

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:  
**HWY-RM**  
**3.90046**

March 21, 2013

NEIL ABERCROMBIE  
**Board of Land and Natural Resources**  
**State of Hawaii**  
**Honolulu, Hawaii**

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors

**KAUAI**

JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

**Authorizing the Department of Transportation (DOT) to Dispose of Remnant Parcel R-2A and a Portion of R-2 (Remnant Parcel R-2B), Tax Map Key: (4) 4-9-05: Road.**

IN REPLY REFER TO:

**HWY-RM**

**3.90046**

**REQUEST:**

**Authorization to dispose of subject Remnant R-2, designated as Remnant Parcel R-2A and a Portion of R-2, to Brian and Edith Hennessy and Ideal Acres LP as described and shown on the attached maps as Exhibits A and B.**

Board of Land and Natural Resources

**LEGAL REFERENCE:**

**KAUAI**

**Section 171-52 and other applicable sections of Chapter 171, Hawaii Revised Statutes (HRS), as amended.**

**LOCATION:**

**The parcels are located on the Island of Kauai.**

**AREA:**

**Remnant Parcel R-2A: 33,673 square feet.  
Portion of Remnant Parcel R-2: 33,783 square feet.**

**ZONING:**

**Remnant Parcel R-2A: Roadway.  
Portion of Remnant Parcel R-2: Roadway.**

**LAND TITLE STATUS:**

**Ceded, DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:**

Remnant Parcel R-2A, 33,673 square feet. YES        NO   X    
Portion of Remnant Parcel R-2, 33,783 square feet.

**ZONING:**

**ITEM M-2**

CURRENT USE STATUS:

Remnant Parcel R-2A and Portion of Remnant Parcel R-2 was previously part of the roadway that has been realigned and is deemed surplus to the Department of Transportation, Highways Division's needs.

COMMENCEMENT DATE:

Upon transfer of title to the abutting owners.

COMPENSATION:

The remnant parcels are to be disposed of in compliance with section HRS 171-52.

LIENS AND/OR ENCUMBRANCES:

None noted at this time.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Not applicable. Parcels were part of the roadway and will become privately owned land upon transfer. Chapter 343, HRS, would not apply to any future development on the parcels as no State lands would be involved.

REMARKS:

The Remnant Parcel R-2A and Portion of Remnant Parcel R-2 were deemed surplus to the DOT, Highway Division's needs. The DOT has no objection to the disposal and transfer to an abutting property owners as prescribed by the Director in the best interest of the State of Hawaii.

The remnant sales were previously approved on November 18, 2005 for Remnant R-2A (Item M-7) and Portion of Remnant R-2 (Remnant R-2B - Item M-8). We are requesting that the approval be amended to include the current ownership of the two abutting properties. The sale of Remnant R-2A was previously approved for Exchange Accommodators, Inc., and is now being sold to Brian Matthew Hennessy and Edith Zayda Hennessy. The sale of Portion of Remnant R-2 was approved for sale to Mr. Benjamin Bollag and is being sold to Ideal Acres, LP. We request that the amendments for the sale of both portions of Remnant Parcel R-2 be approved.

RECOMMENDATION:

Authorize the DOT to dispose of Remnant Parcel R-2A and Portion of Remnant R-2 in compliance with section 171-52 and any reimbursement of the Federal Aid Project, in accordance with HRS, subject to the following:

1. The standard terms and conditions of the most current quitclaim deed form;
2. Review and approval by the Department of the Attorney General;
3. Such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State;
4. The parcels shall be conveyed in an "as is" condition and the State makes no warranty or representation about its condition or the presence of hazardous materials on, under or about the same.

