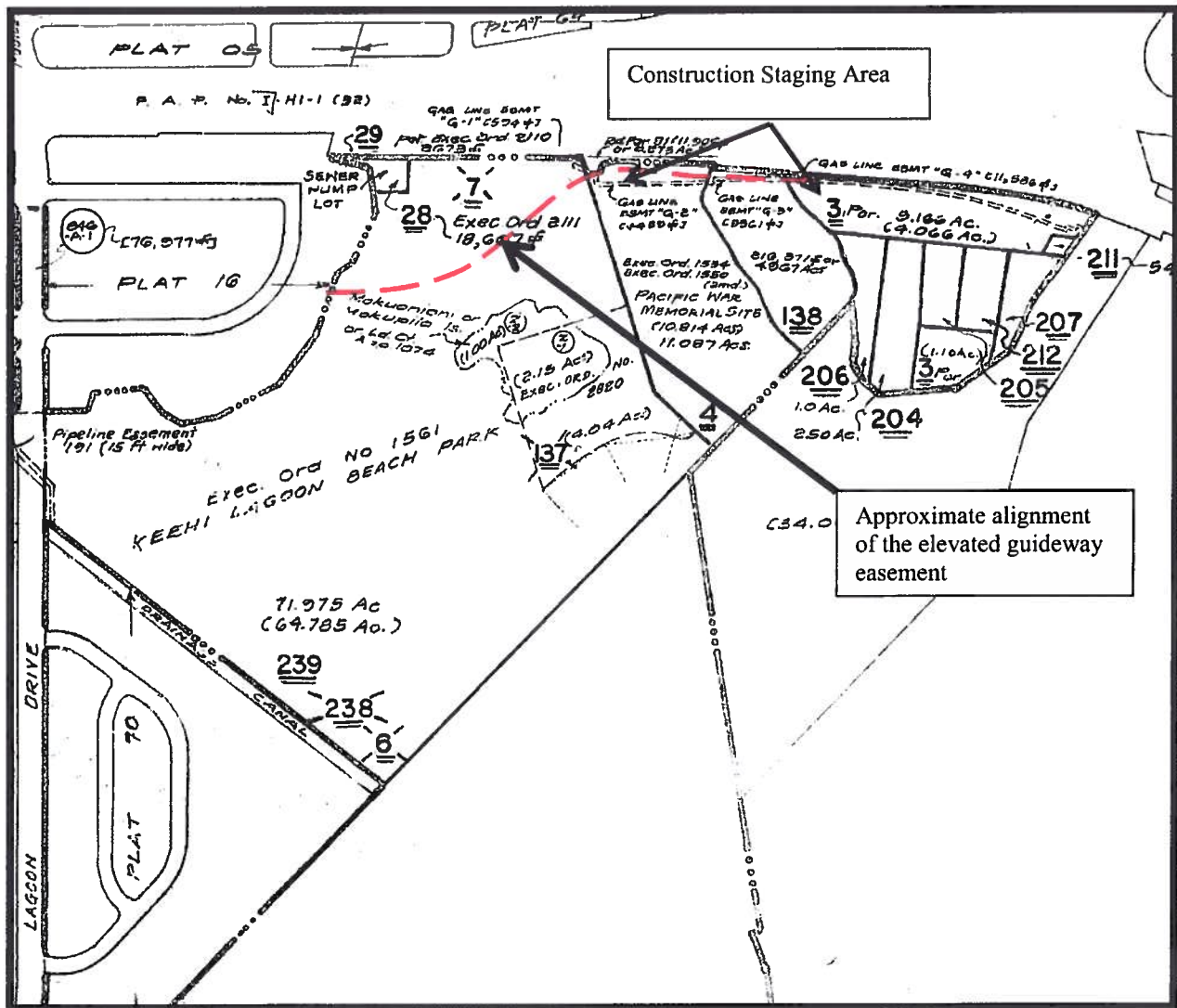
Respectfully Submitted,



 Barry Cheung
District Land Agent

