

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

October 28, 2022

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

PSF No.: 20MD-013

Maui

Grant of 65-Year Term, Non-Exclusive Easement to the County of Maui, Department of Water Supply for Waterlines and Related Water Distribution Equipment Purposes at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

Issuance of Construction Right-of-Entry Permit to the County of Maui, Department of Water Supply for Construction of Water System Infrastructure at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

Issuance of Construction and Management Right-of-Entry to the Department of Education for Completion of Kihei High School at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

APPLICANTS:

Department of Education (DOE) and County of Maui, Department of Water Supply (referred to jointly herein as "Applicants").

LEGAL REFERENCE:

Sections 171-11, 13 and -95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of State lands situated at Makawao, Kula, Kihei, Maui; Tax Map Key (TMK): (2) 2-2-002:081 as shown on the attached maps (Exhibit A).

EASEMENT AREA:

7,513 square feet, more or less.

ZONING:

State Land Use District:	Agriculture
County of Maui LUC:	P-1, Public / Quasi-Public District (Conditional Zoning)

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:

Unencumbered state lands under development for a new public high school. The executive order for the set-aside of the land to DOE for high school purposes is being prepared.

CHARACTER OF USE:

Right, privilege and authority to access, construct, reconstruct, rebuild, repair, maintain, remove, and operate underground water lines, and such other appliances and equipment as may be necessary for the transmission and distribution water for the sole use of Kihei High School.

TERM OF EASEMENT:

65 years.

COMMENCEMENT DATE OF EASEMENT:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement (FEIS) for Kihei High School was published in The Environmental Notice on September 9, 2012, and the FEIS was accepted on November 9, 2012.

DCCA VERIFICATION:

Not applicable. As government agencies, Applicants are not required to register with DCCA.

APPLICANT REQUIREMENTS: Applicants shall be required to:

1. Provide a survey map and description of the proposed easement area according to

State DAGS standards and at Applicants' own cost.

REMARKS:

The Board of Land and Natural Resources (Board) approved in principle the acquisition of private lands for a new Kihei High School campus at its meeting of February 27, 2009, under Item D-9, which is attached as (Exhibit B). Currently, construction of phase one infrastructure improvements for off-site utilities development is nearing completion.

At its meeting of November 10, 2011, under agenda item M-2, the Board approved the acquisition and eventual set-aside of the subject lands (Exhibit C). Staff is working with the Department of Accounting and General Services, Survey Division, and the Department of the Attorney General to prepare the executive order for set-aside of the land to DOE for the Governor's signature.

At its meeting of January 25, 2013, under agenda item D-6, the Board granted DOE a construction and management right-of-entry permit (ROE) which was executed on February 6th, 2013 (Exhibit D). This ROE was originally intended to terminate upon the execution of the Governor's Executive Order as approved by the Board at its meeting of November 10, 2011, under agenda item M-2. However, the maximum term for ROE permits is one-year, subject to continuation for additional one-year periods if authorized by the Board. Therefore, staff is requesting that the Board authorize a new ROE to DOE for a one-year term to allow DOE to construct and manage of the campus pending the set-aside of the subject property, and further authorize the Chairperson to continue the ROE annually for good cause shown until the set-aside to DOE is complete.

As part of the ongoing utility installation for this new campus, the County of Maui, Department of Water Supply, has requested execution and recordation of the subject easement (Exhibit E). Staff is recommending that the board authorize a construction ROE to the County of Maui, Department of Water Supply for installation of the water line. This ROE is expected to terminate after one-year or upon issuance of the subject easement, whichever occurs first. But staff is recommending the inclusions of the language authorizing the Chair to continue the ROE for additional one-year periods for good cause shown, if the easement is not completed within one year for any reason. Applicants have represented that the waterline will only serve the high school.

Staff did not seek comments for the subject easement as comments were previously solicited for the Final Environmental Impact Statement. Staff has no objections.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all the Applicant Requirements listed above, authorize the issuance of a 65-year term, non-exclusive easement to the County of Maui, Department of Water Supply covering the subject area for utility purposes, under the terms and conditions cited above, which are by this reference incorporated

herein and further subject to the following:

- a. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
 - b. Based on the Applicants' representations that the easement and water line serve only the high school and not any private users, the easement shall be issued on a gratis basis; provided, however, that should any private user benefit from the easement in the future, the Board reserves the right to re-evaluate whether a charge should be imposed for the easement.
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a construction right-of-entry permit to the County of Maui, Department of Water Supply covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - b. Authorize the Chairperson to continue the right-of-entry permit annually for good cause shown; and
 - c. Such other terms and conditions that may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction and management right-of-entry permit to the State of Hawaii, Department of Education covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - b. Authorize the Chairperson to continue the right-of-entry permit annually for good cause shown; and
 - c. Such other terms and conditions that may be prescribed by the Chairperson to best serve the interests of the State.

BLNR - Issuance of Easement and ROEs
Kihei High School

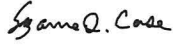
October 28, 2022

Respectfully Submitted,



Michael Ferreira
Land Agent

APPROVED:



RT

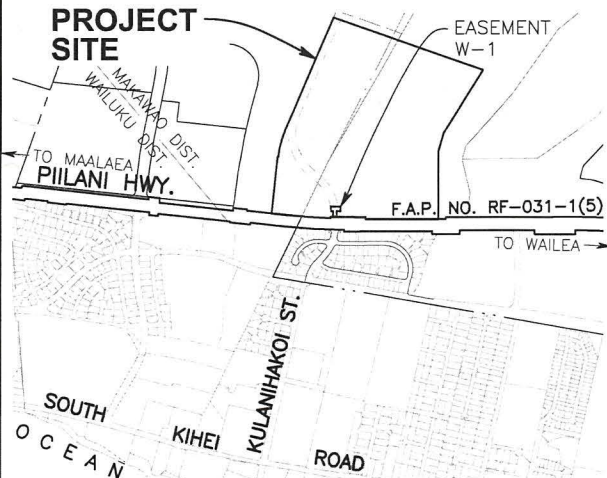
Suzanne D. Case, Chairperson

EXHIBIT A

TMK: (2) 2-2-002:081



PROJECT SITE



VICINITY MAP

GRAPHIC SCALE IN FEET

0 1000 2000 4000

NOTES:

1. ALL AZIMUTHS AND RECORD COORDINATES REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "PUU O KALI" Δ.
2. EASEMENT W-1 (7,513 SQ. FT.) IS AN EASEMENT FOR WATER PURPOSES AFFECTING LOT 1 OF THE KIHAI HIGH SCHOOL CONSOLIDATION (SUBDIVISION FILE NO. 2.3173) IN FAVOR OF MAUI COUNTY.

MAP SHOWING EASEMENT W-1

BEING A PORTION OF AND AFFECTING LOT 1 OF THE KIHAI HIGH SCHOOL CONSOLIDATION (SUBDIVISION FILE NO. 2.3173), BEING ALSO A PORTION OF GRANT 9325, APANA 1 TO HALEAKALA RANCH COMPANY

WAIHOLI, MAKAWAO, KIHAI, MAUI, HAWAII

SCALE: 1 IN. = 50 FT.

DATE: AUGUST 19, 2021

PREPARED FOR:

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, HAWAII 96793

PREPARED BY:

FUKUMOTO ENGINEERING, INC.
1721 WILI PA LOOP, SUITE 203
WAILUKU, HAWAII 96793

OWNER:

STATE OF HAWAII - BLNR
P.O. BOX 621
HONOLULU, HAWAII 96809

PROPERTY LOCATION:

901 PIILANI HIGHWAY
KIHAI, HAWAII 96753



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Sharon Y. Toyama

SHARON Y. TOYAMA
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 13713
LICENSE EXPIRES 4/30/2022

