

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

March 8, 2013

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

PSF No.: 12KD-077
Kauai

Sale of Remnant to Eric Andrew Matyas, por. of Kalaheo Homesteads, 2nd Series,
Koloa, Kauai, Tax Map Key: (4) 2-3-007:025.

APPLICANT:

Eric Andrew Matyas, Single, Tenant in Severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands por. of Kalaheo Homesteads, 2nd Series, situated at Kalaheo,
Koloa, Kauai, identified by Tax Map Key: (4) 2-3-007:025, as shown on the attached map
labeled Exhibit A.

AREA:

0.12 acres, more or less.

ZONING:

State Land Use District: Agricultural
County of Kauai CZO: Agricultural

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:

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;
- 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:

- 1) The parcel is ditch right-of-way.

Staff abstractor has determined that parcel identified on Tax Map Key: (4) 2-3-007:025, is a ditch right-of-way owned by the State of Hawaii, see Exhibit 'B'.

Applicant is the owner of parcels (4) 2-3-007:011 and (4) 2-3-007:012. The ditch right-of-way is located between the two parcels.

Applicant wishes to purchase the remnant and consolidate to Tax Map Key: (4) 2-3-007:012.

There are no other abutting owners to the portion remnant parcel that is the subject of the request.

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.

Comments were solicited from:

State Agencies:

| | |
|-----------------------|--|
| DOH | No comments |
| Historic Preservation | Any ground disturbing activity, need comments from Historic Preservation prior to permit process |
| OHA | No response by suspense date |

County Agencies

| | |
|-----------------|------------------------------|
| County Planning | No response by suspense date |
|-----------------|------------------------------|

Other Agencies

| | |
|------|-------------|
| NRCS | 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 consolidation of the subject remnant to Tax Map Key: (4) 2-3-007:012 by the Applicant.
3. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Eric Andrew Matyas 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;

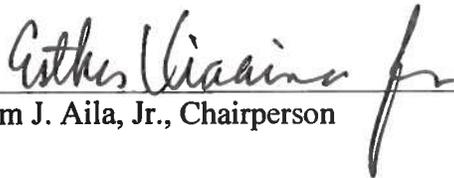
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AYI, JR.
JUSTICE
OF THE SUPREME COURT
OF THE STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 19, 2012

10442(K)

MEMORANDUM

TO: Marvin T. Mikasa, Kauai District Land Agent

THROUGH: ~~Russell Y. Tsuji, Administrator~~

FROM: E. Mahoe ~~Collins~~, State Abstractor

SUBJECT: State of Hawaii's Ownership Interests in and to Tax Map Key (4) 2-3-007:025

We have been requested to determine the State of Hawaii's ownership interests, if any, in and to the subject property designated as Tax Map Key (4) 2-3-007:025, as shown colored in green on the map attached hereto as Exhibit A.

As shown thereon the subject property is identified as a portion of "Ditch R-O-W No. 2 6 Ft. Wide" over, through and across portions of Lot 150 of the Kalaheo Homesteads, 2nd Series, containing an assessed area of 0.12 acre.

An examination of the records and files located in the State Survey Office, the Bureau of Conveyances and the Land Division of the Department of Land and Natural Resources reveal that the subject Ditch Property, as situate, is a portion of the Government (Crown) Land of Kalaheo excluded, as excepted and reserved from the area of Land Patent Grant No. 7921 to Dai Lun Chang dated November 3, 1921.

Pursuant to Section 5(b) of the Admissions Act of March 18, 1959, the fee simple title in and to the subject ditch premises and other lands was transferred to the State of Hawaii, subject to the trust as set forth therein.

Records show no transfers and or conveyances made by the State of Hawaii or its predecessors in title affecting the ownership to the subject ditch property.

We find that the subject ditch property is owned by the State of Hawaii.

If you have any questions, please feel free to call me at 587-0458.

Enclosure

EXHIBIT "B"