

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

January 11, 2013

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

PSF No: 06KD-074

Kauai

Amend Prior Board Action of August 10, 2007, Item D-2, Sale of Remnant to James G. Page and Judith C. Page, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-002:abutting parcel 25.

BACKGROUND:

At its meeting of August 10, 2007, Agenda Item D-2 (Exhibit A), the Land Board approved the sale of remnant State land to James G. Page and Judith C. Page identified as Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-002:abutting parcel 25.

ANALYSIS:

Applicant Judith C. Page recently notified staff that her husband, James G. Page is deceased and presented a copy of certificate of death, (Exhibit B). Prior to his passing, a Quitclaim Deed was filed with the Bureau of Conveyances changing the title of their property from James G. Page and Judith C. Page, Joint Tenants to James G. Page and Judith C. Page, Trustees for the James G. Page and Judith C. Page, Trust, (Exhibit C).

CONCLUSION:

Staff is therefore recommending that the Board amend its prior action of August 10, 2007, agenda item D-2, by changing the applicants to Judith C. Page, Trustee for the James G. Page and Judith C. Page, Trust.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of August 10, 2007, under agenda item D-2, by changing the applicants to Judith C. Page, Trustee for the James G. Page and Judith C. Page, Trust.

2. All terms and conditions listed in its August 10, 2007 approval to remain the same.

Respectfully Submitted,



Marvin Mikasa
Land Agent *mm*

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

W

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

August 10, 2007

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

PSF No.: 06KD-074

KAUAI

Sale of Remnant to James G. Page and Judith C. Page, Hanapepe, Waimea, Kauai,
Tax Map Key: (4) 1-9-002: abutting parcel 25.

APPLICANT:

James G. Page and Judith C. Page, husband and wife, as Joint Tenants, whose mailing
address is Hanapepe, Hawaii 96716.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanapepe, situated at Hanapepe, Waimea, Kauai,
identified by Tax Map Key: (4) 1-9-002: abutting parcel 25, as shown on the attached
map labeled Exhibit A.

AREA:

805 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Kauai 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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
August 10, 2007

EXHIBIT "A"

BLNR - Sale of Remnant
to James G. Page and
Judith C. Page

Page 2

August 10, 2007

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:

Not applicable. The Applicant as a landowner is 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; and
- 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:

Research conducted by staff has determined that under General Lease No. S-1697, dated February 1925, Lot 54-B reserved a 12' wide right-of-way for access to Lot 54-A. Subsequently, Lot 54-A was sold by the Territory of Hawaii to Mrs. Kealiikaapuni Kanakaole and was issued Land Patent Grant No. 7663. Lot 54-B was sold at Public Auction on March 22, 1940 to Mrs. Kealiikaapuni Kanakaole and issued Land Patent Grant No. 10,832. With the sale of Lot 54-B, the 12' wide right-of-way to Lot 54-A was extinguished. The current 10 foot wide remnant was subdivided out of Lot 54-B giving access to Lot 54-A prior to the Public Auction sale in 1940. Since the creation of the current remnant was done

BLNR – Sale of Remnant
to James G. Page and
Judith C. Page

Page 3

August 10, 2007

prior to the auction sale, it still remained with the Territory of Hawaii, making it a state owned remnant.

Applicant is the owner of parcel (4) 1-9-002:025 as staff has confirmed by the Kauai County, Real Property Tax website. Other abutting properties to the subject remnant parcel include TMK: (4) 1-9-002:024, owned by Ethan and Camille Page and TMK: (4) 1-9-002:022 owned by McBride Sugar Company. 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.

By letter dated April 26, 2007, staff informed abutting property owners Ethan and Camille Page and McBride Sugar Company of the request to purchase subject remnant and the purchase was offered to them as well. To date, there been no response or indication of interest from Ethan and Camille Page or McBride Sugar Company to purchase this remnant.

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.

The following agencies were solicited for comments:

AGENCY	COMMENTS
Kauai County Planning Dept.	No Comments
Kauai County Public Works Dept.	No Objections
Kauai County Water Dept.	No Objections
State Dept. of Health	No Response
DLNR-IIistoric Preservation	No historic properties will be affected.
OHA	No Comments

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 requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (4) 1-9-002:025,

BLNR - Sale of Remnant
to James G. Page and
Judith C. Page

Page 4

August 10, 2007

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. 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.
- 4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to James G. Page and Judith C. Page and 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,

Joanne E. McComber
 Joanne E. McComber
 Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

