

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

January 8, 2021

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

PSF No.: 04MD-109

Maui

Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Public Lands; Kamaole, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-9-004:149.

REQUEST:

Authorize the issuance of a Request for Qualifications / Request for Proposals (RFQ/RFP) to select a potential lessee of public lands at Kamaole, Wailuku, Maui, Hawaii.

APPLICANT:

Department of Land and Natural Resources (Department or DLNR), Land Division.

LEGAL REFERENCE:

Sections 171-16, 17, 18, 19, 35, 36, 41, 59, and other applicable sections of Chapter 171, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kamaole, Wailuku, Maui, Hawaii, identified by Tax Map Key: (2) 3-9-004:149, as shown on the attached maps labeled Exhibits A-1 and A-2.

AREA:

0.694 acre, more or less.

ZONING:

State Land Use District: Urban

County of Maui: PK Park

The parcel is also located within the Special Management Area and tsunami inundation zone.<sup>1</sup>

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Under Revocable Permit No. S-7780 to Ruby and Sons Hospitality LLC for parking lot purposes.

PROPERTY CHARACTERISTICS:

Legal access to property – Staff has verified that there is legal access to the property from South Kihei Road.

Encumbrances – Staff has verified that the following encumbrances exist on the property: Revocable permit No. S-7789 to Ruby & Sons Hospitality, LLC for parking lot purposes.

STATUTORY AUTHORITY:

HRS §171-59(a) provides that a lease of public land may be disposed of through negotiation upon a finding by the Board of Land and Natural Resources (Board) that the public interest demands it and provides a process under which the Board may select the lessee.

The process requires that public notice of the disposition be given, that applications be solicited from prospective lessees, and that the Board evaluate the applications according to criteria established by the Board and determine which applicants meet the criteria. If only one applicant meets the criteria, the Board may dispose of the lease by negotiation. If two or more applicants meet the criteria, the Board shall select the lessee who submits the highest offer contained in a sealed bid deposited with the Board.

Relevant excerpts of HRS §171-59(a) are attached as Exhibit B.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

---

<sup>1</sup> Zoning for this parcel has changed significantly since the adjoining hotel was constructed in 1973. Initially, it was zoned H-M Hotel District under the Kihei General Plan. In July, 1985, the Kihei Community Plan was adopted and downzoned this parcel to Single Family Residential. On November 13, 2019, the Maui County Council adopted the Digital Zoning Map which rezoned this parcel to PK Park.

In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," and Item 40 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing." The Exemption Notification is attached as Exhibit D.

BACKGROUND:

The subject property has been under revocable permit (RP S-7780) since September 1, 2011. Prior to the issuance of RP S-7780, the subject property was under RP S-7235 issued to the same tenant from December 1, 2000. Initially, the permit was issued to Western Apartment Supply & Maintenance (Western), a California corporation. On May 24, 2012 United States Bankruptcy Court, District of Hawaii, Judge Robert J. Faris issued an order granting Trustee's Motion for Order Authorizing the Sale of Hotel Assets, Free and Clear of Liens and Encumbrances and Assignment of DLNR Revocable Permit for Parking Lot Area, Free and Clear of Liens and Encumbrances and Assumption and Assignment of Settlement Agreement Relating to Parking Lot Area. The Court approved the sale of subject property and adjacent Days Inn Maui Oceanfront Hotel under General Lease No. S-4212 (GL S-4212) to Ruby & Sons Hospitality, LLC (Ruby & Sons).

Act 219 Session Laws of Hawaii 2011 (Act 219) gave the Board the authority to extend the term hotel and resort leases in cases where the lessee was willing to make substantial improvements to the lease premises. Pursuant to Act 219, Ruby & Sons applied for a lease extension based on substantial improvements to be undertaken, and the Board approved the lease extension at its meeting of December 11, 2015, Item D-8. A detailed development agreement for the improvements was approved by the Board at its meeting of November 10, 2016, Item D-5. The subject property (RP S-7780) provides parking required by Ruby & Sons at the GL S-4212 premises to comply with Maui County zoning regulations in addition to providing and maintaining a portion of stalls for public beach access parking.

REMARKS:

Prior to declaring bankruptcy, Western entered into a settlement agreement with the Planning Department, County of Maui (County) on November 25, 2005. This agreement stipulated conditions that Western must meet in order to use the subject parcel for additional off-site parking for hotel and restaurant guests. In 2018, Ruby & Sons and the County agreed to amend the settlement agreement. The conditions described below are required of Ruby and Sons or any potential lessee of the subject parcel for parking lot purposes. Items 8, 10, and 11 reflect the amendments agreed to by Ruby & Sons and the County.

