

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

April 12, 2013

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

PSF No: 03HD-244

HAWAII

Amend Prior Board Action of December 12, 2003, Item D-18 (Attached): Approval of Lease of Private Property with Kahua Ranch, Limited, on Behalf of the Department of Accounting and General Services, Information and Communication Services Division (DAGS), for Radio Facility Purposes, Waiaka and Kahualiilii, North Kona, Hawaii, TMK: (3) 5-9-02: Portion 02. Amendment Request: That the Board Authorize the Preparation of a Land Court Petition Designating Easements for the purposes of a Radio Facility, Utilities, Drainage, Driveway, and Microwave Signal Clearances.

BACKGROUND:

DAGS, in cooperation with the U.S. Coast Guard, is expanding the statewide emergency response government radio communication system. The expanded system links up geographic areas without emergency response radio transmission capabilities.

The subject site, owned by Kahua Ranch, Limited (Kahua), was preferred by DAGS over State-owned land in the vicinity because of its superior radio path capabilities to link up with the system's other radio facilities. Also, the subject site has improved access roads that were constructed by the Federal Aeronautics Administration (FAA) to service its communication facility located nearby the subject site and utility services are available.

After a lease between the State, on behalf of DAGS, and Kahua has been consummated DAGS will enter into an agreement with the FAA for the shared use and maintenance of the FAA access roads.

Due to the public service nature of the statewide emergency response government radio communication system, Kahua is offering the subject site to the State at gratis for the ten year term and automatic five year extension, provided, the State is in compliance with all terms and conditions of the lease.

REMARKS:

The subject site is Land Court registered property. Subdividing the site would involve both the County of Hawaii subdivision process and the

State Land Court subdivision process. However, the Land Court allows the designation of easements without the need for subdivision approval of the easements.

DAGS opted to designate easements covering the subject site and its necessary infrastructure, as follows:

- Easement 101 - 6,600 Sq. Ft. for Radio Facility purposes.
- Easement 102 - 350 Sq. Ft. for Electric/Telephone purposes.
- Easement 103 - 3,000 Sq. Ft. for Drainage/Driveway purposes.
- Easement 104 - 3,877 Sq. Ft. for Microwave Signal Clearance.
- Easement 105 - 787 Sq. Ft. for Microwave Signal Clearance.

The easements are portions of Lot 2, as shown on Map 1, Land Court Consolidation 153, covered by Transfer Certificate of Title 235677, filed in the Office of the Assistant Registrar of the Land Court.

The easements will be in favor of the State of Hawaii.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of December 12, 2003, under agenda item D-18, by authorizing the preparation of a Land Court Petition designating the above easements covering the radio station facility, electric and telephone service, drainage and driveway and microwave signal clearances
2. Except as amended herein, all terms and conditions listed in its December 12, 2003, approval to remain the same.

Respectfully Submitted,



Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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

December 12, 2003

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

PSF No.: 03HD-244

HAWAII

Approval of Lease of Private Property with Kahua Ranch Limited on Behalf of the Department of Accounting and General Services, Information and Communication Services Division for Radio Facilities Purposes, Waiaka and Kahualiliii, North Kohala, Hawaii, Tax Map Key: 5-9-02: Portion 2

APPLICANT:

Department of Accounting and General Services, Information and Communication Services Division, whose business and mailing address is 1151 Punchbowl Street, Room B-10, Honolulu, HI. 96813.

LANDOWNER:

Kahua Ranch, Limited, a Hawaii corporation whose mailing address is P.O. Box 837, Kamuela, HI. 96743

LEGAL REFERENCE:

Section 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Waiaka and Kahualiliii, situated at North Kohala, Hawaii identified by Tax Map Key: 5-9-02: Portion 2, as shown on the attached map labeled Exhibit A.

AREA:

0.20 acres, more or less.

ZONING:

State Land Use District: Agricultural
County of Hawaii CZO: A-20A (agricultural-20-acre)

CHARACTER OF USE:

The right to construct, install, maintain, use, operate and repair within the premises a government

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON *KUH*
December 10, 2003

radio facility comprised of a one-story building and a radio transmission tower not to exceed seventy (70) feet in height, together with all of the necessary and requisite fixtures, appurtenances and facilities, including guy wires, anchors and fences.

LEASE TERM:

Ten (10) years commencing on a date yet to be determined. The agreement will automatically be extended for an additional five (5) years upon the same terms and conditions unless the State notifies Kahua Ranch, Limited of its intention not to extend the agreement at least ninety (90) days prior to the expiration date.

ANNUAL RENT:

To be determined.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

REMARKS:

The Department of Accounting and General Services, Information and Communication Services Division (DAGS, ICSD) is expanding the statewide emergency response government radio communication system. The expanded system, when completed will enable government emergency response service agencies, such as the Police and Fire Departments, U.S. Coast Guard and Civil Defense, to communicate via radio dispatch statewide.

The subject site, owned by Kahua Ranch, Limited, is one (1) of three (3) radio tower links needed in geographic areas currently without emergency response radio transmission capabilities. On-site improvements will include a radio transmission tower not exceeding seventy (70) feet in height and a single story facilities building.

Lease rent payments will be budgeted by DAGS, ICSD.

