October 28, 2020

Suzanne D. Case, Chairperson
c/o Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Chair Case and Board Members:

Subject: Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Honoapiilani Highway Realignment, Phase 1A, Project No. NH-030-1(35), at Lahaina, Maui, State of Hawaii, Tax Map Key Nos. (2) 4-5-15: 008 and (2) 4-5-15: 010.

MAUI

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT).

LEGAL REFERENCE:

Sections 107-10, 171-30, and Chapter 264, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of land relating to Honoapiilani Highway Realignment, Phase 1A, Project No. NH-030-1(35), at Lahaina, Maui, State of Hawaii, as shown and described on the enclosed maps labeled collectively as Exhibit A.

ZONING:

Tax Map Key No. (2) 4-5-15: 008 Agricultural
Tax Map Key No. (2) 4-5-15: 010 Agricultural

ITEM M-16
OWNERSHIP:

Tax Map Key No. (2) 4-5-15: 008        Kahoma Land, LLC, et al.
Tax Map Key No. (2) 4-5-15: 010        Kahoma Land, LLC, et al.

COMPENSATION:

The parcels’ fair market value will be determined by an independent appraiser (contracted for by the State of Hawaii) or a staff appraiser. Compensation to the landowners may exceed the appraisal to the extent allowed by §171-30 (e), Hawaii Revised Statutes.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

A Chapter 343, Hawaii Revised Statutes Final Environmental Assessment and Finding of No Significant Impact for the proposed action was published by the State of Hawaii, Office of Environmental Quality Control on December 23, 2015.

REMARKS:

The project responds to a number of regional and local conditions affecting long-term transportation and land use planning in this region, such as shoreline erosion and coastal hazards, projected future increase of congestion within the project corridor, and overall long-range transportation planning. Overall, the primary purpose is to provide benefits towards preservation of the State highway system for coastal hazards while also providing enhanced capacity between Central Maui and West Maui.

The DOT completed the construction of Honoapiilani Highway Realignment, Phase 1A, Federal Aid Project No. NH-030-1(35) on March 14, 2013 and is formally closing out the project. As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain Board approval for all acquisitions in accordance with §171-30, Hawaii Revised Statutes.
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RECOMMENDATION:

That the Board:

A. Authorize the acquisition of the subject lands subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.

B. Authorize the acquisition even in the event of a change in the ownership or tax map key number of those lands described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,

[Signature]

JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:

[Signature]

SUZANNE D. CASE, Chairperson

Enclosure
Suzanne D. Case, Chairperson
c/o Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Chair Case and Board members:

Subject: Request for: (1) Acquisition of Lands and Restrictions of Access to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kaumualii, Highway Widening, Lihue to Maluhia Road, Phase 1 Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), at Lihue, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 3-4-007: 008, (4) 3-4-007: 009, (4) 3-4-007: Portion of 003, (4) 3-3-004: Portion of 020, (4) 3-3-004: Portion of Nani Street, (4) 3-3-011: Portion of 005, (4) 3-3-011: Portion of 006, (4) 3-3-011: Portion of 007, (4) 3-3-011: Portion of 008, (4) 3-3-004: Portion of 019, and (4) 3-3-006: Portion of 019; and (2) Grant of Perpetual, Non-Exclusive Easements to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kaumualii, Highway Widening, Lihue to Maluhia Road, Phase 1 Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), at Lihue, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 3-4-7: Portions of 003, (4) 3-3-004: Portion of 020, (4) 3-3-003: Portion of 043, (4) 3-3-006: Portions of 019, (4) 3-4-007: Portion of 002, (4) 3-3-006: Portion of 015, and (4) 3-3-003: Portion of Nuhou Street.

OAHU

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT).

LEGAL REFERENCE:

Sections 107-10, 171-30, and Chapter 264, Hawaii Revised Statutes, as amended.
LOCATION:

Lands and portion of lands relating to Kaumualii Highway Widening, Lihue to Maluhia Road, Phase 1 Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), at Lihue, Island of Kauai, State of Hawaii, as shown and described on the enclosed maps labeled as Exhibit A.

AREA:

Parcels:

Parcels: Parcel 10 = 140,274 square feet or 3.220 acres (Together with Abutter’s Rights of Access) Parcel 11 = 120,265 square feet or 2.761 acres (Together with Abutter’s Rights of Access) (Also together with Abutter’s Rights of Access) Parcel 13 = 17,164 square feet (Together with Abutter’s Rights of Access) (Also together with Abutter’s Rights of Access) Parcel 14 = 4,301 square feet (Together with Abutter’s Rights of Access)

Tax Map Key Nos.: (4) 3-4-007: 008 (4) 3-4-007: 009 (4) 3-4-007: 003 (4) 3-3-004: 020 (4) 3-3-004: 019 (4) 3-4-007: 002 (4) 3-3-006: 015 (4) 3-3-006: 019 (4) 3-3-003: Nani Street (4) 3-3-003: Nuhou Street

Easements:

Easement 9 = 1,059 square feet (For Drainage Purposes) Easement 11 = 8,027 square feet (For Slope Purposes) Easement 14 = 2,400 square feet (For Drainage Purposes) Easement 15 = 2,901 square feet (For Drainage Purposes) Easement 20 = 1,268 square feet (For Slope Purposes) Easement 30 = 2,941 square feet (For Drainage Purposes) Easement 33 = 9,486 square feet (For Slope Purposes) Easement 34 = 7,396 square feet (For Slope Purposes) Easement 39 = 7,073 square feet (For Traffic Signal Purposes)
Item M, Acquisition of Lands, Restrictions of Access and Grant of Easements
Suzanne D. Case, Chairperson
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Boundaries:
Boundary 4 = 685.17 feet  (4) 3-3-011: 005
Boundary 5 (Rev. 1) = 66.00 feet  (4) 3-3-011: 006
Boundary 6 (Rev. 1) = 136.42 feet  (4) 3-3-011: 007
Boundary 7 (Rev. 1) = 118.98 feet  (4) 3-3-011: 008
Boundary 8 (Rev. 1) = 231.85 feet  (4) 3-3-004: 019
Boundary 15 (Rev. 1) = 20.00 feet  (4) 3-3-006: 019