1. Prepare and file with the County of Maui an Environmental Assessment pursuant to HRS Chapter 343 for the projects as a whole on Parcels 29 and 149 and complete, as appropriate the environmental process intended by Chapter 343.
2. Prepare and file with the County of Maui an application for a Conditional Use Permit allowing commercial parking on Parcel 149 for the required off-site parking for the Maui Oceanfront Inn, Sarento's on the Beach Restaurant and any other commercial uses on Parcels 29 and/or 149, pursuant to Chapter 19.40 of the Maui County Code and use their best efforts to obtain the approval of the Maui County Council for the Conditional Use Permit.
3. Apply to the Planning Department for Planning Director approval of the use of Parcel 149 for off-site parking for the Maui Oceanfront Inn, Sarento's on the Beach Restaurant and other commercial uses of Parcel 29 pursuant to Chapter 19.36A of the Maui County Code. The Parties agree to use their best efforts to obtain the approval of the Planning Director for the off-site parking as provided herein. (Amended)
4. Prepare a Traffic Impact Assessment Report to accompany the aforementioned applications and/or filings.
5. Apply for concurrently and to use their best efforts to obtain SMA permit(s) for the applicable variances and process further the application for an after-the-fact SMA permit for Parcel 149 in accordance with Chapter 205A and the regulations promulgated thereto.
6. Apply for and use their best efforts to obtain a Shoreline Setback Variance.
7. Apply for and use their best efforts to obtain a Shoreline certification.
8. Any lease of Parcel 149 from the State of Hawaii by Ruby & Sons shall be for vehicular parking purposes, providing at least 51 parking stalls for public beach access parking to be available for such purposes twenty-four hours per day and at least 34 stalls for commercial, offsite parking for the Maui Oceanfront Inn and Sarento's, both located on Parcel 29. (Amended)
9. Western agrees to post and maintain appropriate signs at the entry of Parcel 149 from South Kihei Road and within the property notifying the public of its right to park on Parcel 149 for public beach access parking.
10. In the event the County provides substantial additional public beach access parking on the parcel adjoining Parcel 149 to the north, then Ruby & Sons and Sarento's may request that the county of Maui and Hall and Kuloloio agree in their discretion to further amend this Settlement Agreement to increase the parking stalls allocated for use by Maui Oceanfront Inn and Sarento's on Parcel 149 by up to 8 additional stalls



and to reduce public beach access parking on Parcel 149 by an equal number of stalls. Any addition of stalls for Maui Ocean Inn and Sarento's on Parcel 149 or deletion of public beach access stalls shall take place in a manner that configures the beach access stalls so that they abut one another. The County of Maui and Hall and Kuloloio agree to take into consideration the substantiality of the increase in public beach parking stalls made available on the parcel adjoining Parcel 149 in exercising their discretion regarding this request. (Amended/New)

11. The parking lot on Parcel 149 shall not be paved with impervious materials. Ruby & Sons shall be responsible for clearly marking with signage those at least 34 contiguous parking stalls located on Parcel 149 dedicated for use by the hotel and restaurant located on Parcel 29, including by their employees. Ruby & Sons shall also be responsible for clearly marking with signage those at least 51 parking stalls located on Parcel 149 dedicated for use by the public for public beach access purposes twenty-four hours per day and for maintaining the signage for the public beach access stalls after installation by Ruby & Sons. Such signage shall include a sign at the entrance of Parcel 149 visually depicting which stalls are dedicated for public beach access parking and which stalls are dedicated for use by the hotel and restaurant. Hall and Kuloloio shall approve of all parking signage prior to installation.

Ruby & Sons and Sarento's shall be responsible to prevent the guests, employees, invitees and agents of the Maui Oceanfront Inn and Sarento's from using the at least 51 parking stalls dedicated for use by the public for public beach access purposes for any period of time between 6 a.m. and 9 p.m., the at least 51 stalls dedicated for use by the public for public beach access purposes twenty-four hours per day and shall be responsible for assuring that these stalls are used for public beach access and not for any other purpose. Nothing herein prevents the County of Maui or Hall and Kuloloio or any member of the public from requesting that any vehicle improperly parked in the public beach access parking stalls be towed away, at the vehicle owner's expense, through the Maui Police Department or by a licensed towing company or requesting any other remedy allowed by law.

Ruby & Sons shall be responsible for assuring that the at least 34 stalls designated for use by the hotel and restaurant are not used for any other purpose and for maintaining the signage for such stalls. (Amended/New)

To date, Ruby and Sons have taken the following actions to satisfy the terms of the settlement with Maui County. Ruby and Sons applied for and obtained a Conditional Use Permit from the Maui County Council with the support of the Maui County Planning Department satisfying items 2 and 3. Ruby and Sons also posted required signage and marked parking stalls for public use of the gravel paved parking lot satisfying items 8, 9, and 11.

REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSALS (RFQ/RFP):

HRS §171-59(a) provides that a lease of public land may be disposed of through negotiation (rather than by public auction) upon a finding by the Board that the public interest demands it. HRS §171-59(a) also provides a process under which the Board may select the lessee, which entails the public solicitation of applications/proposals from prospective lessees and allows the Board to select the lessee based on its evaluation of the applications/proposals.

Due to the extensive restrictive conditions placed on the subject property by the settlement agreement, as amended, staff believes a lease for the property should be issued by direct negotiation with a lessee selected via a public RFQ/RFP rather than via the public auction process. The RFQ/RFP process will allow the Board to evaluate prospective lessees based on a variety of factors, such as the applicant's qualifications (e.g., experience, expertise, and financial capacity), and its ability to use the property subject to the restrictive conditions of the settlement agreement, as amended (e.g., the feasibility of the applicant's operation plan and the proposed benefits to the State), whereas the public auction process would award the lease based solely on the highest lease rent bid at the auction.

The proposed RFQ/RFP process is in accordance with HRS §171-59. The RFQ phase of the RFQ/RFP process provides for the Chairperson to establish criteria for selection of the lessee and determine which applicants meet the criteria as required under HRS §171-59. If there is more than one applicant that meets the RFQ criteria, the RFP phase provides for the qualified applicants to submit proposals, and the Board will select the highest offer (i.e., the best proposal).

Staff is requesting the Board authorize the Chairperson to issue the RFQ/RFP, establish the evaluation criteria, evaluate the qualifications of the applicants, solicit proposals from the qualified applicants (if there is more than one qualified applicant), evaluate the proposals, select the best proposal, and present the proposal to the Board for approval at a meeting open to the public. Upon the Board's approval of the selected applicant, the DLNR will enter negotiations with the selected applicant of a development agreement and proposed lease. The development agreement and lease will be submitted to the Board for approval at a meeting open to the public.