State lands in the vicinity of the subject site are not suitable as they lack radio path capabilities to link up with the system's other radio facilities. They are also without improved access routes and the utility services necessary to operate the radio facility.

RECOMMENDATION:

That the Board approve entering into a lease with Kahua Ranch, Limited, on behalf of the Department of Accounting and General Services, Information and Communication Services Division, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

1. Review and approval by the Department of the Attorney General; and

2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

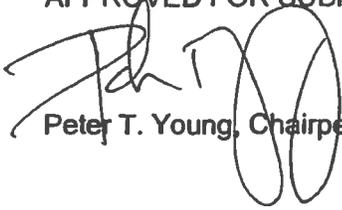
Respectfully Submitted,



Gary Martin
Land Agent



APPROVED FOR SUBMITTAL:



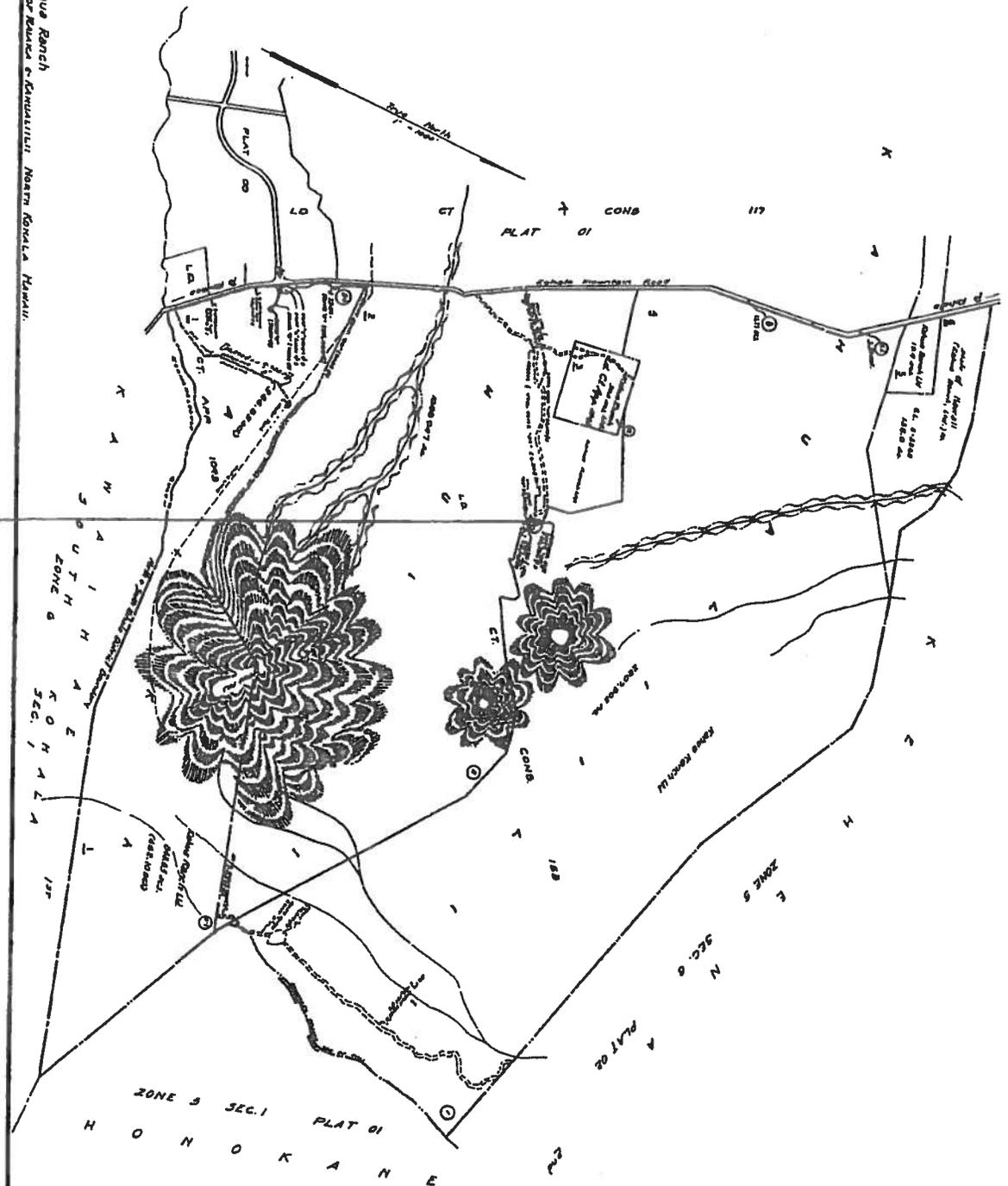
Peter T. Young, Chairperson

Day, No. 2288
 Source: The Maps Bureau
 City: H.H. Aug. 1922

117
 118
 119

Kahu Ranch
 Near Kahu, Kaneohe, Hawaii

Subject Site



ADVANCE SHEET
SUBJECT TO CHANGE

TRIM	DIVISION
5	9
02	02

CONTAINING 12 PAGES
 SCALE 1 in = 1000 FT
 PRINTED

5 9 02

EXHIBIT A