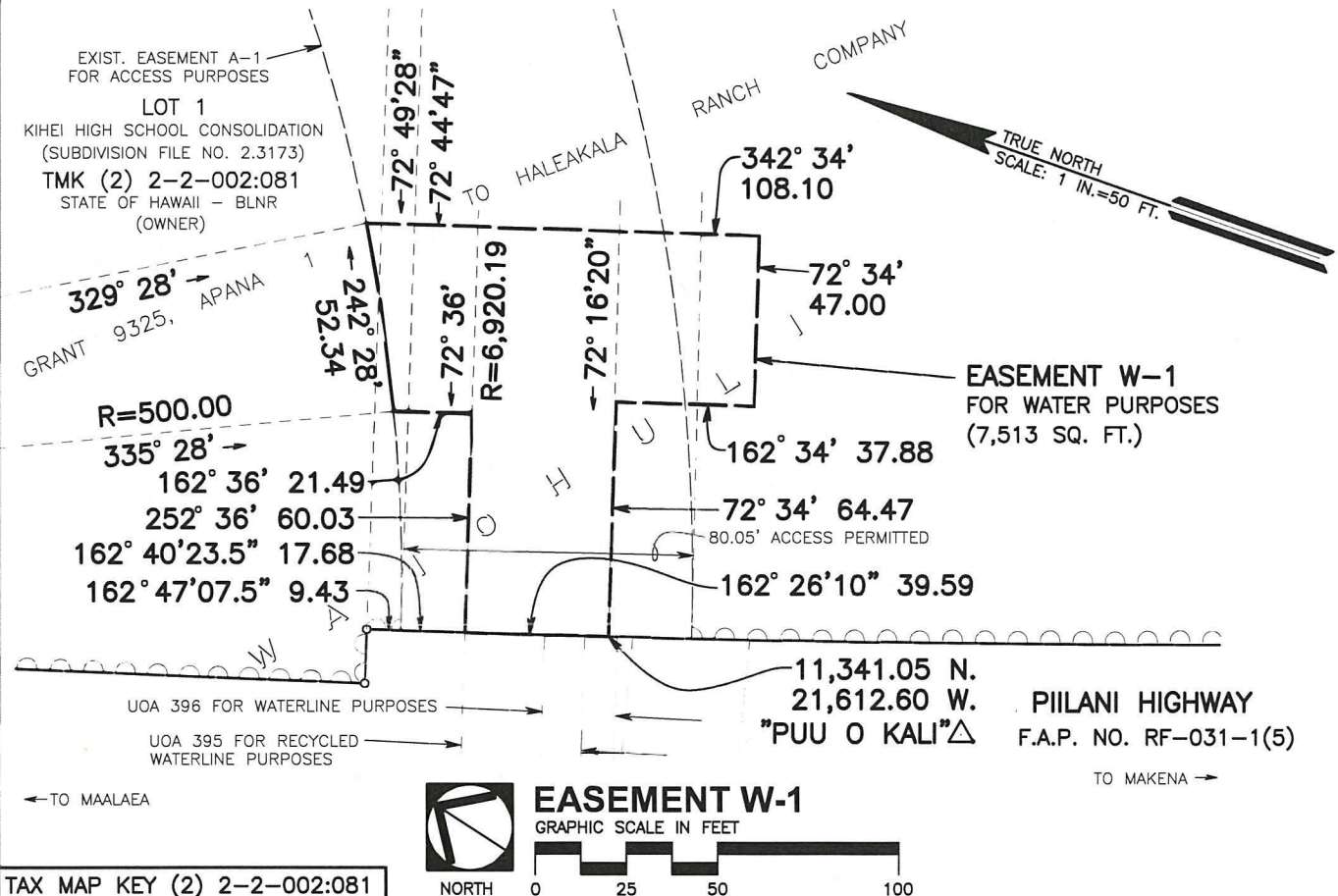


EXHIBIT B

AMENDED

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

February 27, 2009

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

PSF No.: 08MD-095
08MD-096
Maui

Approval in Principle of the Acquisition of Private Lands
for a New Kihei High School Campus, Portion of Kula,
Makawao, Maui, Tax Map Keys: (2) 2-2-02:15 por. & 54 por.

APPLICANT AGENCY:

Department of Education

PRIVATE LANDOWNERS:

TMK	Landowner	Address
(2) 2-2-02:15 por.	Kaonoulou Ranch, LLLP	P.O.Box 390 Kula, Hawaii 96790
(2) 2-2-02:54 por.	Haleakala Ranch Company, et al.	529 Kealahoa Avenue Makawao, Hawaii 96768

LEGAL REFERENCE:

Sections 107-10, 171-11 and 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Privately-owned lands situated at Kihei, portion of Kula, Makawao, Maui, identified by Tax Map Key: (2) 2-2-02: 15 por. and 54 por., as generally shown on the attached tax map labeled Exhibit A and further identified on Exhibit B, attached.

AREA:

Combined, approximately 77.182 acres of land is expected to be required for the school site. Actual land areas shall be subject to a survey and final subdivision approval.

as amended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
February 27, 2009 *DK*

D-9

ZONING:

Although portions of TMK (2) 2-2-02:15 are in the State Land Use Urban District and are zoned Open by the County of Maui, land considered in this acquisition are in the State Land Use Agriculture District and zoned Agriculture by the County of Maui.

CURRENT USE:

Vacant

CONSIDERATION:

One-time payment to be determined by independent appraiser contracted for by the State and subject to review and approval by the Chairperson, or the amount appropriated and released for the proposed land acquisition, whichever is less. If DOE pays for and processes the subdivision applications on behalf of the landowners, the aforementioned appraisal shall consider an appropriate valuation methodology that appropriately recognizes the non-subdivided nature of the land.

PURPOSE:

New high school campus to serve the south Maui region including the Kihei, Makena and Wailea areas.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 343-5(a)(1), HRS, an environmental assessment (EA) is not required where State or county funds are being used for the acquisition of unimproved real property. As the subject lands are unimproved, an EA is not required for the acquisition of these lands.

However, DOE may be required to pay for and process the subdivision for the proposed school site. Inasmuch as the Chapter 343 environmental requirements may apply to Applicant's use of State funds to subdivide land prior to acquisition as well as the subsequent use of the land acquired, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REQUIREMENTS:

- 1) Applicant shall pay for the cost of the appraisals to determine the value of the properties to be acquired;
- 2) Process and obtain subdivision approvals at no cost to the Department;
- 3) Provide survey maps and descriptions for the privately-owned property according to State DAGS standards and at Applicant's own cost;
- 4) Obtain title reports for the privately-owned properties at Applicant's own cost and subject to review and approval by the Department;

- 5) Applicant shall pay for and conduct a Phase I environmental site assessment that shall be prepared for the State. If this Phase I identifies the potential for hazardous materials release or the presence of hazardous materials, a Phase II environmental sampling and analysis plan shall be conducted and any and all remediation, abatement and disposal as may be warranted shall be performed as satisfactory to the standards required by the Federal Environmental Protection Agency and/or the State Department of Health, all at no cost to the State.

REMARKS:

The Department of Education (DOE) is requesting the Board of Land and Natural Resources (BLNR) to approve in principle the acquisition of privately owned lands. These lands are required for a new high school campus to serve the south region of Maui, including Kihei, Makena and Wailea.

Although Maui's south region has experienced significant population growth during the past +20 years, Kihei Charter School remains the only school in the region that provides public education to students through grade 12. However, Kihei Charter School was not intended to meet Maui's south regional need for a DOE complex-based high school. Currently, these needs are serviced by Maui High School, approximately eight miles north of Kihei.

Consequently, the establishment of a new high school campus in the south region of Maui is a high priority DOE project. The proposed school will initially accommodate up to 1,000 students and provide for future expansion to accommodate up to 1,650 students. The Kihei high school shall also provide for the reestablishment of school district boundaries to alleviate overcrowding at the two existing central region high schools.

Accordingly, DOE has commissioned an independent site selection study for the proposed school campus. In the selection process, the consultant screened potential sites based on various technical criteria. Whereas the initial phase of this study only considered individual parcels, campus layout proposals were limited by physical constraints without consideration of possible benefits afforded by the possible consolidation of adjacent sites.

Based on subsequent DOE discussions, the study then evaluated additional sites, including sites that would require subdivision and reconsolidation with adjacent lands. Based on archaeological and traffic assessments, as well as general environmental, topographical and "buildability" analyses, the site selection report identified the subject site as the best site for the proposed high school campus.

The proposed subject site is identified by tax map key as TMK (2) 2-2-02:por. 15 ("Parcel 15") and por. 54 ("Parcel 54"), as generally shown on Exhibit A and in greater detail on Exhibit B. Generally, the proposed site is situated along the mauka side of Piilani Highway, extending nearly a half-mile mauka. Ka'ono'ulu gulch is to the north of the subject and Waiohuli gulch generally forms the subject's south side boundary. The landowners have reviewed and generally approve of the preliminary survey maps identifying the proposed school site. Selection of the proposed site does not require Board of Education approval.

Whereas current highway ingress/egress to Parcel 54 will be included in the proposed school site's highway frontage, the current landowners have requested that any conveyance of land shall include that an access easement be reserved as generally depicted on Exhibit B. This easement reservation will provide for the future development of an access road to be aligned between Ka'ono'ulu gulch and the subject site's northern side boundary, provided that such improvements be built and maintained at no cost to the State. Although the future road alignment may bisect the school campus as shown on Exhibit B, the landowner does not wish to retain any portion of this site. Consequently, to minimize hazards associated with the future access road, DOE uses of the non-contiguous portion may include, but shall not be limited to, appropriate drainage retention or special event parking. Despite the proposed access easement alignment, DOE opines that the proposed site provides for an otherwise efficient school campus layout and operation.

A final decision has not been made as to who will be responsible for the subdivision of land. Should the subdivisions be processed by and at the expense of DOE, any appraisal contracted for by the Department shall then appropriately consider the proposed sites as un-subdivided.

Although planning funds for the proposed school campus have been released, release of appropriated funds for land acquisition and construction are expected before the end of fiscal year 2009..

Subject to BLNR's approval in principle, staff will continue to work with DOE in obtaining and reviewing appropriate due diligence. Subject to the release of acquisition funding and prior to final documentation of the proposed land acquisition, staff shall present all due diligence results to the BLNR for their consideration and final approval. Consequently, no comments from governmental agencies were solicited at this time. Solicited comments from appropriate agencies shall be included in the request for BLNR's final approval.

A copy of the State's current standard warranty deed form has been provided to the landowners for review. The landowners are aware that the conveyance of land shall be subject to the terms and conditions contained therein.

RECOMMENDATION: That the Board:

1. Approve in principle the above-described land acquisition under the terms and conditions cited above which are by this reference incorporated herein and subject to the following;
 - A. Details of the proposed acquisition shall be submitted to the Board for final approval prior to documentation;
 - B. The standard terms and conditions of the most current deed document form, as may be amended from time to time;
 - C. Review and approval by the Department of the Attorney General;
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gavin Chun
Project Development Specialist

