

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

August 10, 2007

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

070D-120
Oahu

Consent to Assign Grant of Non-Exclusive Easement S-5635,
Glenn Masuo Masunaga and Harriet Mieko Masunaga, Assignors, to
Ray Kazuto Uchimura and Lyndia Kazue Uchimura, Assignees,
Makiki, Honolulu, Oahu, Tax Map Key: (1) 2-4-032:01 (Portion)

APPLICANT:

Glenn Masuo Masunaga and Harriet Mieko Masunaga, as Assignors, to
Ray Kazuto Uchimura and Lyndia Kazue Uchimura, husband and wife,
Tenants by Entirety, who reside in Kealakaua, Hawaii, and whose
post office address is P.O. Box 1416, Kealakaua, Hawaii, 96750,
hereinafter called the Assignees.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Makiki situated at Makiki,
Honolulu, Oahu, identified by Tax Map Key: (1) 2-4-032:01
(portion), as shown on the attached map labeled Exhibit A.

AREA:

.097 acres, more or less.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO _____

CHARACTER OF USE:

Non-exclusive access easement for ingress and egress purposes.

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TERM OF LEASE:

Fifty-five (55) years, commencing on June 30, 1997, and expiring on June 29, 2052.

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

The easement was subject to a one time payment, payable in advance, of \$20,000.

RECOMMENDED PREMIUM:

Not applicable.

DCCA VERIFICATION:

Assignors/Assignees are individuals and, as such, are not required to registered with DCCA.

REMARKS:

The subject area was originally encumbered under Grant of Non-Exclusive Easement S-4883 to Dr. Glenn Matsuo Masunaga and Harriet Mieko Masunaga for ingress and egress purposes for a term of 21 years, which expired on June 29 1997.

Dr. Glenn Matsuo Masunaga and Harriet Mieko Masunaga are the fee owners of Tax Map Key: (1) 2-4-037:039 and have been utilizing the subject easement area as their only means of access to their landlocked property.

The Board at its meeting of August 25, 2000, under agenda item D-4, authorized the issuance of a 55 years non-exclusive term easement for ingress and egress purposes to Dr. Glenn Matsuo Matsunaga and Harriet Mieko Masunaga, commencing June 30, 1997 and expiring on June 29, 2052.

In discussions with the staff of the Department of Education in February 2000, it was stated that it would not be in their best interest to consent to the issuance of a perpetual easement in the event that DOE decides to improve this portion of the school lot in the future. At that time, DOE would only concur with the issuance of a fifty-five (55) year term non-exclusive easement.

By way of a letter dated July 2, 2007 from Ng & Niebling, a Limited Liability Law Company, the Land Division was informed that Dr. Glenn Matsuo Masunaga and Harriet Mieko Masunaga have sold their private-owned property and are requesting the Board's consent to assign the Grant of Non-Exclusive Easement S-5635 to the new owners, Ray Kazuto Uchimura and Lyndia Kazue Uchimura, husband and wife.

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Attorney Jeffrey R. Niebling included in his letter requesting the Consent to Assignment of Grant of Non-Exclusive Easement S-5635,

"The Masunagas will be transferring their interests in the Grant of Non-Exclusive Easement to the purchasers only if the sales transaction is successfully closed, otherwise the Assignment will not be recorded and shall be void. Accordingly, we request that your Consent to this transaction include language specifically stating that your approval to the transfer shall be effective only upon the recordation of the Assignment at the Bureau of Conveyances."

Dr. Glenn Matsuo Masunaga and Harriet Mieko Masunaga purchased the easement area on a one-time payment basis and are current in regards to the liability insurance coverage. Site inspections conducted of the easement area reflect that the area has been maintained in a satisfactory manner.

The proposed Assignees, Ray Uchimura and Lyndia Uchimura, have 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 from other government agencies were not solicited, due to the fact that there will be no change in the existing use of the easement area. There are no major issues or concerns.

Staff has no objections to the request.

