

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

September 14, 2007

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

PSF No: 05MD-123  
MAUI

Amend Prior Board Action of August 12, 2005 (Item D-8);  
Rename Grant of Perpetual, Non-Exclusive Easement for  
Access and Utility Purposes, Makawao, Maui, Tax Map Key:  
(2) 2-9-003:portion(s) of 016, 017, 020 and 039

BACKGROUND:

The Land Board at its August 12, 2005 meeting, under agenda item D-8, approved a Grant of a Perpetual, Non-Exclusive Easement to "John and Ritamarie Slover," husband and wife. The easement is for access and utility purposes. The Slovers purchased a property from Thomas Frederickson situate at Tax Map Key: (2) 2-9-001:005 wherein legal access is over Land Office Deed No. S-28093, issued to Lafayette and Beverly Young IV, etal.

REMARKS:


Subsequent to the August 12, 2005 Land Board's approval, staff discovered that the name of the beneficiary parcel 005 is under the Slover's trust, not just John and Ritamarie Slover. The applicants have provided the correct trust name for title of real property. An amendment is being requested to correct the applicants' name to John J. Slover or Rita-Marie Slover, Trustees of the Restatement of the Slover Family Revocable Trust dated May 2, 1991.

RECOMMENDATION: That the Board:


1. Amend its prior Board action of August 12, 2005, under agenda item D-8 by replacing all references to John and Ritamarie Slover to John J. Slover or Rita-Marie Slover, Trustees of the Restatement of the Slover Family Revocable Trust dated May 2, 1991.
2. All terms and conditions listed in its August 12, 2005 approval to remain the same.

Respectfully Submitted,



 Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:

  
for Laura H. Thielen, Interim Chairperson  
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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
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August 12, 2005

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

PSF No.:05MD-123

MAUI

Grant of Perpetual, Non-Exclusive Easement to John and  
Ritamarie Slover for Access and Utility Purposes, Makawao,  
Maui, Tax Map Key: (2) 2-9-3:portions 16, 17, 20 and 39

APPLICANT:

John and Ritamarie Slover, Husband and Wife, Tenants by the  
Entirety whose mailing address is Box 790422, Paia, Hawaii 96779.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honopou situated at Makawao, Maui,  
identified by Tax Map Key: (2) 2-9-3:portions 16, 17, 20 and 39,  
as shown on the attached map labeled Exhibit A.

AREA:

39,298 square feet, more or less.  
3,227 square feet, more or less.  
1,715 square feet, more or less.  
97,897 square feet, more or less.

ZONING:

State Land Use District: Agriculture  
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO  x

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
August 12, 2005

ITEM D-8

CURRENT USE STATUS:

Encumbered by Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28093, Lafayette and Beverly Young IV, Thomas and Jill Bauss, Michael and Sharon Appleby, Thomas Frederickson, and Christine Louise Perry for egress and ingress purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 8 that states "maintenance of state-owned right-of-way other than public rights-of-way."

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 initial one-time payment.

REMARKS:

The Applicant's recently purchased tax map key: (2) 2-9-1:5 owned by Thomas Frederickson. Legal access for Parcel 5 is over Land Office Deed No. S-28093 issued to Lafayette and Beverly Young IV, etal. Mr. Frederickson has been unresponsive to our letters to complete the assignment of his interest in LOD No. S-28093 to John and Ritamarie Slover.

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 and their statements are listed below:

|                              |  |
|------------------------------|--|
| DHHL                         | Establish that there are no other feasible alternative for the Applicants. Easement has minimum impact on the State property and show whether the easement has a wider public benefit beyond serving the applicant only. [Slover easement is over existing LOD No. S-28093.] |
| Historic Preservation        | No response  |
| County of Maui, Planning     | No objections  |
| County of Maui, Public Works | No comments  |
| OHA                          | No comments  |

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to John and Ritamarie Slover covering the subject area for access and utility purposes 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 perpetual easement document form, as may be amended from time to time;
  - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 2-9-1:5, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;

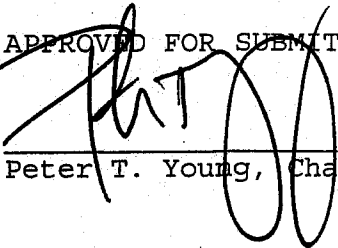
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki  
Assistant Administrator