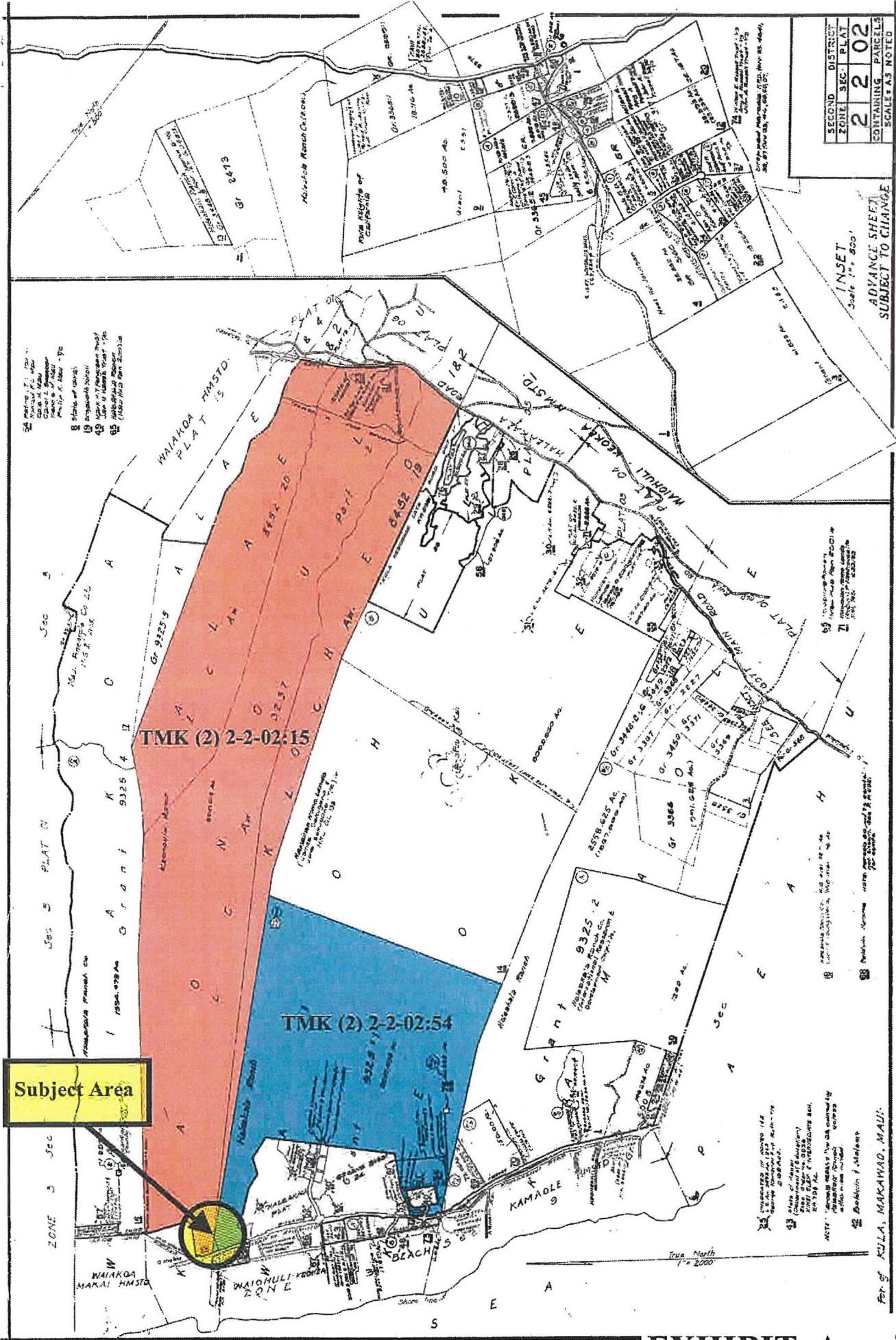
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

2/27/2009 Board Meeting: Approved as Amended

The Board: Approved staff's recommendation with an amendment to condition number 1.C. Review and approval by the Department of Attorney General including resolution of any title issues. And to add a condition 1.E. For staff to follow-up with Mr. Liu.



SECOND	DISTRICT
2	2
ZONE	SEC.
2	2
PLAT	PLAT
2	2
CONTAINING PARCELS	SCALE
A3	A3

INSET
Scale 1" = 800'
ADVANCE SHEET
SUBJECT TO CHANGE

PRINTED

EXHIBIT A

Part of KULA, MAUI, HAWAII

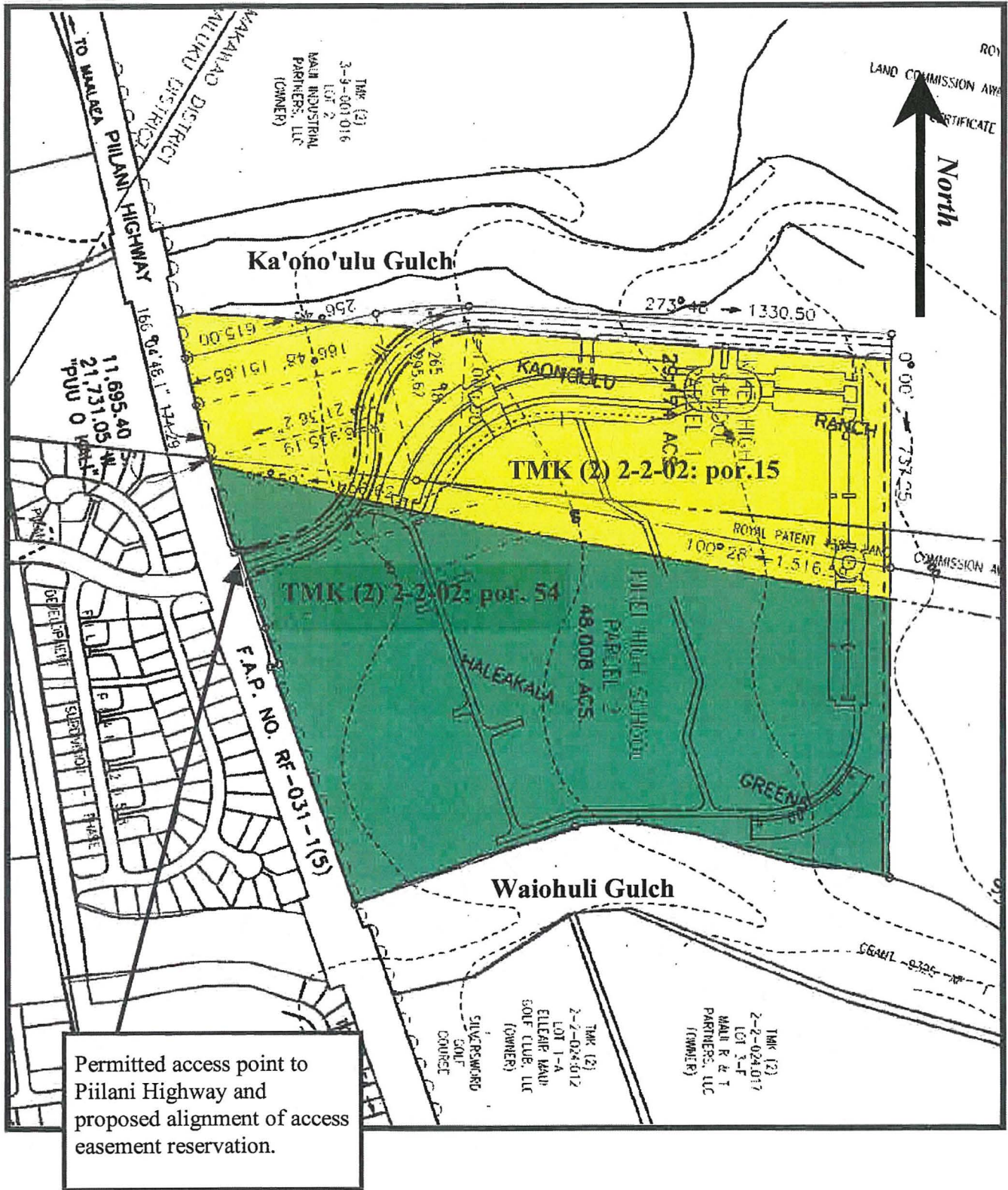


EXHIBIT B

EXHIBIT C

STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES
Honolulu, Hawaii 96813

NOV 10 2011

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

PSF No.: 08MD-095
08MD-096
Maui

Acquisition of Private Lands and Set Aside to Department of
Education for New High School Campus, Portion of Kula,
Makawao, Maui, Tax Map Key: (2) 2-2-02: por. 15 and (2) 2-
2-02: por. 54.

APPLICANT AGENCY:

Department of Education

PRIVATE LANDOWNER:

Ka'ono'ulu Ranch, LLLP, Kula, Hawaii
Haleakala Ranch Company, et al., Makawao, Hawaii

LEGAL REFERENCE:

Sections 107-10, 171-11 and 171-30, Hawaii Revised Statutes, as
amended.

LOCATION:

Privately-owned lands situated at Kihei, Makawao, Maui,
identified by Tax Map Key: (2) 2-2-02: por. 15 and por. 54, as
shown on the attached map labeled Exhibit A and further
identified on Exhibit B, attached.

AREA:

77.182 acres, more or less.

ZONING:

State Land Use District: Agriculture District
County of Maui CZO: Agriculture

CURRENT USE:

Vacant

CONSIDERATION:

One-time payment of fair market value to be determined by independent appraiser contracted by the State and subject to review and approval by the Chairperson.

PURPOSE:

New high school campus to serve the south Maui region including the areas of Kihei, Makena and Wailea.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 343-5 (a) (1), Hawaii Revised Statutes, an environmental assessment is not required where State or county funds are being used for the acquisition of unimproved real property. As the subject lands are unimproved, an EA is not required for the acquisition of these lands.

However, an Environmental Impact Statement will be prepared for the construction of the proposed high school. The Environmental Impact Statement Preparation Notice was issued on November 8, 2009 and the Draft Environmental Impact Statement is being prepared for submittal in December 2011.

APPLICANT REQUIREMENTS:

The Landowners have been required to

- 1) Process and obtain subdivision approval at their own cost;
- 2) Clear all title report encumbrances not allowed by the state that specifically affect the lands to be purchased.
- 3) Accept the terms and conditions stipulated by the warranty deed.

The Department of Education shall be required to

- 1) Pay for the appraisal cost to determine the value of the properties to be acquired;
- 2) Provide survey maps and descriptions for the privately-owned properties according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report for the privately-owned properties at Applicant's own cost and subject to review and approval by the Department;
- 4) Pay for and conduct a Phase I environmental site assessment

for each property and, if this Phase I identifies the potential for hazardous materials release or the presence of hazardous materials, conduct a Phase II environmental sampling and analysis plan and perform any and all remediation, abatement and disposal as may be warranted and as satisfactory to the standards required by the Federal Environmental Protection Agency and/or the State Department of Health, all at no cost to the State and to the satisfaction of the Department.

REMARKS:

The Department of Education (DOE) is requesting the Board of Land and Natural Resources (BLNR) approval of the acquisition of two south Maui parcels of land for a maximum total of \$4,245,000 dollars, based on the current appraisal. The final purchase price will be determined on the basis of the updated appraisal. The determination of the final amount falls under the Chairperson's authority to prescribe terms and conditions of the acquisition, granted by the Board.

The current appraisal was reviewed and approved by the DLNR appraiser and signed by the Chairperson on July 21, 2011. An updated appraisal is anticipated by the board meeting date to account for the value of the easement that is being reserved by the sellers. The anticipation is that the purchase price will go down as a result of the update.

