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

June 23, 2006

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

PSF No.: 06HD-118
06HD-119
HAWAII

Authorize Sale of Road Right-of-Ways and Related Improvements to the County of Hawaii and Issuance of Management Right-of-Entry; Authorize Bill of Sale and Grant of Perpetual, Non-Exclusive Easement and Issuance of Management Right-of-Entry to the Water Board of the County of Hawaii for Water System Infrastructure and Related Appurtenances, Kikala and Keokea, Puna, Hawaii, Tax Map Key: 3rd/ 1-2-43

APPLICANT:

County of Hawaii (COH), whose business and mailing address is 25 Aupuni Street, Hilo, Hawaii 96720.

Water Board of the County of Hawaii, whose business and mailing address is 345 Kekuanaoa Street, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Sections 171-95(a)(5) and 264-2, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kikala-Keokea Residential Subdivision situated at Kikala and Keokea, Puna, Hawaii, identified by Tax Map Key: 3rd/ 1-2-43, formerly Tax Map Key: 3rd/ 1-2-07: portion of 02, as shown on the attached map labeled Exhibit A.

AREA:

Road Right-of-Ways:

Subdivision Section	Easement Description	Area (acres)
Kalapana	Roadway Lot A	3.771
	Roadway Lot B	.388
	Roadway Lot C	.390
	Roadway Lot D	.386
Kapoho	Roadway Lot A	2.532
	Roadway Lot B	.664

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Ag-3

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:

Portion of the Kikala-Keokea Residential Subdivision created pursuant to Act 314, SLH 1991, as amended, authorizing DLNR to create a residential subdivision for long-term leases at Kikala and Keokea.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not necessary for this action since the development of the water and road infrastructure was part of the Chapter 343, HRS, compliance that was done for the development of the overall subdivision project.

APPLICANT REQUIREMENTS:

None required of the Applicant since the project was developed by the State of Hawaii, Department of Land and Natural Resources. The Water Board of the County of Hawaii, to maintain the water system and related appurtenances, and the COH, to maintain the road right-of-ways and related improvements.

REMARKS:

Act 314, Session Laws of Hawaii 1991, as amended by Act 172, Session Laws of Hawaii 1993, and further amended by Act 81, Session Laws of Hawaii 1994, authorized the Department of Land and Natural Resources to develop a residential subdivision, to negotiate and enter into long-term leases to persons living in Kalapana, District of Puna. Intended for those who were dispossessed or displaced as a result of the volcanic eruption on the Island of Hawaii, which began on January 3, 1983 and for those meeting the qualifications under Section 13D-3(b), Hawaii Revised Statutes.

Presently, the Kikala-Keokea Residential Subdivision is closed to the qualified applicants due to delays experienced in installing the water system and in constructing the subdivision road infrastructure. However, all subdivision infrastructure is now complete, therefore, this submittal is requesting the authority to execute, 1) a Bill of Sale and Grant of Perpetual, Non-Exclusive Easement to the COH, Water Board, for the water system and appurtenances within the Kikala-Keokea Subdivision, and 2) a Grant of Easement for the Subdivision Road Right-of-Ways and related improvements to the COH. Conveyance of the subdivision infrastructure to the respective County agencies will allow and assure the proper operation and maintenance of the subdivision roadways and water system. The subdivision infrastructure has been constructed to county standards as it was intended to be dedicated to the COH.

RECOMMENDATION: That the Board:

A. Authorize sale of all road right-of-ways and related improvements of the Kikala-Keokea Residential Subdivision to the COH, subject to the following terms and conditions:

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.

B. Grant an immediate construction and management right-of-entry to the COH, its consultants, contractors and/or persons acting for or on its behalf, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

1. The standard terms and conditions of the most current construction and management right-of-entry form as may be amended from time to time;

2. This construction and management right-of-entry is effective upon Land Board approval and shall continue until the Grant order document is issued;

3. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

C. Authorize issuance of a Bill of Sale document, necessary to transfer ownership of all the water infrastructure and related appurtenances that were installed within the subdivision road right-of-ways, in connection with the Kikala-Keokea Residential Subdivision project to the Water Board of the COH, subject to the following terms and conditions:

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

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

D. Grant an immediate construction and management right-of-entry to the COH, Water Board, its consultants, contractors and/or persons acting for or on its behalf in the operation and maintenance of the water system and related appurtenances within the Kikala-Keokea Residential Subdivision, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

1. The standard terms and conditions of the most current construction and management right-of-entry form for government agencies as may be amended from time to time;

2. This construction and management right-of-entry is effective upon Land Board approval and shall continue until the Bill of Sale document is issued;

3. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,

Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:

Peter T. Young, Chairperson

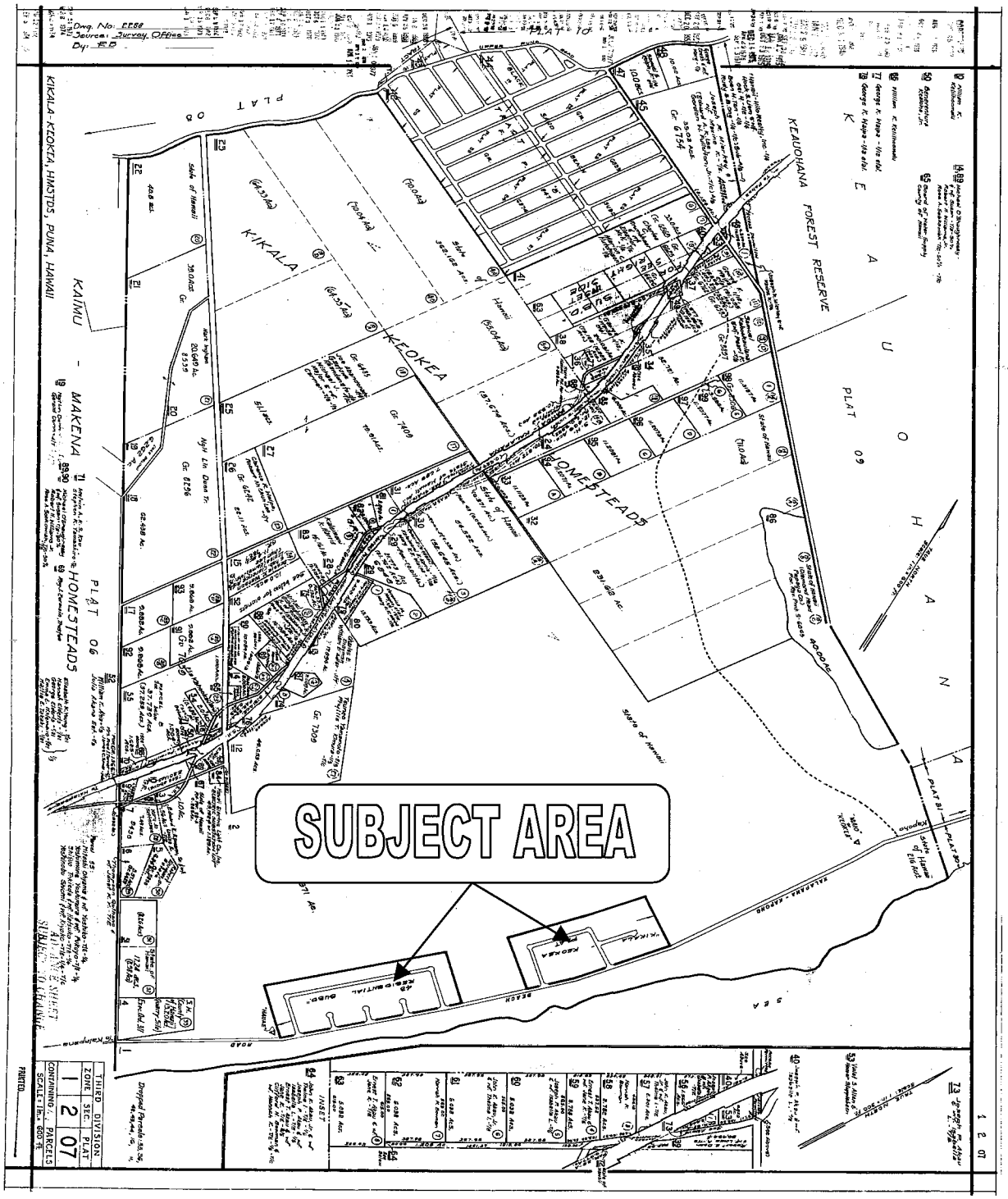
SUBJECT AREA
KIKALA
KEOKEA
HOMESTEADS
KEAUOHANA FOREST RESERVE
KAIMU - MAKENA
KIKALA-KEOKEA, HMSTDS, PUNA, HAWAII
PLAT 06
PLAT 09
THIRD DIVISION
ZONE 1
SEC. 2
PLAT 07
CONTAINING PARCELS
SCALE: 1 in. = 600 ft.
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EXHIBIT A