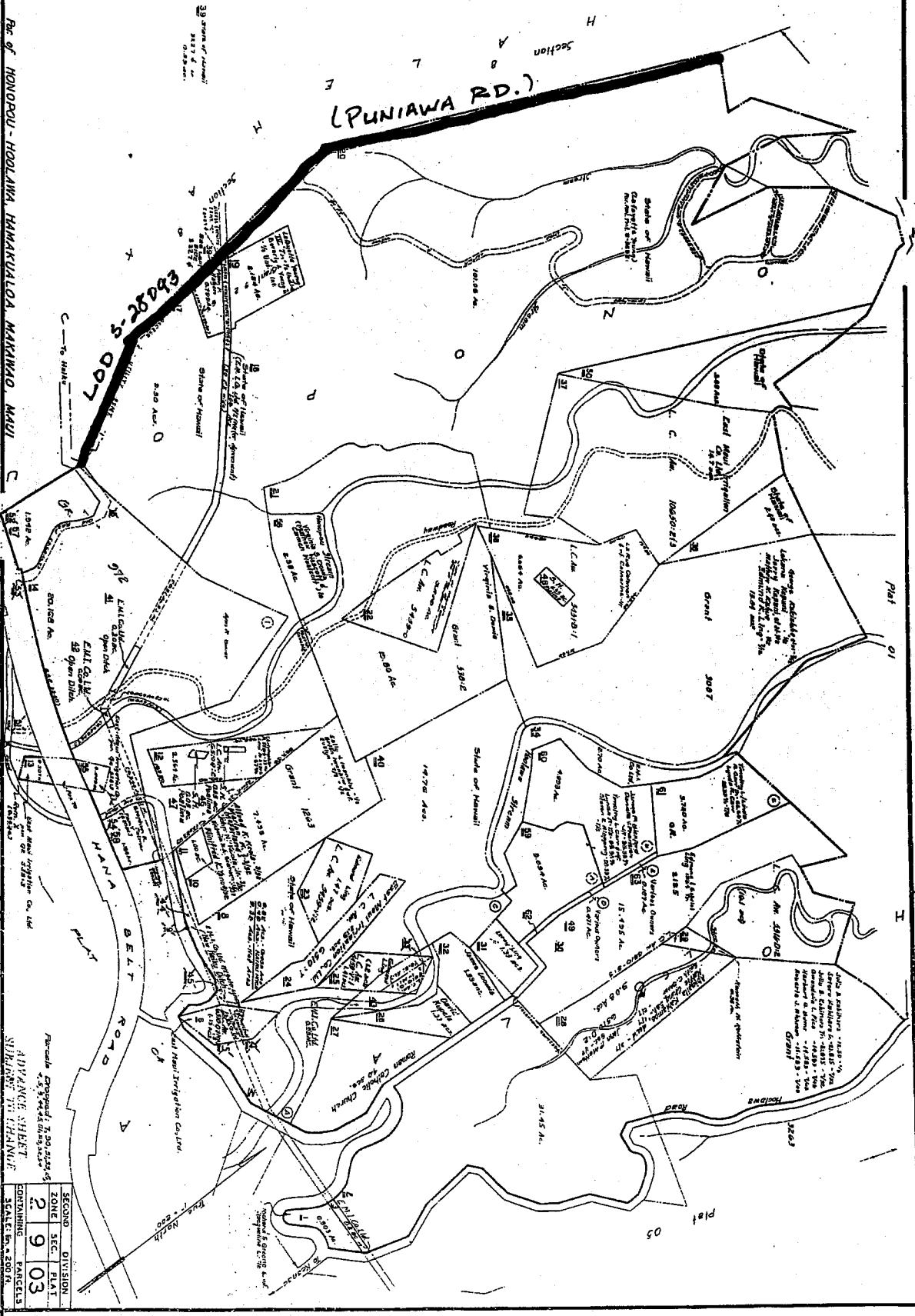
APPROVED FOR SUBMITTAL:



