

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

August 8, 2008

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

PSF No.: 06KD-231

KAUAI

Withdrawal from Governor's Executive Order No. 2313; Set Aside to Department of Transportation, Highway Division; and Issuance of Construction and Management Right-of-Entry, Lihue Kauai, Tax Map Key: (4)3-4-7:4 and 3-8-5:portion of 13

APPLICANT:

Department of Transportation, Highway Division (DOT) whose business and mailing address is 601 Kamokila Boulevard, Kapolei, Hawaii, 96707

LEGAL REFERENCE:

Sections 171-11 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of government lands situated at Lihue, Kauai, identified as Tax Map Key: (4) 3-4-7:4 and 3-8-5:portion 13, as shown on attached Map Labeled Exhibit A)

AREA:

Lot 9-W = 0.221 acres, more or less
Boundary 21 = 428.46 liner feet, more or less

ZONING:

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

TRUST LAND STATUS:

Lot 9-W is Section 5(b) lands of the Hawaii Admission Act
Boundary 21 is Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Lot 9-W is vacant and unencumbered

Boundary 21 is encumbered by Governor's Executive Order No. 2313, County of Kauai, Board of Water Supply for baseyard and office site purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on August 23, 2000 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
2. Obtain written concurrence from County of Kauai.

REMARKS:

By memorandum dated July 17, 2006, Mr. Dale Suzuki, the former Rights-of-Way Manager requested Lot 9-W and Boundary 21 be formally set aside to the State Department of Transportation. DOT will be embarking on a highway project consisting of widening Kaunualii Highway from an existing two lane to a new four lane highway. Boundary 21 is required to restrict access onto the highway by pedestrian and vehicles for safety reasons. The Legislature authorized the funding for the construction of the project by Act 178, Session Laws of Hawaii 2005, Item No. 129, Capital Project No. X006. Tentative construction schedule: Advertisement in Summer 2008 and Notice to Proceed in Spring 2009. A right-of-entry is requested so construction may begin without delay.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

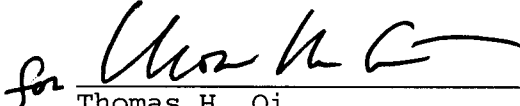
1. Approve of and recommend to the Governor issuance of an executive order withdrawing Boundary 21 from the Governor's Executive Order No. 2313, subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - 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 interest of the State.

2. Approve of and recommend to the Governor the issuance of as executive order setting aside the subject lands and Boundary 21 to the Department of Transportation, Highway Division, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - 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 interest of the State.

3. Authorize the issuance of a right-of-entry permit to Department of Transportation, Highways Division 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 right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