The property will be used for a new high school campus in Kihei, Maui. Funding for the land acquisition comes from 2006 and 2008 appropriations for land acquisition and planning costs. BLNR approved in principle the acquisition of this property at the February 27, 2009 meeting.

Once the parcels have been acquired by the State, BLNR will transfer responsibility for the site to the DOE through an executive order. The DOE will construct and operate a public high school for approximately 1,000 students initially and 1,650 upon complete build-out of the property.

Enrollment in the new high school will come from the Kihei area which has experienced a high rate of population growth in the 1980's and 1990's. While the population growth and school enrollment growth has slowed in the past 10 years, it is expected to grow again in the next 20 years.

The Kihei area has seen a significant growth in population and a reciprocal growth in school enrollment in the past 30 years. Since 1980, in addition to Kihei Elementary School, the DOE established a second elementary school (Kamalii Elementary) and a

middle school (Lokelani Elementary) which both serve the Kihei area. Elementary school enrollment in that period grew by approximately 850 students. From 1990 to 2000, Lokelani's enrollment grew by approximately 360 students. Enrollment growth from Kindergarten through 8th Grade has stabilized and declined slightly since 2000.

High school students living in the Kihei area attend Maui High School in Kahului, located seven miles to the north. Maui High enrollment follows the general growth pattern of high growth from 1980 until 2000 and more modest growth in the past nine years.

Approximately 350 Kihei high school students are provided transportation to Maui High. Their trip takes roughly 20 minutes, one way. Students are picked up starting at 6:15 am and the last bus leaves the school for Kihei at 2:00 pm. No later transportation is provided for students.

Maui County estimates that the population in the Kihei-Makena area will grow faster than the island-wide growth in the next 20 years. The Kihei-Makena population is expected to increase from 27,222 residents in 2010 to 32,208 in 2020, an 18.3% growth rate compared to a Maui Island rate of 15.9%. The Kihei-Makena population is expected to grow to 36,767 by 2030, a 14.2% increase from 2020.

The DOE estimate of proposed new housing units in the Maui High School Complex is 12,325 with most of those units proposed for the Kihei area.

The DOE commissioned an independent site selection study for the proposed campus. The consultant screened potential sites based on various technical criteria.

The site selection identified the subject site as the best site for a high school campus based on archaeology and traffic assessments as well as general environmental, topographical and "build ability" analysis.

The proposed subject site is identified by tax map key as TMK (2)2-2-02: por. 15 ("Parcel 15") and por. 54 ("Parcel 54"), as shown in the attached Exhibit A and Exhibit B. The adjacent parcels are on the mauka (or east) side of Piilani Highway between Ka'ono'ulu Gulch on the north and Waiohuli Gulch on the south.

The school site's highway frontage includes the sole ingress/egress point for the large acreage retained by the two landowners, mauka of the school parcels. The landowners requested an access easement from the highway along a proposed

access road as generally depicted on Exhibit B. The development of the property mauka of the school site will trigger the transfer of ownership of the access road easement to the landowners of the mauka property. At such time, improvements to and maintenance of the access road will be provided at no cost to the State.

The access road is likely to bisect the campus as shown in Exhibit B. DOE has agreed that the non-contiguous portion of the campus will be used for drainage retention, special event parking, or other uses that minimize the hazards associated with crossing the road. DOE believes the balance of the site provides sufficient space for a campus layout and operations.

The DOE received some lien information from Mr. Elden Kapena Liu, concerning the Ka'ono'ula Ranch property. The DOE obtained title reports for both properties that show clear title. Ka'ono'ulaThe DOE sent Mr. Liu a copy of the Ka'ono'ula title report and accompanying letter which indicate there is no basis for Mr. Liu's claims. The DOE's action satisfies the request by the BLNR to respond to Mr. Liu

Furthermore, at closing, the State will be issued a Hawaii standard owner's policy of Title insurance in the full amount of the purchase price insuring that the State has received title to the land free and clear of any claims of Mr. Liu.

The DOE has received comments on the EISPN and is preparing the DEIS.


RECOMMENDATION: That the Board:

1. Authorize the acquisition of the subject private lands under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current deed document form, as may be amended from time to time;
 - B. Eminent domain proceedings, as may be necessary for the acquisition, pursuant to Chapter 101, HRS;
 - C. Review and approval by the Department of the Attorney General, including resolution of any title issues;
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State. This includes the delegation of the authority

to determine the final purchase price, based on a final appraisal.

- E. The DOE would respond to claims made by Mr. Liu regarding the results of the title search.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the DOE under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- G. Consolidation of the two parcels into one parcel prior to the issuance of an executive order setting aside the consolidated school parcel to the DOE.

Respectfully Submitted,


Kathryn S. Matayoshi
Superintendent

APPROVED FOR SUBMITTAL:

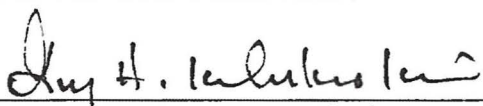

Fore William U. Aila, Jr., Chairperson

Exhibit A

DESCRIPTION

KAONOULU RANCH-WATER TANK SUBDIVISION LOT 1-A-1

Being portions of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole situated at Kaonoulu, Koheo 1 & 2, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe on the Southwest corner of this lot on the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 75° 21' 36.2"; the chord azimuth and distance being: 166° 04' 48.1" 174.29 feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe ;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being: 265° 18' 295.62 feet to a PK nail;
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;
7. 100° 28' 1,517.10 feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;

8. 95° 59'

656.11 feet along same to the point of beginning and containing an area of 29.175 Acres.

Access will not be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Courses 1 and 2 of the above described Lot 1-A-1.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

A handwritten signature of Michael E. Silva in black ink, written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 20, 2011

KR01

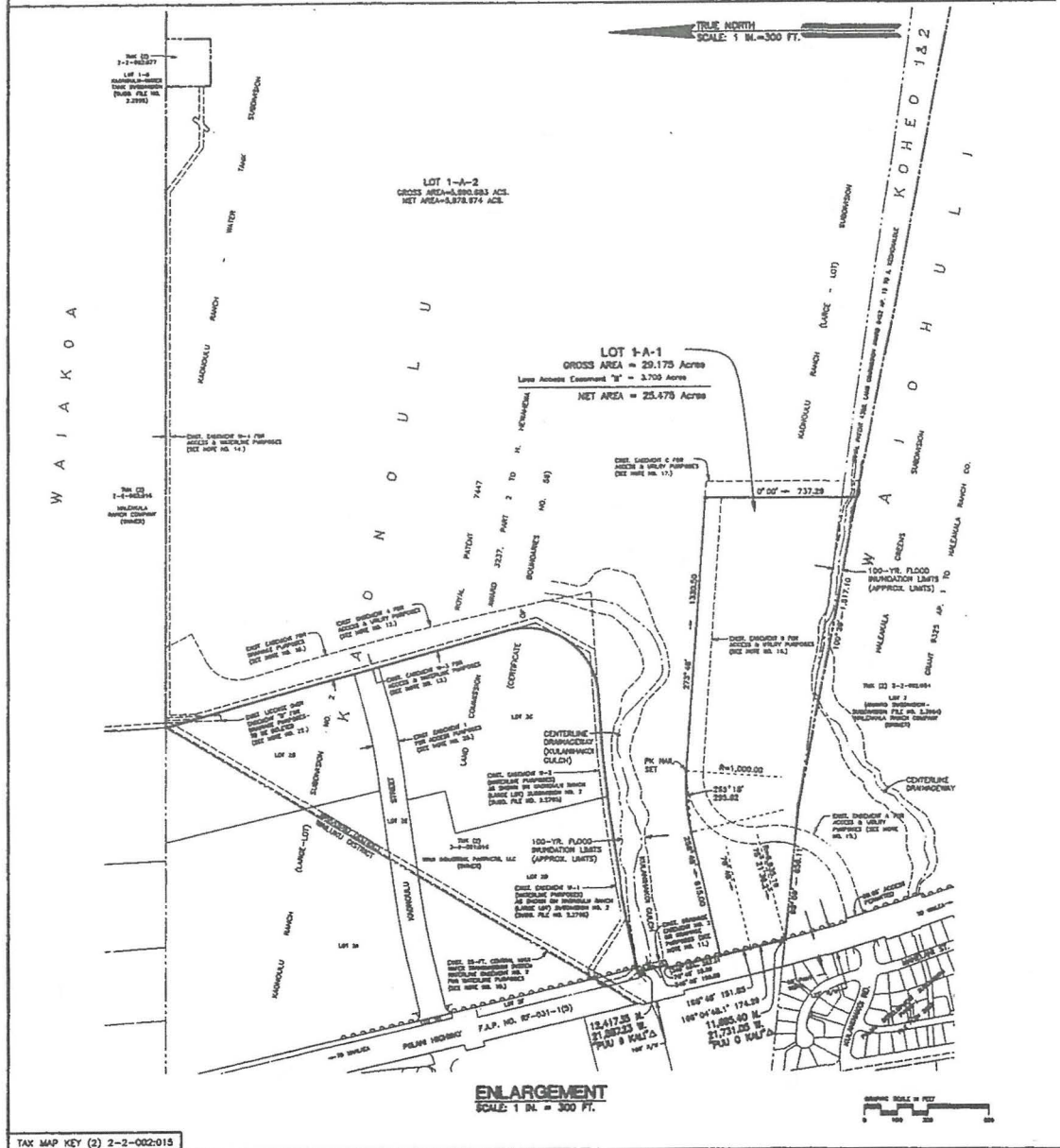
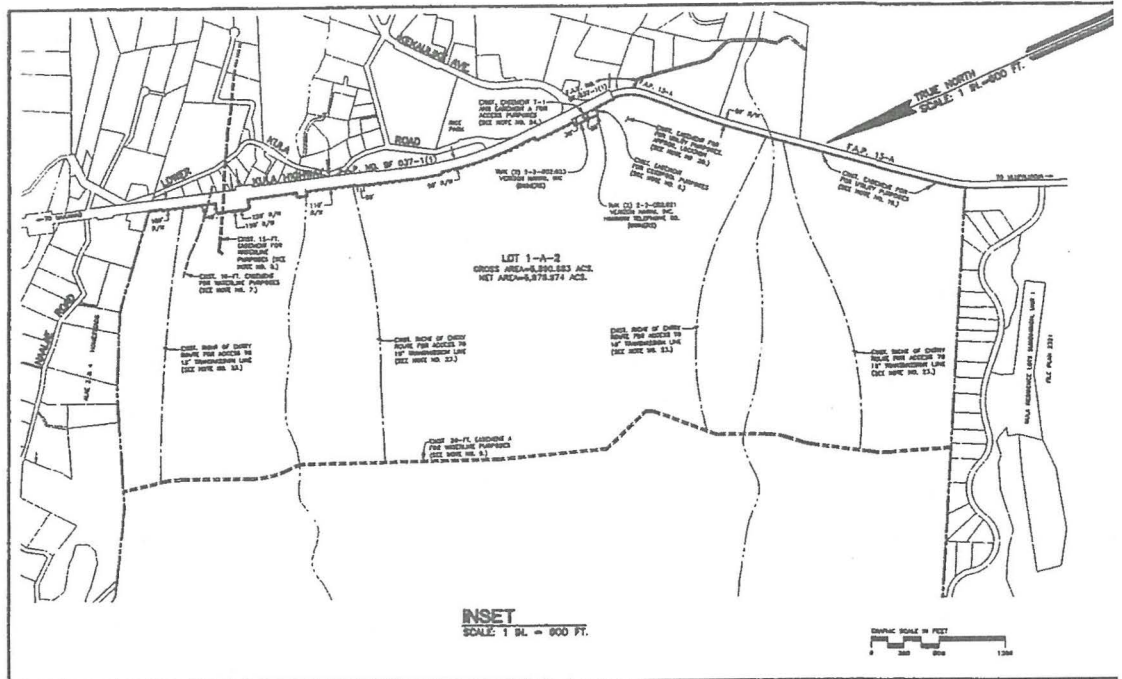