Respectfully Submitted,

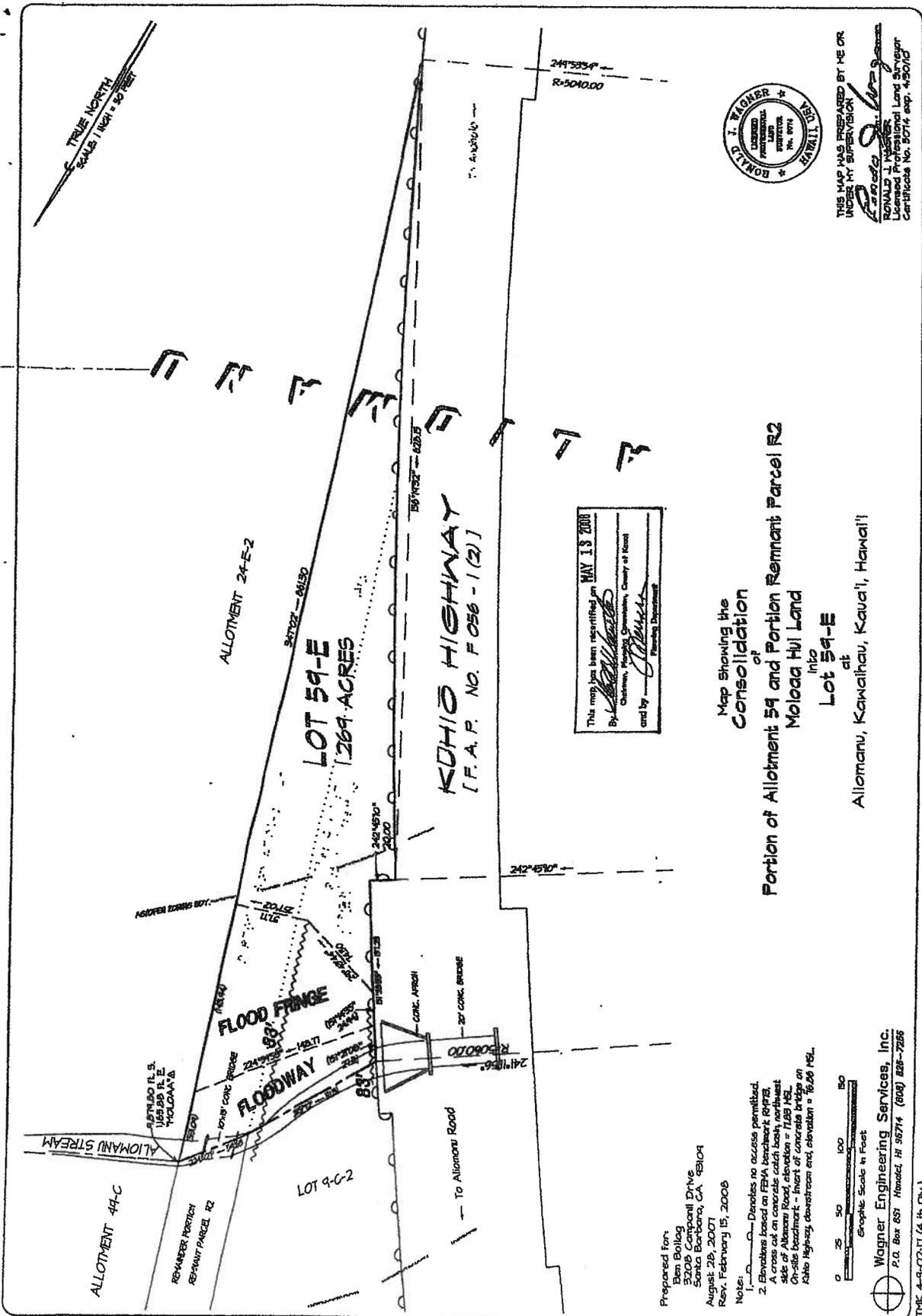


GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION  
 Ronald J. Wagner  
 Licensed Professional Land Surveyor  
 Certificate No. 8714 exp. 4/30/10

Project No. 4126

This map has been resurveyed on  
 MAY 13 2008  
 By: [Signature]  
 Chairman, Planning Commission, County of Maui  
 and by: [Signature]  
 Planning Department

Map Showing the  
**Consolidation**  
 of  
**Portion of Allotment 59 and Portion Remnant Parcel R2**  
 Molokai Hul Land  
 into  
**Lot 59-E**  
 at  
 Allomau, Kawaihau, Kawai'i, Hawaii!