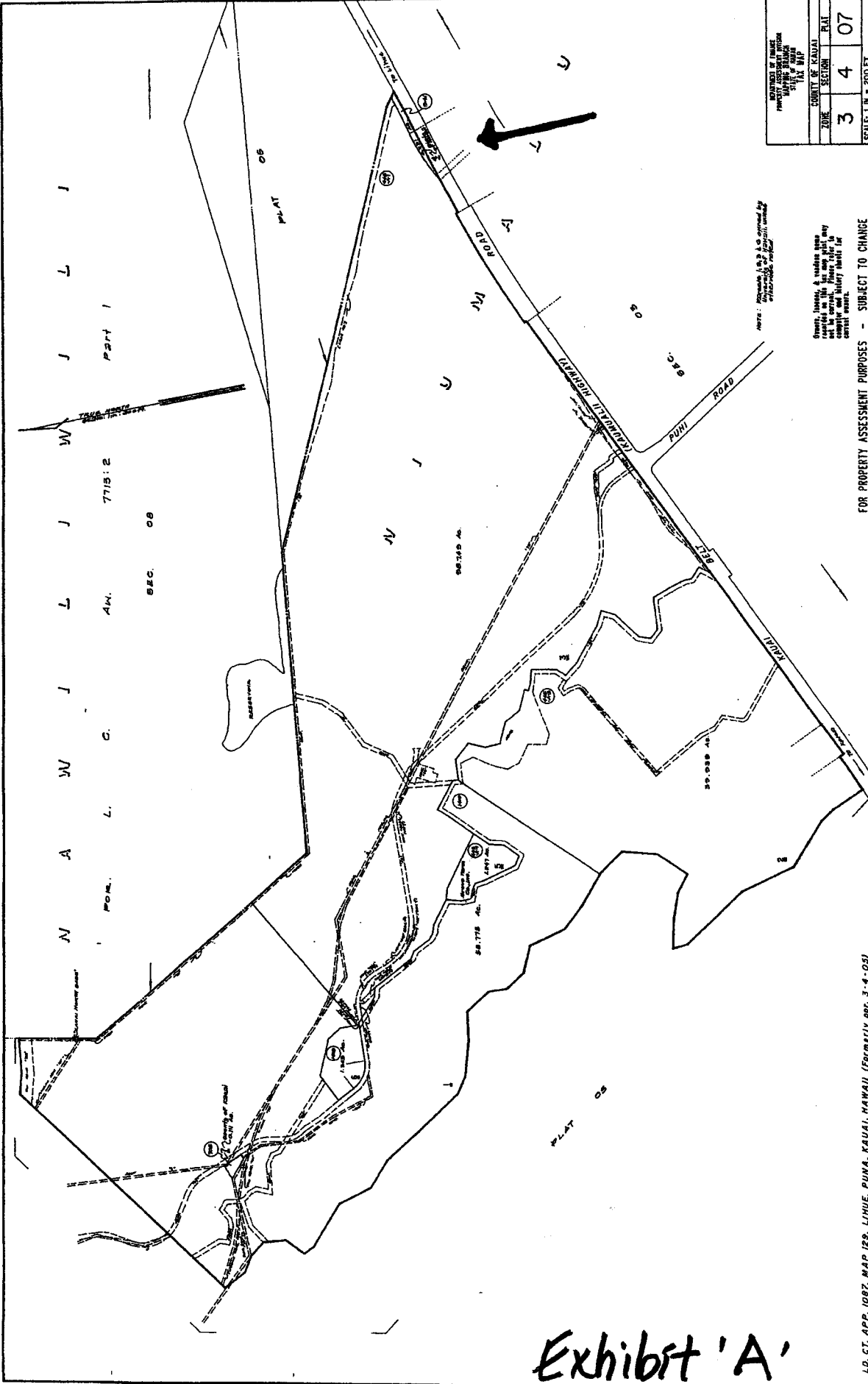


Thomas H. Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

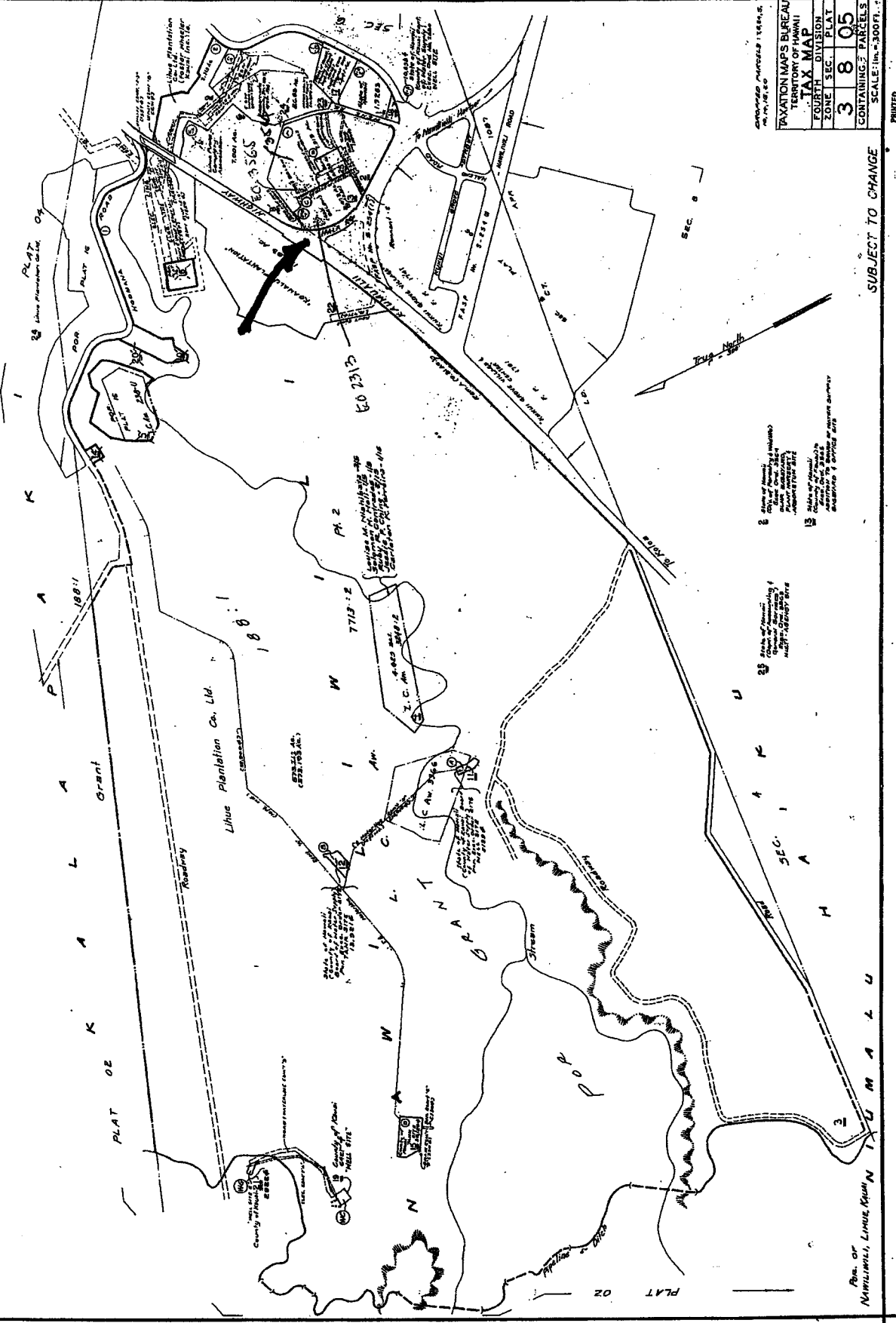


DEPARTMENT OF LAND PROPERTY ASSESSMENT DIVISION COUNTY OF KAWAII TAX MAP			
ZONE	SECTION	PLAT	
3	4	07	
SCALE: 1 IN. = 200 FT.			

Notes: 1. This map is prepared by the Department of Land, Property Assessment Division, County of Kauai, Hawaii, and is subject to change without notice.