

MEMORANDUM

FEBRUARY 8, 1994

TO: MANABU TAGOMORI

VIA: HIRAM YOUNG, GORDON AKITA

FROM: JANET SWIFT 

SUBJECT: CAMPBELL ESTATE LAND EXCHANGE

Neither Land Patent No. S-15,666 dated 25 October 1985 nor Exchange Deed and Agreement for Exchange Land Office Deed No. S-27568 dated 23 December 1985, have any clauses relating to reversing the swap. They do, however, reserve the mineral rights to the State of Hawaii. Rights of way and unrecorded tenant leases are also mentioned as encumbrances.

SOURCE:		LOC. & TITLE:				DIV.					
		Puna									
		Gov't Land-Kamaili-Kehena-Kihaia									
BY:		DATE		DEED, ETC.:		TMB NO.					
P.K.		8/25/52						1	2	10	1
NO.		GRANTOR, ETC.		AREA OF PARCEL		GRANTEE, ETC.					
				1930.00 ac.		Territory of Hawaii (Daniel Kamelamela, Sr.)-1e G.L.-#2893					
2		TMB #948'52 Cancellation G.L.-#2893		1930.00 ac.		Territory of Hawaii					
		dated: 7/15/52. Result: status 8/25/52									
3		TMB 8031'87 GS/bn 3/5/88									
		R/S: LP Gr S-15,666: State of Hawaii		do		James Campbell Trust Estate					
		Purp: Land Exchange for a Natural Area Reserve.				GR S-15,666					
		Date of Doc: 2/27/86									
		Spec Terms: Conveyance of Patentee to State covered under separate doc under Land									
		Office Deed No. S-27568									
		F/D: Owner (TK 1210-1, 2 & 3)									
NOTE: LAST AREA & GRANTEE FINAL DATA AS SHOWN ON TAX MAP											

TAX MAPS BRANCH HISTORY SHEET

DIV.

DATE:

Z S PLAT PAR

LOCATION: *Pine Forest Reserve.*

TITLE:

1 2 10 2

NO.	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
1.	As shown on tax maps	25,738.0Ac	State of Hawaii
2.	TMB M-415 & 427'81 wk 1/18/82		
	R/S: To 1210-3(New) 16,847.725Ac	8890.275Ac	do
	F/D: Area, bdry		
3.	TMB 8031'87 GS/bn 3/5/88		
	LP GR S-15,666: State of Hawaii	9,012 Ac.	James Campbell Trust Estate
	Purp: Land Exchange for a Natural Area Reserve.		GR S-15,666
	Date of Doc: 2/27/86		
	Spec Terms: Conveyance of Patentee to		
	State covered under separate document under		
	Land Office Deed No. S-27568		
	F/D: Area revised, bdry O K, Owner		