The following is a brief summary of proposed evaluation criteria for both the RFQ and RFP stages, for an outline of the process see Exhibit C:

Request for Qualifications (RFQ). Staff anticipates the applicants will be evaluated based on criteria that include, at a minimum, the following:

- Experience and Expertise. The applicant shall possess the appropriate experience and expertise in successfully planning, designing, permitting, developing, financing, constructing, managing and operating projects

comparable (in size, complexity, scope and services) to the operation of the parking lot on the subject property subject to the restrictive conditions set forth in the settlement agreement, as amended.

- Financial Capacity. The applicant shall possess the financial resources and the proven ability to arrange debt and equity financing for projects comparable to the operation of the parking lot on the subject property subject to the restrictive conditions set forth in the settlement agreement, as amended.

Request for Proposals (RFP). Staff anticipates the proposals of the qualified applicants will be evaluated based on criteria that include, at a minimum, the following:

- Community Benefits. Any additional benefits arising from and unique to applicant's proposal that will benefit the community of South Kihei Road, Kihei, and Maui.
- Financial Plan. The applicant's ability to fund/finance the applicant's proposed renovations and proposed operations.
- Proposed Development Agreement and Lease:

DLNR will negotiate a development agreement with the selected applicant. Staff anticipates the development agreement will include various obligations that must be satisfied by the selected applicant (obtaining all necessary permits, etc.), and that upon satisfaction of all such terms and conditions, the Board will issue a 35 year ground lease to the selected applicant to allow the property to be used as a parking lot for the adjacent hotel and for public parking as mandated in the settlement agreement.

The development agreement may also address issues such as the selected applicant's obligations to construct or bond improvements and provisions that address the determination of the lease rent to be paid under the lease.

Staff circulated a draft of this submittal to the state, and County of Maui (COM) agencies listed in the table below with the results indicated:

<b>Agency</b>	<b>Comment</b>
DLNR-Engineering	No Response by Deadline
DLNR-Office of Conservation and Coastal Lands	No Response by Deadline
Office of Hawaiian Affairs	No Response by Deadline
COM-Planning Department	No Response by Deadline
COM-Department of Public Works	No Comments
COM-Department of Water Supply	See Exhibit D

Agency	Comment
COM-Fire Department	No Response by Deadline
COM-Department of Environmental Management	No Response by Deadline

On November 9, 2020, the County of Maui, Department of Water Supply (DWS) submitted comments requiring the submission of an Application for Water Service in order to install a new water meter to service the subject parcel. See **Exhibit E**. Staff discussed DWS' comments with Ruby & Sons' counsel who explained that the hotel has been supplying water to the subject parcel through its own water meter to provide public shower facilities at its own expense for over 20 years. Ruby & Sons expressed that its preference is to continue providing this public service at their expense from the existing meter on the hotel parcel. On November 10, 2020 Staff sent DWS an email explaining the situation and Ruby & Sons' desire to continue to provide public showers through the existing meter on the hotel property. To date, staff have not received a response from DWS. However, if there is a legal requirement that a separate water meter be installed on the subject property, staff will ensure that the requirement is included in the RFQ/RFP.

The proposed use has continued since 2000 and will continue. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

**RECOMMENDATION:** That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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. Find that the public interest demands that a lease of the subject property be disposed of through negotiation pursuant to §171-59(a), HRS, as amended.
3. Delegate the authority to the Chairperson to (i) issue a request for qualifications / request for proposals consistent with HRS §171-59(a) for the selection of the lessee; (ii) establish the criteria for evaluating and selecting the lessee; (iii) accept and evaluate the applications submitted by prospective lessees; and (iv) make a preliminary determination and recommendation to the Board of the best applicant.
4. Authorize the Chairperson to modify the RFQ/RFP process or requirements if in the best interest of the State and consistent with HRS §171-59.

Respectfully Submitted,

*Luke Sarvis*

---

Luke J. Sarvis  
Project Development Specialist

APPROVED FOR SUBMITTAL:

*Suzanne D. Case*

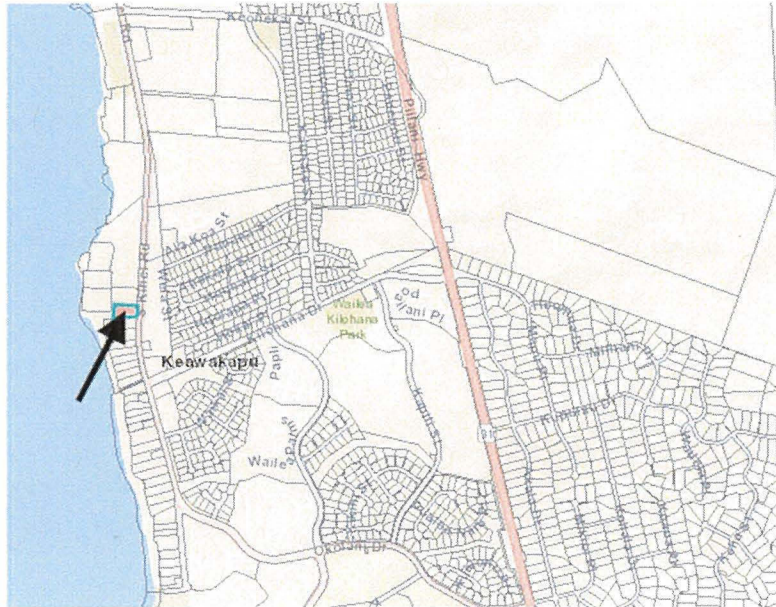
*RT*

---

Suzanne D. Case, Chairperson



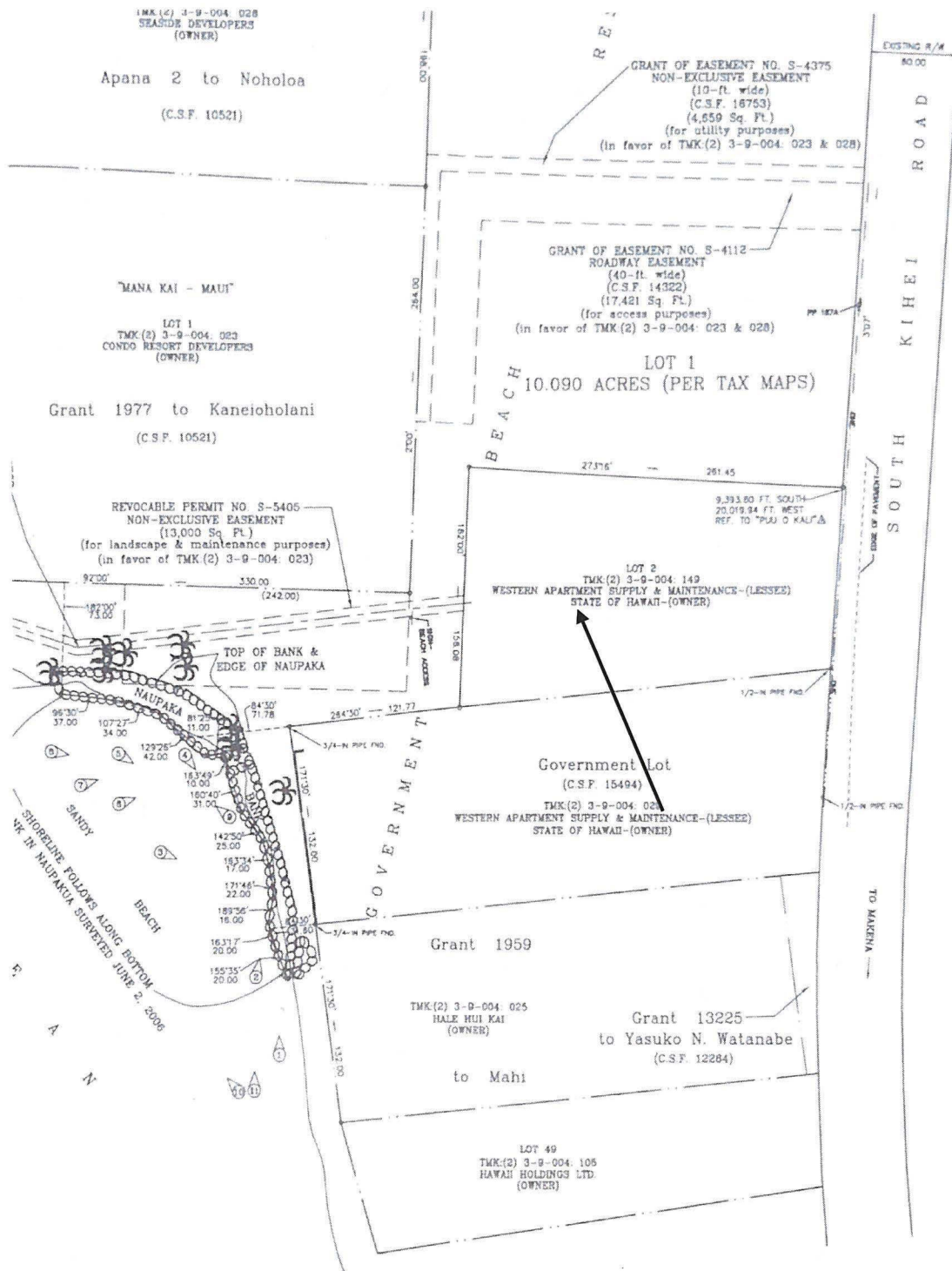
# EXHIBIT A-1



Ruby and Sons  
Days Inn Maui Oceanfront  
TMK: (2) 3-9-004:149



## EXHIBIT A-2



## EXHIBIT B

### EXCERPT OF SECTION 171-59, HAWAII REVISED STATUTES

**§171-59 Disposition by negotiation.** (a) A lease of public land may be disposed of through negotiation upon a finding by the board of land and natural resources that the public interest demands it. Where the public land is being sought under this section by a sugar or pineapple company, and the company is the owner or operator of a mill or cannery, then, for the purposes of this section, the economic unit shall be that acreage of public land which when taken together with the lands already owned or controlled or available to the company, when cultivated is found by the board to be necessary for the company's optimum mill or cannery operation. In all other cases, public land to be sold under this section shall be an economic unit as provided in section 171-33(3).

After a determination is made to negotiate the disposition of a lease, the board shall:

(1) Give public notice as in public auction, in accordance with the procedure set forth in section 171-16(a), of its intention to lease public land through negotiation setting forth the minimum conditions thereunder, the use for which the public land will be leased. Any person interested in securing the lease shall file an application with the board not later than forty-five days after the first publication of the notice;

(2) Establish reasonable criteria for the selection of the lessee; provided that where the intended use of the land is agriculture, the department of agriculture shall establish the criteria;

(3) Determine the applicants who meet the criteria for selection set by the board or the department of agriculture, as the case may be, and notify all applicants of its determination. Any applicant may examine the basis of the determination, which shall be in writing, to ascertain whether or not the conditions and criteria established by the board or the department of agriculture were followed; provided that if any applicant does not notify the board of the applicant's objections, and the grounds therefor, in writing, within twenty days of the receipt of the notice, the applicant shall be barred from proceeding to seek legal remedy for any alleged failure of the board to follow the conditions and criteria.

If only one applicant meets the criteria for selection of the lessee, the board may, after notice as provided in (3), above, dispose of the lease by negotiation.

If two or more applicants meet the criteria for the selection of the lessee, the board shall select the lessee who submits the highest offer contained in a sealed bid deposited with the board.