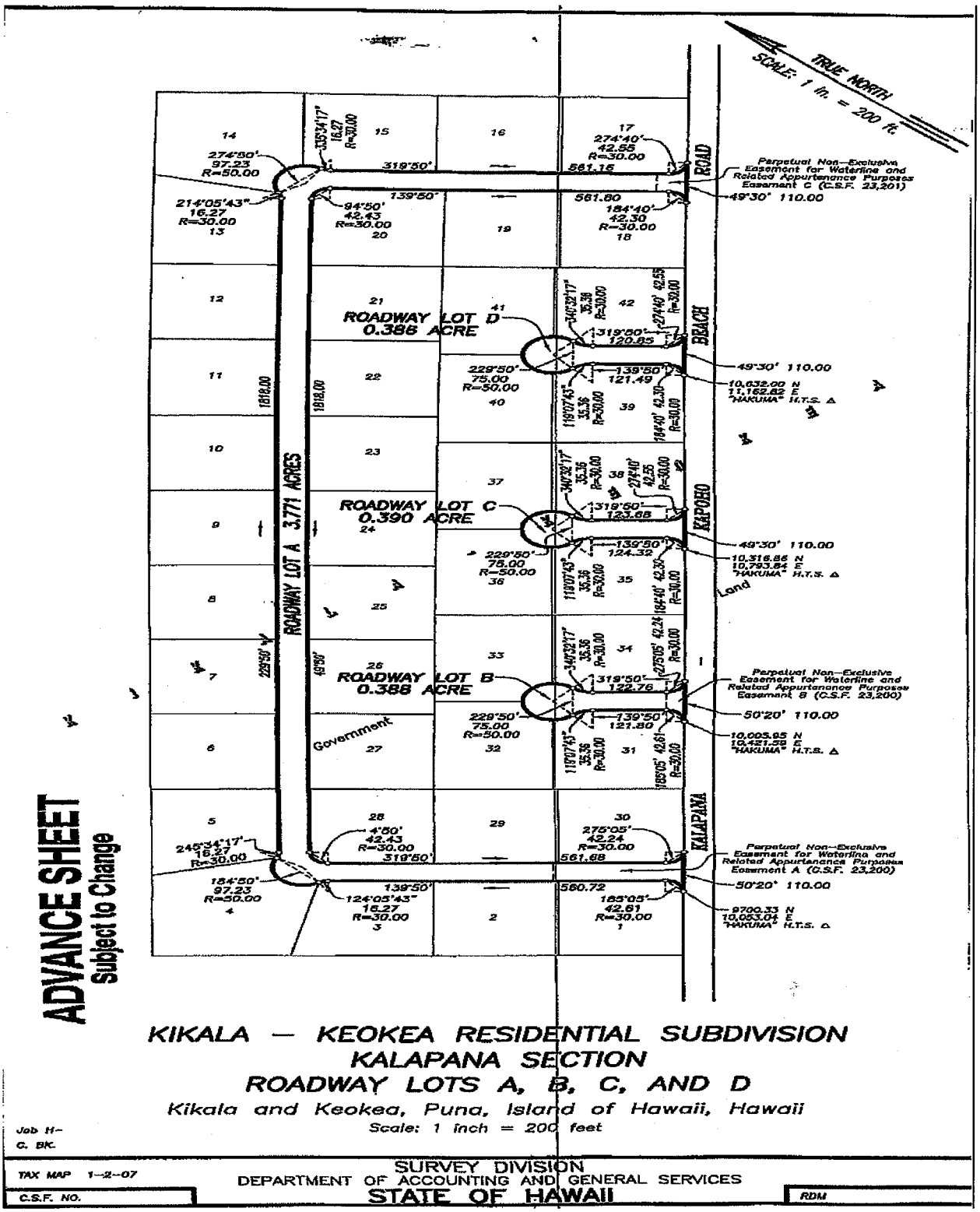
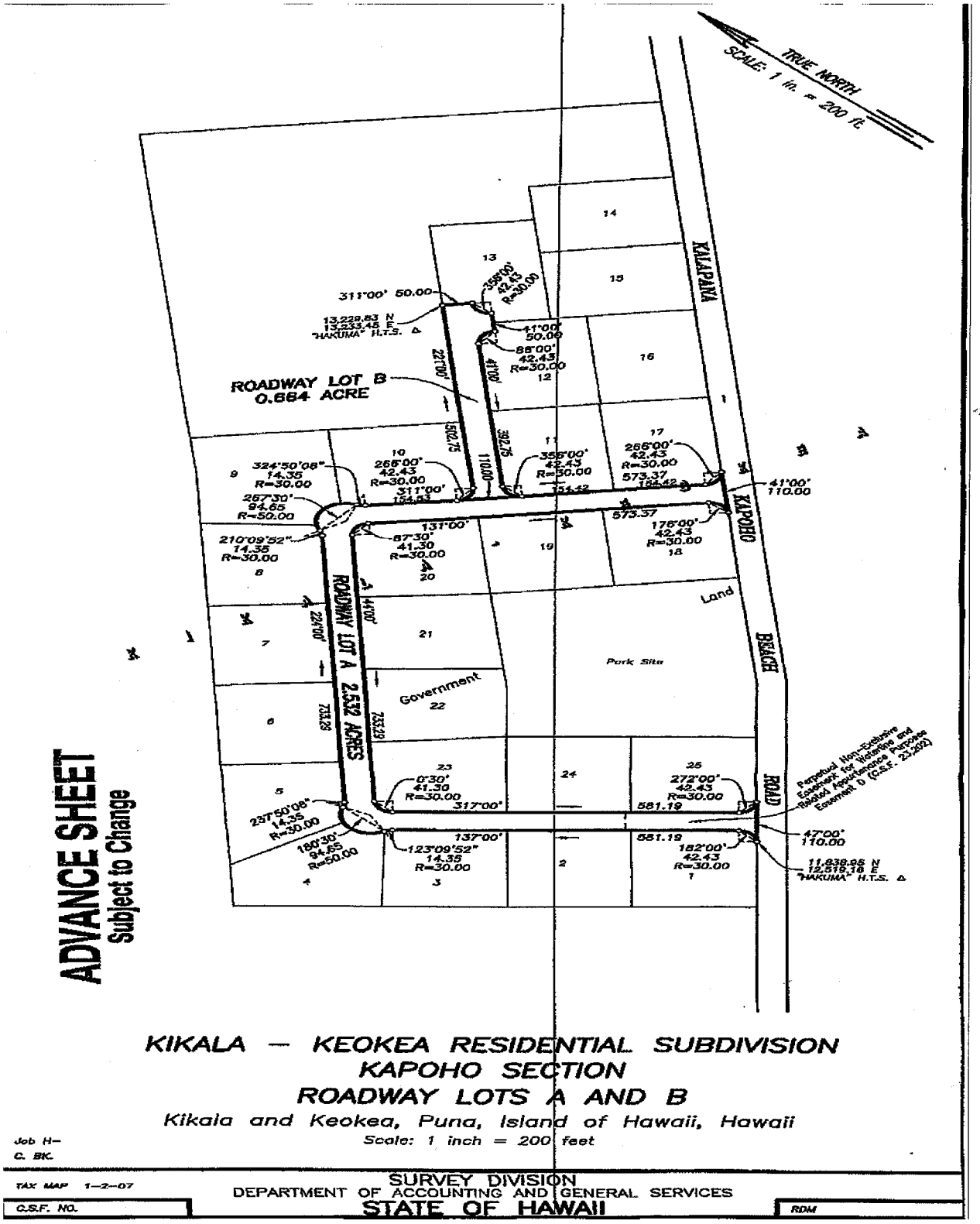