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE

FORM P-10 HISTORY SHEET

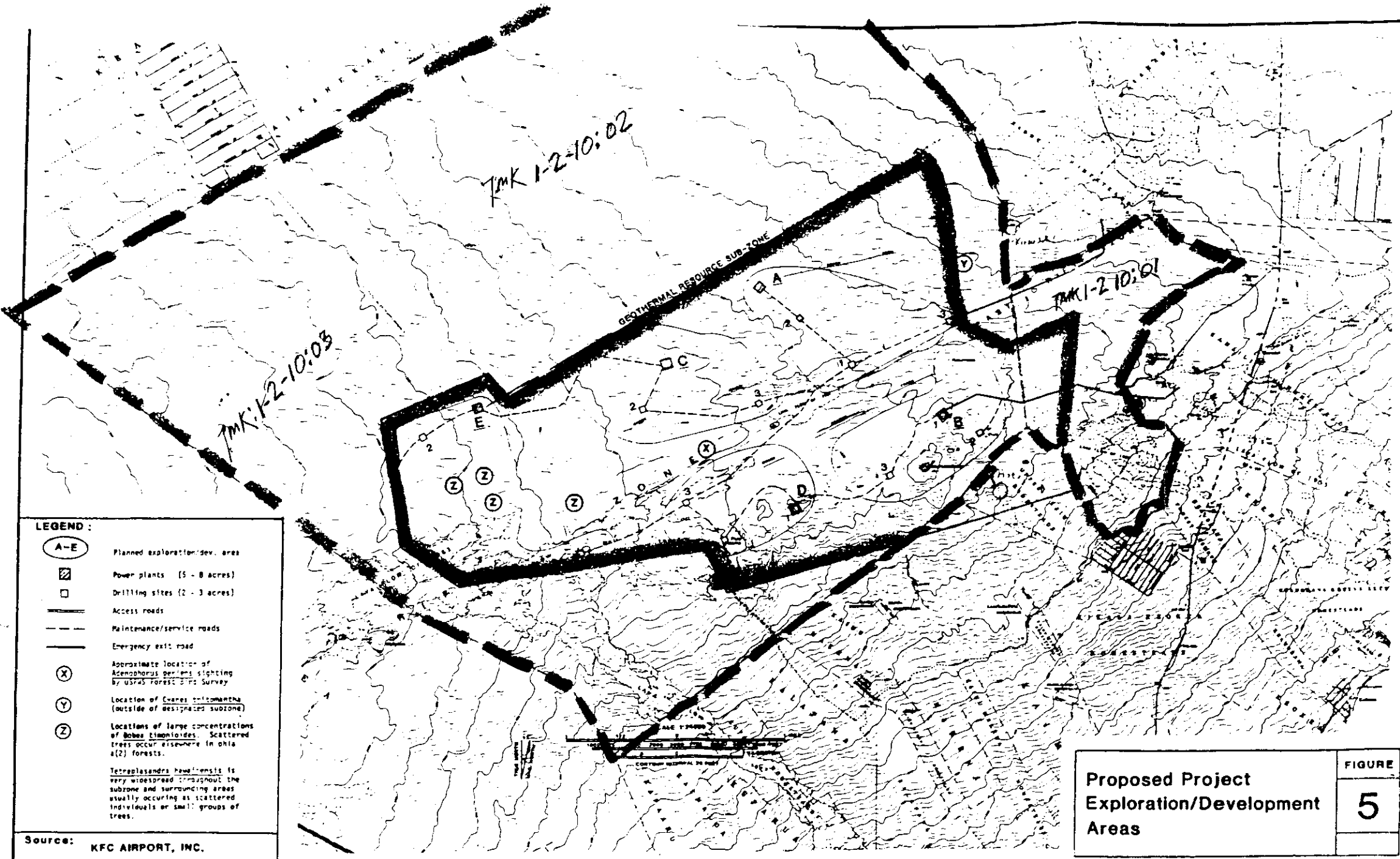
TAX MAPS BRANCH HISTORY SHEET

DIV.

DATE:	Z	S	PLAT	PAR
LOCATION: <i>Puna</i>	1	2	10	3
TITLE:				

NO.	GRANTOR, ETC.	AREA OF PARCEL	GRANTEE, ETC.
1.	TMB M-415 & 427'81 WK 1/18/81 R/S: From 1210-2(2) 16,847.725Ac Withdraw 16,847.725Ac from Puna Forest Reserve per E O 3096 dated 11/2/81. Set aside 16,843.891Ac under control of Dept Land & Natural Resources	16,843.891Ac	State of Hawaii (Dept of Land & Natural Resources Exec Ord 3103 "WAO KELE O PUNA NATURAL AREA RESERVE"
	: designated as "WAO KELE O PUNA NATURAL AREA RESERVE" per E O 3103 dated 11/16/81. 3.834Ac dropped into rd. F/D: New		
2.	TMB 8031'87 GS/bn 3/5/88 R/S: LP Gr S-15,666: State of Hawaii Purp: Land Exchange for a Natural Area Reserve. Date of Doc: 2/27/86 Spec Term: Conveyance of Patentee to State covered under separate document under Land Office Deed No. S-27568 F/D: Owner (TK 1210-1 etc)	do	James Campbell Trust Estate GR S-15,666

NOTE: INFORMATION ON THIS SHEET IS SUBJECT TO CHANGE



LEGEND:

- (A-E) Planned exploration/dev. area
- ▣ Power plants (5 - 8 acres)
- Drilling sites (2 - 3 acres)
- Access roads
- - - Maintenance/service roads
- Emergency exit road
- (X) Approximate location of *Acanoporus perkinsi* sighting by USFS Forest Site Survey
- (Y) Location of *Canes brizomantha* (outside of designated subzone)
- (Z) Locations of large concentrations of *Beech Elymoides*. Scattered trees occur elsewhere in this (Z) forests.

Tetraplasandra howlandensis is very widespread throughout the subzone and surrounding areas usually occurring as scattered individuals or small groups of trees.

Source: KFC AIRPORT, INC.

Proposed Project
Exploration/Development
Areas

FIGURE
5

Lands conveyed to Campbell estate in exchange for its Kahaulea land - 27,785 AC.

