

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR


Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-RM 3.97184

February 17, 2022

VIA ESIGN: suzanne.case@hawaii.gov

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

FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: LAND BOARD SUBMITTAL
APPROVAL FOR PROPOSED SALE OF REMNANT PARCEL
EAST MOLOKAI ROAD
FEDERAL SECONDARY AID PROJECT NO. FAS 2-A (1)

We respectfully request your approval and signature to the enclosed submittal. Also enclosed is the Tax Map Key map for the above request. Please include this request in your next Land Board Meeting Agenda.

Should you have any questions, please contact Scott Matsumoto, Right-of-Way Agent, of our Highways Division, Right-of-Way Branch, at (808) 692-7393 or by email at scott.k.matsumoto@hawaii.gov.

Enclosures



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-RM 3.97185

February 17, 2022

Ms. Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Ms. Case:

REQUEST:

Authorize to convey subject Property, designated as Parcel 4, formerly a portion of Remnant R-1, East Molokai Road, Federal Secondary Aid Project No. FAS 2-A (1), Molokai, Maui, Hawaii, Tax Map Key (2) 5-4-001:102 (portion), as shown on Exhibit A. The remainder of Remnant R-1 was sold by the State of Hawaii, in Liber 12219, Page 364, as shown on Exhibit B.

LEGAL REFERENCE:

Sections 171-52, and other applicable sections of Chapter 171, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

The Property is a remnant of an Old Government Road. Land was accreted, and the Property is now located between two parcels.

AREA:

Parcel 4 is approximately 1,987 square feet, more or less, as shown on Copy of Survey Furnished No. 17,362 (Exhibit C).

ZONING:

Parcel 4: Roadway

LAND TITLE STATUS:

Ceded, Department of Hawaiian Home Lands 30% entitlement lands pursuant to the Hawaii State Constitution:

YES__X__ NO_____

CURRENT USE STATUS:

Parcel 4 was previously part of the roadway that has been realigned and is deemed surplus to the Department of Transportation's (DOT) needs.

COMMENCEMENT DATE:

Execution date of the quitclaim deed.

COMPENSATION:

Remnant is to be disposed of in compliance with section HRS 171-52.

LIENS AND/OR ENCUMBRANCES:

None noted at this time.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be sold to abutting landowner(s) and will become privately owned lands at that point. Chapter 343, HRS, would not apply to any future development on the Property as no State lands would be involved.

REMARKS:

The parcel was deemed surplus to DOT's needs. The DOT has no objection to the disposal and transfer to an abutting property owner as prescribed by the Director in the best interest of the State of Hawaii.

RECOMMENDATION:

Authorize DOT to dispose of Parcel 4 in compliance with Section HRS 171-52 and any reimbursement of the Federal Aid Project, in accordance with HRS, subject to the following.

1. The standard terms and conditions of the most current deed form.

Ms. Suzanne D. Case, Chairperson
February 17, 2022
Page 3

HWY-RM 3.97185

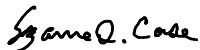
2. Review and approval by the Department of the Attorney General.
3. Such other terms and conditions as may be prescribed by the DOT Director to best serve the interest of the State.
4. The Property shall be conveyed in an "as is" condition and the State makes no warranty or representation about its condition or the presence of hazardous materials on, under or about the same.

Sincerely,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosures

C.S.F. 17,362

ABANDONED OLD GOVERNMENT ROAD

PARCEL 4

Portion of Remnant R-1 of East Molokai Road
Federal Aid Secondary Project FAS 2-A(1)

Kawela, Molokai, Hawaii

FOR TRACING SEE CSF 17359

EXHIBIT A

Furnished Land Department
March 31, 1975
Folder 523-A



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. 17,362

March 24, 1975

ABANDONED OLD GOVERNMENT ROAD

PARCEL 4

Portion of Remnant R-1 of East Molokai Road
Federal Aid Secondary Project FAS 2-A(1)

Kawela, Molokai, Hawaii

Being a portion of R.P. 7656, L.C. Aw. 8559-B,
Apana 28 to William C. Lunaililo.

