

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

February 22, 2008

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

PSF No.: 07HD-013

Hawaii

Grant of Term, Non-Exclusive Easement to Robin Ramsey, James MacKenzie, Catherine Caverly, Steven Oldfather and Hortense Cassidy Oldfather for Access Purposes, Ola'a, North Hilo, Hawaii, Tax Map Key: 3rd/3-9-02:portions of 07 & 08.

APPLICANT:

Robin Ramsey, James MacKenzie, Catherine Caverly, Steven Oldfather and Hortense Cassidy Oldfather, individuals, as Tenants in common, whose business and mailing address is P.O. Box 47, O'okala, Hawaii 96774.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at O'okala, North Hilo, Hawaii, identified by Tax Map Key: 3rd/3-9-02:portions of 07 & 08, as shown on the attached map labeled Exhibit A.

AREA:

5 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: 20 acre agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Encumbered by General Lease No. S-5586, Island Dairy, Inc., Lessee, for dairy purposes. Lease to expire on 06/04/2033. General Lease No. S-5511, New Cingular Wireless, PCS, LLC for communication purposes. Lease to expire on 4/30/2027.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

Fifty-five (55) years.

ANNUAL RENT:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures,

facilities, equipment or topographical features, involving negligible or no expansion of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable. The Applicants are landowners and as such, not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicants shall be required to:

- 1) Pay for an appraisal to determine one-time payment; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The subject property is currently encumbered by General Lease No. S-5586 to Island Dairy, Inc. for dairy production purposes. Prior to its current use, the land was cultivated in sugar production under GL S-3615 to the Laupahoehoe Sugar Co. The existing cane-haul roads being requested by the applicants were constructed by the sugar company and are being utilized by the dairy operation.

The applicant s.own parcels 3rd/3-9-02:03, 10, 11, and 14 in the Kahoahuna Homesteads lots. An inspection by HDLO staff confirmed that the only means of access to these properties is through the State leased lands (Exhibit B).

There is a pre-existing easement the applicants will be utilizing a portion of for their access. GL S-5511 was issued to New Cingular Wireless PCS, LLC for the construction and maintenance of a transmission tower. The applicants will be using the portion of the easement identified as easement C on CSF map No. 23,135 (Exhibit C). However, the applicants will be responsible for obtaining access through the Kamehameha Schools land that border the State land and the Mamalahoa Highway as a condition to the State granting an easement through the State land.

The applicants have 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.

Various governmental agencies were solicited for comments. All respondents had no objections to the request as indicated below:

County of Hawaii Agencies	Comments
Environmental Management	No Comments
Fire Department	No Comments

Planning	No Objections
Police Department	No Objections
Public Works	No Comments
Water Department	No Objections
State of Hawaii Agencies	Comments
DOH-Environmental Management	No Comments
DHHL	No Comments
DLNR-Historic Preservation	No Response
DOT-Highways Division	No Comments
Other Agencies	Comments
Office of Hawaiian Affairs	No Comments

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcels described as Tax Map Key: (3) 3-9-02:03, 10, 11 &14, 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to Robin Ramsey, James MacKenzie, Catherine Caverly, Steven Oldfather and Hortense Cassidy Oldfather covering the subject area for access purposes 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 term easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real properties described as Tax Map Key: (3) 3-9-02:03, 10, 11 &14, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
 - C. Obtain written confirmation from Kamehameha Schools that access has been granted through their property identified by Tax Map Key: 3rd/3-9-01:03;

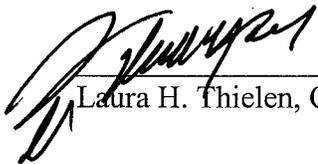
- D. Review and approval by the Department of the Attorney General; and
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



