

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

Ref No. PSF 15OD-044

Oahu

Consent to Assign a Grant of Non-Exclusive Easement No. S-5340, Kenneth V. Krebs, as Assignor, to Global Oasis Investments Pty Ltd. as Assignee; Amendment of Easement Condition by Allowing the Easement to Inure to the Benefit of the Abutting Private Property; Pupukea-Paumalau Beach Lots, Koolauloa, Oahu, Tax Map Key: (1) 5-9-020:049 seaward.

APPLICANT:

Kenneth V. Krebs, a married man, as Assignor, to Global Oasis Investments Pty Ltd, a foreign profit corporation, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of lands situated at Pupukea-Paumalau Beach Lots, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-9-020:049 seaward, as shown on the attached map labeled Exhibit 1.

AREA:

3,885 square feet, more or less.

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:

Revetment purposes.

TERM OF LEASE:

65 years, commencing on October 16, 1992 and expiring on October 15, 2057.

ANNUAL RENTAL:

\$23,310 one-time payment paid. No rental reopening.

CONSIDERATION:

\$10.00

RECOMMENDED PREMIUM:

Not applicable as the easement does not allow for a premium.

DCCA VERIFICATION:

ASSIGNOR:

Not applicable, the assignor is an individual property owner.

ASSIGNEE:

Place of business registration confirmed: YES x NO ___
Registered business name confirmed: YES x NO ___
Good standing confirmed: YES x NO ___

(The assignee is a foreign business entity registered to do business in the State of Hawaii)

REMARKS:

The subject revetment easement was initiated pursuant to the Consent Decree and Order in Paumalu Beach Homeowner's Association, et al. v. William Paty, in his official capacity, et al. as of October 16, 1992.

At its meeting of August 13, 2004, under agenda item D-4, the Board had approved of, and consented to the assignment of the existing revetment easement (Non-Exclusive Easement No. S-5340) from Midway Resources, Inc., as the Assignor, to Sunset View Properties, LLC, as the Assignee.

At its meeting of November 18, 2005, under agenda item D-16, pursuant to the transfer of the private property to Mr. Kenneth V. Krebs, the Board amended its consent by assigning the subject easement to Krebs.

By way of a warranty deed document, identified as A-54240285, and recorded on November 7, 2014 in the Bureau of Conveyances, Kenneth V. Krebs sold the private property that abuts the subject revetment easement to Global Oasis Investments Pty Ltd. This event transferred

property ownership rights and triggers the need for the Board to consent to the assignment of the easement.

Staff now brings this request to the Board to seek its consent for the assignment to include the subject revetment easement, as included in the warranty deed for the sale of the abutting privately owned property.

In the event of changes to the ownership of the abutting privately owned property, staff recommends that the Board now amend the easement to inure to the benefit of the said abutting property, to eliminate the consent needed from the Board regarding any future assignment(s). Global Oasis Investments Pty Ltd has no objections, as evidenced by Exhibit 2.

Global Oasis Investments Pty Ltd has not had any known lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no other pertinent issues or concerns, and staff has no objection to the subject request.

Staff now brings the subject request to the Board for its approval.

RECOMMENDATION: That the Board

- A. Consent to the assignment of Grant of Non-Exclusive Easement No. S-5340 from Kenneth V. Krebbs, as the Assignor, to Global Oasis Investments Pty Ltd , as the Assignee, subject to the following:
1. The standard terms and conditions of the most current consent to assignment 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.
- B. Amend the Grant of Non-Exclusive Easement No. S-5340 by adding the following condition:
- “The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 5-9-020:049, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;

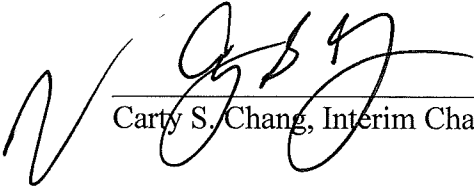
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

