

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

January 13, 2011

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

PSF No.: 10HD-169

Hawaii

Sale of Remnant to Mark A. Goldman and Iva R. Goldman, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-4-57:portion of 01.

APPLICANT:

Mark A. Goldman and Iva R. Goldman husband and wife, Tenants by the Entirety.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiakea Houselots situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/2-4-57:portion of 01, as shown on the attached map labeled Exhibit A.

AREA:

0.119 acres, more or less.

ZONING:

State Land Use District: Urban  
County of Hawaii CZO: Residential-RS 10

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.

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, that states "operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion beyond that previously existing."

DCCA VERIFICATION:

Applicants are individuals, and as such are not required to register with the 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." The subject parcel has been determined to be a remnant by this definition for the following reasons:

*The parcel is an abandoned railroad right-of-way.*

Applicants are the owners of parcels (3) 2-2-25:21 as staff has confirmed by an on-line research through the County of Hawaii Real Property Tax Office. According to Section 171-52, HRS, if there is more than one abutting owner who is interested in purchasing the

remnant, it shall be sold to the one submitting the highest sealed bid or if the remnant abuts more than one parcel, the Board may subdivide the remnant so that a portion may be sold to each abutting owner. The abutting property owner in this case, The Salvation Army, does not wish to purchase their portion of the remnant State lands.

There have been several requests approved by the Board for the purchase of portions of this same railroad remnant by neighboring property owners. Most recently, at its meeting of 10/24/08 under agenda item D-4, the Board approved the sale of remnant State lands to 1366 Kinoole Partners, LLC. Also, at its meeting of 8/28/09 under agenda item D-11, the Board approved the sale of remnant State land to Concept Construction, Inc.

The 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.

Various governmental agencies were solicited for comments. All respondents had no objections to the request as indicated below:

<b>County of Hawaii Agencies</b>	<b>Comments</b>
Environmental Management	No Objection
Fire Department	No Comments
Planning	No Comments
Public Works	No Objection
<b>State of Hawaii Agencies</b>	<b>Comments</b>
DOH-Environmental Management	Recommend applicant follow HAR, Chapters 11-54, 11-55
DHHL	No Response
DLNR-Historic Preservation	No Response
DLNR-Na Ala Hele	No Objection
DOT-Highways Division	No Comments
<b>Other Agencies</b>	<b>Comments</b>
Office of Hawaiian Affairs	No Response

**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.

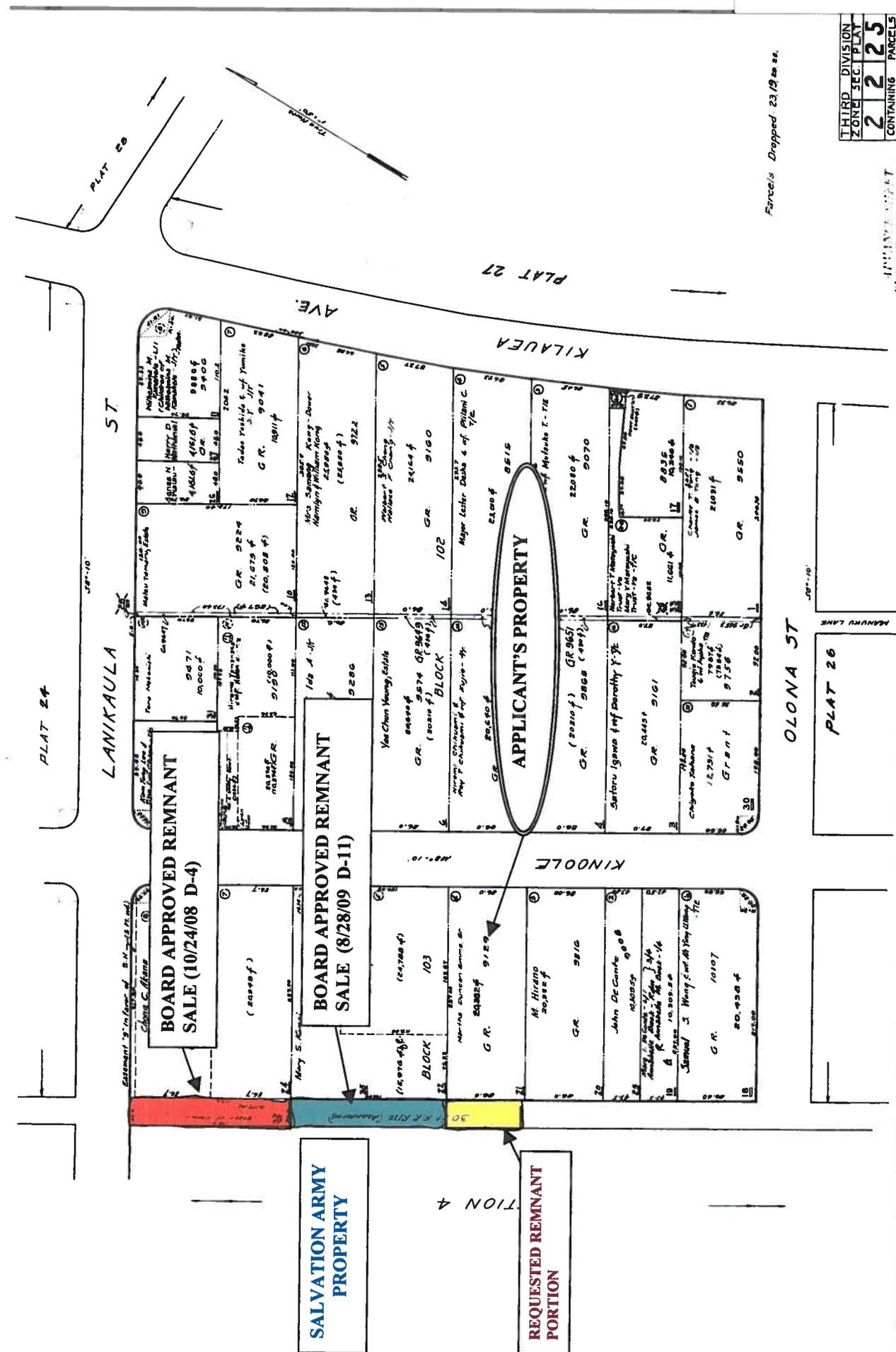
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Mark A. Goldman and Iva R. Goldman 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,

  
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Gordon Heit  
Land Agent *WEM*

APPROVED FOR SUBMITTAL:

*W*   
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William J. Aila, Jr., Interim Chairperson



Forces Dropped 23/12/00

THIRD DIVISION	2
ZONE SEC PLAT	225
CONTAINING PARCELS	2
Scale in.	50 ft.

PLAT 27

OLONA ST

KINOOLE

LANIKAULA ST

PLAT 26

**SALVATION ARMY PROPERTY**

**REQUESTED REMNANT PORTION**

**BOARD APPROVED REMNANT SALE (10/24/08 D-4)**

**BOARD APPROVED REMNANT SALE (8/28/09 D-11)**

**APPLICANT'S PROPERTY**

TION 4