

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

June 10, 2010

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

PSF No.:03OD-149

OAHU

Amend Prior Board Action of August 11, 2006 (Agenda Item D-6),
Sale of Remnant to Michael C. Davis and Michelle L. Davis,
Halekou-Waikaluakai Homesteads, Kaneohe, Oahu, Tax Map Key:
(1)4-5-077:059 (Portion)

Background:

The Land Board at its meeting of July 25, 2003, under agenda item D-15, approved the sale of the remnant ditch to Clifford K. Helenihi and Channa Helenihi situated at Halekou-Waikaluakai Homesteads, Kaneohe, Oahu, further identified by Tax Map Key :(1)4-5-077:059 (por).

The subject property was later sold and at its meeting of August 11, 2006, under agenda item D-6, the Board amended its actions of July 25, 2003, under agenda item D-15 from Clifford K. Helenihi and Channa Helenihi to Michael C. Davis and Michelle L. Davis. A copy of the 2006 and 2003 approved submittals are attached as Exhibit A and Exhibit B.

By way of a letter dated May 7, 2010, Land Division was informed that Michael C. Davis and Michelle L. Davis have sold the property to Raymond W.M. Kong and Pamela S. Kong, as husband and wife, Tenants by Entirety.

Raymond Kong and Pamela Kong have expressed an interest in the remnant and request that the remnant be sold to them.

Staff is recommending that the prior Board action of August 11, 2006, under agenda item D-6, be amended by changing the applicant's name the remnant will be sold to from Michael C. Davis and Michelle L. Davis to Raymond W.M. Kong and Pamela S. Kong.

RECOMMENDATION:

That the Board amend its action of August 11, 2006, under agenda item D-6, sale of remnant to Michael C. Davis and Michelle L. Davis by changing the applicant's name the remnant will be sold to Raymond W.M. Kong and Pamela S. Kong, subject to the following terms and conditions:

June 10, 2010

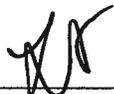
1. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key:(1)4-5-077:040, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
2. Applicant shall comply with conditions #1 and #3 under "APPLICANT REQUIREMENTS" as stated within Land Board's action of July 25, 2003, under agenda item D-15 within one(1) year from Board's approval of this submittal.
3. All other terms and conditions of the Land Board 's action of August 11, 2006, under agenda item D-6 are to remain the same.
4. Review and approval by the Department of the Attorney General; and
5. 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 

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

August 11, 2006

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

PSF No.: ⁰³040D-149

OAHU

Amend Prior Board Action of July 25, 2003 (Agenda Item D-15),
Sale of Remnant to Clifford K. Helenihi and Channa Helenihi,
Halekou-Waikaluakai Homesteads, Kaneohe, Oahu,
Tax Map Key: (1) 4-5-077:059 (Portion)

The Land Board at its meeting of July 25, 2003, under agenda item
D-15, approved the sale of the remnant ditch to Clifford K. Helenihi
and Channa Helenihi situated at Halekou-Waikaluakai Homesteads,
Kaneohe, Oahu, further identified by Tax Map Key: (1)4-5-077:059 (por).

By way of a letter dated July 1, 2004, along with a copy of the
Warranty Deed dated March 22, 2004, Land Division was informed that
Clifford K. Helenihi and Channa Helenihi have sold the property to
Michael C. Davis and Michelle L. Davis, as husband and wife, Tenants
by Entirety.

Michael C. Davis and Michelle L. Davis have expressed an interest in
the remnant and request that the remnant be sold to them.

Staff is recommending that the prior Board action of July 25, 2003,
under agenda item D-15, be amended by changing the applicant's name
the remnant will be sold to from Clifford K. Helenihi and Channa
Helenihi to Michael C. Davis and Michelle L. Davis.

RECOMMENDATION:

That the Board amend its actions of July 25, 2003, under agenda item
D-15 from Clifford K. Helenihi and Channa Helenihi to
Michael C. Davis and Michelle L. Davis, subject to the following
terms and conditions:

1. All other terms and conditions of the Land Board 's action
of July 25, 2003, under agenda item D-15 are to remain the
same.