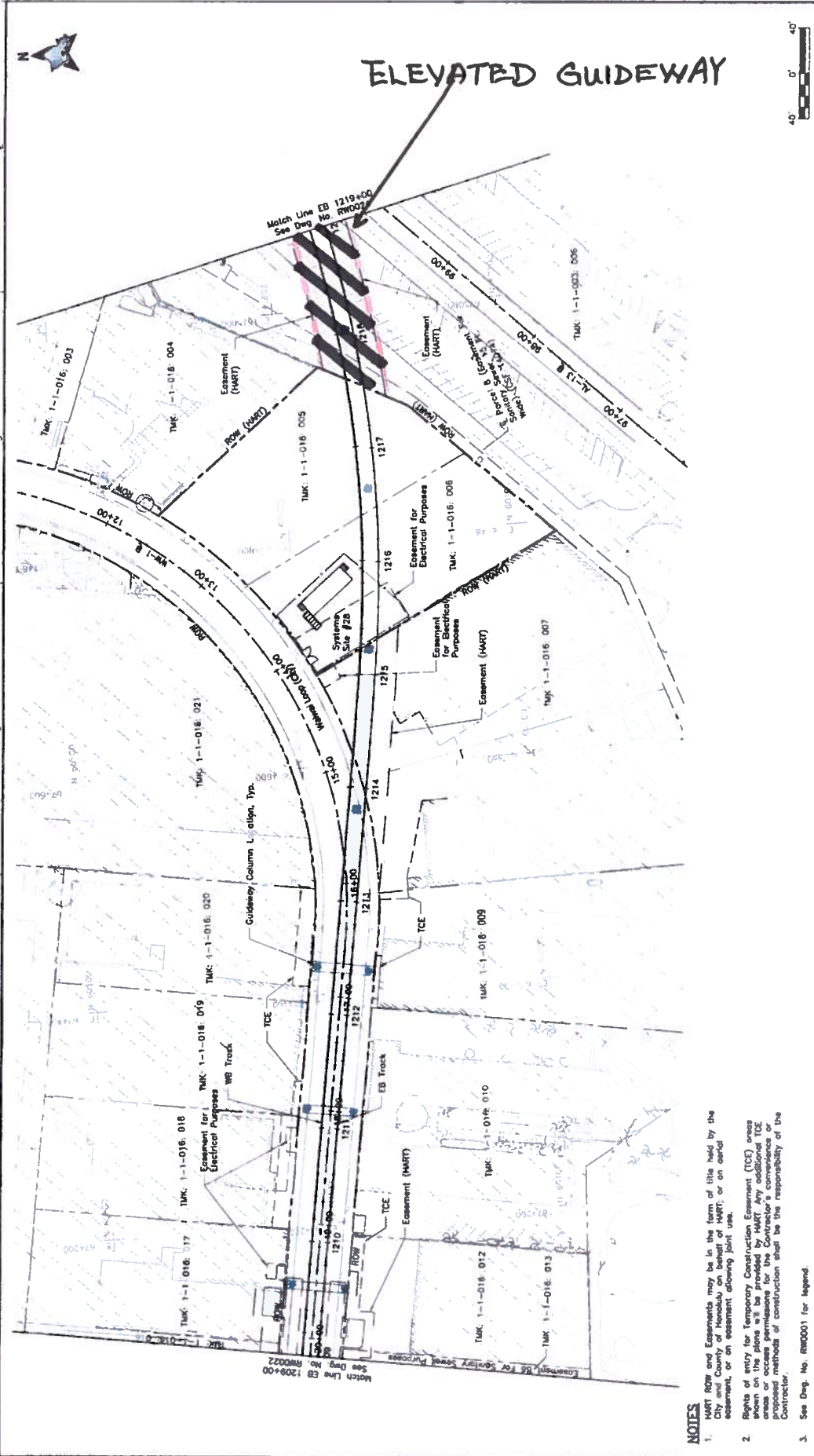
APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



