October 26, 2020

TO: SUZANNE D. CASE, CHAIRPERSON  
   DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: JADE T. BUTAY  
   DIRECTOR OF TRANSPORTATION

SUBJECT: 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, KAUA'I, HAWAII  
   APPROVAL FOR THE ACQUISITION OF LANDS,  
   RESTRICTIONS OF ACCESS AND GRANT OF EASEMENTS

Enclosed for your approval is the Land Board submittal for the subject project. Please place the submittal on your next Land Board agenda and inform Mr. Jaime Yamashiro, of our Highways Division, Right-of-Way Branch, Land Acquisition Section at (808) 692-7336 or jaime.k.yamashiro@hawaii.gov

Enclosure
October 26, 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 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 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.

Item M-_____
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:

<table>
<thead>
<tr>
<th>Parcels:</th>
<th>Tax Map Key Nos.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 10 = 140,274 square feet or 3.220 acres</td>
<td>(4) 3-4-007: 008</td>
</tr>
<tr>
<td>(Together with Abutter’s Rights of Access)</td>
<td></td>
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<tr>
<td>Parcel 11 = 120,265 square feet or 2.761 acres</td>
<td>(4) 3-4-007: 009</td>
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<tr>
<td>(Together with Abutter’s Rights of Access)</td>
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</tr>
<tr>
<td>(Also together with Abutter’s Rights of Access)</td>
<td>(4) 3-4-007: 003</td>
</tr>
<tr>
<td>Parcel 13 = 17,164 square feet</td>
<td>(4) 3-3-004: 020</td>
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<tr>
<td>(Together with Abutter’s Rights of Access)</td>
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</tr>
<tr>
<td>(Also together with Abutter’s Rights of Access)</td>
<td></td>
</tr>
<tr>
<td>Parcel 14 = 4,301 square feet</td>
<td>(4) 3-3-004: Nani Street</td>
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<tr>
<td>(Together with Abutter’s Rights of Access)</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Easements:</th>
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<tbody>
<tr>
<td>Easement 9 = 1,059 square feet</td>
<td>(4) 3-4-007: 003</td>
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<tr>
<td>(For Drainage Purposes)</td>
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<tr>
<td>Easement 11 = 8,027 square feet</td>
<td>(4) 3-3-004: 020</td>
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<tr>
<td>(For Slope Purposes)</td>
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<tr>
<td>Easement 14 = 2,400 square feet</td>
<td>(4) 3-4-007: 003</td>
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<tr>
<td>(For Drainage Purposes)</td>
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<tr>
<td>Easement 15 = 2,901 square feet</td>
<td>(4) 3-3-003: 043</td>
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<tr>
<td>(For Drainage Purposes)</td>
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<tr>
<td>Easement 20 = 1,268 square feet</td>
<td>(4) 3-3-006: 019</td>
</tr>
<tr>
<td>(For Slope Purposes)</td>
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<tr>
<td>Easement 30 = 2,941 square feet</td>
<td>(4) 3-4-007: 002</td>
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<tr>
<td>(For Drainage Purposes)</td>
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<tr>
<td>Easement 33 = 9,486 square feet</td>
<td>(4) 3-3-006: 015</td>
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<tr>
<td>(For Slope Purposes)</td>
<td></td>
</tr>
<tr>
<td>Easement 34 = 7,396 square feet</td>
<td>(4) 3-3-006: 019</td>
</tr>
<tr>
<td>(For Slope Purposes)</td>
<td></td>
</tr>
<tr>
<td>Easement 39 = 7,073 square feet</td>
<td>(4) 3-3-003: Nuhou Street</td>
</tr>
<tr>
<td>(For Traffic Signal Purposes)</td>
<td></td>
</tr>
</tbody>
</table>
Boundaries:
Boundary 4 = 685.17 feet
Boundary 5 (Rev.1) = 66.00 feet
Boundary 6 (Rev.1) = 136.42 feet
Boundary 7 (Rev.1) = 118.98 feet
Boundary 8 (Rev.1) = 231.85 feet
Boundary 15 (Rev.1) = 20.00 feet

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
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)

LAYOUT PLAN

SCALE IN FEET

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII
APPROVED
MAY 16, 2006

SHEET NO. 1 OF 2 SHEETS