Exhibit A

KAONOULU RANCH- WATER TANK SUBDIVISION

SUBDIVISION OF LOT 1-A INTO LOTS 1-A-1 AND 1-A-2

BEING PORTIONS OF ROYAL PATENT 7447,
LAND COMMISSION AWARD 3237, PART 2 TO H. HEWAHEWA,
(CERTIFICATE OF BOUNDARIES NO. 56), ROYAL PATENT 4388,
LAND COMMISSION AWARD 8452, APANA 20 TO KEOKHOKALE, AND
ROYAL PATENT 4388, LAND COMMISSION AWARD 8452,
APANA 19 TO KEOKHOKALE

ALAE 1 & 2, KAONOULU, KOHEO 1 & 2,
MAKAWAO, KULA, KIHAI, MAUI, HAWAII

SCALE: 1 IN. = 3,000 FT.

DATE: FEBRUARY 28, 2010
REVISED: OCTOBER 28, 2010
REVISED: NOVEMBER 18, 2010

PREPARED BY:
RONALD M. RUDOLPH ENGINEERING, INC.
1731 MILA PA LOOP, SUITE 203
SPRINGFIELD, MA 01103
PH: (408) 342-5811
FAX: (408) 342-5819
EMAIL: ronald@rformail.com



MICHAEL E. SILVA
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 12980
LICENSE EXPIRES 4/30/2012

NOTES:

1. ALL COORDINATES AND RECORD COORDINATES REFER TO GOVERNMENT SURVEY TRIANGULATION STATION 7641 D 1047.
2. OWNERS OF ADJOINING PARCELS ARE TAKEN FROM THE COUNTY REAL PROPERTY TAX DIVISION RECORDS.
3. ALL BOUNDARY CORNERS FOR LOT 1-A-1 ARE MARKED WITH 1/2-INCH PIPE UNLESS OTHERWISE NOTED.
4. DENOTES NO VEHICLE ACCESS PERMITTED.
5. DENOTES VEHICLE ACCESS PERMITTED WITH WIDTH.
6. EXISTING EASEMENT IS AN EASEMENT FOR DRIPSPRINK PURPOSES IN FAVOR OF HAWAIIAN TELEPHONE COMPANY AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN LIBER 5788 ON PAGE 348 DATED SEPTEMBER 8, 1947.
7. EXISTING 10-FT. WIDE EASEMENT IS AN EASEMENT FOR WATERLINE PURPOSES IN FAVOR OF THE BOARD OF WATER SUPPLY, COUNTY OF MAUI AFFECTING ROYAL PATENT 4388, LAND COMMISSION AWARD 8452, APANA 20 TO KEOKHOKALE RECORDED IN LIBER 5479 ON PAGE 271 DATED AUGUST 24, 1958.
8. EXISTING 15-FT. WIDE EASEMENT (28,819 SQ. FT.) IS A NON-EXCLUSIVE EASEMENT FOR WATERLINE PURPOSES IN FAVOR OF CHARLES M. COOKE, JR. AND EDITH S. COOKE AFFECTING LOT 1 OF THE KAONOULU RANCH (LARGE-LOT) SUBDIVISION RECORDED IN LIBER 1188 PAGE 74 DATED NOVEMBER 25, 1978 AND AMENDED IN LIBER 1974 ON PAGE 531 AND LIBER 15874 ON PAGE 524 DATED SEPTEMBER 25, 1981.
9. EXISTING EASEMENT (158,083 SQ. FT.) IS A 20-FT. WIDE NON-EXCLUSIVE EASEMENT FOR WATERLINE PURPOSES IN FAVOR OF DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII AFFECTING ROYAL PATENT 4388, LAND COMMISSION AWARD 3237, APANA 19 TO KEOKHOKALE RECORDED IN DOCUMENT NO. 98-10479 DATED MAY 31, 1993.
10. EXISTING CENTRAL MAUI WATER TRANSMISSION SYSTEM WATERLINE EASEMENT NO. 2 (1,847 AC.) IS A 25-FT. WIDE EASEMENT FOR WATERLINE PURPOSES IN FAVOR OF COUNTY OF MAUI AFFECTING ROYAL PATENT 7447, LAND COMMISSION AWARD 3237, PART 2 TO H. HEWAHEWA RECORDED IN LIBER 14814 PAGE 194 DATED DECEMBER 12, 1979 (PORTION TO BE DELETED).
11. EXISTING DRAINAGE EASEMENT NO. 2 (8,757 SQ. FT.) IS A 25-FT. WIDE EASEMENT FOR DRAINAGE PURPOSES IN FAVOR OF TONY HAWTHORNE HAWTHORNE, JR. & CO. AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN LIBER 3054, PAGE 287 DATED JULY 20, 1987 AND AMENDED IN DOCUMENT NO. 90-02939 DATED OCTOBER 25, 1989.
12. EXISTING EASEMENT (7,802 AC.) IS AN EASEMENT FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF LOT 2 OF THE KAONOULU RANCH (LARGE-LOT) SUBDIVISION AFFECTING LOT 1 OF THE KAONOULU RANCH (LARGE-LOT) SUBDIVISION RECORDED IN DOCUMENT NO. 2008-063412 DATED MARCH 25, 2010.
13. EXISTING EASEMENT NO. 3 (1,323 AC.) IS AN EASEMENT FOR ACCESS AND WATERLINE PURPOSES IN FAVOR OF THE COUNTY OF MAUI AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT 2008-028881 DATED NOVEMBER 4, 2008.
14. EXISTING EASEMENT NO. 4 (1,309 AC.) IS AN EASEMENT FOR ACCESS AND WATERLINE PURPOSES IN FAVOR OF THE COUNTY OF MAUI AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT 2008-028878 DATED NOVEMBER 4, 2008.
15. EXISTING EASEMENT (40,589 SQ. FT.) IS AN 80-FT. WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF PARCELS 15 OF TAX MAP KEY (2) 2-3-002 AFFECTING PARCELS 54 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT NO. 2008-179149 DATED NOVEMBER 18, 2008 AND AMENDED IN DOCUMENT NO. 2010-040509 DATED MARCH 25, 2010.
16. EXISTING EASEMENT (15,702 AC.) IS AN 80-FT. WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF PARCELS 54 OF TAX MAP KEY (2) 2-3-002 AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT NO. 2008-179141 DATED NOVEMBER 18, 2008 AND CORRECTED IN DOCUMENT NO. 2010-040501 DATED MARCH 25, 2010.
17. EXISTING EASEMENT (1,383 AC.) IS AN 80-FT. WIDE EASEMENT FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF PARCELS 54 OF TAX MAP KEY (2) 2-3-002 AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT NO. 2008-179141 DATED NOVEMBER 18, 2008 AND CORRECTED IN DOCUMENT NO. 2010-040501 DATED MARCH 25, 2010.
18. EXISTING EASEMENT (8,880 AC.) IS AN EASEMENT FOR DRAINAGE PURPOSES IN FAVOR OF MAUI ELECTRIC COMPANY, LTD. AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN LIBER 12796 ON PAGE 283 DATED JANUARY 28, 1978.
19. EXISTING EASEMENTS (23-125 SQ. FT.) ARE EASEMENTS FOR UTILITY PURPOSES IN FAVOR OF MAUI ELECTRIC COMPANY, LTD. AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN LIBER 12796 ON PAGE 283 DATED JANUARY 28, 1978.
20. EXISTING EASEMENT (858 SQ. FT.) IS AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF MAUI ELECTRIC COMPANY, LTD. AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN LIBER 12712 ON PAGE 283 DATED JANUARY 28, 1978.
21. EXISTING POWERLINE EASEMENT NO. 6 (4,530 AC.) IS AN EASEMENT FOR UTILITY PURPOSES IN FAVOR OF MAUI ELECTRIC COMPANY, LTD. AFFECTING ROYAL PATENT 4388, LAND COMMISSION AWARD 8452, APANA 19 TO H. HEWAHEWA AND ROYAL PATENT 4388, LAND COMMISSION AWARD 8452, APANA 20 TO H. HEWAHEWA RECORDED IN LIBER 12758 ON PAGE 401 DATED MARCH 1, 1978.
22. EXISTING EASEMENT (8,759 SQ. FT.) OVER EASEMENT "D" FOR DRAINAGE PURPOSES IN FAVOR OF THE COUNTY OF MAUI AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT NO. 90-028531 DATED APRIL 9, 1990 (TO BE DELETED).
23. EXISTING RIGHT OF ENTRY (DRAINAGE LOCATION) FOR ACCESS PURPOSES (TO 18" TRANSMISSION LINE) IN FAVOR OF THE BOARD OF WATER SUPPLY, COUNTY OF MAUI AFFECTING PARCELS 15 OF TAX MAP KEY (2) 2-3-002 RECORDED IN DOCUMENT 2001-182187 DATED OCTOBER 22, 2001.
24. EXISTING EASEMENT 7-1 (FOR TERRAIN VEHICLE AND HORSE) AND EASEMENT A (12-FT. WIDE PERMANENT) ARE NON-EXCLUSIVE EASEMENTS FOR ACCESS PURPOSES ONLY IN FAVOR OF KAONOULU RANCH AFFECTING PARCELS 7-4-1 OF RECORD, 80-037-111 RECORDED IN DOCUMENT 2003-018793 DATED JANUARY 31, 2003.
25. EXISTING EASEMENT 1 (4,898 AC.) IS A 124-FT. WIDE EASEMENT FOR ACCESS PURPOSES IN FAVOR OF LOT 1 AFFECTING LOT 2-2-05 SHOWN ON KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2 (SUBDIVISION FILE NO. 2.2795) PREPARED BY WARREN S. UNDERSON ENGINEERING, INC. DATED JULY 8, 2008.
26. PURSUANT TO MAUI COUNTY CODE SECTION 3.4.8.12(C), THE COUNTY OF MAUI IS NOT RESPONSIBLE FOR ANY PARK, ROADWAY, EASEMENT (INCLUDING BUT NOT LIMITED TO DRAINAGE, SEWER, ACCESS, RECLAIMED WATER, OR ANCHORED 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 DECISION BY A RESOLUTION APPROVED BY A MAJORITY OF COUNCIL'S MEMBERS AT A REGULAR OR SPECIAL MEETING OF THE MAUI COUNTY COUNCIL.
27. LOT 1-A-1 TO BE CONVEYED TO THE STATE OF HAWAII, DEPARTMENT OF EDUCATION FOR THE PURPOSE OF A SCHOOL SITE.

