

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

January 25, 2013

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

PSF No.:13OD-001

OAHU

Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Construction and Management Right-of-Entry Permit to Hawaii Housing Finance and Development Corporation for Drainage and Flowage Purposes, Waimano, Ewa, Oahu, Tax Map Key: (1) 9-7-019:portion of 049

APPLICANT:

Hawaii Housing Finance and Development Corporation

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimano, Ewa, Oahu, identified by Tax Map Key: (1) 9-7-019:portion of 049, as shown on the attached map labeled Exhibit A.

AREA:

0.796 acre, more or less.

ZONING:

State Land Use District: Urban  
City & County of Honolulu LUO: R-5

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by General Lease No. S-5223, Coalition for Specialized Housing, Lessee, for low or moderate income housing for elderly and disabled purposes. Lease to expire on May 31, 2059.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair easement for drainage and flowage purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on January 8, 2008 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

1. Process and obtain approval from the Department and Permitting of the City & County of Honolulu regarding the designation of the requested easement; and
2. Obtain written concurrence from the lessee of General Lease No. 5223.

REMARKS:

Pursuant to the Governor's Executive Order No. 4349, the State land identified as tax map key (1) 9-7-019:035 (Parcel 35) has been set aside to Hawaii Housing Finance and Development Corporation (HHFDC) for low or moderate income housing for elderly and disabled purposes. Groundbreaking ceremony for the project, Hale Mohalu II, was conducted in April 2011.

During the development process, the project team noted that excess drainage of storm water from the proposed housing project needs to be discharged into the Waimano Drainage Channel on the subject State land (Parcel 49), which is currently utilized as the Hale Mohalu

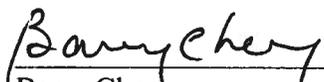
I under GL 5223 as noted above. At the time of writing this submittal, HHFDC is seeking the written concurrence and the future maintenance agreement over the requested area between the two housing projects.

Staff did not solicit comments from other government agencies as the project had undergone the environmental assessment process. HHFDC also requests an immediate construction and management right-of-entry permit pending the issuance of the easement document. Staff has no objection to the requests.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaii Housing Finance and Development Corporation covering the subject area for drainage and flowage purposes 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 perpetual easement document 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.
  
2. Authorize the issuance of immediate construction and management right-of-entry permit to Hawaii Housing Finance and Development Corporation 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 right-of-entry permit document form, as may be amended from time to time; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson

N