TMK (1) 1-1-003:003, 004, 138, and 239

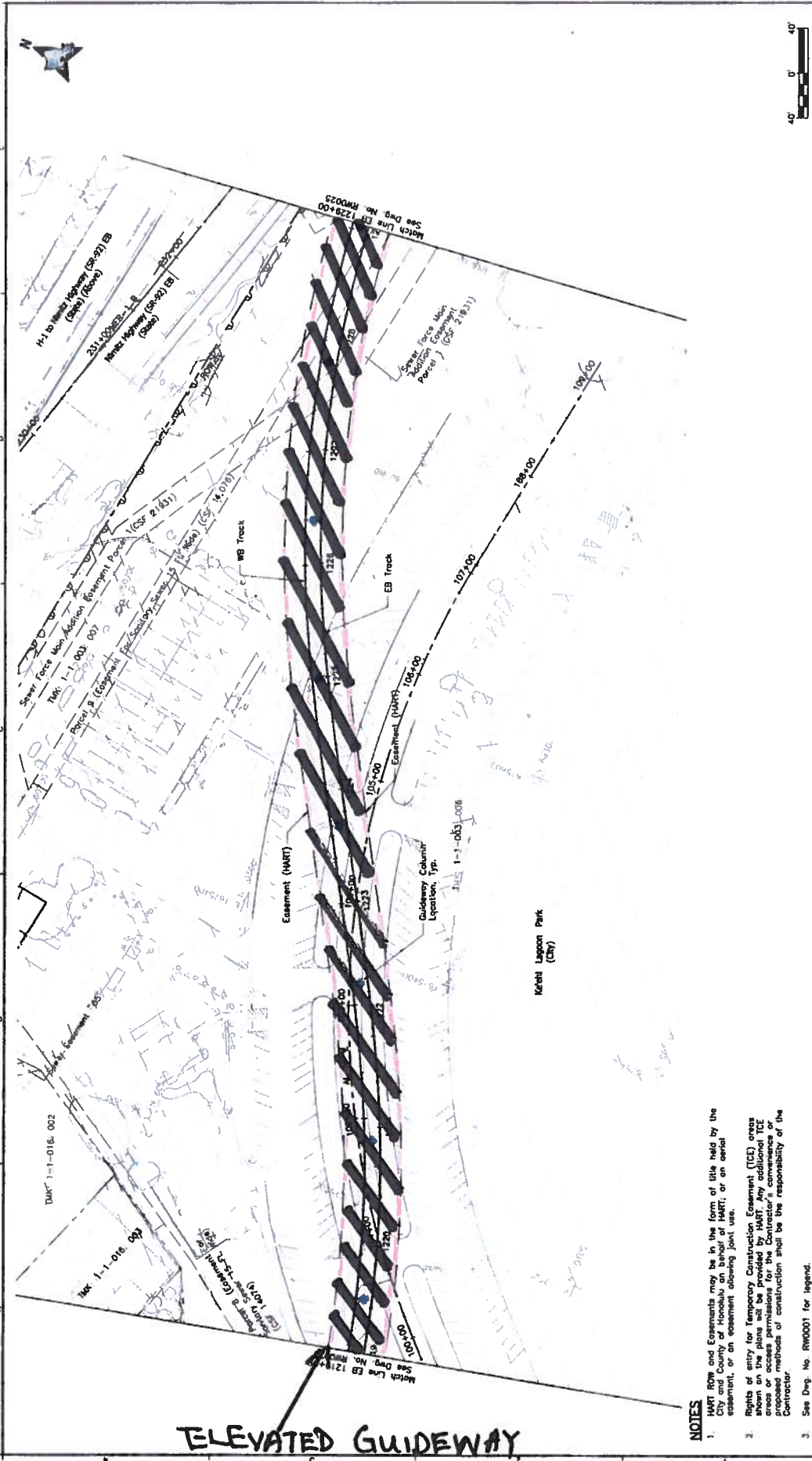
EXHIBIT A



HONOLULU RAIL TRANSIT PROJECT HONOLULU AUTHORITY FOR RAPID TRANSPORTATION		AECOM <small>1001 Bishop Street, Suite 1800 - Honolulu, HI 96813</small> <small>For reduced price, original paper 08x11 in inches.</small>	
Project Consultant AECOM	Designer: S. Juan Checker: A. Wu Engineer: J. Stotter Approver: B. Muramatsu Date: 07-02-14	This drawing is an in-progress, unchecked plan of the proposed work in the upcoming Airport and City Center Guideway and Utilities project. It is not for construction. Any additional work shown is subject to change and should not be the basis for development of bid quantities or prices.	
Contract No.: RB-IRT-756104 File: ACS-EDA-RW0023 Drawing No: RW0023 Scale: 1"=40' Page No: 163 of 212	The drawing is on in-progress, unchecked plan of the proposed work in the upcoming Airport and City Center Guideway and Utilities project. It is not for construction. Any additional work shown is subject to change and should not be the basis for development of bid quantities or prices.		

