

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

August 12, 2010

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

PSF No.: 04HD-294

HAWAII

**Sale of Remnant (Triangulation Survey Station) to Leialoha Family Partners,
Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/ 2-4-06:80.**

APPLICANT:

Leialoha Family Partners, a domestic limited partnership.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiakea Homesteads situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: 3rd/ 2-4-06:80, as shown on the attached map labeled Exhibit A.

AREA:

0.06 acres (2,614 s.f.), more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture

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:

Abandoned triangulation survey station

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:

Not applicable.

Subject lands are to be conveyed to abutting landowner and will become privately owned land at that point. Chapter 343, HRS, would not apply to any future development on the parcel, as no State lands would be involved.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO
Registered business name confirmed:	YES <u>x</u>	NO
Applicant in good standing confirmed:	YES <u>x</u>	NO

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) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Consolidate the remnant with the Applicant's abutting property through the County subdivision process, 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." The subject parcel has been determined to be a remnant by this definition for the following reasons:

The subject parcel, which measures fifty feet by fifty feet, is currently landlocked. It is

an abandoned Government Survey Triangulation Station identified as “Forest 3”, primarily used as a control station for the staking of the Waiakea Homestead. Construction of any improvements on the property would not be feasible or realistic, leaving only a small area to work with when considering the county setbacks required.

Staff confirmed through the County of Hawaii, Real Property Tax Office, that Leialoha Family Partners is the owner of the abutting private property identified as Tax Map Key: 3rd/ 2-4-06: 92.

The subject remnant abuts two private parcels identified as Parcel 91 belonging to Herbert and Theo Kushi and Parcel 92 under the Leialoha Family Partners. On April 19, 2010, staff wrote to Herbert and Theo Kushi asking if they were interested in acquiring a portion of the remnant. The Kushis responded in the negative, thus allowing the Leialoha Family Partners to purchase the entire remnant.

Leialoha Family Partners 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.

Various government agencies were solicited for comments.

AGENCIES	COMMENTS
County of Hawaii	
Planning	No objections
Public Works	No comments
Department of Water Supply	No comments
State of Hawaii	
DAGS	** see comments below
DHHL	No comments
DLNR-Aquatics Resources	No objections
DLNR-DOFAW	No response
DLNR-State Parks	No comments
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	** see comments below

The Office of Hawaiian Affairs commented, “ These lands are ceded lands, which are held in public trust and should not be sold in perpetuity, no matter how small or isolated. We do appreciate, however, that this parcel, if it is sold, will be sold at fair-market value, per an appraiser. We would equally appreciate that if this land is sold, clear records are kept as to its disposition to aid in the on-going and potential future ceded lands inventories.”

The Department of Accounting and General Services, Survey Division, has no use for the

Government Survey Triangulation Station "Forest 3", and has no objections to the sale of this remnant.

RECOMMENDATION: That the Board:

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. Authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (3) 2-4-06: 92, 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.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Leialoha Family Partners or current landowner 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 deed or grant (remnant) form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