TRUE NORTH
SCALE: 1 in. = 200 ft.
ROADWAY LOT A 3.771 ACRES
ROADWAY LOT B 0.388 ACRE
ROADWAY LOT C 0.390 ACRE
ROADWAY LOT D 0.386 ACRE
Government Land
KALAPANA ROAD
KAPOEO BEACH
Perpetual Non-Exclusive Easement for Waterline and Related Appurtenance Purposes Easement C (C.S.F. 23,201)
Perpetual Non-Exclusive Easement for Waterline and Related Appurtenance Purposes Easement B (C.S.F. 23,200)
Perpetual Non-Exclusive Easement for Waterline and Related Appurtenance Purposes Easement A (C.S.F. 23,200)
ADVANCE SHEET
Subject to Change
KIKALA — KEOKEA RESIDENTIAL SUBDIVISION
KALAPANA SECTION
ROADWAY LOTS A, B, C, AND D
Kikala and Keokea, Puna, Island of Hawaii, Hawaii
Scale: 1 inch = 200 feet
Job H-
C. BK.
TAX MAP 1-2-07
C.S.F. NO.
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII
RDM

EXHIBIT A



ADVANCE SHEET
Subject to Change

KIKALA — KEOKEA RESIDENTIAL SUBDIVISION
KAPOHO SECTION
ROADWAY LOTS A AND B
Kikala and Keokea, Puna, Island of Hawaii, Hawaii
Scale: 1 inch = 200 feet

Job H—
C. BK.

TAX MAP 1—2—07
C.S.F. NO.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

RDM

EXHIBIT A