# EXHIBIT C

## OUTLINE OF PROPOSED PROCESS

1. Board of Land and Natural Resources (the "Board") authorizes issuance of RFQ/RFP
2. DLNR publishes notice of, and issues, RFQ
3. DLNR (or an evaluation committee) reviews applicants' submitted qualifications and determines which applicants meet the evaluation criteria
4. If more than one qualified applicant, DLNR issues RFP to the qualified applicants (or to a "short list" of qualified applicants)
5. DLNR (or an evaluation committee) evaluates proposals and selects applicant with best proposal for recommendation to the Board
6. DLNR presents selected applicant to the Board for approval (at a public meeting)\*\*
7. DLNR enters into exclusive negotiations with selected applicant of a development agreement and proposed lease
8. DLNR presents development agreement and proposed lease to the Board for approval (at a public meeting)\*\*
9. DLNR and selected applicant execute development agreement
10. Selected applicant undertakes due diligence and seeks approvals and permits (e.g., SMA assessment, building permits)\*\*
11. If selected applicant satisfies all terms/conditions of the development agreement, DLNR issues lease to selected applicant

\*\*Public review/comment opportunities



# EXHIBIT D

January 22, 2021

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

<b>Project Title:</b>	Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Kamaole, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-9-004:149.
<b>Project / Reference No.:</b>	PSF No. 04MD-109.
<b>Project Location:</b>	Kamaole, Wailuku, Maui, Hawaii, Hawaii, Tax Map Key: (2) 3-9-004:149.
<b>Project Description:</b>	Authorize the issuance of a Request for Qualifications / Request for Proposals (RFQ/RFP) to select a potential lessee of improved public lands at Kamaole, Wailuku, Maui, Hawaii.
<b>Chap. 343 Trigger(s):</b>	Use of State Land
<b>Exemption Class No. and Description:</b>	In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," and Item 40 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."
<b>Cumulative Impact of Planned Successive Actions in Same Place Significant?:</b>	No.
<b>Action May Have Significant Impact on Particularly Sensitive Environment?:</b>	No.

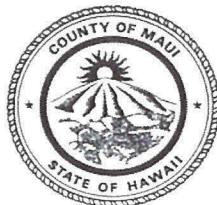
- Analysis:** The proposed use will involve negligible or no expansion or change of use beyond that previously existing.
- Consulted Parties:** Agencies listed in the submittal.
- Recommendation:** That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

# EXHIBIT E

MICHAEL P. VICTORINO  
Mayor

JEFFREY T. PEARSON, P.E.  
Director

HELENE KAU  
Deputy Director



DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauiwater.org](http://www.mauiwater.org)

November 9, 2020

Mr. Luke Sarvis  
State of Hawaii  
Department of Land and Natural Resources  
Land Division  
via email: [REDACTED]

Dear Mr. Sarvis:

SUBJECT: AUTHORIZE THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS/ REQUEST  
FOR PROPOSALS FOR LEASE OF PUBLIC LANDS  
TMK: (2) 3-9-004:149, Kihei, Maui, Hawaii

Thank you for the opportunity to comment on the subject project.

According to our files, the State of Hawaii received final subdivision approval on 4/1/2004 for the Government Land of Kamaole Subdivision (consolidation of a portion of parcel "A" of the government land of Kamaole and a portion of the government beach reserve into one lot and subdivision of said consolidated lot into lots 1 and 2), LUCA 3.1964, SD 01-030.

The Government Land of Kamaole Subdivision received approval from the Department of Water Supply based on a 12/4/2001 "final" plat indicating that each proposed lot would be assigned an existing water meter. The 2001 "final" plat displayed a different Lot 1 configuration (2001 version – 10.090 acres versus 2004 version – 2.213 acres) then the 4/1/2004 County approved final plat. A copy of each plat is provided for your reference. Due to this difference, the existing 1-1/2-inch water meter (Account #4003998956) that was assumed to service Lot 1 (2001 version) is not reasonable due to the 1,000-foot distance between its location and the County approved final boundary of Lot 1 (2004 version). Therefore, a new water meter to service TMK 3-9-004:001 or then Lot 1 of the Government Land of Kamaole Subdivision shall be installed, which requires, but not limited to the following:

1. Submit civil plans (24"x36") stamped and signed by a licensed engineer showing the installation of a new service lateral and box, as well as installation of an approved reduced pressure backflow preventer (RPBP) for review and approval. Plans should also indicate cut and plug of any domestic/irrigation services from the 1-1/2-inch water meter.
2. Submit domestic and irrigation water demand calculations prepared, signed and stamped by a licensed (State of Hawaii) professional engineer or architect to ensure the proposed water meter is adequately sized to provide for the facilities located on TMK 3-9-004:001.

*"By Water All Things Find Life"*

3. Construction of improvements shown on the approved plans shall be completed by a contractor at the property owner's expense.
4. Payment of the water system development fee shall be required for a new water meter.
  - a. Please be advised that there is the option to apply for a water meter reservation, which is valid for 60 days from the date of this letter. After 60 days, please contact us to discuss whether this option is still valid due to the availability of water and the Department's rules and regulations at the time of request for water service.

For the approved final Lot 2, the existing 5/8-inch water meter (Account #9853191332) was not reassigned to TMK 3-9-004:149 during the Government Land of Kamaole Subdivision process. Therefore, please have the owner of TMK 3-9-004:149, fill out the enclosed Application for Water Service (areas with check marks), sign at the bottom, and mail it to the following address for processing. Please note that premise address refers to location address on the application.

