

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

May 23, 2008

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

PSF No: 97KD-482  
KAUAI

Amend Prior Board Action of July 11, 1997 (D-1), Cancel Executive Order Nos. 1201 and 1221, Reset Aside to the Department of Education, Hawaii State Public Library System, and Grant of Easement to Citizens Utilities Company for an Underground Electrical Line, Hanapepe, Waimea, Kauai, TMK: (4) 1-9-06: 14 & 29

BACKGROUND:

Executive Order No. 1201 was signed by the Acting Governor on June 25, 1947, setting aside 10,000 square feet to the County of Kauai for building to house the Police Department and a public library. Executive Order No. 1221 was signed by the Governor on February 25, 1948, setting aside 19,500 square feet to the County of Kauai for the addition to house the Police Department and Public Library. The Hanapepe Library was built. The County did not build the police station facility. Public libraries were placed under the jurisdiction of the Department of Education (DOE). The County had no objections to the cancellation and re-set aside of the subject State lands. Therefore, the Land Board at its meeting of July 11, 1997, under agenda Item D-1, approved to recommend to the Governor the cancellation and re-set aside and granted a perpetual, non-exclusive easement to Citizens Utilities Co.

REMARKS:

Staff has been unable to complete the processing of the easement because Citizens Utilities Co. would not submit survey map and description of the underground electrical line. Recently staff contacted the Department of Accounting and General Services (DAGS) to determine if Citizens or their successor - Kauai Island Utility Cooperative (KIUC) still requires an easement from the State. By letter dated March 18, 2008, Mr. Ferdinand Pascual, Distribution Planning Coordinator informed DAGS an easement is not required by KIUC. (EXHIBIT B)

RECOMMENDATION: That the Board:

1. Amend its prior Board action of July 11, 1997, under agenda item D-1 by deleting the issuance of a perpetual, non-exclusive easement to Citizens Utilities Company.
2. All terms and conditions listed in its July 11, 1997 approval to remain the same.

Respectfully Submitted,



Tommy Oi  
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



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

July 11, 1997

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii 96813

KAUAI

Cancel Executive Order Nos. 1201 and 1221, Reset Aside to the Department of Education, Hawaii State Public Library System, and Grant of Easement to Citizens Utilities Company for an Underground Electrical Line, Hanapepe, Kauai, Tax Map Keys:1-9-06:14 and 29

STATUTE:

Sections 171-11 and 95, Hawaii Revised Statutes, as amended

APPLICANT:

DEPARTMENT OF EDUCATION, HAWAII STATE PUBLIC LIBRARY SYSTEM

FOR:

Portion of the Government (Crown) Land of Hanapepe, same being Lots 137, 138, 139 and 140 of the Hanapepe Town Lots, 2nd Series, Hanapepe, Waimea, Kauai, Tax Map Keys:1-9-06:14 and 29 containing 39,000 s.f., more or less, as shown on the attached map.

PURPOSE:

Public library and other allied purposes.

LAND STATUS:

Under the operation of Executive Order Nos. 1201 and 1221 issued to the County of Kauai as a site for the Police Department and public library, and as an addition to the site for the Police Department and public library, respectively.

LAND TITLE STATUS:

Section 5(b), Land - Hawaii Admission Act

ZONING:

State LUC - Urban District  
County of Kauai CZO - Residential

ENVIRONMENTAL REVIEW:

The setting aside of state land by executive order places the land under the jurisdiction and management control of the beneficiary government agency and, as such, does not constitute a use of state land or funds subject to the provisions of Chapter 343, HRS.

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

July 11, 1997

ITEM D-1

"EXHIBIT A"

REMARKS:

The sites, set aside to the County of Kauai for a police station and public library, is the location of the Hanapepe Public Library, a police station facility, however, was never built. Also, public libraries are now under the jurisdiction of the Department of Education, Hawaii State Public Library System.

The County of Kauai, Office of the Mayor has no plans to build a police station on the subject property because there is not sufficient remaining area for its development, and therefore, has no objection to the cancellation and reset aside of the subject executive orders.

The Hawaii State Public Library System, in order to provide environmental controls for the Hanapepe Public Library, will need to increase electrical power to the facility and is also requesting that an easement be granted in favor of Citizens Utilities Company for an underground electrical line.

RECOMMENDATION: That the Board

- A. Approve of and recommend to the governor, the issuance of executive orders to cancel Executive Order Nos. 1201 and 1221, and reset aside the premises to the Department of Education, Hawaii State Public Library System for a public library and other allied purposes, subject to the following:
1. Upon cancellation or abandonment, the premises shall be restored to a condition acceptable to the Department of Land and Natural Resources;
  2. Disapproval by the legislature by two-thirds vote of either the senate or house of representatives or by majority vote of both, in any regular or special session next following the date of the executive order; and
  3. Other conditions as may be prescribed by the Chairperson.
- B. Authorize the issuance of a perpetual, non-exclusive easement in favor of Citizens Utilities Company for electrical line purposes, subject to the following:
1. Pursuant to Section 171-95(b)1, the consideration shall be nominal;
  2. The grantee shall comply with all applicable laws of the federal, state and county governments;
  3. All costs associated with the easement shall be borne by the Department of Education and/or the grantee;
  4. The grantee shall provide the department with a map, together with a description, of the easement area;

RECOMMENDATION (continued):

5. Standard reverter clause;
6. Standard relocation clause;
7. Standard indemnification and hold harmless clause;
8. Standard liability insurance clause;
9. Other conditions of the standard applicable easement document form;
10. Disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both, in any regular or special session next following the date of the disposition; and
11. Other conditions as may be prescribed by the Chairperson.

Respectfully submitted,



GARY MARTIN  
Land Agent



APPROVED FOR SUBMITTAL:



MICHAEL D. WILSON, Chairperson







RECEIVED

8 MAR 20 12:57

March 18, 2008

In reply refer to

KAUAI DISTRICT OFFICE  
DAGS  
File #M-20B

Department of Accounting & General Services  
1680 Haleukana Street  
Lihue, HI 96766

Attention: Mr. Stanley Doi

SUBJECT: HANAPEPE LIBRARY – ELECTRICAL EASEMENT  
TMK: #(4) 1-9-006:014 & 029

Dear Mr. Doi:

Pursuant to your request, Kauai Island Utility Cooperative (KIUC) will not require an easement for the existing underground electrical line within the subject parcel. We have confirmed that the underground line is only a service lateral. For commercial underground services, as in this case, the owner (State) owns and maintains the service lateral from the existing pole to the metering equipment including all underground ducts, hand hole and service cables. Therefore, KIUC does not own the underground facilities within the subject parcel and would not require an easement.

Please call me at 246-2373 if you have further question.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ferdinand Pascual".

for FERDINAND "FRED" PASCUAL  
Distribution Planning Coordinator

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4463 Pahe'e Street, Suite 1, Lihue, Hawaii 96766-2000 • tel: 808.246.4300 • www.kiuc.coop

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" EXHIBIT B "