RECOMMENDATION:

That the Board consent to the assignment of Grant of Non-Exclusive Easement S-5635 from Dr. Glenn Matsuo Masunaga and Harriet Mieko Masunaga, as Assignors, to Ray Kazuto Uchimura and Lyndia Kazue Uchimura, as Assignees, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and

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

Respectfully Submitted,

Steve Lau

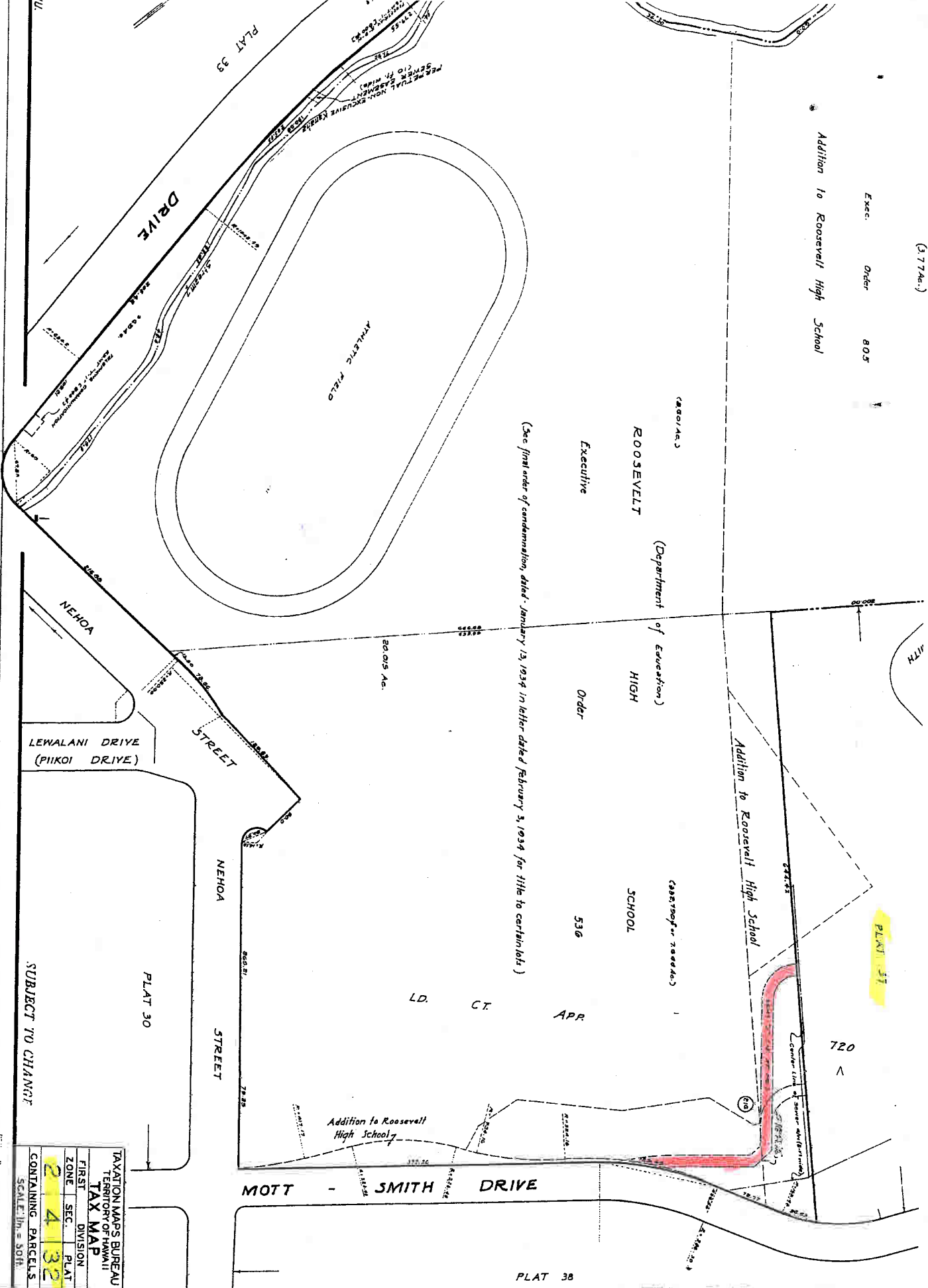
Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