Department of Water Supply, Engineering Division  
County of Maui  
200 South High Street, 5<sup>th</sup> Floor  
Wailuku, Hawaii 96793  
ATTN: Tammy Yeh

If you have any questions, please feel free to contact Tammy Yeh of our Engineering Division at (808) [REDACTED] or by email at [REDACTED]

Sincerely,



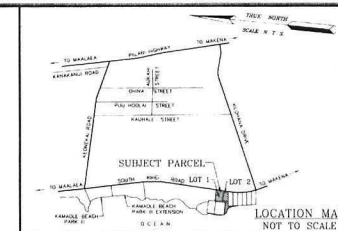
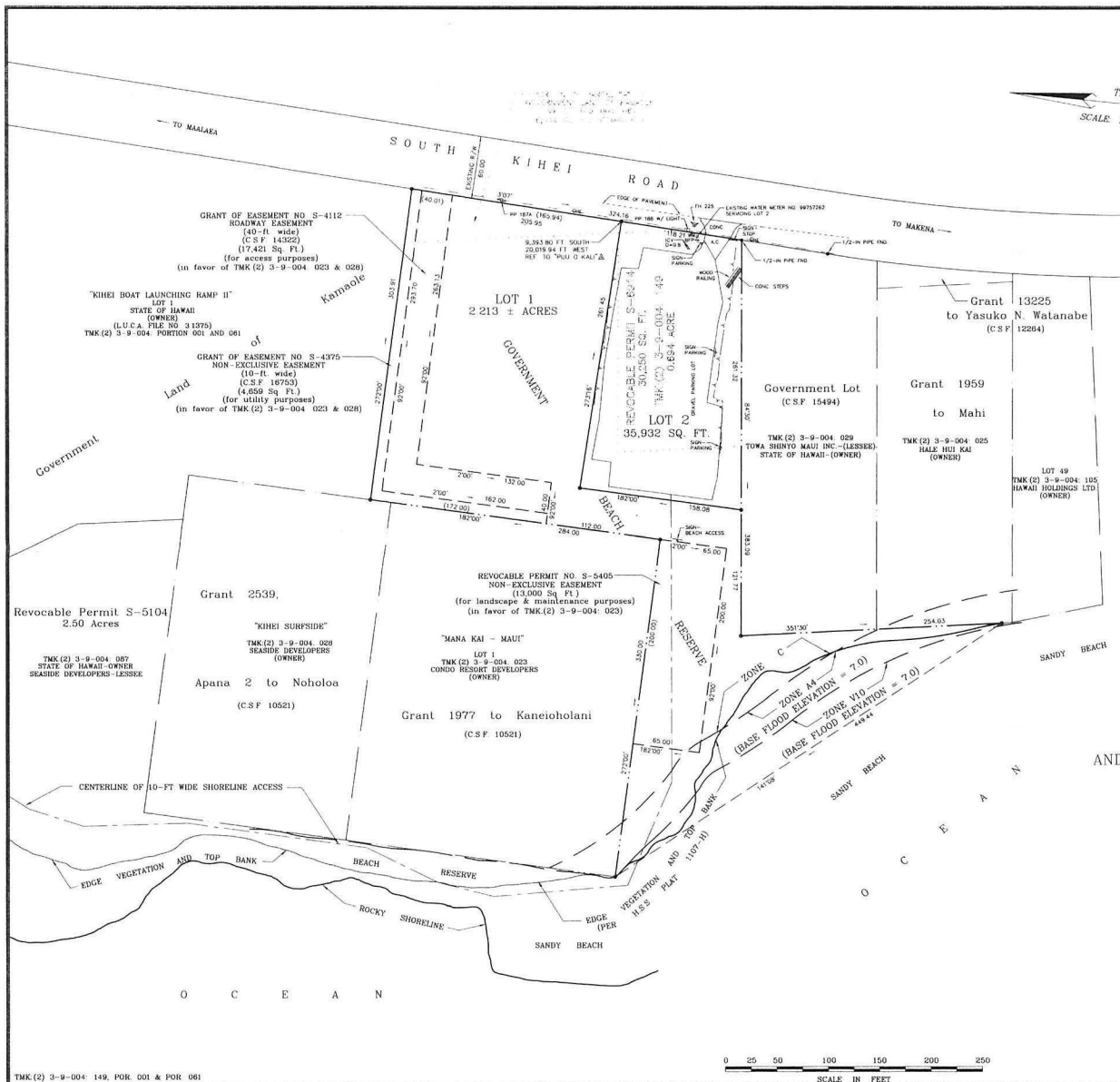
Digitally signed by Wendy  
Taomoto  
Date: 2020.11.09 11:53:01 -10'00'

WENDY TAOMOTO, P.E.  
Engineering Program Manager

TY

Attachments: (1) Plat Maps  
(2) Application for Water Service





- NOTES:
1. Azimuths and coordinates shown herein refer to Government Survey Triangulation Station "PUU O KALI", designated thus "A".
  2. Owners of adjoining land parcels taken from Real Property Mapping Branch.
  3. All lot corners marked with 3/4-inch pipe with yellow plastic caps marked "HLS 5715, HLS 5085", unless otherwise noted.
  4. Pursuant to Maui County Code Section 3.44.015(C), the County of Maui is not responsible for any park, roadway, easement (including but not limited to drainage, sewer, access, reclaimed water, or aviation easement), or any other interest in real property shown on this map or shown on these plans, unless the Maui County Council has accepted its dedication by a resolution approved by a majority of Council's members at a regular or special meeting of the Maui County Council.
  5. The subject parcel lies within areas designated as Zone C, Zone A4 and Zone V10 as shown on the Flood Insurance Rate Map, Community Panel Number 150503 0350 B, dated June 1, 1981.
    - Zone C - Areas of minimal flooding
    - Zone A4 - Areas of 100-year flood, base flood elevations and flood hazard factors determined. Base Flood Elevation = 7.0 Feet
    - Zone V10 - Areas of 100-year coastal flood with velocity (wave action), base flood elevations and flood hazard factors determined. Base Flood Elevation = 7.0 Feet

FINAL SUBDIVISION APPROVAL

Subdivision Number: LUCA File No. 31764  
 Approved for Recordation with the Bureau of Conveyances and Department of Taxation, State of Hawaii.

