

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

March 24, 2011

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

PSF No.: 10HD-206

Hawaii

Amend Prior Board Action of February 25, 2011, Agenda Item D-2, Sale of Remnant to Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust, Kaumana House Lots, South Hilo, Hawaii, Tax Map Key: 3rd/2-5-05:82

BACKGROUND:

At its meeting of February 25, 2011, Agenda Item D-2 (Exhibit A), the Land Board approved the sale of remnant State land to Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust identified as Kaumana House Lots, South Hilo, Hawaii, Tax Map Key: 3rd/2-5-05:82.

ANALYSIS:

Subsequent to the Board approving the above-described request for sale of the remnant land, staff has received additional information regarding the owners of parcel 3rd/2-5-05:24. In addition to Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust, the property also lists Roberta Kay Baker, Trustee of the Roberta Kay Baker Revocable Living Trust as co-owner.

CONCLUSION:

Staff is therefore recommending that the Board amend its prior action of February 25, 2011, agenda item D-2 by adding the name of the applicant Roberta Kay Baker, Trustee of the Roberta Kay Baker Revocable Living Trust

RECOMMENDATION: That the Board:

1. Amend its prior board action taken at its meetings of February 25, 2011, agenda item D-2 by adding the name of the applicant Roberta Kay Baker, Trustee of the Roberta Kay Baker Revocable Living Trust;
2. Review and approval by the Department of the Attorney General; and
3. 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:



William J. Aila, Jr., Chairperson



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
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February 25, 2011

Board of Land and Natural Resources
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Hawaii

Sale of Remnant to Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust, Kaumana House Lots, South Hilo, Hawaii, Tax Map Key: 3rd/2-5-05:82

APPLICANT:

Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kaumana Houselots situated at Ponahawai South Hilo, Hawaii, identified by Tax Map Key: 3rd/2-5-05:82, as shown on the attached map labeled Exhibit A.

AREA:

1,563 square feet, 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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
February 25, 2011

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:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point.

DCCA VERIFICATION:

Applicant is a trust, and as such is 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 flume right-of-way.

The Applicant is the owner of parcel (3) 2-5-05:24 as staff has confirmed by the applicant providing a copy of the Warranty Deed and 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 was sent a notice offering them a portion of the remnant land. As no response to the letter of offer was received, we will proceed with the

sale of the entire remnant to the applicant.

The remnant State land was a flume right-of-way used by the sugar companies for transporting cut cane to the processing mills. The site does not show any evidence of a flume structure and appears to have been abandoned many years ago. Several portions of the flume have previously been sold and the subject remnant represents one of two remaining parcels of the old right-of-way.

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

County of Hawaii Agencies	Comments
Environmental Management	No Comments
Fire Department	No Comments
Planning	No Objection
Public Works	No Response
State of Hawaii Agencies	Comments
DOH-Environmental Management	No Response
DHHL	No Response
DLNR-Historic Preservation	No Response
DLNR-Na Ala Hele	No Response
DOT-Highways Division	No Comments
Other Agencies	Comments
Office of Hawaiian Affairs	No Response
U.S. Army Corps. Of Engineers	No Response

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.

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 Ronald Reilly, Trustee of the Ronald Reilly Revocable Living Trust 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,

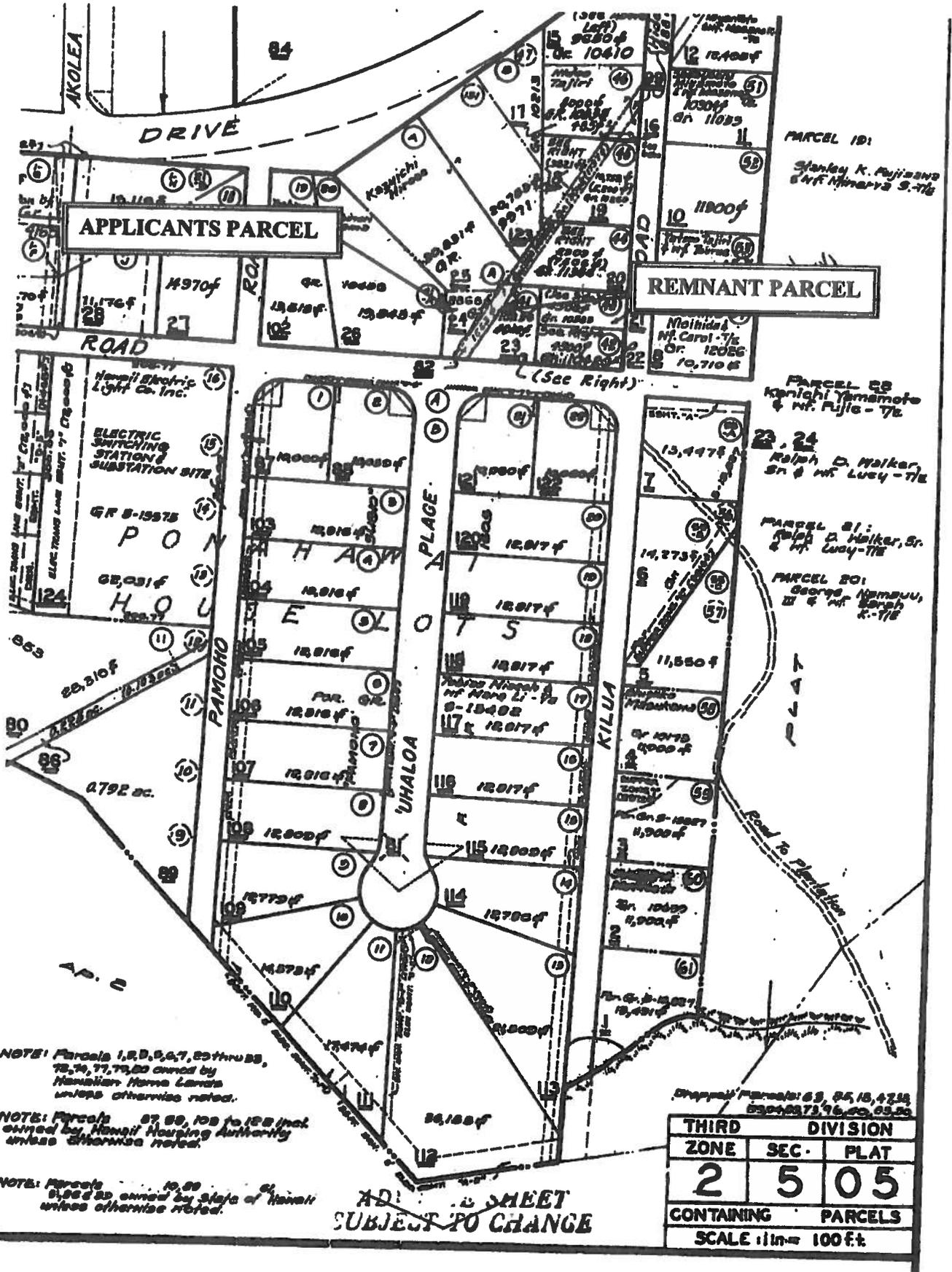


Gordon Heit
Land Agent *KEM*

APPROVED FOR SUBMITTAL:

W 

William J. Aila, Jr., Interim Chairperson



THIRD DIVISION		
ZONE	SEC.	PLAT
2	5	05
CONTAINING PARCELS		
SCALE 1/4" = 100 ft		

Upper Kaumana Area

EXHIBIT A