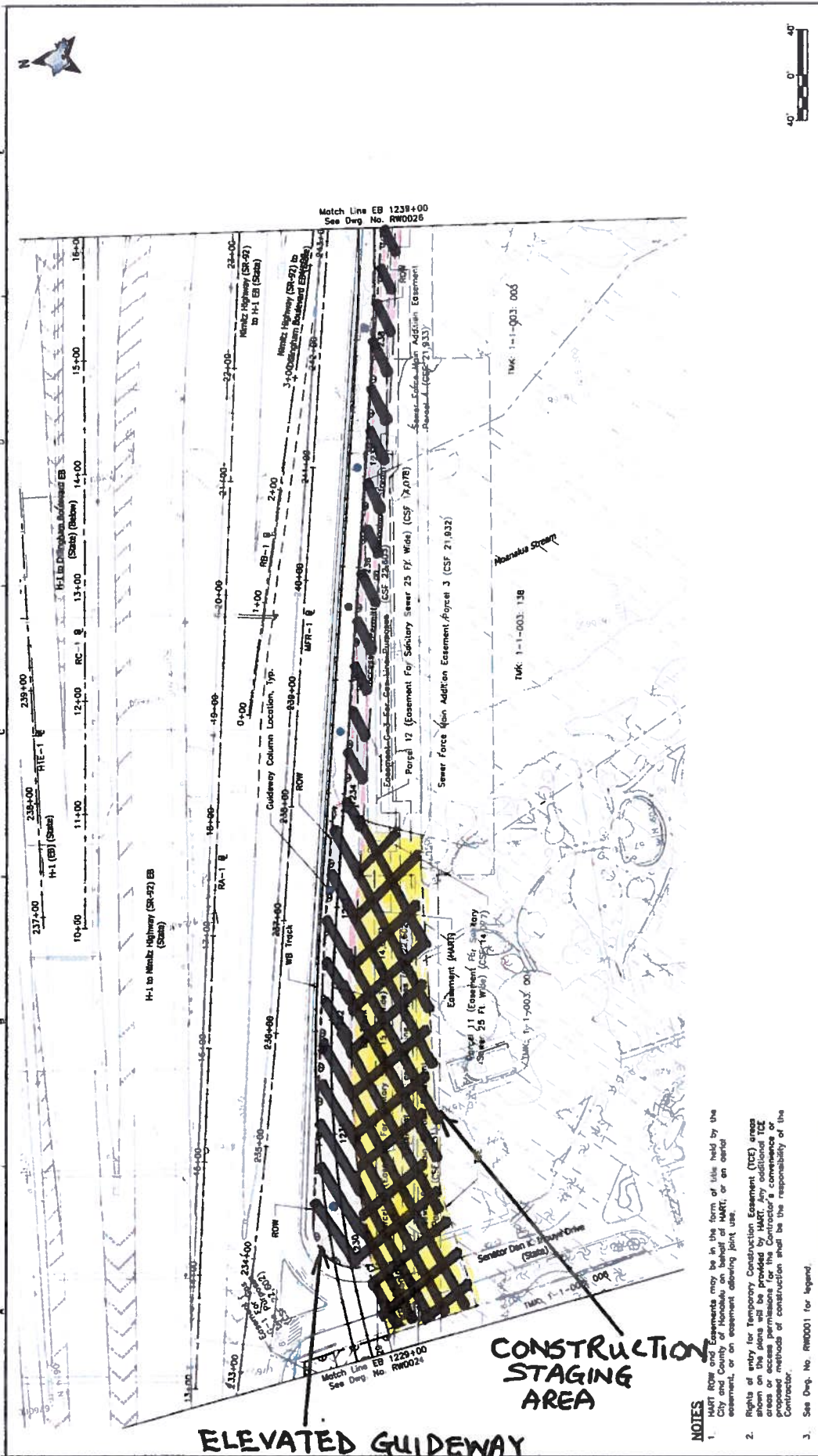
- NOTES**
1. MART ROW and Easements may be in the form of this field by the contractor, or an easement, or an easement allowing joint use.
 2. Rights of entry for Temporary Construction Easement (TCE) areas are shown for the Contractor's use only. Additional TCE areas or access permissions for the Contractor's use are shown in the proposed methods of construction shall be the responsibility of the Contractor.
 3. See Dwg. No. RW0001 for legend.

EXHIBIT "B1"



HONOLULU RAIL TRANSIT PROJECT HONOLULU AUTHORITY FOR RAIL TRANSPORTATION Subcontractor:		AIRPORT & CITY CENTER GUIDEWAY EXISTING RIGHT-OF-WAY EB 1219+00 TO EB 1229+00	
Project No.: RFB-HRT-758104 File: ACC-804-RW0024 Drawing No.: RW0024 Scale: 1"=40' Sheet No.: 104 of 2121	Designer: S. Juen Checker: A. Wu Approver: J. Stotzer Date: 07-02-14	Prime Consultant: AECOM 1071 Kalia Street, Suite 1820 - Honolulu, HI 96813 For related projects, visit www.aecom.com	Project No.: RFB-HRT-758104 File: ACC-804-RW0024 Drawing No.: RW0024 Scale: 1"=40' Sheet No.: 104 of 2121
NOTES			
1. MART ROW and Easements may be in the form of title held by the City and County of Honolulu on behalf of MART, or an aerial easement, or an easement allowing joint use.			
2. Rights of entry for Temporary Construction Easement (TCE) areas shown on the plans will be provided by MART. Any additional TCE areas shown on the plans will be provided by the Contractor's convenience or other approved methods of construction shall be the responsibility of the Contractor.			
3. See Det. No. RW0001 for legend.			
07-02-14 Prequalification Package	08-29-14 Final Design	09-28-14 Draft Final Design	11-22-13 Interim Design
06-18-12 Preliminary Engineering Update	06-18-12 Preliminary Engineering Update	06-18-12 Preliminary Engineering Update	06-18-12 Preliminary Engineering Update

