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

July 10, 2015

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

PSF No.: 14KD-169
Kauai

Sale of Old Government Road Remnant to Robinson Family Partners, por. of Makaweli, Waimea, Kauai, Tax Map Key: (4) 1-7-005:por. 001.

APPLICANT:
Robinson Family Partners, a Hawaii general partnership.

LEGAL REFERENCE:
Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:
Portion of Government lands situated at por. of Makaweli, Waimea, Kauai identified by Tax Map Key: (4) 1-7-005, as shown on the attached map labeled Exhibit A.

AREA:
1.23 acres, more or less.

ZONING:
State Land Use District: Agriculture
County of Kauai CZO: Agriculture

TRUST LAND STATUS:
Section 5(b) lands of the Hawaii Admission Act
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:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

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 and;
2) Consolidate the remnant with the Applicant’s abutting property through the County subdivision process; and
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." The subject parcel has been determined to be a remnant by this definition for the following reasons:

1) The parcel is a discontinued portion of an old government road.

Applicant in late 2012 applied to Department of Transportation, Highways Division (DOT-Highways), to purchase the road remnant assuming it was part of the old Kaumualii Highway before the highway was realigned.
On March 15, 2013, DOT-Highways wrote to the applicant explaining that a certificate of search was completed by DOT-Highways showing that the old government road remnant was acquired for the State of Hawaii through the Admissions Act. DOT-Highways determined that the remnant belongs to Department of Land and Natural Resources.\(^1\) See Exhibits B & C.

Applicant is the owner of parcel (4) 1-7-005:006 (Parcel 6) as staff has confirmed by County of Kauai Real Property Tax Assessment website. Other abutting property to the subject remnant parcel includes parcel (4) 1-7-005:001 (Parcel 1), which is also owned by the applicant and is the planned future site of the Kapalawai Resort.

When the Kauai Belt Road project was completed, a portion of the new Kaumualii Highway dissected applicant’s property, Parcel 6, and the adjoining property, Tax Map Key: (4) 1-7-005:002. This created an access situation for Parcel 1, which is separated from Kaumualii Highway by the highway remnant. See Exhibit D. Access to the planned Kapalawai Resort will need to cross the highway remnant.

Applicant Robinson Family Partners proposes to purchase the old government highway remnant and consolidate it into Parcel 6. This area will have two entrances to the resort and will landscape the remaining area between the highway and resort. See Exhibit E.

Kapalawai Resort is a planned 160-acre eco-tourist resort in Makaweli. Robinson Family Partners is leasing the land to Kapalawai Resort.

Robinson Family Partners 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 the agencies identified below with the results indicated.

<table>
<thead>
<tr>
<th>State Agencies</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOH</td>
<td>No environmental health concerns</td>
</tr>
<tr>
<td>DLNR – Historic Preserv.</td>
<td>No response by suspense date</td>
</tr>
<tr>
<td>OHA</td>
<td>Revenue reported in annual accounting of public land trust</td>
</tr>
<tr>
<td>DOT – Highways Div.</td>
<td>No objections</td>
</tr>
</tbody>
</table>

\(^1\) At its meeting of March 23, 1984, Item D-4, the Board authorized DOT-Highways to sell a number of road remnants statewide. Although the subject remnant was not included on the approved list, Land Division staff believes the remnant is under the jurisdiction of DOT-Highways pursuant to applicable law. Nevertheless, in order to facilitate a resolution of this matter, Land Division staff will process this disposition, if approved.
Staff has no objections to the request.

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 requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 1-7-005:001, 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 Robinson Family Partners 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,

[Signature]

Marvin Mikasa
District Land Agent
APPROVED FOR SUBMITTAL:

[Signature]

Suzanne D. Case, Chairperson
Kauai County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

No data found for parcel 170059990000, contact Assessor's Office for more information.