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

Exhibit 'A'



GROUPED PARCELS 1936, S. 1936, 1937, 1938, 1939, 1940

TAXATION MAPS BUREAU
TERRITORY OF HAWAII

TAX MAP			
FOURTH	DIVISION	PLAT	
3	8	05	
CONTAINING PARCELS			
SCALE: 1 in. = 300 FT.			

PRINTED

SUBJECT TO CHANGE

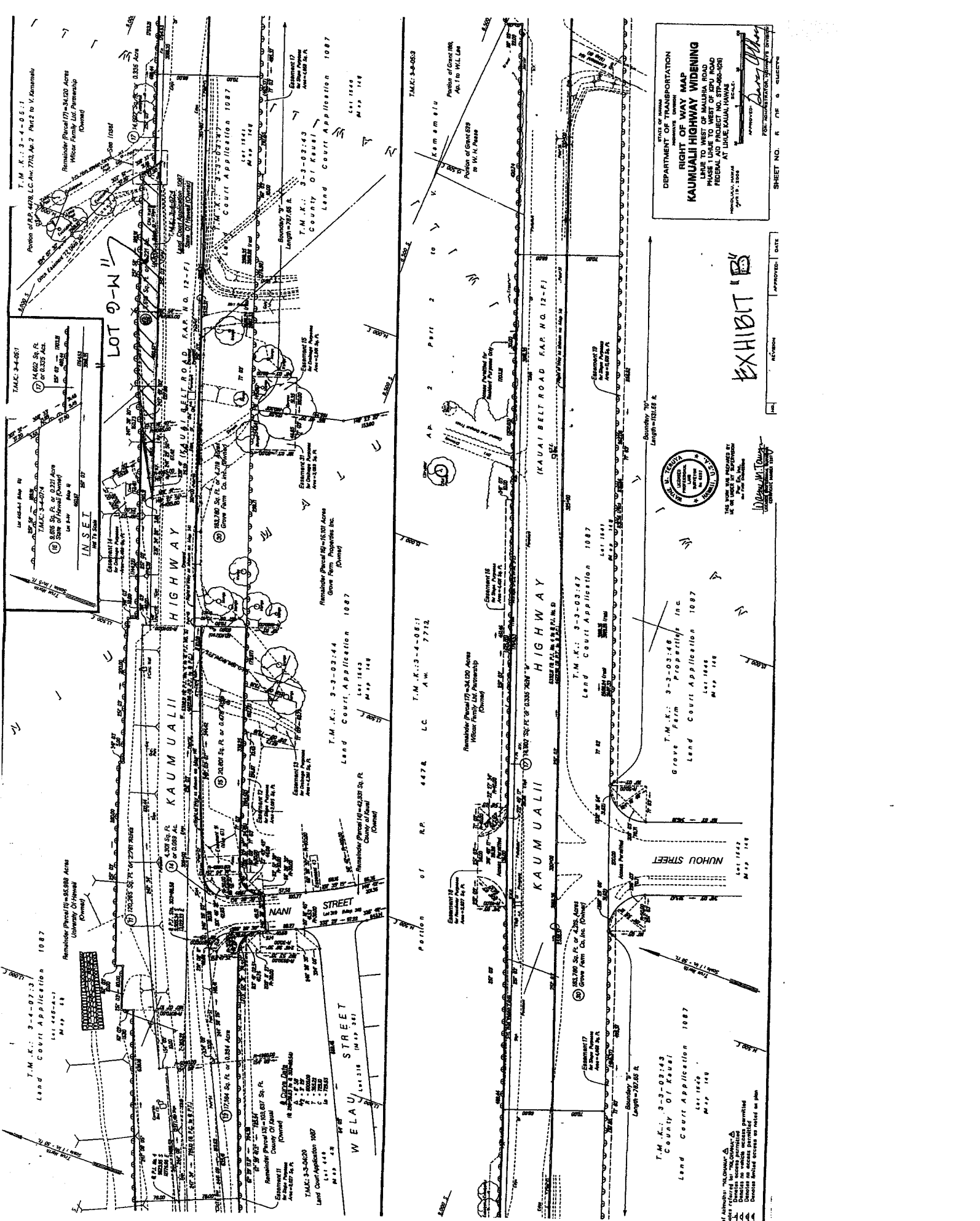
- 1. Shows all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government.
- 2. Shows all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government, and all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government.
- 3. Shows all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government, and all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government.