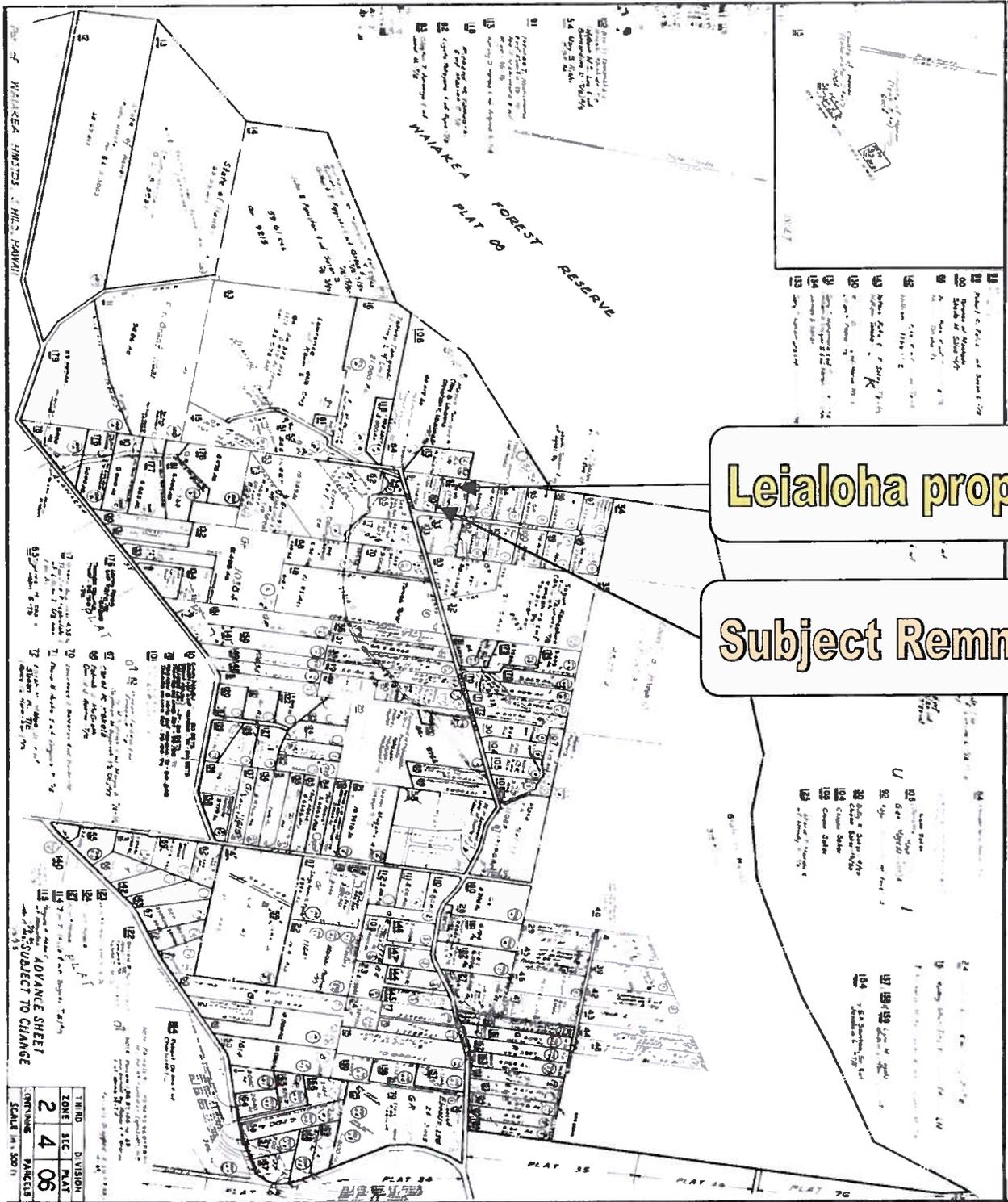


EXHIBIT A

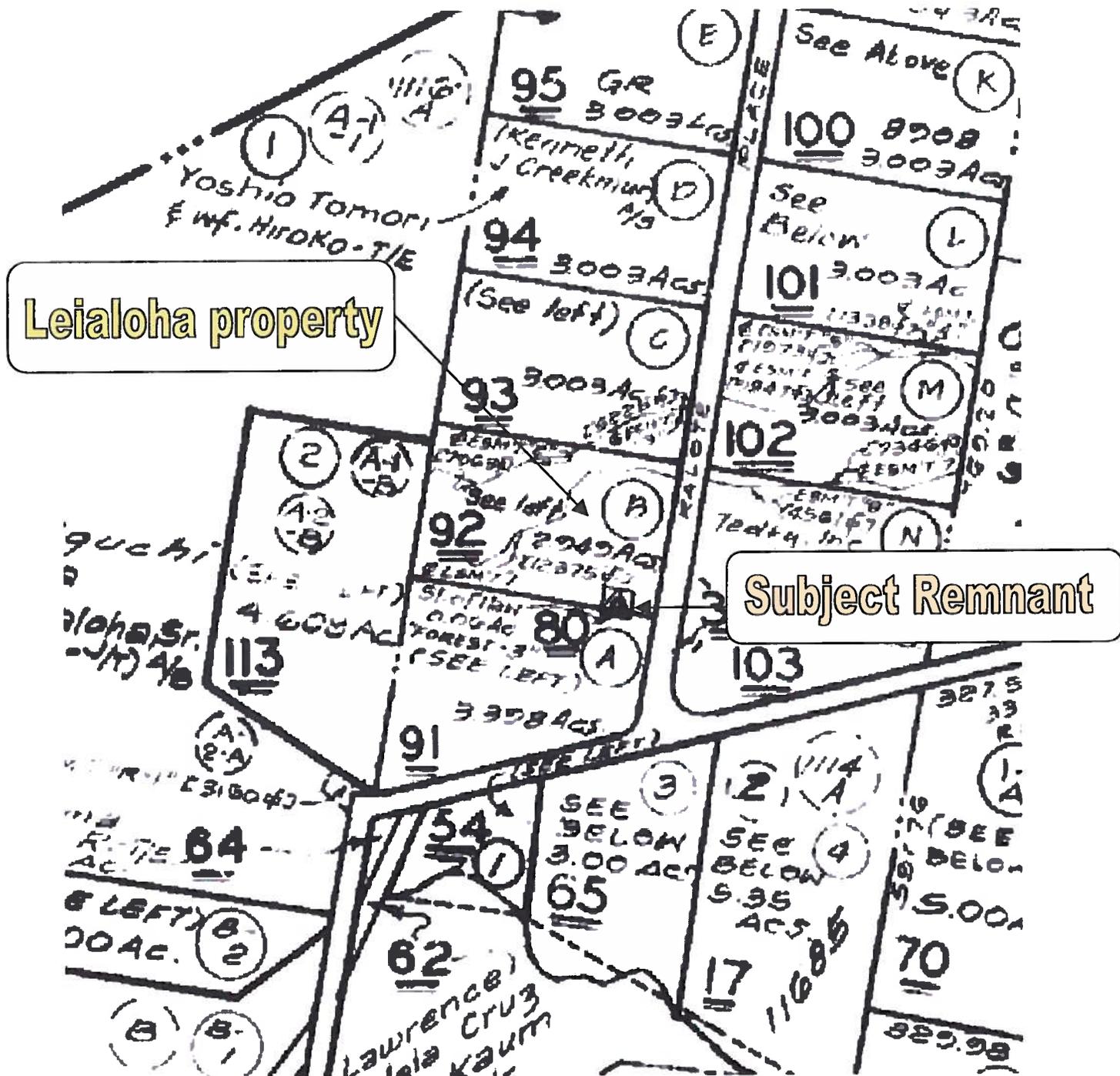


EXHIBIT A