

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

September 12, 2008

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

PSF No.: 98OD-191

Oahu

Approval of License Agreement of Federal Property with the Department of the Navy on behalf of the Department of Education for Vehicular Access Purposes, Waipio, Ewa, Oahu, Tax Map Key:(1) 9-4-08:24 (Portion).

APPLICANT:

Department of Education, whose mailing address is P.O. Box 2360, Honolulu, Hawaii 96804.

LANDOWNER:

Department of the Navy, whose mailing address is c/o Commanding Officer, Naval Facilities Engineering Command, Hawaii 400 Marshall Road Building X-11, Pearl Harbor, Hawaii 96860-3139.

LEGAL REFERENCE:

Section 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Federally owned property situated at Waipio Peninsula, adjoining the access gate at the intersection of Waipahu Point Access Road and Cane Haul Road at Waipio, Ewa, Oahu, identified by Tax Map Key:(1) 9-4-008:024 portion, as shown on the attached maps labeled Exhibit A and A1.

AREA:

0.344 acre, more or less.

ZONING:

State Land Use District:	Agricultural
City & County of Honolulu LUO:	P-2 General Preservation

CHARACTER OF USE:

Vehicular access to Waipahu High School's athletic field and stadium for ground maintenance, athletic games, practices, and other official Waipahu High School functions

LEASE TERM:

One (1) year commencing on September 1, 2008 to August 31, 2009.

ANNUAL RENT:

Gratis.

DCCA VERIFICATION:

Not applicable. Government agency.

REMARKS:

The Board at its meeting of July 10, 1998, under agenda item D-11, gave its consent to a license agreement between the Department of the Navy and the Department of Education (DOE) over a portion of the Navy land for a vehicular access to Waipahu High School athletic fields and stadium for Waipahu high School functions. The term of the license commenced from August 1, 1997 to July 31, 1999. There was no follow-up regarding an approval from the Governor on an indemnification clause in the license. So, the license was never completed.

By way of memorandums dated April 3, 2008, the Department of Education is requesting the Department's assistance in obtaining the Land Board's approval of the new license issued by the Navy, commencing from September 1, 2008 to August 31, 2009.

Staff understands the Navy and DOE are still negotiating the conditions of the proposed license, for example, posting an attendant at all times at the location. Staff recommends the Board's consent to the license contingent upon the Navy and DOE are both agreeable to the terms and conditions under the license agreement.

RECOMMENDATION:

That the Board approve entering into a lease with the Department of the Navy on behalf of the Department of Education covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

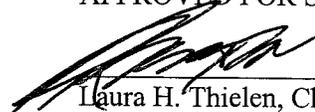
1. Review and approval by the Department of the Attorney General;
2. Indemnification conditions as approved by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