Prepared for:  
 Eben Boiling  
 3309 Component Drive  
 Santa Barbara, CA 93104  
 August 28, 2007  
 Rev. February 15, 2008

- Note:
1. --- Denotes no access permitted.
  2. Elevations based on FEMA benchmark 69178. A cross cut on concrete catch basin, northwest side of Allomau Road, elevation = 71.89 MSL. On-site benchmark - Invert of Concrete bridge on Aho Highway downstream end, elevation = 76.86 MSL.

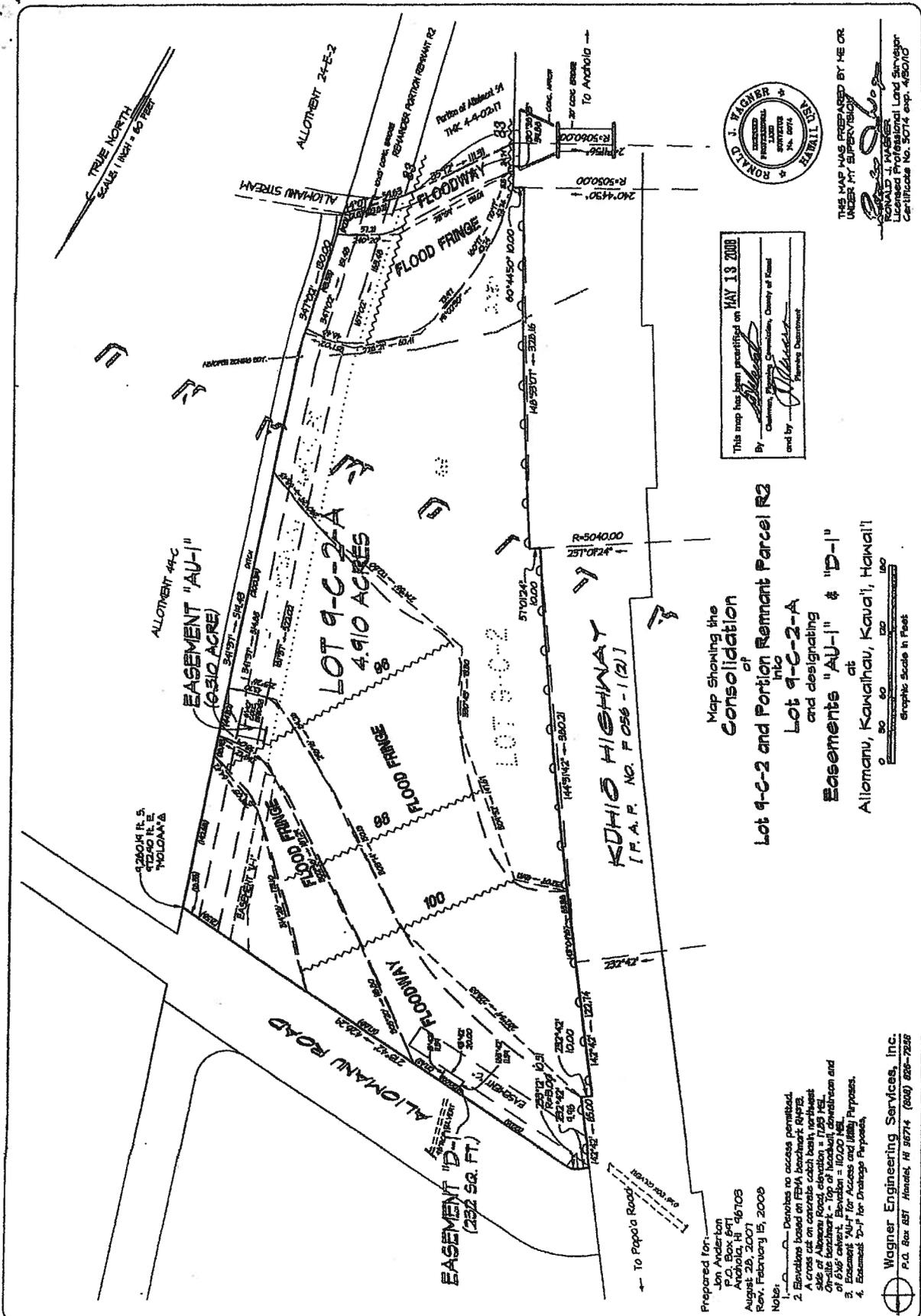


Wagner Engineering Services, Inc.  
 P.O. Box 657 Hana, HI 96714 (808) 828-7266

TKC 4-9-02-IT (4 th DN)