- 4. Shows all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government, and all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government.
- 5. Shows all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government, and all parcels of land in the Territory of Hawaii, whether owned by individuals, corporations, or the Government.

APPROVED FOR THE TERRITORY OF HAWAII
BY THE COMMISSIONER OF LANDS AND NATURAL RESOURCES
JULY 1, 1936

Drawn by: M. S. 2001
By: H. N. Oct. 1936

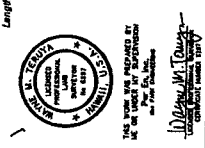
Exhibit 'A'



DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
KAUNUALII HIGHWAY WIDENING
 PHASE I URUE TO WEST OF KAPU ROAD
 FEDERAL AID PROJECT NO. 578-00-100
 HONOLULU, HAWAII AT LARGE, KAUNUALII HIGHWAY
 APRIL 15, 1968
 APPROVED: *Darryl M. O'Connell*
 FOR: SUPERINTENDENT OF PUBLIC WORKS

SHEET NO. 8 OF 6 SHEETS

EXHIBIT B



T.M.K.: 3-3-03:48
 Grove Farm Property, Inc.
 Lease Court Application 1087
 1st 1548
 M.S.P. 148

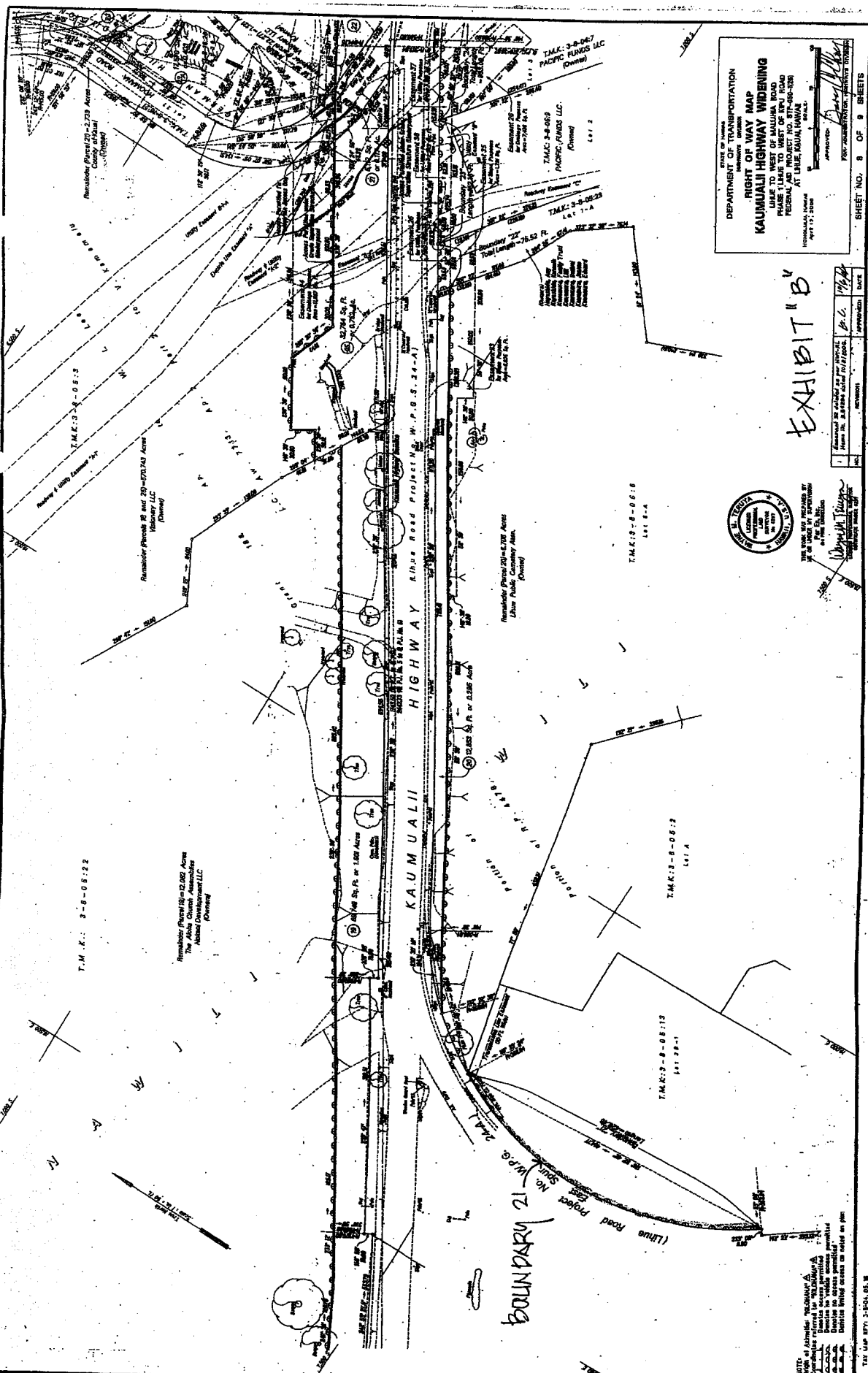
T.M.K.: 3-3-03:49
 Lease Court Application 1087
 1st 1548
 M.S.P. 148

T.M.K.: 3-3-03:47
 Lease Court Application 1087
 1st 1547
 M.S.P. 148

T.M.K.: 3-3-03:43
 County of Kauai
 Lease Court Application 1087
 1st 1546
 M.S.P. 148

APPROVED: DATE: _____

if Addressed "HONOLULU" is referred to "THE OFFICE" Directs to which access permitted. Directs to which access permitted. Directs to which access permitted. Directs to which access permitted.



DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
KAUMUALII HIGHWAY WIDENING
 LANE TO WEST OF MAUIA ROAD
 FROM MAUIA ROAD TO MAUIA ROAD
 FEDERAL AID PROJECT NO. 87F-000-001
 AT LANE, KAUMUALII HAWAII
 PROJECT NO. 12192
 DATE: 11/15/2007

EXHIBIT "B"



1	Checked by	DATE
2	Approved by	DATE
3	Reviewed by	DATE

SHEET NO. 8 OF 9 SHEETS
 PLAN 789

NOTE:
 1. All dimensions are in feet and inches.
 2. All bearings are in degrees, minutes and seconds.
 3. All distances are in feet and inches.
 4. All bearings and distances are as shown on this plan.
 5. All bearings and distances are as shown on this plan.
 6. All bearings and distances are as shown on this plan.
 7. All bearings and distances are as shown on this plan.
 8. All bearings and distances are as shown on this plan.
 9. All bearings and distances are as shown on this plan.
 10. All bearings and distances are as shown on this plan.

1	1/4" = 100'
2	1/8" = 200'
3	1/16" = 400'
4	1/32" = 800'
5	1/64" = 1600'
6	1/128" = 3200'
7	1/256" = 6400'
8	1/512" = 12800'
9	1/1024" = 25600'
10	1/2048" = 51200'