FINAL SUBDIVISION APPROVAL
(APPROVAL BASED UPON SECTION
18.17.050 C, M.C.C.)

Subdivision File Number: 2.3134
Approved for Recordation with the Bureau of
Conveyances and Department of Taxation,
State of Hawaii.
Director of Public Works Date

SUBDIVISION FILE NO. 2.3124

34" x 30"

Exhibit B

DESCRIPTION

ANAWIO SUBDIVISION

LOT 2-A

Being a portion of Grant 9325, Apana 1 to Haleakala Ranch Co. situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe on the Northwest corner of this lot on the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North

21,731.05 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|--------------|---|
| 1. | 275° 59' | 656.11 feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56; |
| 2. | 280° 28' | 1,517.10 feet along Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole; |
| 3. | 00° 00' | 975.13 feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Co. to a PK nail; |
| 4. | 102° 30' | 804.53 feet along same to a 1/2-inch pipe; |
| 5. | 86° 30' | 200.00 feet along same to a 1/2-inch pipe; |
| 6. | 70° 42' 02" | 739.62 feet along same to a 1/2-inch pipe; |
| 7. | 160° 42' 02" | 791.42 feet along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe; |
| 8. | 250° 42' 02" | 20.00 feet along the Southerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe; |
| 9. | 160° 42' 02" | 120.53 feet along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe; |

10. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the end of the curve being: $72^{\circ} 05' 01''$; the chord azimuth and distance being: $161^{\circ} 23' 31.5''$ 167.04 feet to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: $72^{\circ} 05' 01''$; the radial azimuth from the radius point to the end of the curve being: $72^{\circ} 44' 47''$; the chord azimuth and distance being: $162^{\circ} 24' 54''$ 80.05 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: $72^{\circ} 44' 47''$; the radial azimuth from the radius point to the end of the curve being: $72^{\circ} 49' 28''$; the chord azimuth and distance being: $162^{\circ} 47' 07.5''$ 9.43 feet to a 1/2-inch pipe;
13. $72^{\circ} 49' 28''$ 15.00 feet along the Northerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
14. Thence along the Easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: $72^{\circ} 49' 28''$; the radial azimuth from the radius point to the end of the curve being: $75^{\circ} 21' 36.2''$; the chord azimuth and distance being: $164^{\circ} 05' 32.1''$ 306.89 feet; to the point of beginning and containing an area of 48.007 Acres.

Access will not be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Courses 7 through 10, inclusive and Courses 12 through 14, inclusive of the above described Lot 2-A.

Access will be permitted into and from Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] over and across Course 11 of the above described Lot 2-A.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

A handwritten signature of Michael E. Silva in black ink, written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 20, 2011

HRC01

EXHIBIT D

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

January 25, 2013

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

PSF No.: 08MD-095
08MD-096
Maui

Approval of Department of Education's Request:

Approval of land use requests and Issuance of Construction and Management Right-of-Entry to Department of Education for a New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

APPLICANT:

State of Hawaii, Department of Education ("DOE")

BACKGROUND:

In January 2012, The State of Hawaii acquired the two adjacent parcels of land in Keehi Maui, for a new high school campus. Although the Board of Land and Natural Resources ("BLNR") approved recommending to the Governor that these lands be set aside to DOE, at this time the acquired lands have yet to be set aside. To allow DOE to continue its efforts to develop a new high school on the two parcels, DOE is requesting BLNR to approve and execute several documents, subject to review and approval of the Department of the Attorney General. A copy of DOE's request referenced above is attached as Exhibit AA, for BLNR's review and consideration.

Land Division has notified doe, and DOE has agreed that prior to the DLNR's execution of any documents requested, DOE execute and provide to DLNR a letter, a sample of which is attached as Exhibit BB.

RECOMMENDATION: That the Board approve the DOE recommendations cited in attached Exhibit AA, subject however to the above terms and conditions discussed above, which are by this reference are incorporated herein, and further subject to such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gavin Chun
Project Development Specialist

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
January 25, 2013 30.

EXHIBIT AA

DOE'S REQUEST

Approval of land use requests and Issuance of Construction and Management Right-of-Entry to Department of Education for a New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES
Honolulu, Hawaii 96813

LAND DIVISION

, 2013

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

PSF No.:

Maui

Approval of land use requests and Issuance of Construction
and Management Right-of-Entry to Department of Education
for a New High School Campus, Portion of Kula, Makawao,
Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

APPLICANT AGENCY:

Department of Education

LANDOWNER:

State of Hawaii

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

State-owned lands situated at Kihei, Makawao, Maui, identified by
Tax Map Key: (2) 2-2-002:081 and 083, as shown on the attached
map labeled Exhibit A.

AREA:

77.182 acres, more or less.

ZONING:

State Land Use District: Agriculture District
County of Maui CZO: Agriculture

CURRENT USE:

Vacant

COMMENCEMENT DATE:

To be determined by the Chairperson and ending with the issuance of an Executive Order to the DOE for the school site.

CONSIDERATION:

Gratis. Government agency

PURPOSE:

Approval of land use requests associated with two state-owned lots that will become a new high school campus in Kihei, Maui. This includes related actions for needed Change in Zoning, Community Plan Amendment, State Land Use District Boundary Amendment, Consolidation and additional Subdivision of parcels for traffic improvements and transfer of the roadway easement for improvements for future residential development on lands above the school.

Issuance of a construction and management right-of-entry, granting the DOE the privilege and authority to enter, test, construct, use, maintain, and repair a new high school campus to serve the south Maui region.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Statement has been prepared for the construction of the proposed high school. The Final Environmental Impact Statement was accepted by the governor on November 9, 2012. Notice of Acceptance was published in the November 23, 2012 Office of Environmental Quality Control Environmental Notice.

APPLICANT REQUIREMENTS:

None

REMARKS:

The Department of Education (DOE) is requesting the Board of Land and Natural Resources (BLNR) approval of land use requests for land purchased in January 2012 to be used for a new high school campus in Kihei, Maui.

Funding for the land acquisition came from 2006 and 2008 appropriations for land acquisition and planning costs. BLNR approved in principle the acquisition of this property at the February 27, 2009 meeting. BLNR approved the acquisition and set aside of the two parcels to the DOE at the November 10, 2011 meeting.

The deeds for the parcels were executed on January 6, 2012 and recorded with the Bureau of Conveyances on January 13, 2012.

The DOE now requests BLNR's approval of several documents required for development of the high school. Approval of these land use requests will facilitate the DOE's efforts to develop the parcels. DOE is requesting approval and execution of consent to the Petition for Land Use District Boundary Amendment, and approval and execution of Subdivision Application for lot consolidation, Tax Clearance Form and the Subdividers of Agricultural Lands Forms. For the Board's information, applications to the County of Maui for a Community Plan Amendment, Change in Zoning, subdivision of dedicated parcels, and an amendment to the Maui Island Plan General Plan 2030 are potential forthcoming land use approval requests.

The Tax Clearance Form and the Subdividers of Agricultural Lands Forms are to establish the record for the lots that they are state owned and exempt from property taxes.

The DOE also requests the issuance of a construction and management right-of-entry to permit access to site for the DOE's planners and consultants for design and testing purposes. It will also permit the start of construction.

The DOE's next step for the site will be the issuance of a design-build contract. When the design work for the high school site is completed, the parcel will be re-subdivided based on the design of the school and the specific route of a road through the school parcel to access lands east, or mauka, of the school.

The school parcels' highway frontage (Piilani Highway) includes the sole ingress/egress point for the large acreage retained by the two original owners of the school parcels, mauka of the school parcels. The owners received an access easement from the highway along the future access road as generally depicted on Exhibit B.