EXHIBIT “A”
Mr. Charles Okamoto 
Robinson Family Partners 

Kaumakani, Hawaii 96747 

Dear Mr. Okamoto:

Subject: Kaumualii Highway, Old Government Road 
At Makaweli, Waimea, Kauai, Hawaii 
TMKs: (4) 1-7-05:01, 02, 05, 09 and 10, (4) 1-7-06:04, 06, 09 and 10 
Request to Purchase Old Government Road

We regret to inform you that the processing of the sale of a portion of Old Government Road is being deferred to the Department of Land and Natural Resources. It was determined that the land belongs to DLNR and therefore would be the appropriate agency to process the sale.

Please contact Milo Spindt, Kauai District Land Agent at (808) 274-3491 for further information.

If you have any questions, please call me at (808) 692-7331 or you can email me at Katja.M.Jordan-King@Hawaii.Gov.

Very truly yours,

Katja M. Jordan-King

KATJA M. JORDAN-KING
Right-of-Way Agent 
Property Management

EXHIBIT 'B'
CERTIFICATE OF SEARCH
Dated February 22, 2012

FAP F-29(4)
KAUAI BELT ROAD
(Makaweli Section)

TAX KEYS: 1-7-05-portion of
Old Government Road and
1-7-06-portion of
Old Government Road

PORTIONS OF OLD GOVERNMENT ROAD RUNNING THROUGH
ROYAL PATENT NO. 4476, LAND COMMISSION AWARD NO. 7713,
APANA I TO V. KAMAMALU,
SITUATE AT MAKAWELI, DISTRICT OF WAIMEA,
ISLAND AND COUNTY OF KAUAI,
STATE OF HAWAII

STATE OF HAWAII

LIENS and/or ENCUMBRANCES: NONE

Request by K. Jordan-King dated 5/31/12 – Job No. 12-035-CS

EXHIBIT "C"
THIS IS TO CERTIFY that we have carefully examined the INDICES and RECORDS of
the Public Lands Office and the Bureau of Conveyances of the Department of Land and Natural
Resources, both at Honolulu, City and County of Honolulu, State of Hawaii, with reference to
the title of

STATE OF HAWAII

All of that certain parcel of land situate at Makaweli, District of Waimea,
Island and County of Kauai, State of Hawaii, described as follows:

PORTIONS OF AREA HIGHLIGHTED IN YELLOW AS SHOWN ON
TAX MAPS 1-7-05 (Page 4) and 1-7-06 (Page 5)

(NOTE: As of July 5, 2012, no right-of-way map provided to
HWY-RA. No area given for area highlighted in yellow.
Search based on area highlighted in yellow as shown on
pages 4-5, as provided by Katja Jordan-King, HWY-RM.)

Being portion of the government road running through Royal Patent Grant
No. 4476, Land Commission Award No. 7713, Apana 1 to V. Kamamalu,

Being a portion of the land transferred to the STATE OF HAWAII by
operation of Section 5(b) of the Admission Act (Act of March 18, 1959, Public
Law 86-3, 73 Stat. 4).

NOTE: Registered Map 2246, dated 1891, "Map of Kauai
Compiled from Government Surveys and Private Surveys
of Lands belonging to Gay and Robinson", survey and map
done by L. E. Imlay, shows said road in existence at that
time.

No conveyance found of record to the City and County of
Honolulu.

AND WE CERTIFY that there are no liens and/or encumbrances appearing of record of
whatever kind or nature affecting the title at this time.
WE FURTHER CERTIFY that title to the premises herein described is in the said

STATE OF HAWAII

INDICES and RECORDS.

DATED at Honolulu, City and County of Honolulu, State of Hawaii, this 22nd day of January

A.D. 2012, at 3:29 o'clock p.m.

ABSTRACTING SECTION

STATE DEPARTMENT OF TRANSPORTATION

TK/0k

The foregoing Certificate of Search and any further Continuation(s) thereto, are

for the exclusive use of the State of Hawaii, its Department of Transportation, and shall

not be relied upon by any person or corporation, individually or collectively.

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