

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

October 9, 2009

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

PSF No.: 04HD-315

Hawaii

Grant of Perpetual, Non-Exclusive Easement to Sam K. Ahia and Rosemarie G. Ahia, Trustees of the Sam K. Ahia Living Trust dated October 9, 2002, and Alfred A. D. Ahia, Trustee of the Alfred A. D. Ahia Living Trust dated December 12, 2008 for Access and Utility Purposes, Kakaia, Ka'u, Hawaii, Tax Map Key: 3<sup>rd</sup>/9-4-04:portion of 06.

APPLICANT:

Sam K. Ahia and Rosemarie G. Ahia, Trustees of the Sam K. Ahia Living Trust dated October 9, 2002, whose mailing address is Captain Cook, Hawaii 96704, and Alfred A. D. Ahia, Trustee of the Alfred A. D. Ahia Living Trust dated December 12, 2008, whose mailing address is Hilo, Hawaii 96720.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kakaia, Ka'u, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/9-4-04:portion of 06, as shown on the attached map labeled Exhibit A.

AREA:

200 square feet, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: A20-agriculture 20 acre

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

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

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.

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. 4, "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

The Applicants are requesting an easement over State land so that they may have legal access to a landlocked piece of property. They are currently the owners of parcel TMK:3<sup>rd</sup>/9-4-04:09 (map Exhibit A). They are also owners of parcel 18, which does front the State highway, and also touches parcel 9. However, the difficulty is that parcels 9 and 18 meet at a point with no means of vehicular access. Therefore, the only way of accessing parcel 9 would be through an easement over a triangular portion of State land identified by TMK: 3<sup>rd</sup>/9-4-4:07.

The Applicants are requesting a fifty (50) foot easement over the portion of State land abutting their two parcels.

Applicant has 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.

Several Federal, State and County agencies were contacted for comments and/or objections to this request. The State of Hawaii, Department of Transportations Highways Division has requested more information regarding the access easement. They are also asking that any highway improvements required shall be provided at no cost to the State and shall conform to all uniform design standards. All plans and required permits shall be submitted for DOT review and approval.

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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Sam K. Ahia and Rosemarie G. Ahia, Trustees of the Sam K. Ahia Living Trust dated October 9, 2002, and Alfred A. D. Ahia, Trustee of the Alfred A. D. Ahia Living Trust dated December 12, 2008 covering the subject area for access and utility 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 perpetual 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 property described as Tax Map Key:3<sup>rd</sup>/9-4-04:09, 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. 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 interests of the State.

Respectfully Submitted,



Gordon C. Heit  
Land Agent



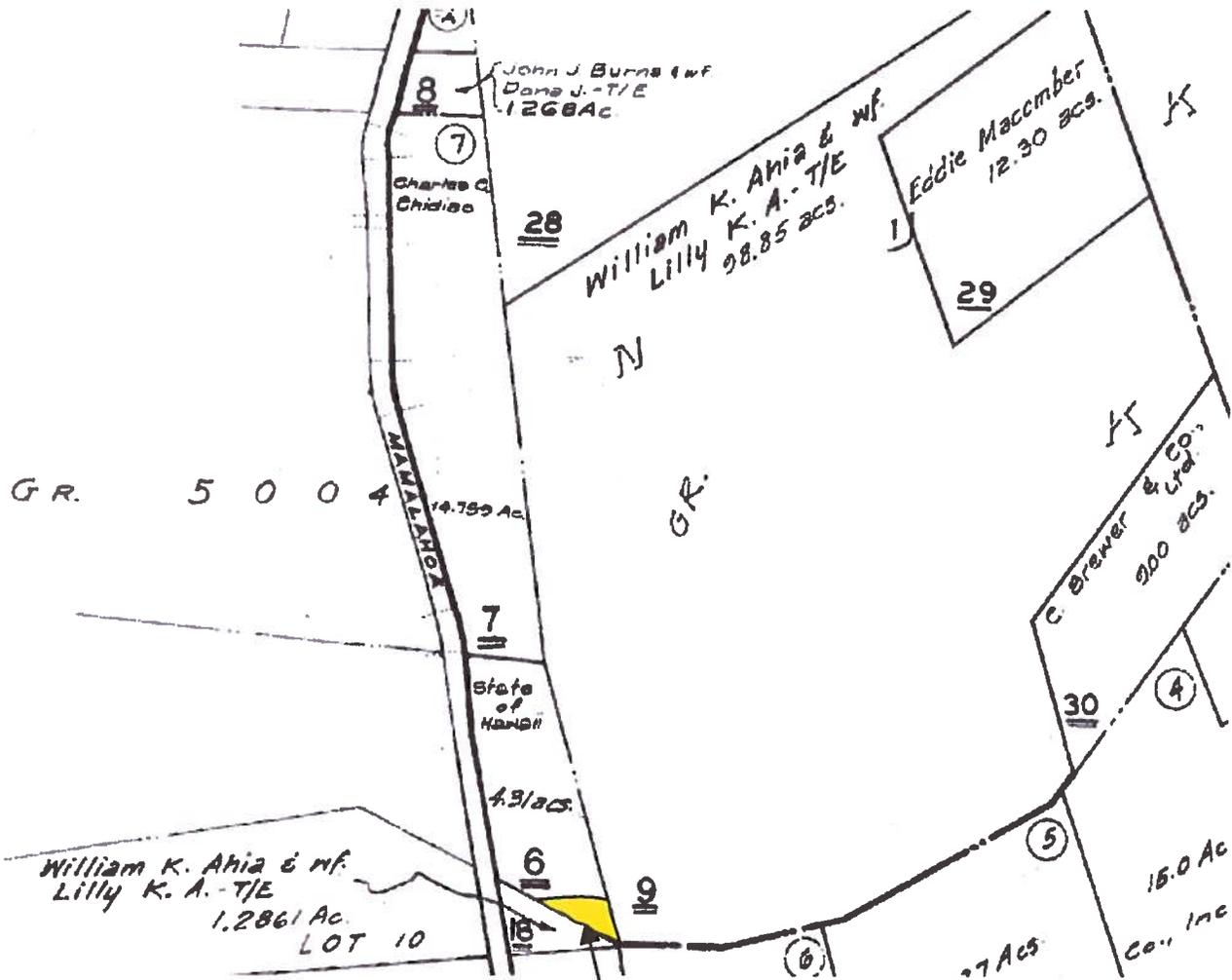
APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Chairperson



# EXHIBIT A

TMK: 3<sup>RD</sup>/9-4-04: portion 6



**SUBJECT EASEMENT**

# Ahia Easement

# EXHIBIT A