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

August 11, 2006

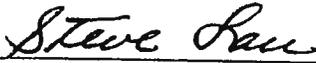
EXHIBIT "A"

BLNR- Amend Prior Board Action
Michael Davis and Michelle Davis

August 11, 2006

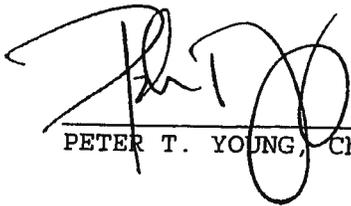
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau
Land Agent

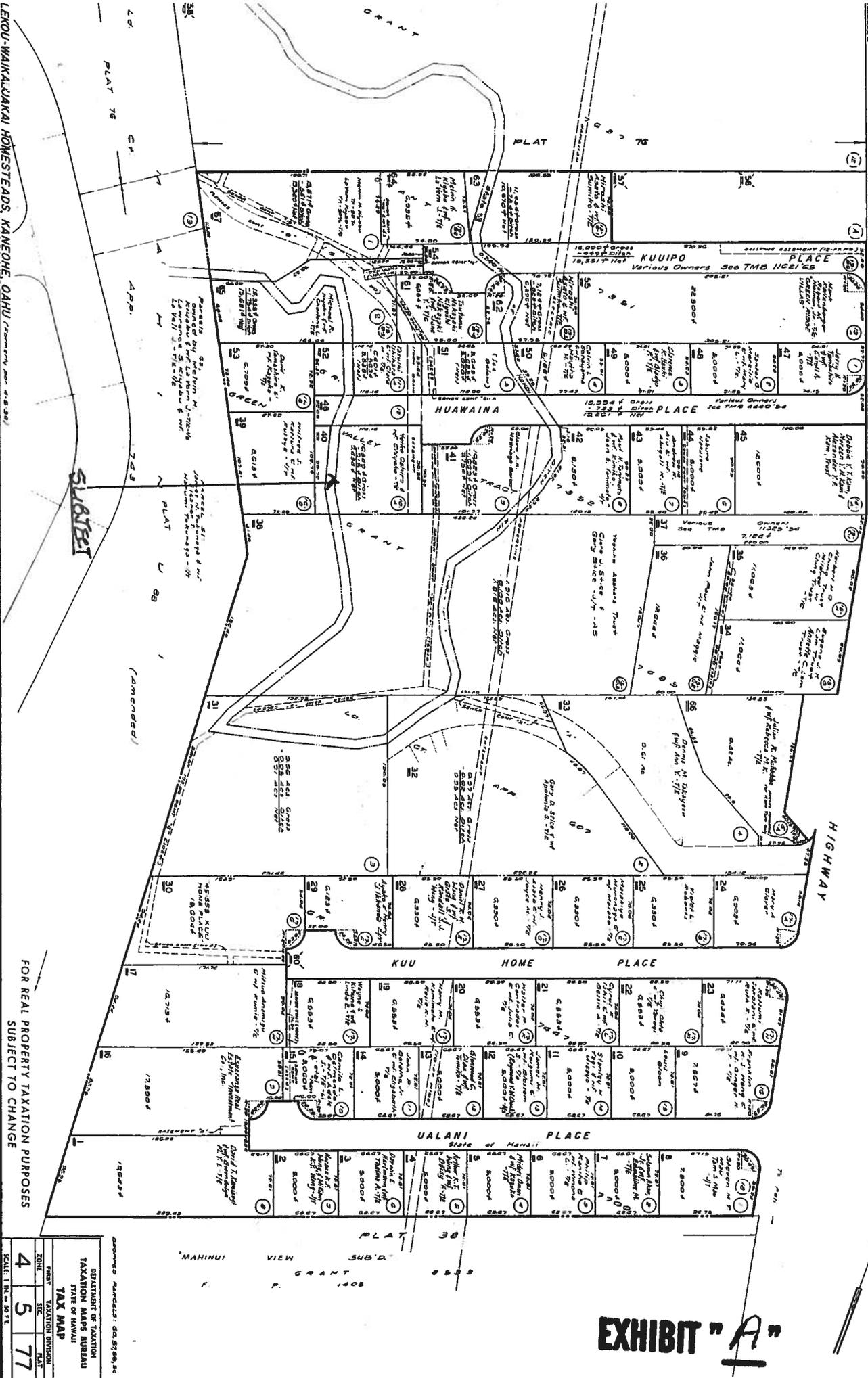
APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

KANEHEHEA

R. A. P. No. P. 0821 (7)



FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

APPROVED AUGUST 1, 1987

DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP

FIRST	4
ZONE	5
SECTION	77
PLAT	

SCALE: 1 IN. = 80 FT.