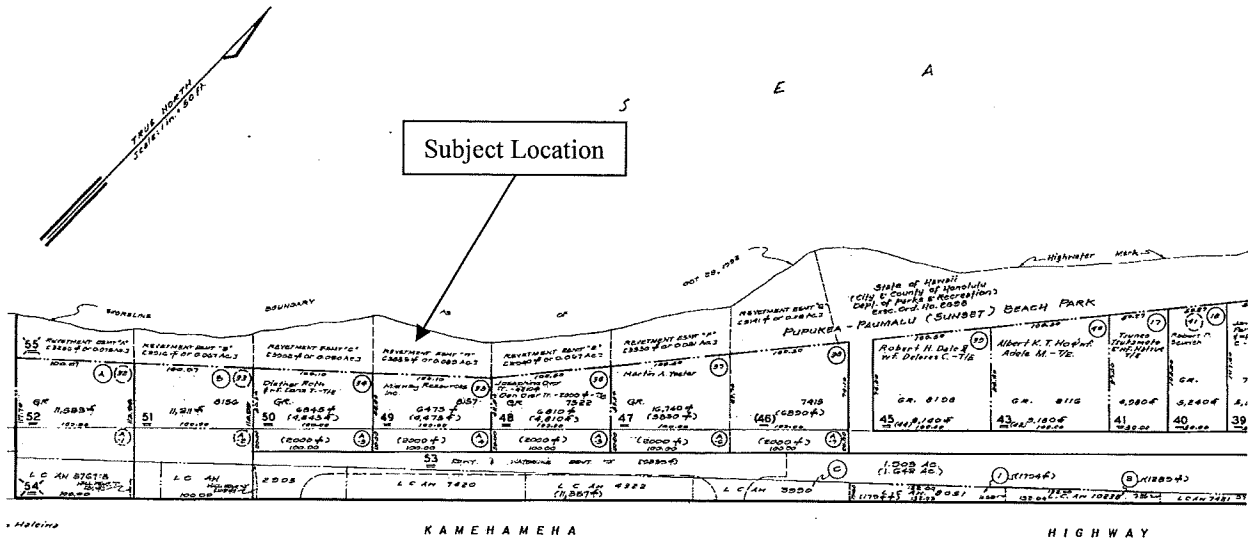


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson



TAX MAP KEY: (1) 5-9-020:049 SEAWARD

EXHIBIT 1



info@globaloasisinvestments.com

To Timothy.Chee@hawaii.gov,

cc

03/12/2015 09:17 AM

bcc

Please respond to
info@globaloasisinvestments.com

Subject Re: Ref No: GL S-5340

History: This message has been replied to.

Hi Timmy,

To answer your questions:

1. I'm the Director of Global Oasis Investments Pty Ltd.
2. I have no objection for the future assignment of the easement to be automatically transferred to the new owner or owners of Haleiwa HI 96712

Kind Regards
William Kernot

From: Timothy.Chee@hawaii.gov
Date: Thu, 12 Mar 2015 08:23:10 -1000
To: <info@globaloasisinvestments.com>
Subject: Re: Ref No: GL S-5340

Dear Mr. Kernot

How are you?

Thank you for your response to us regarding this matter. However we have some questions as follows:

1. What is your official position with Global Oasis Investments Pty Ltd?
2. Do you have any objections to the condition regarding the future assignment of the easement, as cited in our letter, dated on February 27, 2015?

We look forward to your response.

Thank you.

Timmy Chee
Land Agent, Land Division
Department of Land and Natural Resources

EXHIBIT 2

page 1 of 2

1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813
Main Line: (808) 587-0433
Direct Line: (808) 587-0408
Cell Phone: (808) 286-4957
Fax: (808) 312-6357

<info@globaloasisinvestments.com>

03/11/2015 04:34 PM

To timothy.chee@hawaii.gov,
cc
Subject Ref No: GL S-5340

Dear Mr Chee,

With reference to the attached letter, I request the Board of Land and Natural Resources to assign the easement from the previous owner to Global Oasis Investments Pty Ltd.

Best Regards
William Kernot