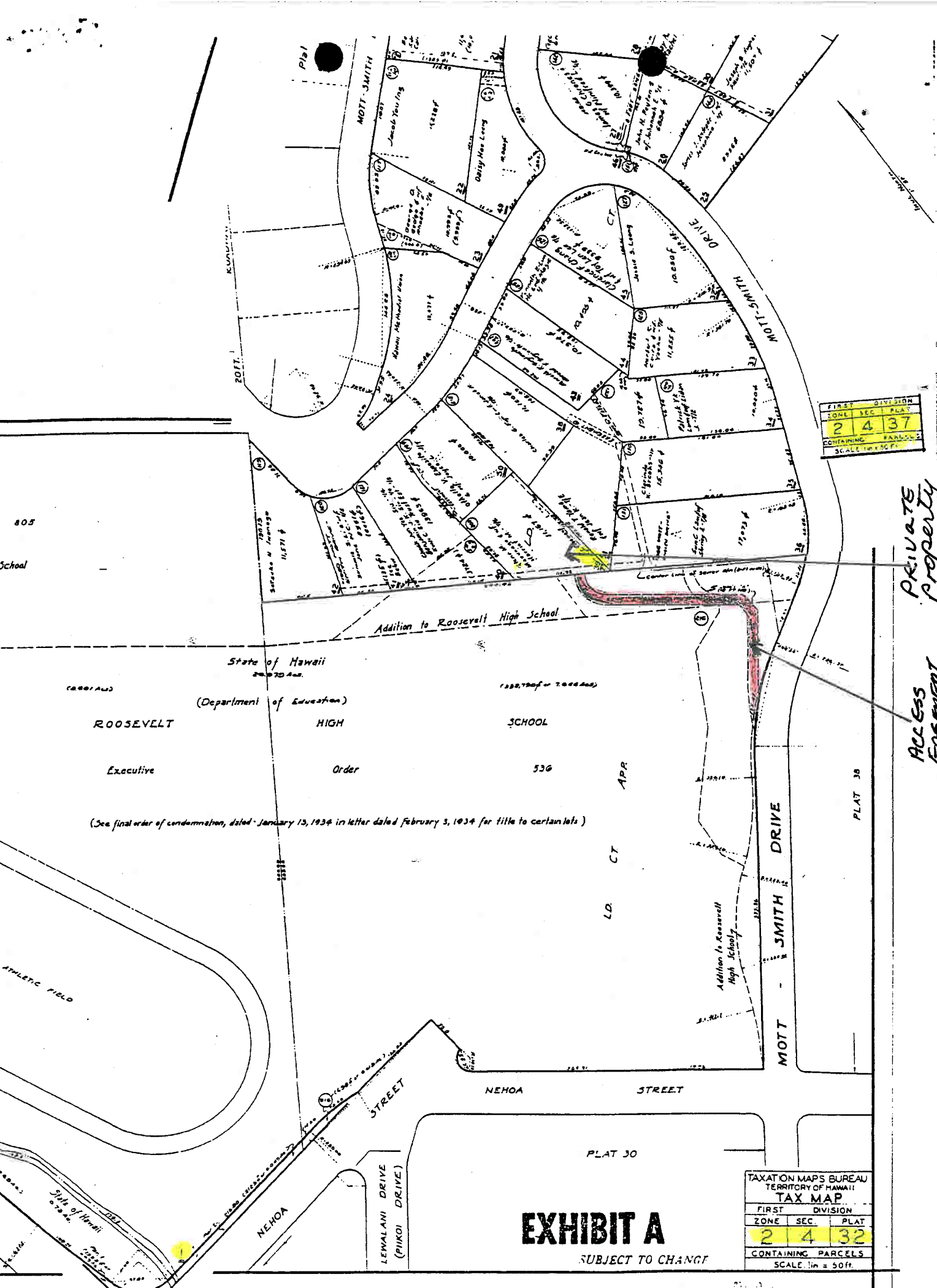
n _____
Laura H. Thielen, Interim Chairperson

Addition to Roosevelt High School



(See final order of condemnation, dated January 13, 1934 in letter dated February 3, 1934 for title to certain lots.)

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FIRST	DIVISION	ZONE	PLAT
2	4	32	
CONTAINING PARCELS			
SCALE: 1 in. = 50 ft.			



FIRST DIVISION
 ZONE SEC. PLAT
 2 4 37
 CONTAINING PARCELS
 SCALE 1/4" = 50 FT.

PRIVATE PROPERTY
 T.M.K. (1) 2-4-037:39

ACCESS EASEMENT

State of Hawaii
 20070 Ave.
 (Department of Education)
 ROOSEVELT HIGH SCHOOL
 Executive Order 536
 APR
 (See final order of condemnation, dated January 13, 1934 in letter dated February 3, 1934 for title to certain lots)

TAXATION MAPS BUREAU
 TERRITORY OF HAWAII
 TAX MAP
 FIRST DIVISION
 ZONE SEC. PLAT
 2 4 32
 CONTAINING PARCELS
 SCALE 1/4" = 50 FT.

EXHIBIT A
 SUBJECT TO CHANGE