Beginning at the northwest corner of this parcel of land, at the northeast corner of Parcel 3 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 22,684.82 feet South and 20,871.81 feet East, thence running by azimuths measured clockwise from True South:-

1. 286° 30' 48.02 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
2. 291° 00' 2.30 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
3. 22° 30' 40.04 feet along Remnant R-2 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1);
4. 106° 30' 49.02 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
5. 200° 39' 40.11 feet along Parcel 3 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1), to the point of beginning and containing an AREA OF 1987 SQUARE FEET.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

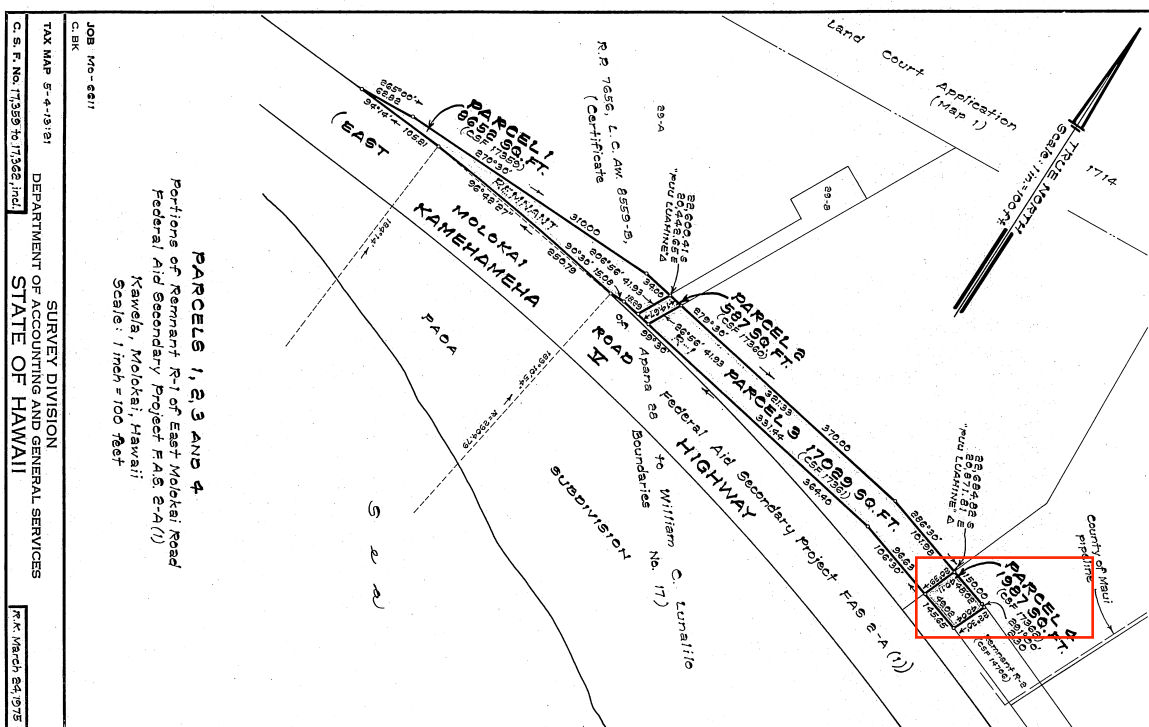
By:

