

SILVA, Lawrence

SP (T) 62-1

7-2-62

CANCELLATION IN PROCESS

Commission on Public Accountant
Form No. A4
DETAILS OF CLAIMS PAID BY WARRANT ENCLOSED

DEPARTMENT OR ESTABLISHMENT

19 62

Voucher Number

Contract Number

Lawrence Silva

2084 Palolo Avenue
Honolulu, Hawaii

Appropriation Symbol	Amount
T-7659 B	50 00
C	

TO PAYEE: THIS MEMO IS PROVIDED FOR YOUR CONVENIENCE, IT SHOULD BE PRESERVED.

[illegible]

Arthur L. Fair

SPECIAL PERMIT CHECK SHEET

LUC File SP(T)- 62-1

Petitioner: SILVA, Lawrence County Honolulu

Key 0-2

Date petition and fee received: 4/24/62

Suspense date for LUC action: _____

Date LUC survey _____

Notices of hearings

<u>Dates</u>	<u>Publication</u>
_____	_____
_____	_____
_____	_____

Hearings

<u>Date</u>	<u>Place(s)</u>	<u>By</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Actions

<u>Dates</u>	<u>Actions</u>	<u>By</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Notes:

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for official use

Date Application and Fee APR 24 1962
received by LUC

State of Hawaii
LAND USE COMMISSION

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Honolulu, Island of Oahu, Land Use Commission Temporary District Boundary map number and/or name O-2 (WAIANAE), for the following-described purpose:

Description of property:

Tax key 8-5-04-30
Land grant 8049
13.17 acres

Waianae Valley, Waianae Oahu

Petitioner's interest in subject property: *Property is registered in names of all 6 persons.*

That all heirs (5 sons and mother) would have their own lots to live on.

Petitioner's reason(s) for requesting special permit:

To divide property evenly among 5 sons and mother.

Heirs have an urgent and immediate need now to locate themselves on this property.

Heirs have made every attempt to divide property during the past years.

This info. being forwarded to us by Applicant LUC
Note: Records with the State land office will prove that we have petitioned the state for the purchase of a roadway easement, so we could divide the property among the heirs. (city planning requires a 50 ft. approach road) Request was Signature(s) Louanna Silva granted by the State Land Comm. We paid on 3/23/62 for appraisal fees. Easement purchase now subject to auction. Date of auction within few months.

Address:

2084 Palolo Ave.

Telephone:

775651
61061

Date of application
4/23/62

This space for official use

The property is situated in a(n) agicultural district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s)

FR Silva

For (agency)

Land Use Commission

Ref. No. LUC 65

July 6, 1962

Mr. Lawrence Silva
2084 Palolo Avenue
Honolulu, Hawaii

Dear Sir:

With regard to your application to the Land Use Commission for Special Permit, may I inform you of the following:

A recent ruling by the Attorney General of the State of Hawaii has stated that the Land Use Commission regulation requiring a minimum lot size of five acres in the Agricultural district is not in effect, and that the power to determine lot size is specifically reserved to the Counties.

Since your petition is a request for variance from that particular section of the Interim Regulations of the Commission, we are returning herewith your application and filing fee of fifty dollars (\$50.00).

Very truly yours,

R. J. DARNELL
Executive Officer

Enclosures
WM:ak

426 Queen Street Ref. No. LUC 58

XXXXXXXXXXXXXXXXXXXX

July 2, 1962

MEMORANDUM

TO: The Honorable Michael M. Miyake, Comptroller
Department of Accounting and General Services

Attention: Mr. Albert Tsuruda

FROM: R. J. Darnell, Executive Officer

SUBJECT: Request to have Checks Mailed to Land Use Commission

Please be advised that the Land Use Commission requests that the following checks withdrawn from our Trust Fund, Appropriation Symbol - T-7659, be mailed to the Land Use Commission, 426 Queen Street, Honolulu, Hawaii; and that expeditious services will be appreciated.

