

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

November 19, 2009

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

PSF No.: 09od-131

OAHU

Second Amendment of Grant of Term, Non-Exclusive Easement S-5652 to Steven Donald Kittell for Seawall and Fill Area Purposes, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-018:seaward of 068.

BACKGROUND:

On April 12, 2002, the Board authorized the issuance of a 55-year non-exclusive easement for seawall and fill area purposes to Richard and Carol Riley and the easement document (GL5652) was executed on July 31, 2003.

On January 14, 2005 and May 17, 2005, the Board authorized the amendment of GL5652 to include a provision, which allows the easement run with the abutting private property. The change eliminates the necessity of requesting the Board for consent to assignment of the easement should the ownership of the abutting property change. Mr. Kittell becomes the grantee of GL 5652 pursuant to his recent purchase of the abutting property.

Meanwhile, condition 26 of GL 5652 requires the grantee to post a performance bond of \$982. Staff notes that such performance bond requirement is no longer a standard condition for the current shoreline encroachment easement disposition in which a lump sum payment is paid as consideration. \$11,290 was paid as the consideration for this easement in 2002. Notwithstanding he has provided the required bond to be in compliance with GL 5652, Mr. Kittell requests such bond requirement be deleted from GL5652.

Staff has no objection to the request since it is consistent with other similar easement disposition. There are no other pertinent issues and concerns.

RECOMMENDATION: That the Board authorize the amendment of grant of non-exclusive easement S-5652 by deleting condition 26 therein regarding the provision of performance bond, and further subject to the following:

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

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thieten, Chairperson