for Gordon C. Heit
Land Agent

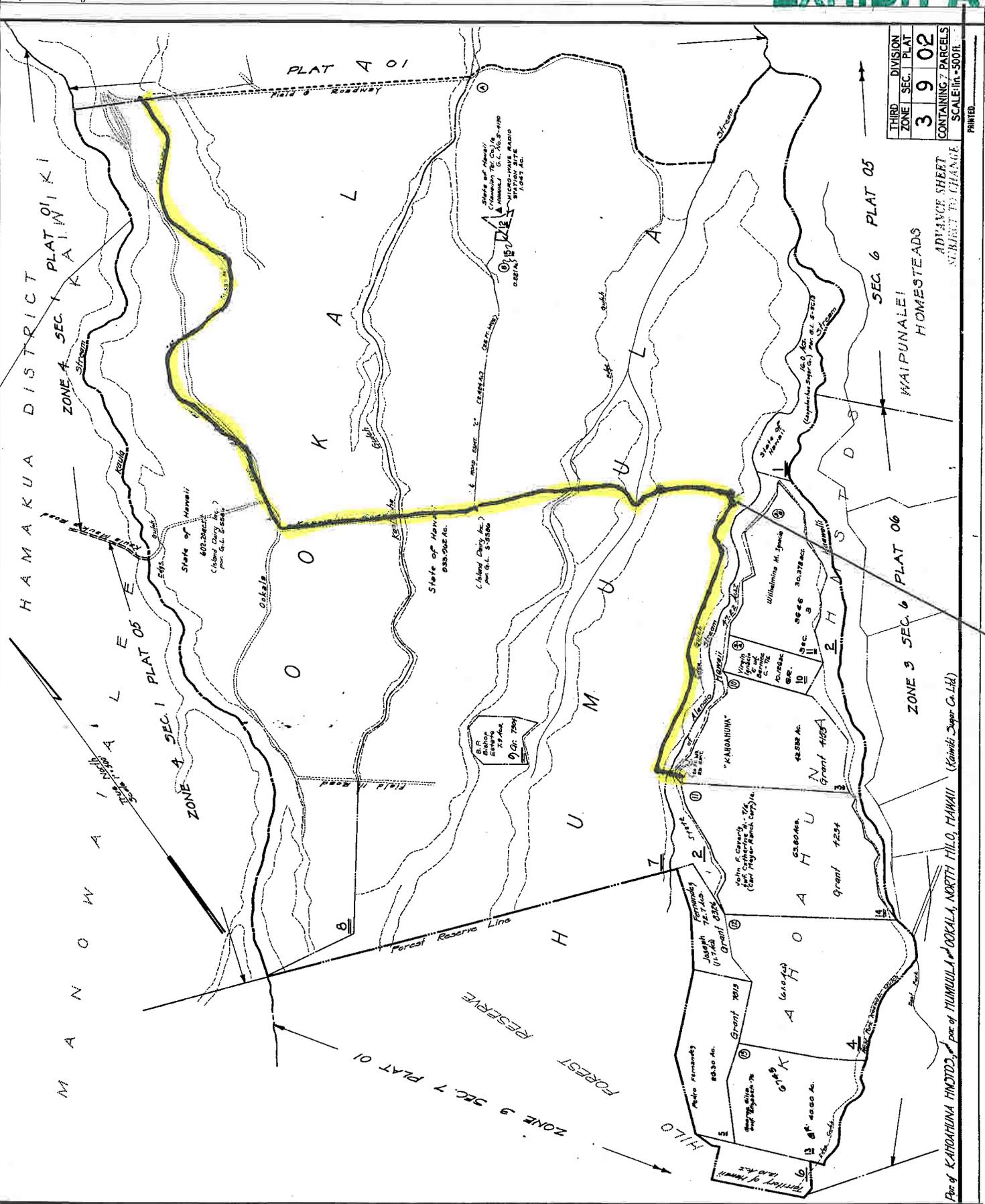
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



3 9 02



THIRD ZONE	DIVISION
3	3
9	9
02	02
CONTAINING PARCELS	
SCALE 1/4" = 500'	
PRINTED	

ADVANCE SHEET
SUBJECT TO CHANGE

LOCATION OF EASEMENT

COUNTY OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 DIVISION OF LANDS
 1555 KALANOAU AVENUE, SUITE 100
 HONOLULU, HAWAII 96813
 DATE: FEB 13 1988
 BY: [Signature]
 TITLE: [Signature]
 SCALE: 1/4" = 500'
 SOURCE: TAX MAPS BUREAU / SURVEY DEPARTMENT
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

Part of KAWAHAUNA HINDOCS, part of HUIPUNALEI, NORTH HILO, HAWAII (Kaimiki Sugar Co. Ltd.)
 Part of KAWAHAUNA HINDOCS, part of HUIPUNALEI, NORTH HILO, HAWAII (Kaimiki Sugar Co. Ltd.)
 Part of KAWAHAUNA HINDOCS, part of HUIPUNALEI, NORTH HILO, HAWAII (Kaimiki Sugar Co. Ltd.)