SILVA, Lawrence	\$50.00
KIM, Harry Y. H.	\$50.00
TAVARES, Daniel L.	\$50.00
ROPPIYAKUDA, Terry L.	\$50.00
KAMAU, Helena K.	\$50.00
OGATA, Thomas S.	\$50.00
UEOKA, Robert	\$50.00

R. J. DARNELL
Executive Officer

ak

RECEIVED
JUN 12 1962
State of Hawaii
LAND USE COMMISSION

2084 Palolo Ave.
Honolulu, Hawaii
June 7, 1962

Mr. Rowland Darnell
Executive Officer
Land Use Commission
State of Hawaii

Dear Sir:

On behalf of my mother and my brothers, may I respectfully amend our application for a special permit with reference to our parcel of land in Waianae, Oahu, containing 13.5 acres of land, more or less.

There are presently two homes on said property. Said homes are being occupied and used as residences by two of our brothers and their families.

Our purpose in subdividing said land into six parcels of approximately two acres each is to provide a house and lot for mother and the five boys. We intend to use said land for residence and the raising of flowers or vegetables, in conformity with the rules and regulations established by the Land Use Commission. We feel that two acres should be adequate for the raising of flowers or vegetables.

Your early consideration of this request shall be deeply appreciated.

Respectfully yours,

Lawrence Silva
Lawrence Silva

a.g.
2084 Palolo Ave.
Honolulu, Hawaii
June 7, 1962

Mr. Rowland Darnell
Executive Officer
Land Use Commission
State of Hawaii

Dear Sir:

On behalf of my mother and my brothers, may I respectfully amend our application for a special permit with reference to our parcel of land in Waianae, Oahu, containing 13.5 acres of land, more or less.

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Your early consideration of this request shall be deeply appreciated.

Respectfully yours,

Lawrence Silva

memo from **E. APOLIONA**

MIKE: Enclosed is the Larry Silva matter.

This sale has not as yet been consummated. Our new land bill prohibits the sale of perpetual easements. Consequently, this must be sold under a lease basis, probably for the maximum term of 65 years.

Gene

August 15, 1961

Mr. Lawrence Silva
2084 Palolo Avenue
Honolulu 16, Hawaii

Dear Mr. Silva:

We are pleased to inform you that the Board of Land and Natural Resources at its meeting of August 11, 1961 approved the sale of a perpetual non-exclusive appurtenant easement for roadway purposes to Lots 40 and 50 of the Waianae Homesteads at public auction, subject to appraisal.

Inasmuch as an appraisal is necessary for this sale, we ask that you advise us if you would be willing to pay for such appraisal cost. Upon receipt of your acceptance, we will process your application further.

A copy of the Land Board submittal, dated August 11, 1961, listing the conditions affecting the sale of the subject easement is enclosed for your information.

Very truly yours,

E. H. COOK
Director

HS:lkt
encls.

100% COTTON FIBER U.S.A.

STATE OF HAWAII
DEPT. OF LAND AND NATURAL RESOURCES
HONOLULU

August 11, 1961

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

Gentlemen:

PURCHASE - PUBLIC AUCTION

OAHU

STATUTE: Section 73(1) of the Hawaiian Organic Act

APPLICANT: Larry Silva for the "ESTATE OF MANUEL SILVA"

30' wide

FOR: Perpetual non-exclusive appurtenant (to Lots 40 and 50 of the Waianae Homesteads) easement for roadway purposes, or southwest of a present 20-foot roadway, all within the Government land situate at Waianae, Oahu, as shown shaded in green on Government Survey Map CSF 10,679 appended to the basic file. Tax Map Key 8-5-04.

PURPOSE: Roadway

AREA:

To be determined by survey *(2463 ft as shown on map)*

APPRAISED
VALUE:

To be determined by appraisal, without resubmittal but with notification of appraisal to the Board.

REMARKS:

Lots 40 and 50 of the Waianae Homesteads, Waianae, Oahu, were acquired by the Late Manuel Silva by Grant 8049. The applicant claims that when the above lots were conveyed there existed on the map a 50-foot roadway fronting these lots, which to this day has not been provided. In lieu thereof, two roadways of 20-foot width each were provided for access into Lots 40 and 50. These roadways are shown colored in yellow on the attached map.