# EXHIBIT A





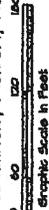
TRUE NORTH  
SCALE: 1 inch = 40 feet



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION  
 RONALD J. WAGNER  
 Professional Land Surveyor  
 Certificate No. 8974 exp. 4/30/10

This map has been resubmitted on MAY 13 2008  
 By *[Signature]*  
 and by *[Signature]*  
 Planning Department

Map Showing the Consolidation of Lot 9-C-2 and Portion Remnant Parcel R2 into Lot 9-C-2-A and designating Easements "AU-1" & "D-1" at Allomani, Kawaihau, Kauai, Hawaii



Prepared for:  
 Jon Anderson  
 P.O. Box 674  
 Aiea, HI 96708  
 August 28, 2007  
 Rev. February 15, 2008

- Note:
1. Displaces to access permitted.
  2. Easements based on FEMA Inundation Map R2. A cross cut on concrete catch basin on the side of Allomani Road, elevation = 11.25 MSL. On-site benchmark - Top of handwall, downstream and of 6x6 culvert. Elevation = 10.00 MSL.
  3. Easement "AU-1" for Access and Utility Purposes.
  4. Easement "D-1" for Drainage Purposes.

Wagner Engineering Services, Inc.  
 P.O. Box 657 Hanalei, HI 96714 (808) 886-7256

TRK 4-9-03.05 (4 th DW)

Project No. 3605

# EXHIBIT A

**Remnant R2-A**

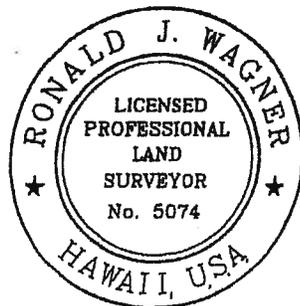
All of that certain parcel of land, being Remnant R2-A, being a portion of roadway Remnant R2 of the Kaua'i Belt Road, Federal Aid Project No. F 056-1(2), at Aliomanu, Koolau (Kawaihau), Island and County of Kaua'i, State of Hawai'i, being also a portion of Moloaa Hui Land, more particularly described as follows:

Beginning at the northeast corner of this parcel of land, on the South side of Aliomanu Road, the coordinates of which referred to Government Survey Triangulation Station, "MOLOAA" being 9,260.19 feet South and 972.90 feet East and running by azimuths measured clockwise from True South:

1. 341° 37' 519.43 feet along Allotment 49-C, Moloaa Hui Land;
2. 347° 02' 130.00 feet along Allotment 49-C, Moloaa Hui Land;

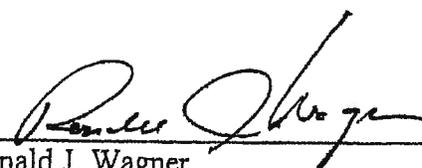
Thence along the middle of Aliomanu Stream, the direct azimuth and distance between points in the middle of said stream being:

3. 44° 07' 59.56 feet;
4. 167° 02' 160.00 feet along Lot 9-C-2, Moloaa Hui Land;
5. 161° 37' 537.35 feet along Lot 9-C-2, Moloaa Hui Land;
6. 273° 42' 53.96 feet along the South side of Aliomanu Road to the point of beginning and containing and an area of 0.773 acre, more or less.



**WAGNER ENGINEERING SERVICES INC.**

October 3, 2006  
P.O. Box 851  
Hanalei, Hawaii 96714

  
Ronald J. Wagner  
Licensed Professional Land Surveyor Certificate  
No. 5074

11/17/07

copy of

Requested ~~At~~ Meeting Minutes  
for documentation.