Kilauea Middle East Rife Geothermal Resources Subzone = Approx 9,014 Acres - ALSO AREA OF CDUA - HA-12/20/85-1830

6/25/90

MEMORANDUM

TO: MANABU TAGOMORI

FROM: JANET SWIFT

SUBJECT: DOCUMENTS RELATING TO TMK 1-2-10-1

This morning I looked up the documents S-15,666 (State of Hawaii Land Patent on Land Exchange) and S-27568 Exchange Deed and Agreement for Exchange.

The dates indicated on these documents are as follows:

S-15,666

Board of Land and Natural Resources Approval 10/25/85 and 12/20/85

Conveyance Tax Certificate Filed 7/8/87

C.S.F. No. 20,317 dated December 13, 1985

Signatures of Paty and Arata dated 2/27/87

Signature of Watson, Deputy A.G. dated 1/6/87

Survey Division Exhibits dated 12/13/85

Also, the document states that "This exchange of lands shall be subject to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of such disposition."

S-27568

Recorded at the Bureau of Conveyances 5/22/86

Indenture made and entered into 12/23/85

DLNR Seal affixed 12/23/85

Signatures in fiduciary for the Campbell Estate of Trotter, Cassidy and Cornuelle 12/19/85

Signature of Tam, Deputy A.G. dated 12/23/85

Signature of Hammet, Notary Public dated 5/18/86

Survey Division Exhibits dated 12/13/85

Also, this document states with regard to parcel C, the parcel in question, "EXCEPTING and RESERVING therefrom all existing trails within said parcel C." This document also states that "This exchange of lands shall be subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of such disposition."

Contested Court Hearing

letter

Exhibit 14
Policies

Florida 528 3496

6/22/90

① get notes + books of Campbell Property
from Land Management

② wording + map are inconsistent in 1986
"duly/ plans shall be ministerially approved"
D+O

CDUA N, HA-12/20/85-
1830

1986 D+O pg 4 para. 2 " No wells or power plants

shall be sited within 3500 feet of the eastern boundary
of the applicant's property line near Kaoko Homesteads
(see Appendix A)

CDUA pg 6 para 5. " ^{the KMER/GRS} ... TMK No. 1-2-10,

portions of Parcels 1 & 3 (Conservation District Subzone
code P), TMK No. 1-2-8, portions of Parcels

8, 12, 13, 16 & 17 (ag district) and TMK 1-2-8

Parcels 16 & 17 (ag district). The Applicant's

property is located entirely within the former

Wao Kele 'O Puna Natural Area Reserve, TMK

No. 1-2-10 Parcel 3.

BLNR: Kilauea MER

- 6 -

HA-1830

3. Landownership

The Estate of James Campbell claims the fee ownership of the property subject to the State of Hawaii's reservation of all mineral and metallic mines including all geothermal resources and the reservation of the rights of tenants as contained in the exchange deed with the State of Hawaii dated December 27, 1985.

4. Location

The land is located in the southern portion of the applicant's property at TMK 1-2-10:3 in the Kilauea Middle East Rift Geothermal Resource Subzone, Puna, Hawaii.

5. Description of Area

According to the Decision and Order issued by the BLNR on Dec. 20, 1985, the KMER/GRS contains approximately 9,014 acres, more or less. The KMER/GRS is located within TMK No. 1-2-10, portions of Parcels 1 & 3 (Conservation District Subzone code P), TMK No. 1-2-8, portions of Parcels 8, 12, 13, 16, & 17 (Agricultural District) and TMK 1-2-8 Parcels 16 & 17 (Agricultural District). The Applicant's property is located entirely within the former Wao Kele 'O Puna Natural Area Reserve, TMK No. 1-2-10 Parcel 3.

The KMER/GRS is bordered: on the west by Kahauale'a which is the subject of another Conservation District Use Permit (CDUA File No. HA-3/2/82-1463), granting the Applicant the right to explore for geothermal resources to produce electrical power; on the north by the former Puna Forest Reserve and a portion of the former Wao Kele 'O Puna Natural Area Reserve; on the east by adjoining agricultural parcels containing scattered residences from which there is a 2,500 feet setback from the property line of the Kaohe Homesteads; on the southeast by state-owned property and a part of the upper Kaimu Homesteads; and on the south by part of the upper Kaimu Homesteads, the Kaimu-Makena Homesteads, Kauka Homesteads, Kihale-Keonea Homesteads and the Kupahua Homesteads.