FINDINGS:

Lots 40 and 50 were purchased under Special Homestead Agreement No. 779 to Manuel Silva and upon his compliance with the terms and conditions of said Agreement, Grant No. 8049 was issued. The map attached to both the agreement and the grant showed frontage of both lots on a proposed 50-foot roadway. The Land Office on June 15, 1920 requested surveys of lands in the homestead area which consisted of the consolidation of certain lots and the subject 50-foot roadway, reserving a 20-foot roadway from the main road along the boundary between Lots 44 and 45 to the edge of the gulch, thence to the northeast as far as the makai boundary of Lot 48.

On April 17, 1922, revised descriptions were requested for Lots 45, 46 and 47. Said revised descriptions

ITEM

E-12

August 11, 1961

included the 50-foot roadway between these lots and Lots 40 and 50. The new 20-foot roadway mentioned in the paragraph immediately above would continue across the abandoned 50-foot roadway and connect with the boundary of Lot 40, thus giving Lots 39 and 40 an outlet. Lot 50 is taken care of with an outlet where a new 20-foot road connects with the abandoned 50-foot road. No objections to this change of access were ever made by the property owners at that time. Several other surveys were made of the immediate area and when these lots, as revised, were sold, portions of this abandoned 50-foot roadway were included in the area of the lots sold.

The applicant feels that the Estate is entitled to this 50-foot roadway. The heirs of the Estate are desirous of subdividing the abovementioned lots but find it impossible because of the City Planning Commission's requirement of a 50-foot roadway.

It is the findings of this office, substantiated by an opinion by the Attorney General, that the applicant has no valid claim for the 50-foot roadway mentioned in his application and he was so advised. Hence, he is making an application for the purchase of sufficient land to provide for a 50-foot roadway to comply with the requirements of the City Planning Commission.

RECOMMENDATIONS:

That the Board approve the sale at public auction at the appraised value upon the following terms and conditions:

1. That the purchaser shall be required to pay cash.
2. That the purchaser shall have only the right, privilege and authority to construct, use, maintain and repair the subject right-of-way for road purpose.
3. That the purchaser shall be required to construct and maintain, at his own cost and expense, the 30-foot roadway, as well as the 20-foot roadway located adjacent thereto.
4. That the purchaser shall exercise the rights to be granted in such manner so as to avoid the creation of unnecessary damage, nuisance or waste to the areas crossed by the easement and shall use due care for public safety and shall not unduly or unnecessarily inconvenience the State or City and County agencies or their licensees, permittees or lessees, if any, in the use of the lands crossed by the easement.
5. That the purchaser shall promptly repair or restore, at his own cost and expense, to the satisfaction of the State of Hawaii or any other authority

