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

April 10, 2015

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

File No.10472 (H)

Issuance of Land Patent in Confirmation of Land Commission Award No. 7802 to Kaheana situate at Papaanui, District of Hamakua, Island of Hawaii, Tax Map Key: (3) 4-5-002: 024 and (3) 4-5-002:082 (portion of):

APPLICANT:

Alan M. Okamoto, Esquire, for RABO AGRIFINANCE, INC., a foreign corporation, incorporated under the laws of Delaware, and duly registered with the Department of Commerce and Consumer Affairs, State of Hawaii, whose agents’ business and mailing address is 1136 Union Mall Suite 301, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-23, Hawaii Revised Statutes, as amended,
Sections 172-11 and 12, Hawaii Revised Statutes, as amended,
Section 182-2, Hawaii Revised Statutes, as amended and
Section 664-5, Hawaii Revised Statutes, as amended.

LOCATION:

The private property awarded under Land Commission Award No. 7802 to Kaheana, situate at Papaanui, District of Hamakua, Island of Hawaii, is comprised of 2 apana (parcels) containing an aggregate area of 11.04 acres, more or less, and identified as Tax Map Keys: (3) 4-5-002:082 (portion of) and (3) 4-5-002:024, as shown on the attached map labeled Exhibit A.

DCCA VERIFICATION:

Place of business registration confirmed: YES X NO __
Registered business name confirmed: YES X NO __
Applicant in good standing confirmed: YES X NO __

APPLICANT REQUIREMENTS:

The Applicant has provided a copy of Land Commission Award 7802 with the original survey map and description of the subject property attached thereto. (See Exhibit B)
REMARKS:

In accordance with the Act of August 6, 1850, Land Commission Award 7802, as adjudicated on November 29, 1851, awarded a fee simple title to Kaheana, free and clear of commutation.

The staff abstractor has confirmed that no patent has been issued in confirmation of this award to Kaheana.

Although no commutation is due, the patent issued in confirmation of Land Commission Award 7802 will evidence that the government's right to commutation therein is satisfied and released.

The Office of Hawaiian Affairs (OHA) provided no comments.

RECOMMENDATION:

Staff recommends that the Board consent to the issuance of a Land Patent in Confirmation of the subject Land Commission Award No. 7802 to Kaheana, subject to the following:

1. The terms and conditions as prescribed by law upon the issuance of Land Patents in confirmation of Land Commission Awards, 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 of Hawaii.

Respectfully Submitted,

E. Mahoe Collins
Staff Abstractor

APPROVED FOR SUBMITTAL:

Cary S. Chang, Interim Chairperson