ZONING:
Tax Map Key No. (4) 3-4-007: 008 Agricultural
Tax Map Key No. (4) 3-4-007: 009 Agricultural
Tax Map Key No. (4) 3-4-007: 003 Agricultural
Tax Map Key No. (4) 3-3-004: 020 Open
Tax Map Key No. (4) 3-3-004: Nani Street Open
Tax Map Key No. (4) 3-3-003: 043 Commercial
Tax Map Key No. (4) 3-3-006: 019 Commercial
Tax Map Key No. (4) 3-4-007: 002 Agricultural
Tax Map Key No. (4) 3-3-006: 015 Commercial
Tax Map Key No. (4) 3-3-003: Nuhou Street Commercial
Tax Map Key No. (4) 3-3-011: 005 Commercial
Tax Map Key No. (4) 3-3-011: 006 Commercial
Tax Map Key No. (4) 3-3-011: 007 Commercial
Tax Map Key No. (4) 3-3-011: 008 Commercial
Tax Map Key No. (4) 3-3-004: 019 Commercial

CURRENT USE STATUS:

Highway and maintenance purposes.

Current ownership is as follows:

Parcels: Tax Map Key Nos.:
Parcel 10   (4) 3-4-007: 008
Parcel 11   (4) 3-4-007: 009
Also together with Abutter’s Rights of Access (4) 3-4-007: 003
Fee owner = University of Hawaii

Parcel 13   (4) 3-3-004: 020
Parcel 14   (4) 3-3-004: Nani Street
Fee owner = County of Kauai
Item M- \( \sqrt{1} \), Acquisition of Lands, Restrictions of Access and Grant of Easements
Suzanne D. Case, Chairperson
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Easements:
Easement 9 and 14  (4) 3-4-007: 003
Easement 30  (4) 3-4-007: 002
Fee owner = University of Hawaii

Easement 11  (4) 3-3-004: 020
Easement 15  (4) 3-3-003: 043
Fee owner = County of Kauai

Easement 20  (4) 3-3-006: 019
Easement 33  (4) 3-3-006: 015
Easement 34  (4) 3-3-006: 019
Fee owner = Kukui Grove Center Investment Group, Inc.

Easement 39  (4) 3-3-003: Nuhou Street
Fee owner = Grove Farm Properties, Inc.

Boundaries:
Boundary 4  (4) 3-3-011: 005
Fee owner = Grove Farm Properties, Inc.

Boundary 5 (Rev. 1)  (4) 3-3-011: 006
Boundary 6 (Rev. 1)  (4) 3-3-011: 007
Boundary 7 (Rev. 1)  (4) 3-3-011: 008
Boundary 8 (Rev. 1)  (4) 3-3-004: 019
Fee owner = Grove Farm Company, Inc.

Boundary 15 (Rev. 1)  (4) 3-3-006: 019
Fee owner = Kukui Grove Center Investment Group, Inc.

COMPENSATION:

The compensation for Parcels 10, 11, Easements 9, 14, 20, 23, 30, 34, Boundaries 4, 5 (Rev. 1), 6 (Rev. 1), 7 (Rev. 1), 8 (Rev. 1) and 15 (Rev. 1) were determined by an appraisal report prepared by an independent appraiser. The compensation for Easement 39 was determined by a compensation estimate prepared by our in-house staff appraiser. Parcels 13, 14, Easements 11 and 15 were gratis and compensation is not required. Compensation to landowners may exceed the appraisal to the extent allowed by §171-30 (e), Hawaii Revised Statutes.
CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

A Chapter 343, Hawaii Revised Statutes Final Environmental Assessment and Finding of No Significant Impact for the proposed action was published by the State of Hawaii, Office of Environmental Quality Control on August 23, 2000.

REMARKS:

The Department of Transportation (DOT) completed the construction of Kaumualii, Highway Widening, Lihue to Maluhia Road, Phase 1 Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), but did not finalize all of its land, restriction of access, and easement acquisitions for the project. As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain Board approval for all acquisitions in accordance with §171-30, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board:

A. Authorize the acquisition of the subject lands and restrictions of access subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.

B. Authorize the acquisition of the subject perpetual, non-exclusive easements subject to an appropriate perpetual easement form, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.

C. Authorize the acquisition even in the event of a change in the ownership of those parcels, easements, and boundaries described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,

JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:

SUZANNE D. CASE, Chairperson
Enclosure
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HONOLULU, HAWAII

RIGHT OF WAY MAP FOR
KAUMUALII HIGHWAY WIDENING
LIHUE TO WEST OF MALUHIA ROAD
PHASE 1 LIHUE TO WEST OF KIPU ROAD
FEDERAL AID PROJECT NO. STP-050-1(26)
DISTRICT OF LIHUE
ISLAND OF KAUAI

PROJECT LOCATION
PROJECT NO. STP-050-1(26)

SCALE IN MILES

LIHUE TO WEST OF KIPU ROAD
PROJECT LOCATION

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII
APPROVED
LIHUE, APRIL 17, 2006

SHEET NO. 1 OF 9 SHEETS
P.I. 969