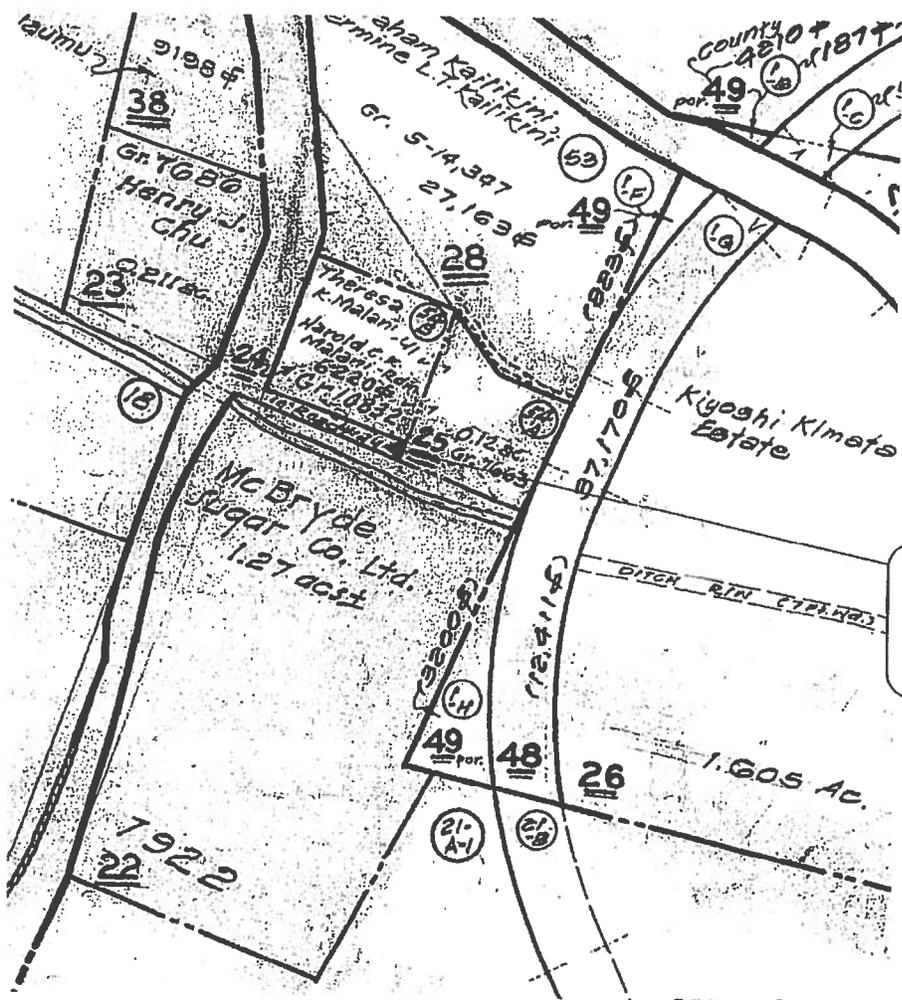
 Laura H. Thielen, Interim Chairperson

N

BLNR - Sale of Remnant
to James G. Page and
Judith C. Page

Page 5

August 10, 2007



SUBJECT 10' WIDE
ROAD REMNANT
TMK: (4) 1-9-
002:abutting parcel 25.

EXHIBIT A

CERTIFICATE OF DEATH

STATE OF HAWAII
DEPARTMENT OF HEALTH



CERTIFICATE NC

Name of Decedent

James Gordon Page

City, Town or Location of Death

HANAPEPE

County of Death

KAUAI

Island of Death

KAUAI

Actual or Presumed Date of Death

Actual or Presumed Time of Death

Date of Birth

Age at Death

[REDACTED]

2:34 PM

[REDACTED]

Sex

Race

Citizenship

Ever in Armed Forces?

MALE

USA

Social Security Number

Marital Status

Surviving Spouse (If Wife, Name Prior to First Marriage)

[REDACTED]

MARRIED

Judith Cassetta

Father's Name

Mother's Name (Prior to First Marriage)

Disposition

CREMATION

Cemetery/Crematory: BORTHWICK KAUAI MORTUARY CREMATORY

Date

[REDACTED]

Location: KOLOA, HAWAII 96756

Permit #

Funeral Home: BORTHWICK KAUAI MORTUARY

Certifier: C. Mitchell Jenkins, M.D. PRIVATE PHYSICIAN

Date Certified: August 23, 2010

Original Date Certified: August 23, 2010

Cause of Death

[REDACTED]

Manner of Death:

EXHIBIT " B "

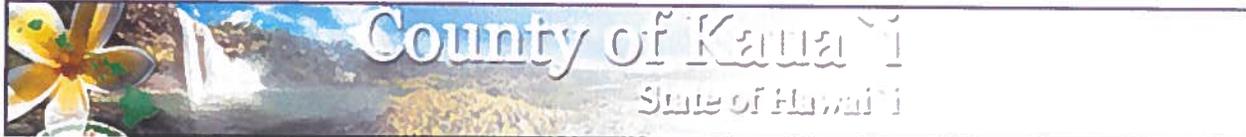
Date Filed by State Registrar: August 23, 2010

DHSM 12 (Rev 10/08)

This copy serves as prima facie evidence of the fact of death in any court proceeding. [HRS 338-13(b), 338-19]

1160619

ANY ALTERATIONS INVALIDATE THIS CERTIFICATE



[Recent Sales in Neighborhood](#)
 [Recent Sales in Area](#)
 [Previous Parcel](#)
 [Next Parcel](#)
 [Return to Main Search Page](#)
 [Kauai Home](#)

Owner and Parcel Information

Owner Name	PAGE, JAMES G TRUST EST PAGE, JUDITH C TRUST Show All Owners and Addresses	Today's Date	November 28, 2012
Mailing Address	HANAPEPE, HI 96716	Parcel Number	190020250000
Location Address		Project Name	
Property Class	Agricultural	Parcel Map	Show Parcel Map
Neighborhood Code	1815-5	Land Area (acres)	0.12
Legal Information	LOT 54-A HANAPEPE RICE AND KULA LOTS 5088 SF DES	Land Area (approximate sq ft)	5,227