Wayne Y  
lwamasa/HWY/HIDOT  
11/17/2007 06:19 AM

To Adaline F Cummings/DLNR/StateHiUS@STATEHIUS  
cc  
bcc

Subject Re: Fw: BLNR APPROVAL FOR ITEM M-7 & M-8

Hi Adaline,  
Yes, thank you for the quick response. Would it be possible to receive a copy of the minutes from the meeting?  
I appreciate all your help.

Thanks,  
Wayne

Adaline F Cummings/DLNR/StateHiUS@STATEHIUS

Adaline F  
Cummings/DLNR/StateHiUS  
@STATEHIUS  
11/16/2007 03:50 PM

To Wayne Y lwamasa/HWY/HIDOT@HIDOT  
cc

Subject Re: Fw: BLNR APPROVAL FOR ITEM M-7 & M-8

Hi Wayne!

Are these the titles? If so they were found in the 11/18/05 minutes and were Unanimously approved as amended.

**Item M-7: Disposition of Surplus Highway Remnant Kauai Belt Road, FAP No. F-056-1(2), Remnant R-2A TMK: (4) 4-9-5:Road (Portion).**

**Item M-8: Disposition of Surplus Highway Remnant Kauai Belt Road, FAP No. F-056-1(2), Remnant R-2B TMK: (4) 4-9-5:Road (Portion ).**

Adaline Cummings  
Dept. of Land & Natural Resources  
Board Secretary  
587-0404

Wayne Y lwamasa/HWY/HIDOT@HIDOT

Wayne Y  
lwamasa/HWY/HIDOT@HIDOT  
OT  
11/16/2007 03:33 PM

To Adaline F Cummings/DLNR/StateHiUS@StateHiUS  
cc

Subject Fw: BLNR APPROVAL FOR ITEM M-7 & M-8

----- Forwarded by Wayne Y lwamasa/HWY/HIDOT on 11/16/2007 03:33 PM -----

Wayne Y  
lwamasa/HWY/HIDOT

To adeline.f.cummings@hawaii.gov

LINDA LINGLE  
GOVERNOR



RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BRENNON T. MORIOKA  
BARRY FUKUNAGA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

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

KAUAI

Conveyance of Remnant Parcel R-2B, Kauai Belt Road, Federal Aid Project No. F-056-1(2), at Papaa, Aliomanu and Anahola, Kauai, Tax Map Key: (4) 4-9-5:Road (Portion)

REQUEST:

Authorization to convey subject Property, designated as Remnant R-2B, Kauai Belt Road, Federal Aid Project No. F-056-1(2), at Papaa, Aliomanu and Anahola, Kauai, Tax Map Key: (4) 4-9-5:Road (Portion) as shown on Exhibit A to Benjamin Bollag by quitclaim deed.

LEGAL REFERENCE:

Section 171-52 and other applicable sections of Chapter 171, Hawaii Revised Statutes, as amended.

LOCATION:

The Property is a portion of an Old Government Road remnant of the old Kauai Belt Road, FAP No. F-056-1(2), at Papaa, Aliomanu and Anahola, Kauai and is situated South of Aliomanu Stream on the makai corner of Kuhio Highway and Aliomanu Road.

AREA:

Approximately 33,783 square feet, more or less (subject to confirmation by the Department of Transportation, Design Branch, Cadastral Section).

ZONING:

Agricultural

LAND TITLE STATUS:

Non-ceded, DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES \_\_\_\_\_ NO  X

CURRENT USE STATUS:

Highway and maintenance purposes

COMMENCEMENT DATE:

Execution date of quitclaim deed.

COMPENSATION

One-time lump sump payment, based on appraisal of fair market value, to be determined by independent or staff appraiser.

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. Chapter 343, HRS, would not apply to any future development on the Property as no State lands would be involved.

REMARKS:

The Department of Transportation (DOT) has deemed the Property surplus to the needs of the Highways Division. The DOT has complied with all applicable statutory requirements and offered the Property to all abutting owners, of which only Benjamin Bollag indicated an interest in purchasing the Property. An easement is to be granted over the R-2A portion of the remnant road in favor of the Property to allow access to Aliomanu Road.