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Peter T. Young, Chairperson

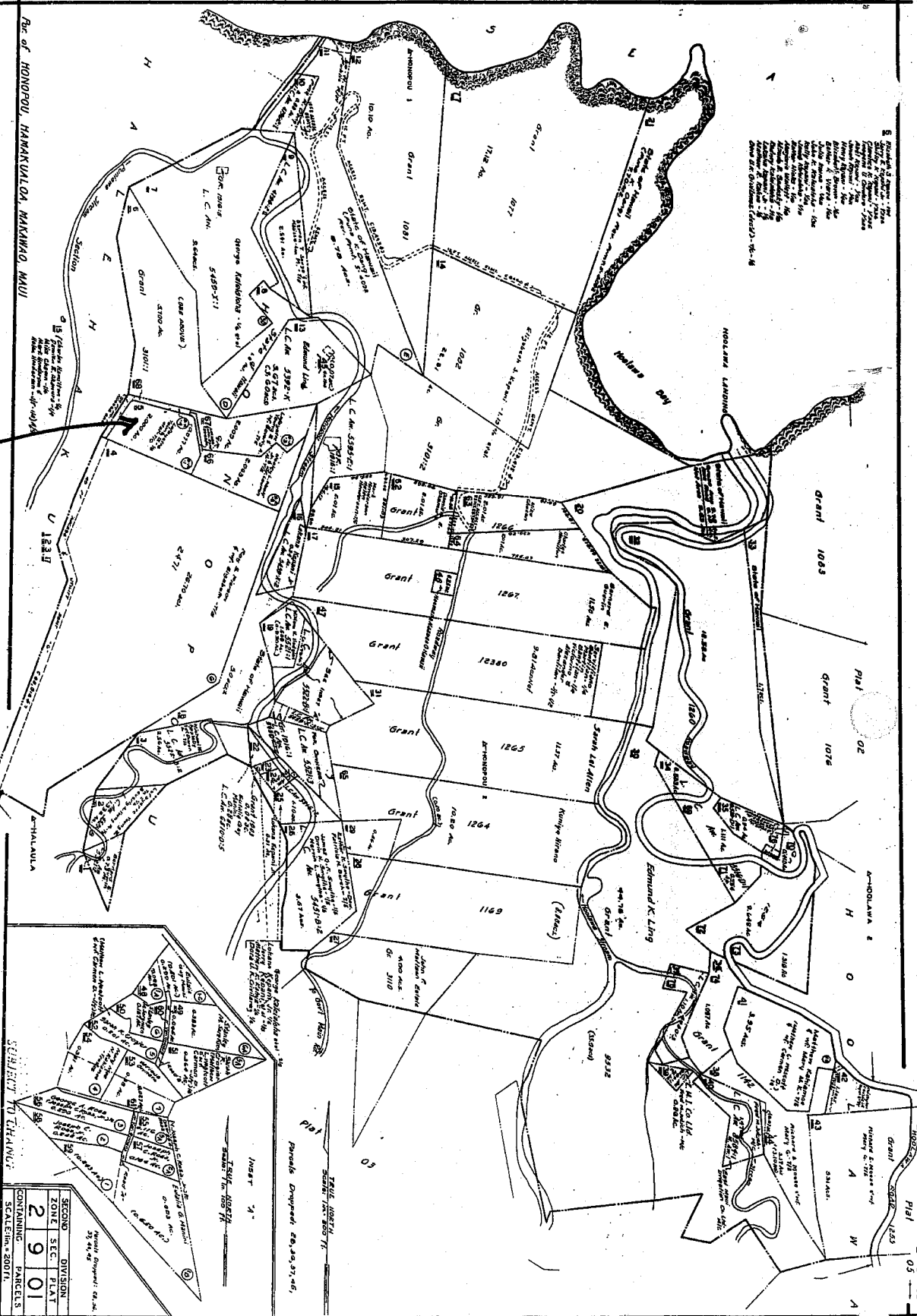
Dwg. No. 2127  
 Source: The Maps Bureau  
 By: H.N., Oct., 1932



Part of HONOLULU - HOOLAHA, HANAKUALOA, MAKIWA, MAUI

ADVANCE SHEET  
 SHEET 29 OF 33  
 SCALE: 1" = 200'

EXHIBIT A



Shover property

Puniana Road

|                    |          |
|--------------------|----------|
| SECOND             | DIVISION |
| ZONE SEC. PLAT     |          |
| 2901               |          |
| CONTAINING PARCELS |          |
| SCALE 1/2\"/>      |          |

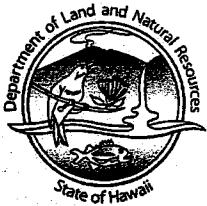
LINDA LINGLE  
GOVERNOR OF HAWAII



MAUI DISTRICT  
LAND DIVISION

205 APR -8 PM 2:11

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 4, 2005

10155(M)

**MEMORANDUM**

**TO:** Charlene E. Unoki, Assistant Administrator

**THROUGH:** Warren F. Wegesend, *WFW* Administrator

**FROM:** E. Mahoe Collins *EMC* Abstractor

**SUBJECT:** Kuleana Status of TMK: (2) 2-9-01: 05

We have been requested to determine the kuleana status of the original source of title to the subject tax map key parcel (2) 2-9-01: 05, identified on the map attached as being a portion of Royal Patent Grant No. 2471 to Keohokama.

An examination of the records filed in our office reveal that the subject property, situate, lying and being within the Government Land of Honopou, District of Hamakualoa, Island of Maui is a portion of the land purchased by Keohokama from the Hawaiian Government under said Royal Patent Grant 2471.

As recited in said Grant, dated February 19, 1858, the reservation of the rights of the native tenants encumbers the 33-62/100 acres, sold and granted to Keohokama.

We find that the subject property, being a portion of Royal Patent Grant 2471 to Keohokama bearing TMK: (2) 2-9-01:05, purchased and acquired subsequent to the law of December 10, 1845 and not "recognized as genuine by the land commission", is not a kuleana.

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

Enclosure

**EXHIBIT B**