*[Signature]* 4/1/04  
 Director of Public Works and Waste Management Date

**GOVERNMENT LAND OF KAMAOLE**  
 CONSOLIDATION OF A PORTION OF PARCEL "A" OF THE  
 GOVERNMENT LAND OF KAMAOLE AND A PORTION OF THE  
 GOVERNMENT BEACH RESERVE INTO ONE LOT  
 AND SUBDIVISION OF SAID CONSOLIDATED LOT INTO LOTS 1 AND 2  
 SITUATED AT KAMAOLE, WAILUKU (KULA), MAUI, HAWAII  
 OWNER: STATE OF HAWAII

Prepared for  
 Mr. Carroll Davis  
 Western Apartment Supply &  
 Maintenance Co.  
 1335 Hotel Circle South, Penthouse  
 San Diego, CA 92108  
 Date January 12, 2001  
 Revised July 27, 2001  
 Revised August 28, 2001  
 Revised November 30, 2001  
 Revised March 26, 2004



This plat was prepared from a survey on the ground performed by me or under my supervision.  
*[Signature]*  
 BRUCE R. LEE  
 Licensed Professional Land Surveyor  
 Surveyor Certificate No. 5983-15

FINAL SUBDIVISION APPROVAL  
 (affidavit and/or declaration)  
 Subdivision Number: LUCA File No. 31764  
 Approved for Recordation with the Bureau of Conveyances and Department of Taxation, State of Hawaii.

*[Signature]*  
 Director of Public Works and Waste Management Date

SUBDIVISION NO. 31864

TMK(2) 3-9-004 149, FOR 501 & FOR 061

22" X 34" = 5.2 SQ. FT.

NEWCOMER - LEE LAND SURVEYORS, INC. 1498 LOWER MAIN STREET, SUITE D, WAILUKU, MAUI, HAWAII 96793

JOB NO. 2000-4853  
 DMC NO. 485302 (ML)





## Newcomer-Lee Land Surveyors, Inc.

1498 Lower Main Street Suite "D", Wailuku Hawai'i 96793

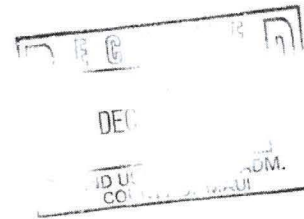
Tel: (808) 244-8889 Fax: (808) 244-8422 E-mail: newlee@hgea.org

December 4, 2001

2000-4853

Mr. David Goode, Director  
Department of Public Works  
And Waste Management  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawai'i 96793  
Attention: Lance Nakamura

LUCA File No. 3.1964



Re: **GOVERNMENT LAND OF KAMAOLE  
SUBDIVISION OF A PORTION OF PARCEL "A" OF THE GOVERNMENT  
LAND OF KAMAOLE INTO LOT 1 AND LOT 2 (PARKING LOT PURPOSES)  
KAMAOLE, WAILUKU (KULA), MAUI, HAWAII  
TAX MAP KEY: (2) 3-9-004: 149 AND PORTION OF 001**

The attached final subdivision plat (25 copies) was revised to show the location of the two existing water meters presently serving Parcel 1 of Tax Map Key: (2) 3-9-004 as requested by the Department of Water Supply, County of Maui.

Your expeditious handling of this project will be greatly appreciated.

