

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

August 26, 2011

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

Ref: LOD 28379

OAHU

Consent to Assign and Amend Grant of Non-Exclusive Easement
Filed Under Land Office Deed No. 28379; William L. Oliver
and Marguerite Oliver, Assignor, to Jeffrey L. Hoff and
Laora A. Vidal, Assignee, Waimanalo, Koolaupoko, Oahu, Tax
Map Key: (1) 4-1-10:008 portion.

APPLICANT:

William L. Oliver and Marguerite Oliver, as Assignor, to Jeffrey
L. Hoff and Laora A. Vidal, husband and wife, tenants by the
entirety, as Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of lands situated at Waimanalo, Koolaupoko, Oahu,
identified by Tax Map Key: (1) 4-1-10:008 portion, as shown on
the attached map labeled Exhibit A.

AREA:

0.167 acre, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CHARACTER OF USE:

Right, privilege, and authority to construct, maintain and repair
the access and utility easement.

TERM OF EASEMENT:

Perpetual

ANNUAL RENTAL:

Not Applicable

CONSIDERATION:

Gratis.

RECOMMENDED PREMIUM:

Not applicable as the easement does not allow for a premium.

DCCA VERIFICATION:

Assignee is a landowner and, as such, is not required to register with DCCA.

REMARKS:

The subject access and utility easement was issued to Mr. and Mrs. William Oliver in 1999.

By way of a Warranty Deed recorded at the Bureau of Conveyances, identified as document number 2004-103414, and signed on May 17, 2004, the Assignor sold their property, including the subject easement to the Assignee. The sales transaction transferred property ownership rights to the new owners, who in effect, need to become the new Grantees for the subject easement.

Staff now brings this request to the Board for its consent to the assignment.

In the event of any further changes to the ownership of the privately owned property, staff recommends that the Board amend the easement to inure to the benefit of the private property, to eliminate the consent needed from the Board regarding any future assignment(s). Staff's recommendation would serve to maintain consistency with the Board's current practice for issuing easements.

The proposed Assignee 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.

Upon approval given by the Board, the Assignee required to provide the liability insurance policy to the State.

The subject request is for housekeeping purposes. Therefore, staff did not request that government agencies respond with

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comments.

There are no other pertinent issues that staff is aware of. Staff has no objections to the subject request.

RECOMMENDATION: That the Board:

A. Consent to the assignment of Grant of Non-Exclusive Easement, filed under Land Office Deed No. 28379 from William L. Oliver and Marguerite Oliver, as Assignor, to Jeffrey L. Hoff and Laora A. Vidal, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
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.

B. Amend the Grant of Non-Exclusive Easement, filed under Land Office Deed No. 28379 by adding the following condition:

"The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 4-1-10:017, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document."

Respectfully Submitted,

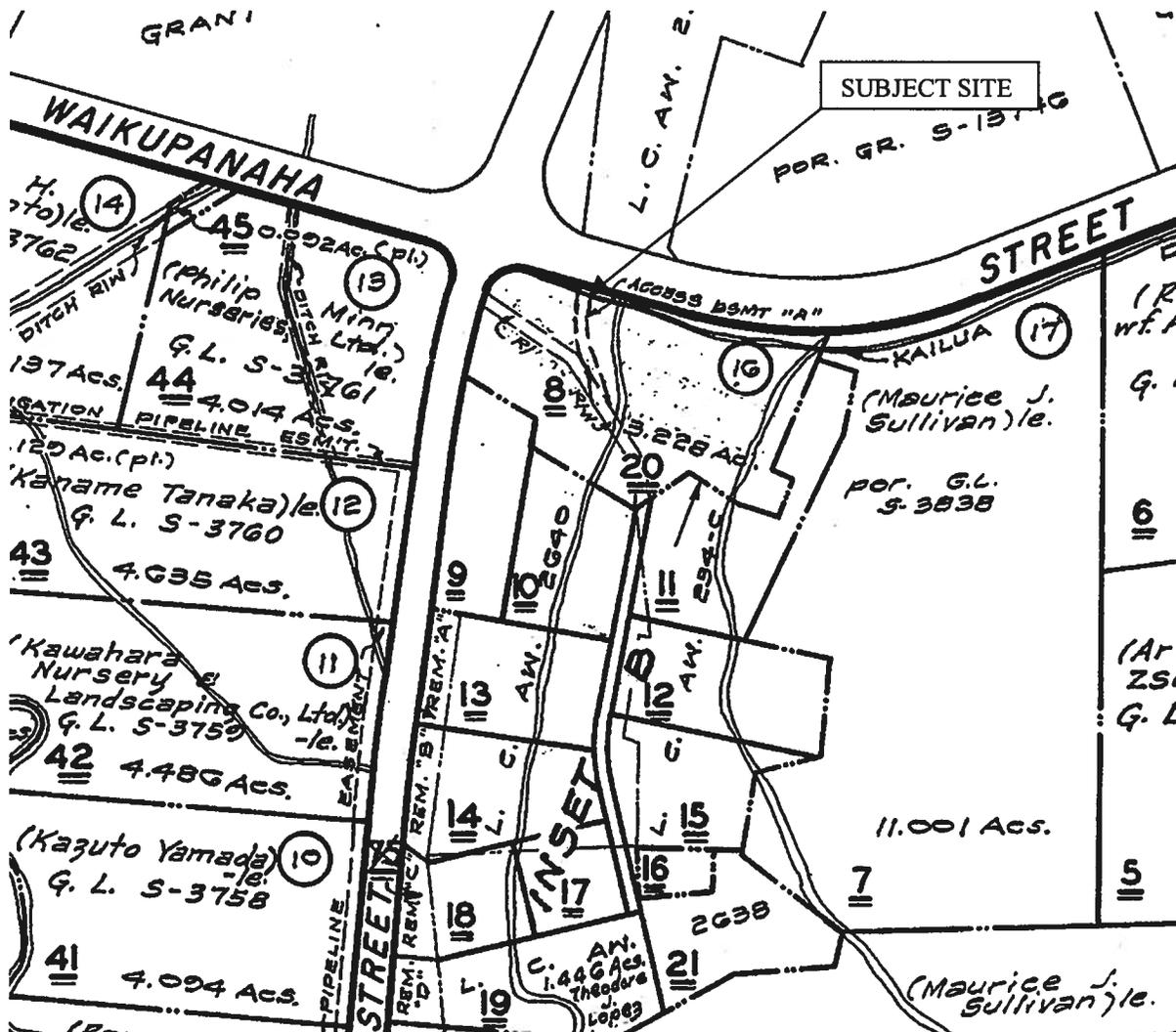


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TAX MAP KEY: (1) 4-1-10:008 PORTION

EXHIBIT 1