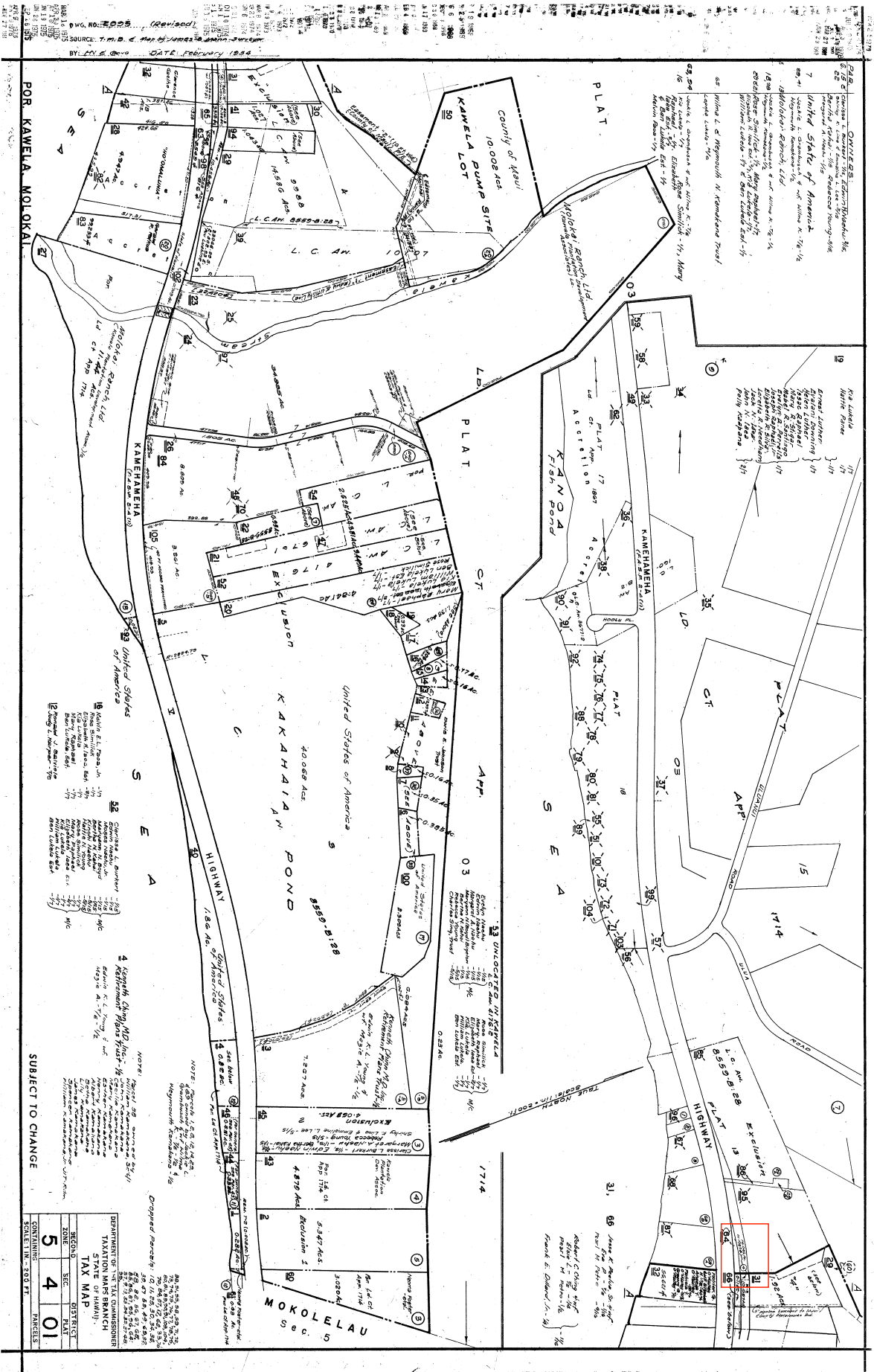
Paul T. Nuha
Paul T. Nuha
Land Surveyor

cm

Compiled from Gov't.
Survey Records.

Checked By	<u>D. OYAMA</u>	Date	<u>2-25-75</u>
Cal. Book No.	<u>2</u>	Page	<u>69</u>
Closure	<u>51.45</u>	<u>62.34</u>	<u>62.32</u>





NOTE: The map is a copy of a map of the Hawaiian Islands, dated February 1954, and is subject to change. The map is a copy of a map of the Hawaiian Islands, dated February 1954, and is subject to change.