Very Truly Yours,

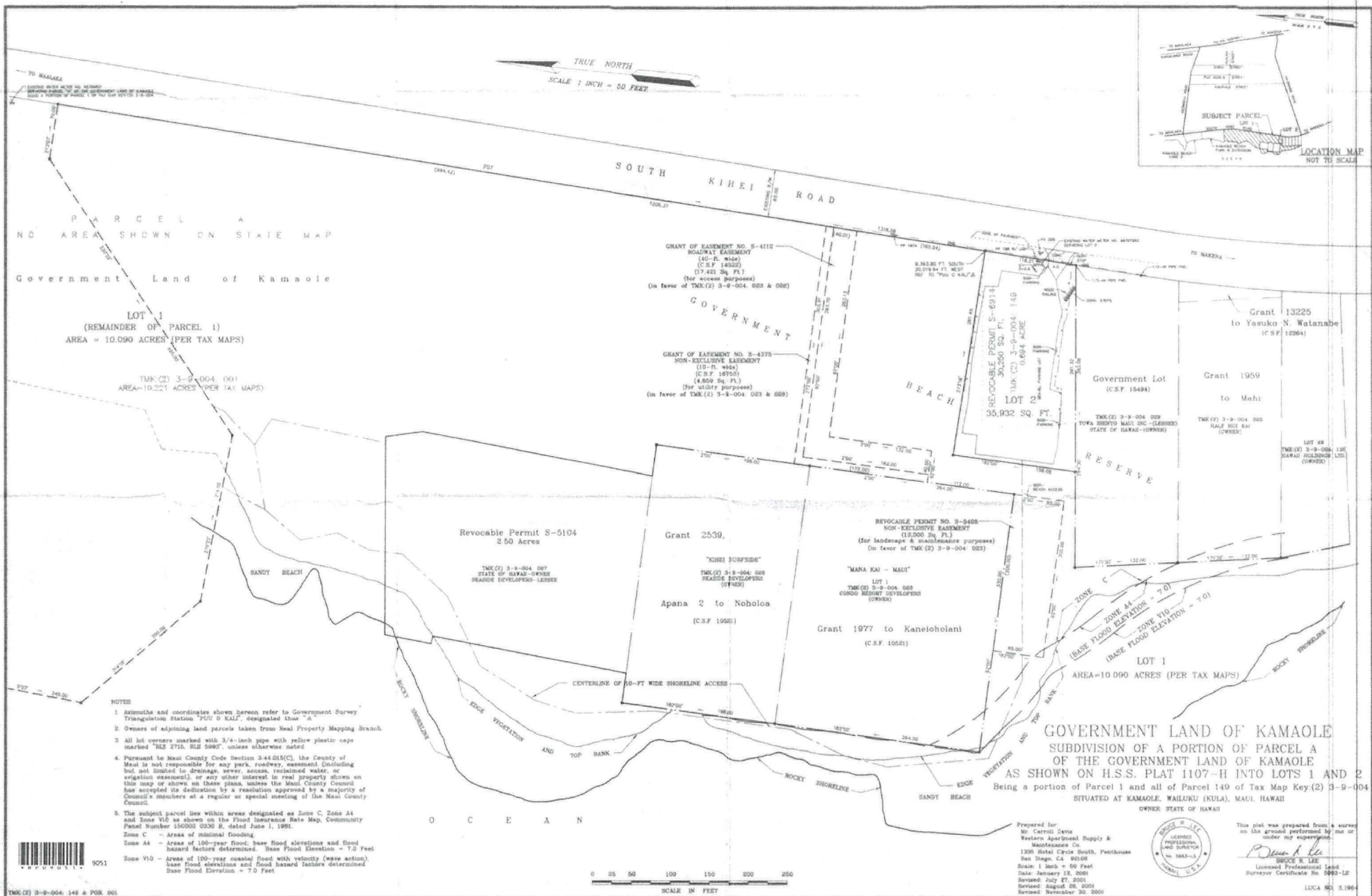
**NEWCOMER-LEE  
LAND SURVEYORS, INC.**

A Hawai'i Corporation

BRUCE R. LEE, LPLS  
President

cc: Miles Fujinaka – Dept. of Water Supply w/plat  
Mr. Carroll G. Davis – Western Apartment Supply & Maintenance Co. w/2plats

4853-moi-subd3



Lot Number ✓

## DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI

CONTRACT NO. \_\_\_\_\_

Subdivision ✓

## APPLICATION FOR WATER SERVICE

Service Number \_\_\_\_\_ Folio \_\_\_\_\_

Tax Key ✓ Water Use Code \_\_\_\_\_ Sewer Code \_\_\_\_\_

✓

✓

Name of Customer \_\_\_\_\_

Service Location Street address

Mailing Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Water Meter Number \_\_\_\_\_ Make \_\_\_\_\_ Size \_\_\_\_\_ Installed By \_\_\_\_\_ Pressure \_\_\_\_\_ PSI \_\_\_\_\_

Date Meter Installed \_\_\_\_\_ Reading-M Gallons \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Pavement Repair \_\_\_\_\_ Permit No. \_\_\_\_\_ Square Feet \_\_\_\_\_

Meter Location \_\_\_\_\_

Storeroom Requisition # \_\_\_\_\_

Supervisor \_\_\_\_\_

## CHARGES

Receipt No. \_\_\_\_\_

Amount \_\_\_\_\_

Water System  
Dev. Fee \_\_\_\_\_

Flat Rate \_\_\_\_\_

Deposit \_\_\_\_\_

TOTAL \_\_\_\_\_

Remarks: \_\_\_\_\_

## COST

Labor \_\_\_\_\_ Men \_\_\_\_\_ Man Hours \_\_\_\_\_ @ \_\_\_\_\_

Transportation \_\_\_\_\_ Miles \_\_\_\_\_ @ \_\_\_\_\_

Equipment \_\_\_\_\_ Hours \_\_\_\_\_ @ \_\_\_\_\_

Materials \_\_\_\_\_

Pavement \_\_\_\_\_ Sq. Feet \_\_\_\_\_ @ \_\_\_\_\_

TOTAL \_\_\_\_\_

Date Issued \_\_\_\_\_ By \_\_\_\_\_

Elevation Agreement \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_

Allocation No. \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_

General \_\_\_\_\_ Agr \_\_\_\_\_ Temporary \_\_\_\_\_ Meter Size \_\_\_\_\_

Existing: Lateral \_\_\_\_\_ Main \_\_\_\_\_ Size \_\_\_\_\_ Type \_\_\_\_\_ None \_\_\_\_\_

Size of new service \_\_\_\_\_

Date Approved \_\_\_\_\_ By \_\_\_\_\_

Date Processed \_\_\_\_\_ Job Order No. \_\_\_\_\_

The undersigned owner (hereafter owner) of the above service location hereby applies to the Department for water service and a meter at said location and agrees to pay all charges incurred for such water service and to abide by the rules and regulations of the Board of Water Supply relating to water service and rates, as they may be amended from time to time. The owner agrees to notify the Department of his intention to discontinue water service. The owner hereby authorizes the Department to provide service to any person (tenant) to whom he may hereafter lease or rent the service location who executes Form No. 113 (New Tenant's Application for Water Service) and hereby waives the necessity to co-sign such application. The owner agrees that, if said tenant fails to pay water bills for such service, that he will pay such bills. The owner further agrees that if he fails to pay any water bill including the tenant's, the Department may refuse to furnish service until such outstanding bills are paid.

Rec'd from BY \_\_\_\_\_ Meter Card \_\_\_\_\_ MCR \_\_\_\_\_ FRI \_\_\_\_\_ Entered \_\_\_\_\_ Verified \_\_\_\_\_ Meter Count \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Customer's Signature ✓By ✓

Type or Print

Phone: Residence ✓ Business ✓