RECOMMENDATION:

That the Board authorize the conveyance of the Property to Benjamin Bollag for his private use, subject to the following:

1. The standard terms and conditions of the most current deed form;
2. Review and approval by the Department of the Attorney General;
3. Such other terms and conditions as may be prescribed by the DOT Director to best serve the interests of the State;
4. The Property shall be conveyed in an “as is” condition and the State make no warranty or representation about its condition or the presence of hazardous materials on, under or about the same; and
5. Benjamin Bollag must consolidate the Property into the parcel he owns that abuts the Property (22,128 square-foot site, tax map key (4) 4-4-2:17).

Respectfully Submitted,

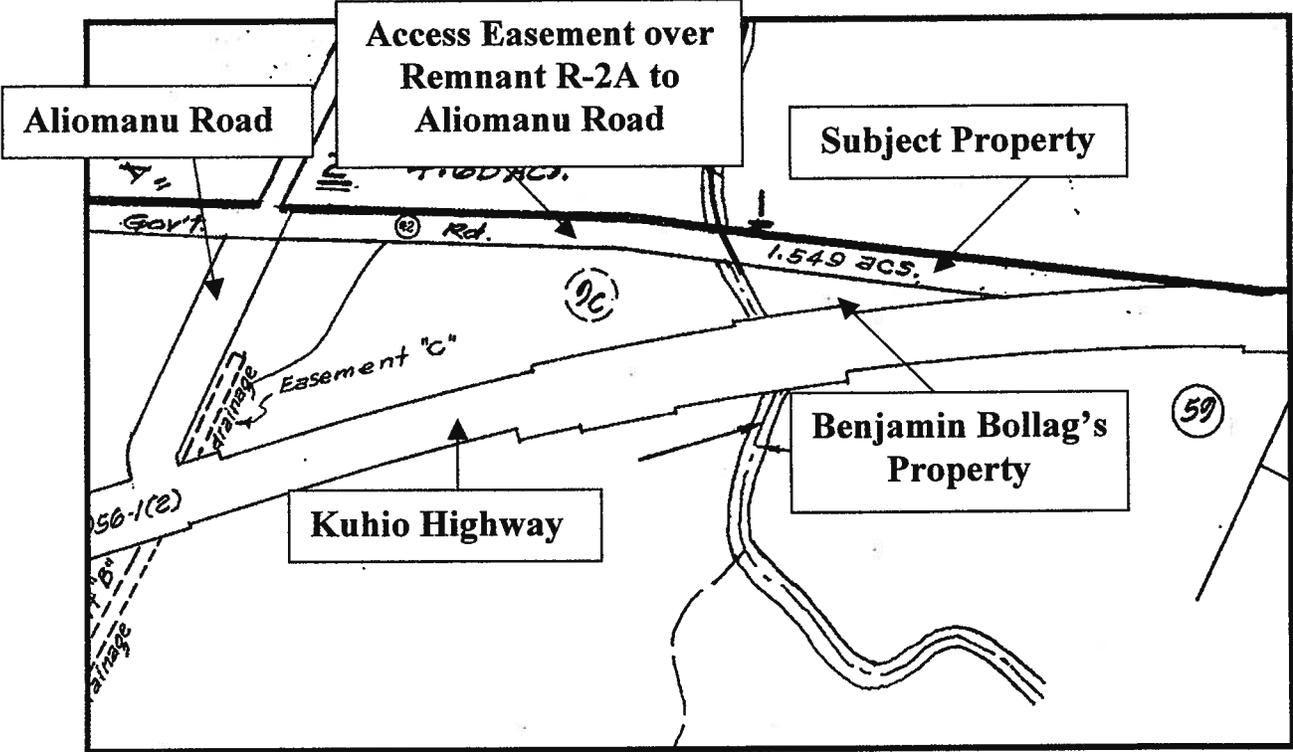
*for* 

---

RODNEY K. HARAGA  
Director of Transportation

APPROVED FOR SUBMITTAL:

*for*   
PETER T. YOUNG, Chairperson



**TMK (4) 4-9-5:ROAD (PORTION)**

**EXHIBIT A**