DEPARTMENT OF	TAXATION
TAXATION	MAP
REGION	5
SECTION	4
DISTRICT	01
PLAT	

SCALE 1 IN. = 500 FT.

EXHIBIT B

RECORDATION REQUESTED BY:

77-43815

AFTER RECORDATION, RETURN TO:

land office

RETURN BY: MAIL () PICKUP (✓)

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
LIBER 12215 PG 364

77 MAY 23 P 1: 07

REGISTRAR

QUITCLAIM DEED

THIS INDENTURE, made this 11th day of May, 1977, by and between the State of Hawaii, by its Board of Land and Natural Resources, hereinafter called the "Grantor," and MALIA ENTERPRISES, a Hawaii Limited Partnership, and WATSON W. S. LEE, whose wife is Eleanor Lee, as Tenants in Common, whose post office address is Suite 1100, Pacific Trade Center, Honolulu, Hawaii 96813, hereinafter called the "Grantees,"

WITNESSETH THAT:

WHEREAS, the Grantor is the owner of Parcel 3, an abandoned old government road, hereinafter more particularly described; and

WHEREAS, the Board of Land and Natural Resources, pursuant to Section 171-51 and 171-52(b), Hawaii Revised Statutes, approved the disposition of such parcels as remnants, without recourse to public auction on July 23, 1971,

NOW, THEREFORE, the Grantor, for the sum of ELEVEN THOUSAND NINE HUNDRED TWENTY AND 30/100 DOLLARS (\$11,920.30), the receipt whereof is hereby acknowledged, does hereby



remise, release and forever quitclaim unto the Grantees, their heirs and assigns, all of its right, title and interest in and to that certain parcel of land situate at Kawela, Molokai, Hawaii, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being, respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 17,361 and dated March 24, 1975.

RESERVING TO THE STATE OF HAWAII, ITS SUCCESSORS AND ASSIGNS, THE FOLLOWING:

1. All minerals as hereinafter defined, in, on or under the land and the right, on its own behalf or through persons authorized by it, to enter, sever, prospect for, mine and remove such minerals by deep mining, strip mining, drilling and any other means whatsoever, and to occupy and use so much of the surface of the land as may be required therefor. "Minerals," as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous or liquid, in, on or under the land; provided, that "minerals" shall not include sand, gravel, rock or other material suitable for use and when used in general construction.

2. All surface and ground waters appurtenant to the said land and the right on its own behalf or through

persons authorized by it, to capture, divert or impound the same and to occupy and use so much of the said land as may be required in the exercise of this reserved right.

Provided, however, that as a condition precedent to the exercise of the rights reserved in Paragraphs 1 and 2, just compensation shall be paid to the Grantees for any of Grantee's improvements taken.

The Grantees, for themselves, their heirs, administrators, executors and assigns of the survivor of them covenant as follows:

1. That the use and enjoyment of the land herein conveyed shall not be in support of any policy which discriminates against anyone based upon race, creed, color or national origin;

2. That the parcel shall be used in combination, consolidation or otherwise with other abutting lands owned by the Grantees, and shall be used in accordance with the appropriate zoning and subdivision ordinances of the County of Maui;

3. That the Grantees are not acquiring any private right in any public street, park or other area designated or shown in any schedules attached hereto as being public property, nor any right to have any or all such areas improved.

TO HAVE AND TO HOLD the same, together with all the rights, easements, privileges and appurtenances thereunto belonging, or in anywise appertaining or held and enjoyed therewith, unto said Grantees, their heirs, administrators, executors and assigns, forever, except as aforesaid.

IN WITNESS WHEREOF, the STATE OF HAWAII, the
Grantor herein, by its Board of Land and Natural Resources,
has caused the seal of the Department of Land and Natural
Resources to be hereunto affixed and these presents to
be duly executed as of the day and year first above written.