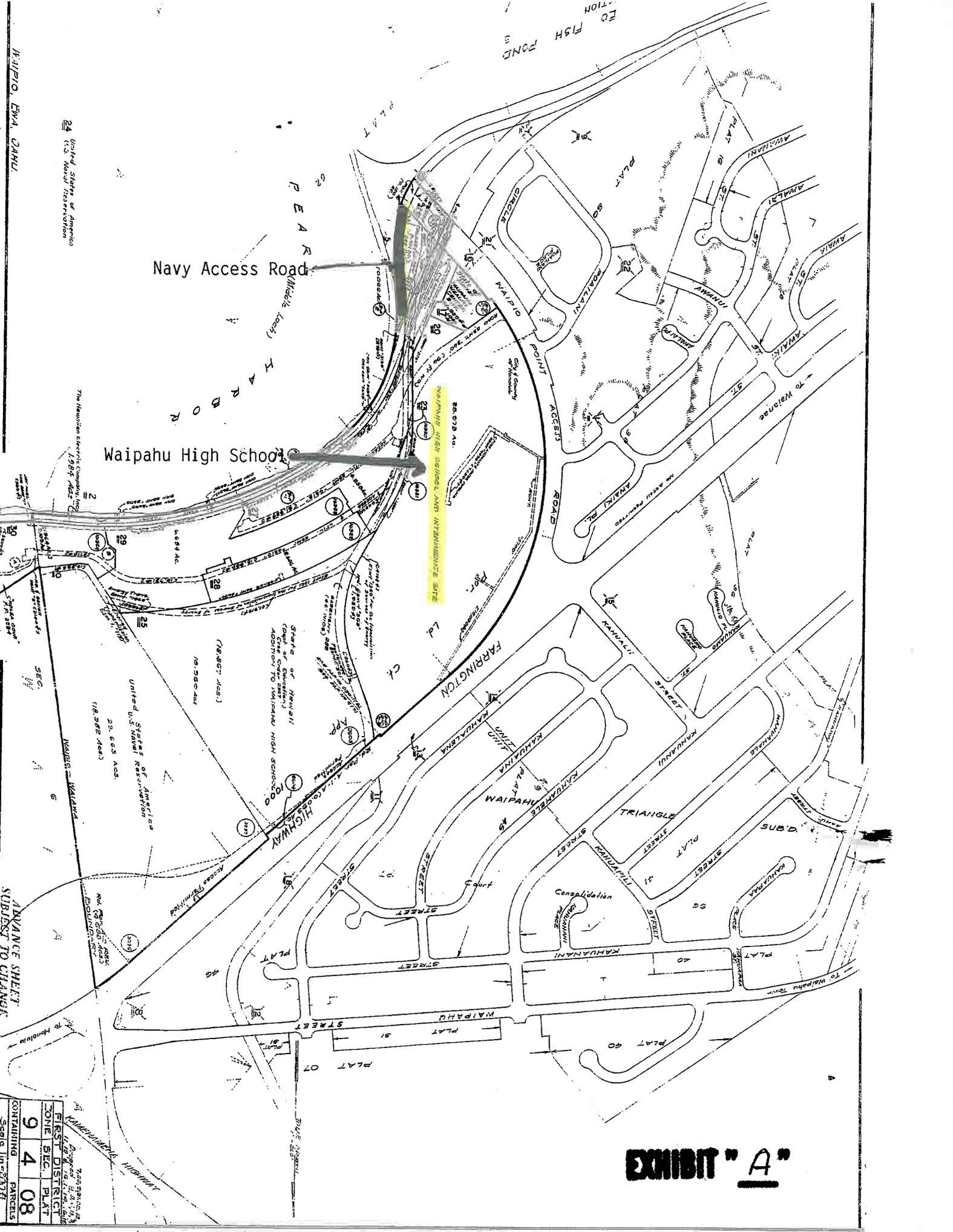


Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson 

24 United States of America
1994 Naval Reservation



Navy Access Road

Waipahu High School

WAIPAHU HIGH SCHOOL AND ANTIBIOTIC SITE

EXHIBIT "A"

ADVANCE SHEET
SUBJECT TO CHANGE

CONTAINING	PARCELS
9	4
08	
FIRST DISTRICT	
ZONE SEC. PLAT	
Scale 1/4" = 200'	

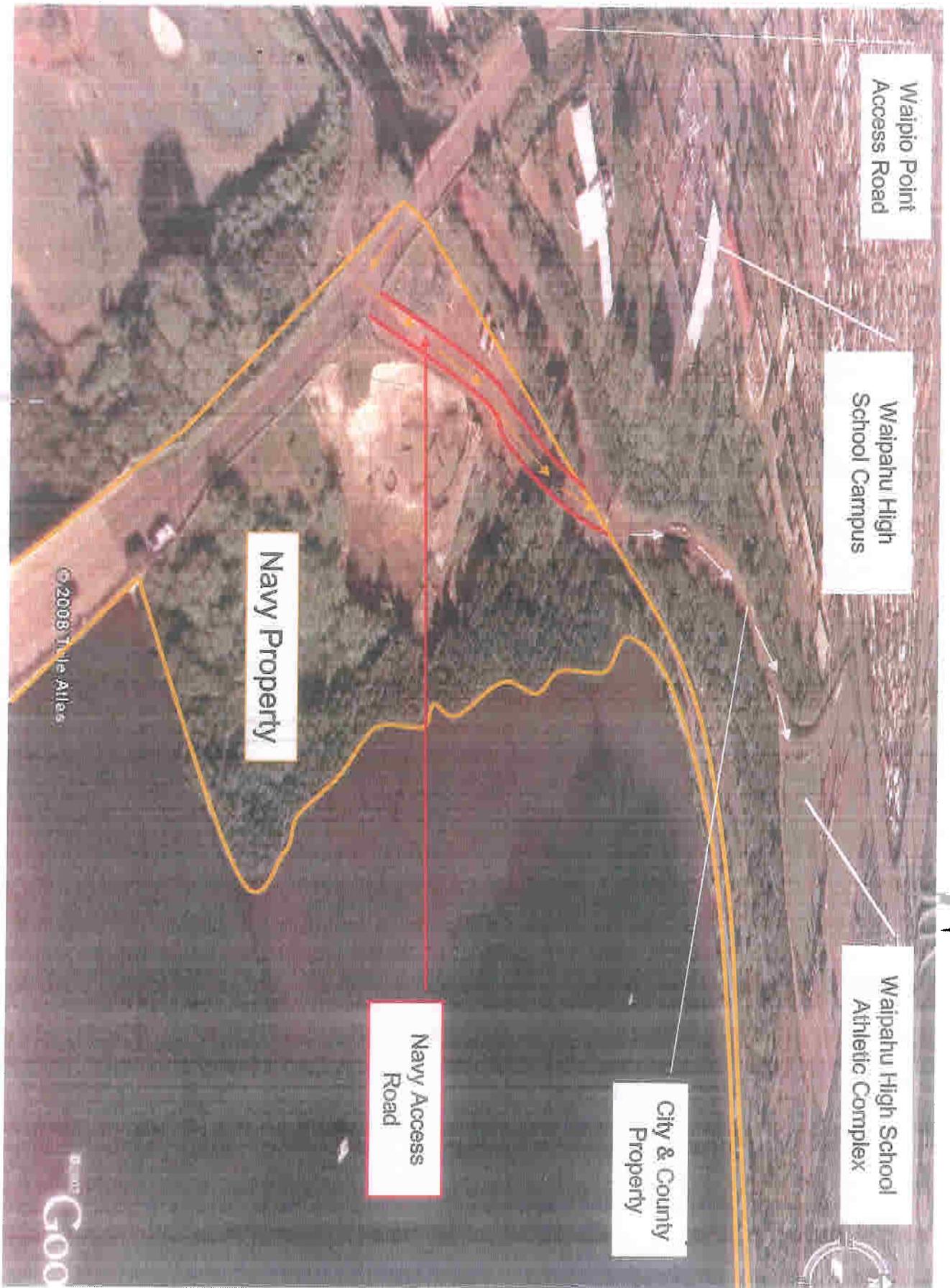


EXHIBIT "A1"