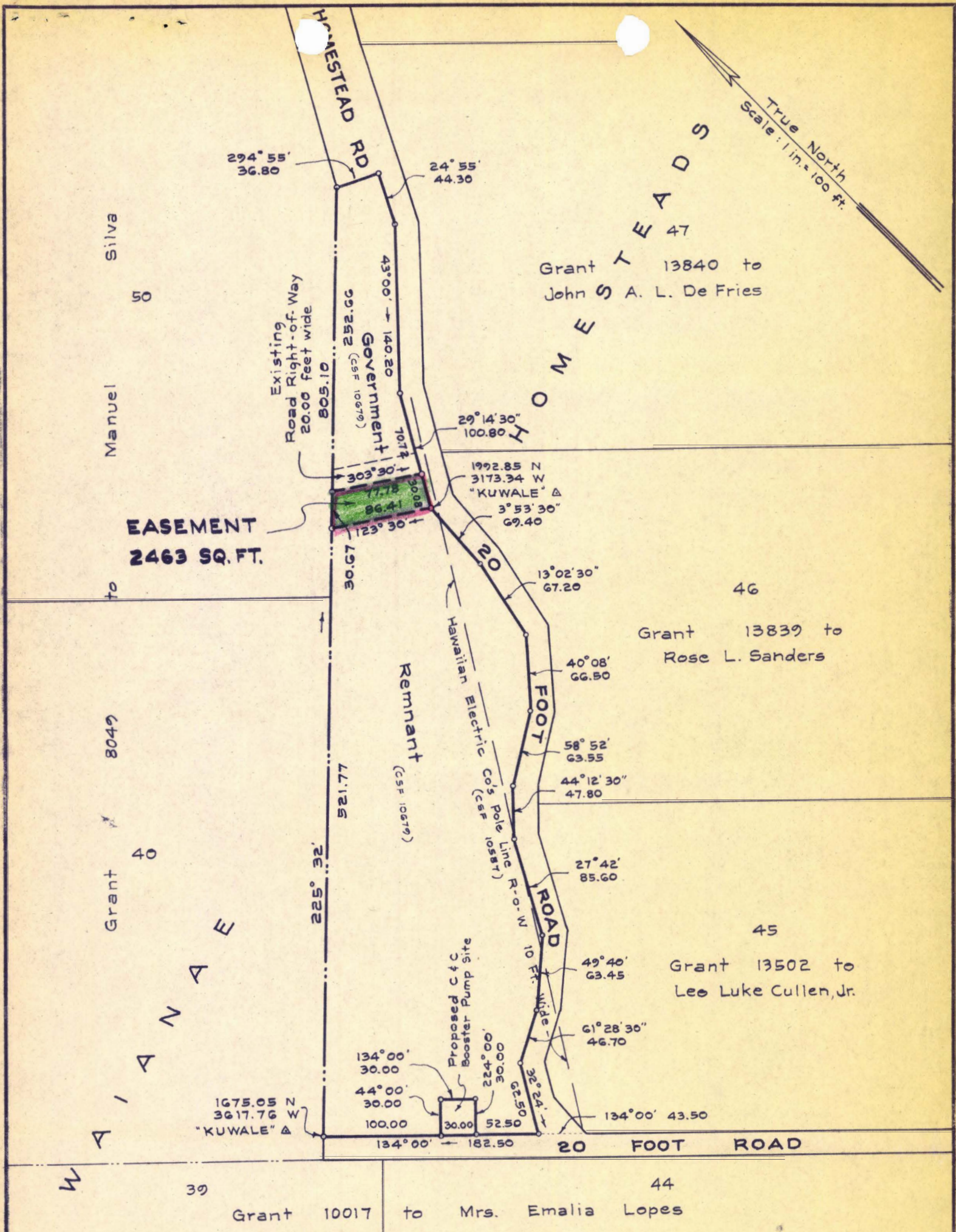
August 11, 1961

having jurisdiction over the areas crossed by said easements, all damages to paving or to the surface of the land by virtue of any such maintenance, repair or replacement of said roadway and that the purchaser shall defend, indemnify and save harmless the State, City and County of Honolulu, or any other agencies of the Government against all losses, damages, or injuries to person or persons and to the property of others caused by the negligence or wilful conduct of the purchaser, including its servants and agents, or the operator or operators of said roadway easement, or incident thereto to the maintenance, repair or replacement thereof.

6. That the State reserves the right to use for itself, or to grant, similar or other rights affecting the easement area, so long as the exercise of such rights do not unnecessarily or unreasonably interfere with the rights of the easement holder.
7. That the purchaser, while constructing, maintaining or using the easement area shall comply with all applicable statutes, ordinances and rules and regulations of the City and County of Honolulu, and any affected State Departments or Government Agencies.
8. That there be a condition subsequent, and not merely a covenant, that the purchaser shall not construct any building or other structure on the easement area.
9. That the easement holder shall be deemed to have abandoned the same if the holder fails to construct said roadway within one (1) year from the date of sale, or after such construction fails to exercise the granted rights for a period of one (1) year, in which event all rights, title and interest in and to the easement will terminate.
10. In the event the Homestead Road shall be widened, then that part of the easement right affecting so much of the area included in such widening be terminated.
11. And provisions applicable to sales in general as recommended by the legal section.