STATE OF HAWAII

Approved by the Board
of Land and Natural
Resources at its
meeting held on
July 23, 1971 *el*



By *C. Cobb*
Chairman and Member
Board of Land and
Natural Resources

And By *Shirishi Nakagawa*
Member
Board of Land and
Natural Resources

APPROVED AS TO FORM:

Susan y.m. Ames
Deputy Attorney General

Dated: *May 4, 1977*



LIBER 12219 PC 368

STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.R.P. No. 17,361

March 24, 1975

ABANDONED OLD GOVERNMENT ROAD

PARCEL 3

Portion of Remnant R-1 of East Molokai Road
Federal Aid Secondary Project FAS 2-A(1)

Kawela, Molokai, Hawaii

Being a portion of R.P. 7656, L.C. Av. 8559-B,
Apana 28 to William C. Lunaililo.

Beginning at the northeast corner of this parcel of land, at the northwest corner of Parcel 4 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUARINE" being 22,684.82 feet South and 20,871.81 feet East, thence running by azimuths measured clockwise from True South:-

1. 20° 39' 40.11 feet along Parcel 4 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1);
2. 106° 30' 96.63 feet along the remainder of R.P. 7656, L.C. Av. 8559-B, Apana 28 to William C. Lunaililo;
3. 99° 30' 331.44 feet along the remainder of R.P. 7656, L.C. Av. 8559-B, Apana 28 to William C. Lunaililo;
4. 206° 56' 41.93 feet along Parcel 2 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1);
5. 279° 30' 370.00 feet along the remainder of R.P. 7656, L.C. Av. 8559-B, Apana 28 to William C. Lunaililo;
6. 286° 30' 101.98 feet along the remainder of R.P. 7656, L.C. Av. 8559-B, Apana 28 to William C. Lunaililo, to the point of beginning and containing an AREA OF 17,029 SQUARE FEET

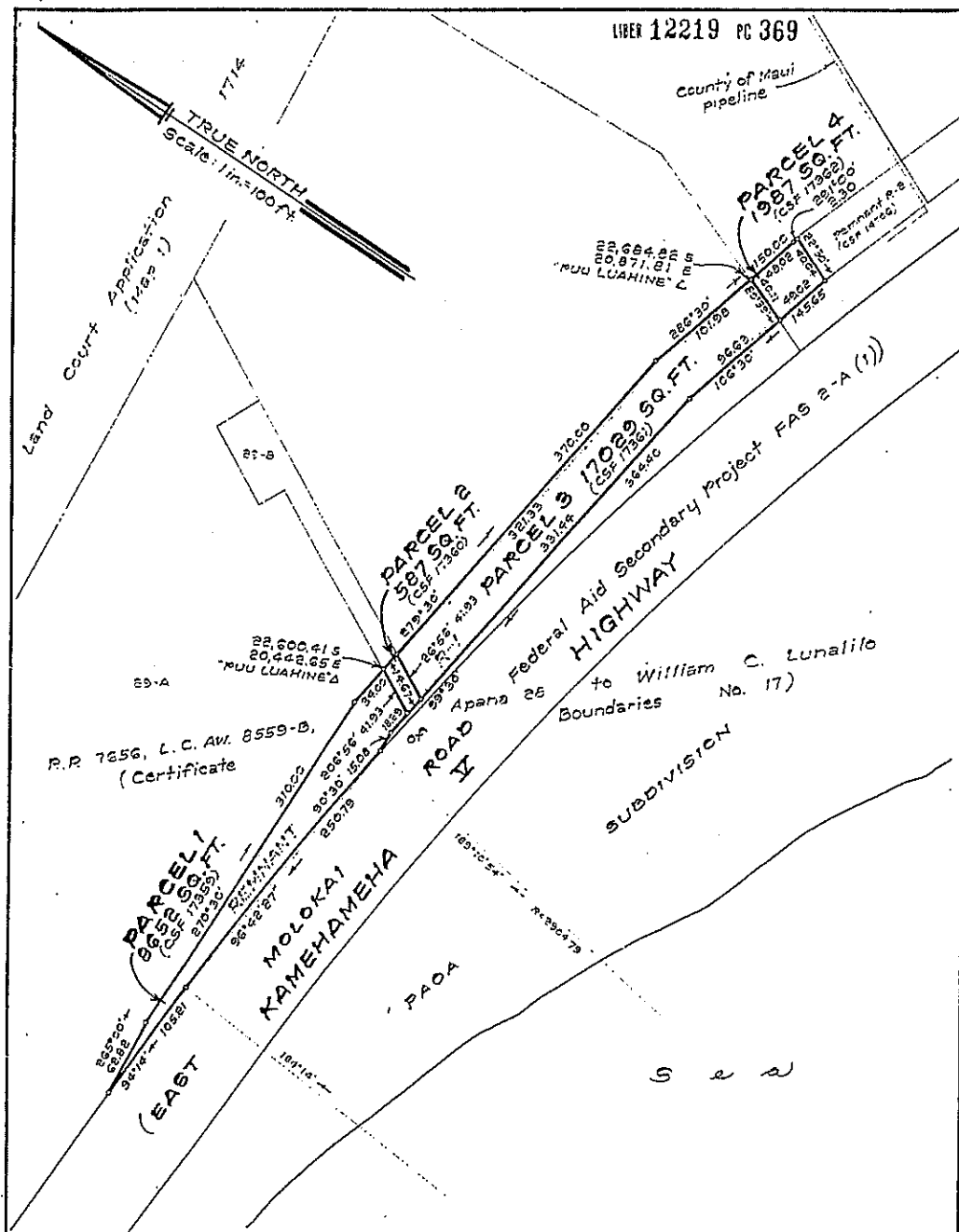
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