EXHIBIT "A"

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

July 25, 2003

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

PSF No.:03OD-149

Oahu

Sale of Remnant to Clifford K. Helenihi and Channa Helenihi,
Halekou-Waikaluakai Homesteads, Kaneohe, Oahu, Tax Map
Key:4-5-077:59(Portion).

APPLICANT:

Clifford K. Helenihi and Channa Helenihi, husband and wife, as
Tenants by Entirety, whose residence and mailing address is
Kaneohe, Hawaii 96744.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Halekou-Waikaluakai Homesteads
situated at Kaneohe, Oahu, identified by TMK:4-5-077:59, as shown
on the attached map labeled Exhibit A.

AREA:

915 sq. ft., more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES NO

CURRENT USE STATUS:

Unencumbered. A portion of the abandoned ditch right-of-way,
which runs through the lower portion of the applicant's property,
which is identified by Tax Map Key:4-5-077:40.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
July 25, 2003

ITEM D-15
EXHIBIT "B"

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

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. 1, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states operations, repairs or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing".

DCCA VERIFICATION:

Not applicable. Individual applicants are not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

According to Section 171-52(a)(2), the subject property, being a portion of an abandoned ditch right-of-way, is determined to be a remnant.

Staff has confirmed that the applicants are fee owners of Tax Map Key:4-5-077:40 with the Real Property Tax Office. The abandoned ditch right-of-way is located solely within the lower portion of the property(TMK:4-5-077:40) which is owned by Clifford and Channa Helenihi and does not abut any other properties.

Therefore, the applicants are the only party who will be purchasing the State parcel 59 and consolidating it into parcel 40.

The abandoned ten foot wide irrigation ditch right-of-way which is located on the applicant's lot is owned by the State of Hawaii. The right-of-way was once part of an irrigation ditch system in Waikalua, Kaneohe. Waikalua was once government public lands. Grants were issued by the Territory in this area which reserved the fee title of the ditch system to the Territory.

The ditch was eventually abandoned and the area was subdivided into houselots which included the abandoned ditches which were still owned by the State of Hawaii. Lot owners in Waikalua have in the past acquired the title for these ditches.

Land Patent Grant No. 7352 dated October 21, 1914 transferred the ownership of the property over to the previous owner of the property, reserving the 10 ft. wide ditch right-of way in favor of the State of Hawaii.

By way of a letter dated April 28, 2003, Clifford Helenihi and Channa Helenihi are the new owners of the property (Tax Map Key:4-5-077:40) in which the right-of-way ditch is located, and are requesting to purchase the remnant property from the State.

The applicants 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.

Comments were solicited from the Department of Health, Department of Agriculture, the Office of Hawaiian Affairs, DLNR- Historic Preservation, DLNR-Engineering Branch, DLNR-Water Resource Management, the C&C of Honolulu - Dept. of Planning and Permitting and C&C of Honolulu - Dept. of Facility Maintenance.

The City and County of Honolulu requires that the applicant consolidate their property with the portion of the ditch right-of-way that is adjacent to their property and submit a consolidation map which has been approved by the City and County of Honolulu, Department of Planning and Permitting.

There are no other pertinent issues or concerns from other government agencies. Staff has no objection to the sale of this remnant parcel to Clifford Helenihi and Channa Helenihi.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant

pursuant to Chapter 171, HRS.

2. 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.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Authorize the sale of the subject remnant to Clifford Helenihi and Channa Helenihi 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 Grantee shall consolidate the remnant land with the Grantee's abutting property through the County subdivision process;
 - b. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
 - 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.

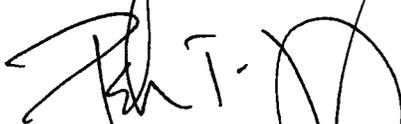
Respectfully Submitted,



Stephen Lau
Land Agent

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APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