EXHIBIT "B2"



Contract No. RFB-HRT-750104 The ACC-BR-RW0025 Drawing No. RW0025 D Scale 1"=40' Page No. 185 of 2121		AIRPORT & CITY CENTER GUIDEWAY EXISTING RIGHT-OF-WAY EB 1229+00 TO EB 1239+00	
Project Consultant: AECOM 1001 Avenue Street, Suite 1600 - Honolulu, HI 96813 For related projects, visit www.aecom.com		HONOLULU RAIL TRANSIT PROJECT HONOLULU AUTHORITY FOR RAIL TRANSPORTATION Subcontractor:	
Designer S. Juan	Checker A. Wu	Approver J. Stotter	Date 07-02-14
This drawing is an unapproved, unsealed portion of the proposed work in the upcoming Airport and City Center Guideway and Utilities Package provided for information only. All quantities and prices are preliminary and shall not be the basis for development of bid quantities or prices.			
07-02-14 Final Design	08-29-14 Final Design	11-22-13 Preliminary Engineering Utilities	07-02-14 Preliminary Engineering Utilities

- NOTES**
- HART ROW and Easements may be in the form of title held by the City and County of Honolulu on behalf of HART, or an easement, or an easement altering joint use.
 - Rights of entry for Temporary Construction Easement (TCE) areas shown on the plans will be provided by HART. Any additional TCE areas or access permissions for the Contractor's convenience or methods of construction shall be the responsibility of the Contractor.
 - See Detp. No. RW0001 for legend.

EXHIBIT "B3"



NOTES

1. HART ROW and Easements may be in the form of title held by the City and County of Honolulu on behalf of HART, or an easement, or an easement allowing joint use.
2. Rights of entry for Temporary Construction Easement (TCE) areas shown on the plans will be provided by HART. HART will be responsible for obtaining all necessary permits, easements, or access permissions for the Contractor's convenience or proposed methods of construction shall be the responsibility of the Contractor.
3. See Dwg. No. RW0001 for legend.

<p>07-02-14 Preparation Package</p>		<p>Design: S. Iwan Check: A. Iwu Approver: J. Stalser Date: 07-02-14</p>		<p>HONOLULU RAIL TRANSIT PROJECT HONOLULU AUTHORITY FOR MASS TRANSPORTATION</p>		<p>AECOM 1001 Bishop Street, Suite 1620 - Honolulu, HI 96813 For detailed prints, original print size is 18x24 inches.</p>		<p>AIRPORT & CITY CENTER GUIDEWAY EXISTING RIGHT-OF-WAY EB 1239+00 TO EB 1249+00</p>	
<p>D 08-08-28-14 Final Design</p> <p>C 08-03-28-14 Draft Final Design</p> <p>B 08-11-22-13 Interim Design</p> <p>A 08-08-18-12 Preliminary Engineering Update</p>		<p>Contract No.: RFB-HRT-758104 File: ACC-B04-RW0026 Drawing No.: RW0026 Scale: 1"=40' Page No.: 186 of 2121</p>		<p>Project No.: 1249+00 Revision: 1 Date: 07-02-14</p>		<p>Project No.: 1249+00 Revision: 1 Date: 07-02-14</p>		<p>Project No.: 1249+00 Revision: 1 Date: 07-02-14</p>	

EXHIBIT "B4"

EXHIBIT "A"
GUIDEWAY EASEMENT REQUIREMENTS

1. Access along the guideway for maintenance. A multi-use of bike path could provide this access parallel to the guideway.
2. Fire code: 2,500 feet to any point on the guideway. Roads under the guideway can provide this access. A road parallel to the guideway is not required.
3. Access along the guideway that will allow HART access to inspect hatches located approximately every 240 feet and a 20 feet by 30 feet all weather pad that will allow for deployment of a pantagraph lift or bucket truck.
4. Access to maintain electrical duct lines and drain lines on the columns.
5. A clear area with a radius of 13 to 14 feet around each column.
6. No vertical construction allowed under the guideway or within 10-feet of the edge of the guideway, an area approximately 50 feet wide along the centerline of the guideway.
7. Right to clear an area for guideway maintenance purpose and restoration by HART after work is completed