Compiled from Gov't.
Survey Records.

By: Paul T. Nuha

Paul T. Nuha
Land Surveyor

EXHIBIT "A"



PARCELS 1, 2, 3 AND 4

Portions of Remnant R-1 of East Moloakai Road
Federal Aid Secondary Project F.A.S. 2-A(1)

Kawela, Moloakai, Hawaii

Scale: 1 inch = 100 feet

JOB Mo-6211
C.BK

TAX MAP 5-4-13:21

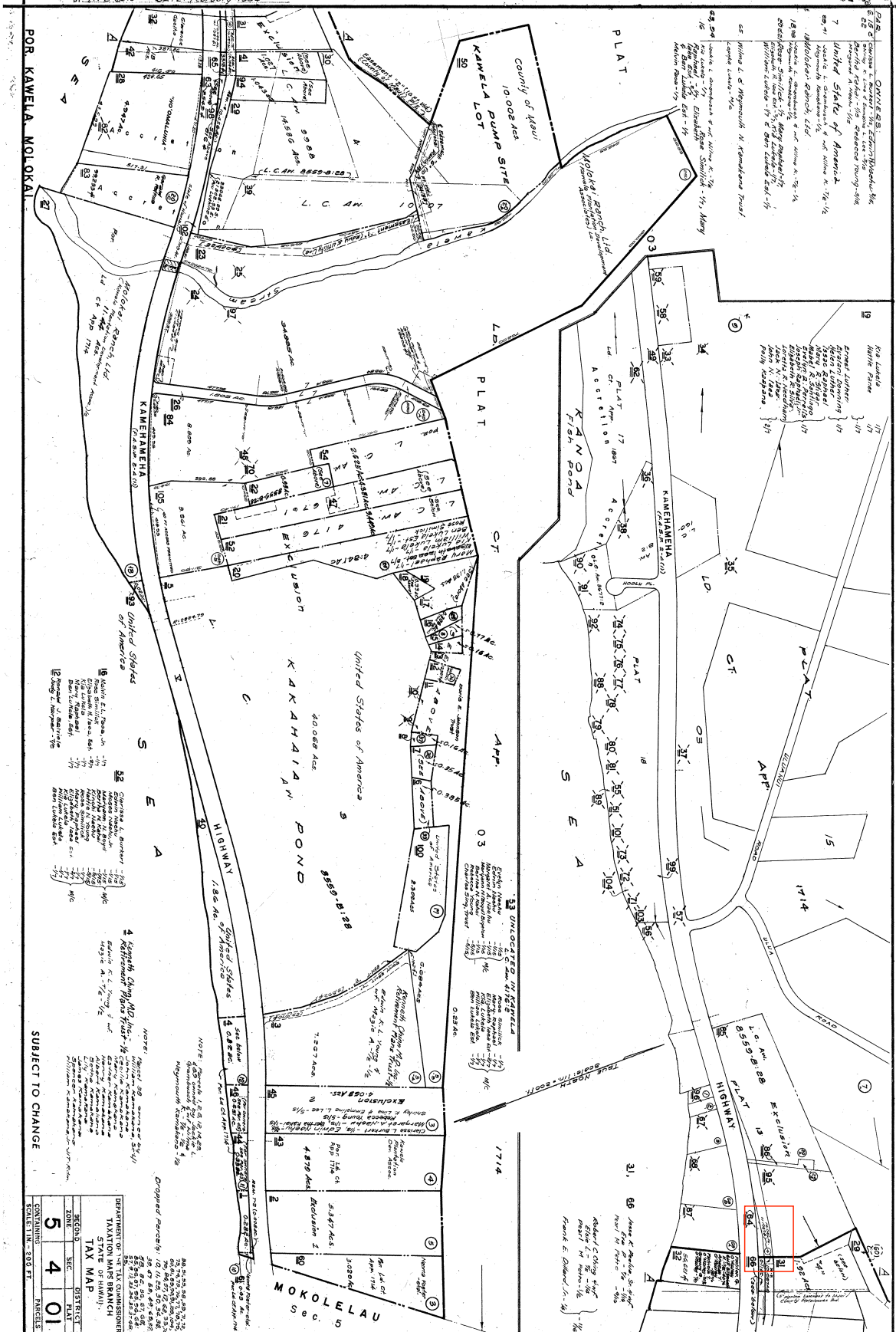
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

EXHIBIT "B"

C. S. F. No. 17,359 to 17,362, incl.

STATE OF HAWAII

March 24, 1975



C.S.F. 17,362

ABANDONED OLD GOVERNMENT ROAD

PARCEL 4

Portion of Remnant R-1 of East Molokai Road
Federal Aid Secondary Project FAS 2-A(1)

Kawela, Molokai, Hawaii

FOR TRACING SEE CSF 17359

Furnished Land Department
March 31, 1975
Folder 523-A



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. 17,362

March 24, 1975

ABANDONED OLD GOVERNMENT ROAD

PARCEL 4

Portion of Remnant R-1 of East Molokai Road
Federal Aid Secondary Project FAS 2-A(1)

Kawela, Molokai, Hawaii

Being a portion of R.P. 7656, L.C. Aw. 8559-B,
Apana 28 to William C. Lunaililo.

Beginning at the northwest corner of this parcel of land, at the northeast corner of Parcel 3 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 22,684.82 feet South and 20,871.81 feet East, thence running by azimuths measured clockwise from True South:-

1. 286° 30' 48.02 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
2. 291° 00' 2.30 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
3. 22° 30' 40.04 feet along Remnant R-2 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1);
4. 106° 30' 49.02 feet along the remainder of R.P. 7656, L.C. Aw. 8559-B, Apana 28 to William C. Lunaililo;
5. 200° 39' 40.11 feet along Parcel 3 of the subdivision of Remnant R-1 of East Molokai Road, Federal Aid Secondary Project FAS 2-A(1), to the point of beginning and containing an AREA OF 1987 SQUARE FEET.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By:

Paul T. Nuha
Paul T. Nuha
Land Surveyor

cm

Compiled from Gov't.
Survey Records.

Checked By	<u>D. OYAMA</u>	Date	<u>2-25-75</u>
Cal. Book No.	<u>2</u>	Page	<u>69</u>
Closure	<u>51.45</u>	<u>62.34</u>	<u>62.32</u>