Respectfully submitted,


E. H. COOK
Director



Non-Exclusive Perpetual Easement for Roadway Purposes
Over and Across Government Remnant
Waianae Homesteads
Waianae, Oahu, Hawaii

JOB 1006
C. BK 11, Sakamoto

Scale: 1 inch = 100 feet

TAX MAP 8-5-04

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C. S. F. No. 13613

15. January 30, 1962

WILLIAM F. QUINN
GOVERNOR



LAND USE COMMISSION
DEPARTMENT OF PLANNING AND RESEARCH

STATE OF HAWAII
426 Queen Street
~~195 SOUTH KING STREET~~
HONOLULU 13, HAWAII

FRANK LOMBARDI
DIRECTOR OF PLANNING
PHILIP T. CHUN
DEPUTY DIRECTOR OF PLANNING

CHAIRMAN
RALPH K. AJIFU
VICE CHAIRMAN
LINDSAY A. FAYE
SECRETARY
LEONARD D. Y. WONG
CHARLES C. CROSS
JAMES H. ARMITAGE
W. W. ALDRICH
WILLIS C. JENNINGS
E. H. COOK, EX-OFFICIO
FRANK LOMBARDI, EX-OFFICIO

~~June 5, 1962~~

City Planning Department
City and County of Honolulu
Honolulu, Hawaii

Gentlemen:

Attached is a copy of an application for special permit received in
this office on April 24, 1962

The Land Use Commission will hold a hearing on this matter at the
Waianae High School auditorium in Waianae
on Thursday, June 28, 1962 at 2:00 p.m.

The comments and recommendations of your Commission are solicited.

Very truly yours,

R. J. DARNELL
Executive Officer

Attachment

NOTICE OF PUBLIC HEARING
TO CONSIDER APPLICATIONS FOR SPECIAL PERMIT
WITHIN THE COUNTY OF HONOLULU BEFORE THE
LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held by the Land Use Commission of the State of Hawaii at the auditorium of Waianae High School, Oahu, on June 28, 1962 at 8:00 p.m., or as soon thereafter as those interested may be heard, to consider the applications for Special Permit within the County of Honolulu as provided for in Section 7, Act 187, Session Laws of Hawaii 1961. Special Permit applications to be heard are:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
SILVA, Lawrence	8-5-04-30	Subdivide 13.17 acre parcel among 6 members of owning family.
KIM, Harry Y. H.	8-6-03-12 (Lots 160 A,B & C)	Subdivide 22.24 acre parcel into 1 acre farm lots.

Maps showing the areas under consideration for Special Permit and copies of the rules and regulations governing the application for Special Permit are on file in the offices of the City & County of Honolulu Planning Department and the Land Use Commission and are open to the public for inspection during office hours.

All written protests or comments regarding the above Special Permit applications may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii, before the date of the public hearing, or submitted in person at the time of the public hearing, or up to fifteen (15) days following this public hearing.

LAND USE COMMISSION

Edward C. Bryan, Chairman

R. J. Darnell, Executive Officer

(Legal ad-2 cols. w/border)
(To appear June 5, 1962)
(HONOLULU STAR-BULLETIN)
(HONOLULU ADVERTISER)

426 Queen Street Ref. No. LUC 11
XXXXXXXXXXXXXXXXXXXX

May 31, 1962

Mr. Lawrence Silva
2084 Palolo Avenue
Honolulu, Hawaii

Dear Mr. Silva:

This is to notify you that your application for special permit will be heard on Thursday, June 28, 1962 at 8:00 p.m. at Waianae High School auditorium, Waianae, Oahu, Hawaii.

Legal notice regarding the public hearing will be published in the Honolulu Star-Bulletin and the Honolulu Advertiser on Tuesday, June 5, 1962.

Very truly yours,

ROWLAND J. DARNELL
Executive Officer

WM:Ak