When the original landowners are ready to develop the property mauka of the school site, improvements to and maintenance of the access road will be provided at no cost to the State. The access road may be dedicated to the County at no cost to the State.

Around the time of the re-subdivision of the land, construction of the school will begin. During the same period, BLNR will transfer responsibility for the site to the DOE through an executive order. The construction and management right-of-entry will allow consolidation consultants and design-build contractors to progress seamlessly while waiting for the executive order.

Approval for the issuance of the executive order to follow the consolidation of the two parcels, was granted by the BLNR at the November 10, 2011 meeting.

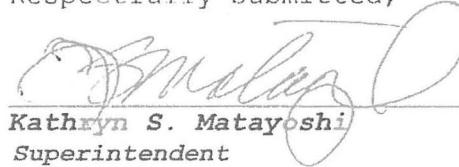
The DOE will construct and operate a public high school for approximately 1,000 students initially and 1,650 upon complete build-out of the property.

RECOMMENDATION: That the Board:

1. Approve and execute the following documents as required for the development of the two school parcels purchased by the State of Hawaii in January 2012, subject to the review and approval of the Department of the Attorney General.
 - a. Letter for the Petition for a District Boundary Amendment
 - b. Subdivision Application for consolidation of the two school parcels
 - c. Tax Clearance Form
 - d. Subdividers of Agricultural Lands Forms
2. Authorize the issuance of a construction and management right-of-entry to the DOE covering the subject area for school and educational purposes.
3. Be informed that the following documents will be forwarded to the Board for approval at such time that they are ready for processing:
 - a. Kihei-Makena Community Plan Amendment: Community Plan Amendment Application
 - b. Change in Zoning Application
 - c. Subdivision upon completion of design of school site, remnant site, portion of the roadway, and any parcels needed for traffic improvements

- d. Transfer of roadway parcel to the developer of residential subdivision
- e. Amendment to the Maui Island Plan General Plan 2030, if applicable

Respectfully Submitted,



Kathryn S. Matayoshi
Superintendent

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson

EXHIBIT A TO WARRANTY DEED

Legal Description of the Property

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole) situate, lying and being at Kaonoulu, Koheo 1 and 2, Kihei, Island and County of Maui, State of Hawaii, being LOT 1-A-1 of the "KAONOULU RANCH-WATER TANK SUBDIVISION" and thus bounded and described, to-wit:

Beginning at a 1/2-inch pipe on the southwest corner of this lot on the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North
21,731.05 feet West

and running by azimuths measured clockwise from true South:

1. Thence along the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)) on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being:

75°	21'	36.2"		the chord azimuth and distance being:
166°	04'	48.1"	174.29	feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being:

265°	18'	295.62	feet to a PK nail;
------	-----	--------	--------------------
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;

7. 100° 28' 1,517.10 feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;
8. 95° 59' 656.11 feet along same to the point of beginning and containing an area of 29.175 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: KAO RANCH, LIMITED, a Hawaii corporation (formerly known as KAONOULU RANCH COMPANY, LTD., a Hawaii corporation)

GRANTEE: KAONOULU RANCH, a Hawaii limited partnership

DATED: March 11, 1983 & April 19, 1983

RECORDED: Liber 16988 Page 248

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The terms and provisions contained in the following:

INSTRUMENT: AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

DATED: --- (acknowledged December 1, 2000 and December 13, 2000)

RECORDED: Document No. 2000-182505

PARTIES: KAONOULU RANCH

3. The terms and provisions contained in the following:

INSTRUMENT: AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

DATED: February 19, 2009

RECORDED: Document No. 2009-044494

PARTIES: KAONOULU RANCH LLLP, "Subdivider", COUNTY OF MAUI, through its Department of Public Works, a political subdivision of the State of Hawaii, "COUNTY"

4. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED: February 3, 2009
RECORDED: Document No. 2009-048542
PARTIES: KAONOULU RANCH LLLP, a Hawaii limited liability limited partnership, "Owner", and COUNTY OF MAUI, through its Department of Planning, a body politic corporate, and a political subdivision of the State of Hawaii

5. RESTRICTION OF VEHICLE ACCESS RIGHTS

ALONG: along Piilani Highway
SHOWN: on Survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124)

6. CENTERLINE DRAINAGEWAY as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).

7. The terms and provisions contained in the following:

INSTRUMENT: SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED: August 23, 2010
RECORDED: Document No. 2010-172544
PARTIES: KAONOULU RANCH LLLP, "Owner", and COUNTY OF MAUI,
through its Department of Planning, a body politic and corporate, and a
political subdivision of the State of Hawaii

8. GRANT

TO: KAONOULU RANCH LLLP, a Hawaii limited liability limited
partnership

DATED: February 4, 2011
RECORDED: Document No. 2011-025622
GRANTING: a perpetual non-exclusive easement for the natural flow and discharge
over and onto Lot 1-A-1 of surface water and run-off from Lot 1-A-2

9. GRANT

TO: HALEAKALA RANCH COMPANY, a Hawaii corporation

DATED:
RECORDED: Document No. _____
GRANTING: a non-exclusive easement for access and utility purposes affecting
Easement "B" more particularly described therein

10. GRANT

TO: KAONOULU RANCH LLLP, a Hawaii limited liability limited
partnership

DATED:
RECORDED: Document No. _____
GRANTING: a non-exclusive easement for access and utility purposes affecting
Easement "A" and Easement "B" more particularly described therein.

Tax Map Key No.: (2) 2-2-002-081

EXHIBIT A

LEGAL DESCRIPTION OF SCHOOL SITE

FIRST:

ANAWIO SUBDIVISION LOT 2-A

All of that certain parcel of land (being a portion of Grant 9325, Apana 1 to Haleakala Ranch Co.) situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii, being Lot 2-A of the Anawio Subdivision, being more particularly described as follows:

Beginning at a 1/2-inch pipe on the northwest corner of this lot on the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North
21,731.05 feet West

and running by azimuths measured clockwise from true south:

- | | | | |
|----|--------------|----------|--|
| 1. | 275° 59' | 656.11 | feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56; |
| 2. | 280° 28' | 1,517.10 | feet along Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole; |
| 3. | 00° 00' | 975.13 | feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Co. to a PK nail; |
| 4. | 102° 30' | 804.53 | feet along same to a 1/2-inch pipe; |
| 5. | 86° 30' | 200.00 | feet along same to a 1/2-inch pipe; |
| 6. | 70° 42' 02" | 739.62 | feet along same to a 1/2-inch pipe; |
| 7. | 160° 42' 02" | 791.42 | feet along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe; |

8. 250° 42' 02" 20.00 feet along the southerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
9. 160° 42' 02" 120.53 feet along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
10. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the end of the curve being: 72° 05' 01"; the chord azimuth and distance being: 161° 23' 31.5" 167.04 feet to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 05' 01"; the radial azimuth from the radius point to the end of the curve being: 72° 44' 47"; the chord azimuth and distance being: 162° 24' 54" 80.05 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 44' 47"; the radial azimuth from the radius point to the end of the curve being: 72° 49' 28"; the chord azimuth and distance being: 162° 47' 07.5" 9.43 feet to a 1/2-inch pipe;
13. 72° 49' 28" 15.00 feet along the northerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
14. Thence along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 49' 28"; the radial azimuth from the radius point to the end of the curve being: 75° 21' 36.2"; the chord azimuth and distance being: 164° 05' 32.1" 306.89 feet;

to the point of beginning and containing an area of 48.007 Acres.

Said above described parcel of land having been acquired by Haleakala Ranch Company by the following instruments:

1. By Land Patent Grant Number 9325 from the Governor of the Territory of Hawaii dated August 25, 1927, as to an undivided 99.45987% interest; and
2. By Warranty Deed dated August 27, 2009, recorded in said Bureau as Document No. 2009-186595, as to an undivided 0.54013% interest.

SUBJECT, HOWEVER, to the following:

1. Reservation in Land Patent Grant Number 9325 of necessary rights-of-way to be not less than forty (40) feet wide for public roads for ingress, egress and regress, such rights-of-way to be designated by the Commissioner of Public Lands.
2. Restriction of abutter's rights of access into and from Piilani Highway, Federal Aid Project No. RF-031-1 (5), as shown on surveyor's map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori Engineering, Inc., dated August 16, 1995, which restriction was imposed by the State of Hawaii by Final Order of Condemnation dated July 22, 1980, filed in the Circuit Court of the Second Circuit, State of Hawaii, Civil No. 3888, on July 23, 1980, recorded in said Bureau in Liber 14909 at Page 417 on August 8, 1980.
3. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Large Lots) dated March 3, 1988, recorded in said Bureau in Liber 21848 at Page 331, by and between Haleakala Ranch Company, a Hawaii corporation, "Owner", and the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.
4. Terms, provisions, covenants, conditions and reservations contained in Farm Dwelling Agreement dated November 22, 1988, recorded in said Bureau in Liber 22600 at Page 456, by and between Haleakala Ranch Company, a Hawaii corporation and County of Maui, through its Department of Public Works.
5. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated February 11, 2005, recorded in said Bureau as Document No. 2005-038354, by and between Haleakala Ranch Company, a Hawaii corporation, and Pacific Rim Land, Inc., a Washington corporation, "Subdivider", and County of Maui, through its Department of Public Works and Environmental Management, a political subdivision of the State of Hawaii, "County".
6. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement dated March 7, 2007, recorded in said Bureau as Document No.

2007-051945, by and between Haleakala Ranch Company, a Hawaii corporation and Pacific Rim Land, Inc. Company, a Washington corporation, "Owner", and County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii, "County".

7. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated March 16, 2009, recorded in said Bureau as Document No. 2009-054120, by and between Haleakala Ranch Company, a Hawaii corporation, Pacific Rim Land, Inc., a Washington corporation, and the County of Maui, through its Department of Planning.

8. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated September 11, 2009, recorded in said Bureau as Document No. 2009-159165, by and between Haleakala Ranch Company, a Hawaii Corporation, Pacific Rim Land, Inc., a Washington corporation, and the County of Maui, through its Department of Planning.

9. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated December 8, 2009, recorded in said Bureau as Document No. 2009-186593, by and between Haleakala Ranch Company, a Hawaii corporation, Pacific Rim Land, Inc., a Washington corporation, and County of Maui, through its Department of Public Works, regarding the maximum number of lots that may be created when subdividing lands within the agricultural district.

10. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated August 23, 2010, recorded in said Bureau as Document No. 2010-172543, by and between Haleakala Ranch Company, "Owner", and County of Maui, through its Department of Planning, a body politic and corporate.

11. Centerline Drainageway as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated March 18, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3129).

12. Grant dated February 4, 2011, recorded in said Bureau as Document No. 2011-025624, in favor of Haleakala Ranch Company, a Hawaii corporation, granting a perpetual non-exclusive easement for the natural flow and discharge over and onto Lot 2-A of surface water and run-off from Lot 2-B.

Tax Map Key: (2) 2-2-002-083

SECOND:

KAONOULU RANCH-WATER TANK SUBDIVISION LOT 1-A-1

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole) situate, lying and being at Kaonoulu, Koheo 1 and 2, Kihei, Island and County of Maui, State of Hawaii, being Lot 1-A-1 of the "Kaonoulu Ranch-Water Tank Subdivision" and thus bounded and described, to-wit:

Beginning at a 1/2-inch pipe on the southwest corner of this lot on the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North
21,731.05 feet West

and running by azimuths measured clockwise from true South:

1. Thence along the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)) on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 75° 21' 36.2" the chord azimuth and distance being: 166° 04' 48.1" 174.29 feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being: 265° 18' 295.62 feet to a PK nail;
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;

- | | | | |
|----|----------|----------|---|
| 7. | 100° 28' | 1,517.10 | feet along Grant 9325, Apana I to Haleakala Ranch Co.; |
| 8. | 95° 59' | 656.11 | feet along same to the point of beginning and containing an area of 29.175 acres, more or less. |

Said above described parcel of land having been acquired by Kaonoulu Ranch LLLP by Deed dated March 11, 1983 & April 19, 1983, recorded in said Bureau in Liber 16988 at Page 248.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated --- acknowledged December 1, 2000 and December 13, 2000, recorded in said Bureau as Document No. 2000-182505.
3. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated February 19, 2009, recorded in said Bureau as Document No. 2009-044494, by and between Kaonoulu Ranch LLLP, "Subdivider", and County of Maui, through its Department of Public Works, a political subdivision of the State of Hawaii.
4. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated February 3, 2009, recorded in said Bureau as Document No. 2009-048542, by and between Kaonoulu Ranch LLLP, a Hawaii limited liability limited partnership, "Owner", and County of Maui, through its Department of Planning, a body politic corporate, and a political subdivision of the State of Hawaii.
5. Restriction of Vehicle Access Rights along Piilani Highway, as shown on Survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).
6. Centerline Drainageway as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).
7. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated August 23, 2010, recorded in said Bureau as Document No. 2010-172544, by and between Kaonoulu Ranch LLLP, "Owner", and County of Maui, through its Department of Planning, a body politic and corporate, and a political subdivision of the State of Hawaii.

8. Grant dated February 4, 2011, recorded in said Bureau as Document No. 2011-025622, in favor of Kaonoulu Ranch LLLP, a Hawaii limited liability limited partnership, granting a perpetual non-exclusive easement for the natural flow and discharge over and onto Lot 1-A-1 of surface water and run-off from Lot 1-A-2.

Tax Map Key: (2) 2-2-002-081

[END OF EXHIBIT A]

EXHIBIT B

LEGAL DESCRIPTION OF EASEMENT AREA

FIRST:

Easement A, being a portion of Grant 9325, Apana 1 to Haleakala Ranch Company situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii, being more particularly described as follows:

Beginning at the Southwesterly corner of this easement on the Easterly side of Piilani Highway [Federal Aid Project No. RF-031-1 (5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,395.68 feet North

21,629.81 feet West

and running by azimuths measured clockwise from True South:

1. 252° 25' 164.00 feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company;
2. Thence along same on a curve to the left with a radius 310.00 feet, the chord azimuth and distance being: 224° 59' 10" 285.62 feet;
3. 275° 59' 81.31 feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
4. Thence along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company on a curve to the right with a radius of 390.00 feet, the chord azimuth and distance being: 43° 47' 15.3" 373.73 feet;
5. 72° 25' 164.00 feet along same;
6. Thence along the Easterly side of Piilani Hawaii [Federal Aid Project No. RF-031-1(5)] on a curve to the right with

Access will be permitted into and from Piilani Highway [Federal Aid Project No. RF-031-1(5)], over and across Course 6 of the above described Easement A.

Easement B, being a portion of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) situated at Kaonoulu, Kihei, Island and County of Maui, State of Hawaii, and being more particularly described as follows.

12,088.69 feet North
19,586.66 feet West

1.	0° 00'	80.18	feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
2.	93° 48'	1,335.81	feet along same;
3.	Thence along same on a curve to the left with a radius of 250.00 feet, the chord azimuth and distance being: 42° 05' 40.5" 392.42 feet;		
4.	Thence along same on a curve to the right with a radius of 390.00 feet, the chord azimuth and distance being: 2° 46' 25.8" 167.29 feet;		
5.	95° 59'	81.31	feet along Grant 9325, Apana 1 to Haleakala Ranch Company;
6.	Thence along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa		

(Certificate of Boundaries No. 56) on a curve to the left with a radius of 310.00 feet,
the chord azimuth and distance being:
183° 58' 20.5" 145.61 feet;

7. Thence along same on a curve to the right with a radius of 330.00 feet, the chord azimuth and distance being: 222° 05' 40.5" 517.99 feet;
8. 273° 48' 1,330.50 feet along same to the point of beginning and containing an area of 3.700 Acres.

EXHIBIT BB

Sample Letter for DOE's Execution

[Date]

William J. Aila, Jr., Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Aila:

Subject: [Type of Application], [Location, Island, TMK]

The subject application requires the State of Hawaii to sign off as the landowner as a condition of approval. Please sign in the appropriate space in the application as the landowner.

We agree to assume and be responsible and liable for all of the duties and obligations of the landowner under the application and shall indemnify, hold harmless, and defend the State of Hawaii from and against all claims, injuries and damages arising out of those duties and obligations. We understand and agree that by signing that application as requested, the State of Hawaii does not waive or release any of its rights and privileges, and expressly reserves all such rights and privileges as landowner reference herein.

Sincerely,

[Name of Applicant]
Applicant

Enclosure

EXHIBIT E

DAVID Y. IGE
GOVERNOR




KEITH T. HAYASHI
INTERIM SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

April 7, 2022

TO: The Honorable Suzanne D. Case
Chairperson, Department of Land and Natural Resources

FROM: Randall M. Tanaka 
Assistant Superintendent

SUBJECT: **Grant of Easement in Favor of the County of Maui, Department of Water Supply, Kihei, Maui, TMK: (2)2-2-002:081**

The Department of Education (Department) is currently winding down on construction of Phase 1 Infrastructure, Off-site Utilities' development of its new Kihei High School on the island of Maui. As part of the ongoing utility installation for this new campus, the County of Maui, Department of Water Supply has requested execution and recordation of the enclosed grant of easement.

Since the grant requires the State of Hawaii to sign off as the landowner of record, may we ask that you please review this document with counsel and if it meets your satisfaction, sign in the appropriate space as the landowner. The Department agrees to assume and be responsible and liable for all of the duties and obligations of the landowner under this grant of easement.

Should you have any question regarding this grant of easement, please contact Roy Ikeda, Interim Public Works Manager of the Facilities Development Branch, Planning Section, at (808) 784-5080 or via email at roy.ikeda@k12.hi.us.

RMT:ri
Enclosure

c: Office of Facilities and Operation
Facilities Development Branch

RECEIVED
2022 APR 13 PM 12:47
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

TOPOGRAPHIC

S:\PROJECTS\GR7002 KIHEI HIGH SCHOOL SURVEY\SURVEY\TPC\GR7002 CONSOLIDATION.TRV

[[Traverse Name: desc check w-1]]

[Traverse data]

Point	Type	South Az Description	Horiz Dist	Radius	PC->PR	PR->PT	Northing	Easting
2411							11341.0500	-21612.6000
		{il P La;o						
2412	PT	162°26'10.0"	39.589	6920.190	252°16'20.0"	72°36'00.0"	11378.7934	-21624.5467
2413		252°36'00.0"	60.030				11396.7448	-21567.2637
2414	PC	162°36'00.0"	21.490				11417.2514	-21573.6901
2415	PT	242°28'00.0"	52.336	-500.000	155°28'00.0"	329°28'00.0"	11441.4445	-21527.2816
2416		342°34'00.0"	108.100				11338.3099	-21494.8953
2417		72°34'00.0"	47.000				11324.2289	-21539.7364
2418		162°34'00.0"	37.880				11360.3689	-21551.0851
2419		72°34'00.0"	64.470				11341.0540	-21612.5937

[Error Summary]

Relative: 1 : 57808 (Closed Loop) Linear:0.007 Feet Direction:57°32'02.33"
 Northing:0.004 Feet Easting:0.006 Feet Elevation:0.000 Feet
 Angular: None

[Traverse Summary]

Closed Loop 9 Points From 2411 To 2419
 Horizontal Distance: 430.919 Feet Slope Distance: 430.919 Feet
 Area: 7513.0267 SqFt 0.1725 Acres

EXHIBIT "A"

EASEMENT W-1
(for water purposes)

Being a portion of and affecting Lot 1 of the Kihei High School Consolidation (Subdivision File No. 2.3173), being also a portion of Grant 9325, Apana 1 to Haleakala Ranch Company

at
Waiohuli, Makawao, Kihei, Maui, Hawaii.

Beginning at the Southwest corner of this easement on the on the Easterly side of Piilani Highway [F.A.P. No. RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu O Kali" being 11,341.05 feet North and 21,612.60 feet West, and running by azimuths measured clockwise from True South:

Thence along the Easterly side of Piilani Highway [F.A.P. No. RF-031-1(5)], being also the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radial point to the beginning of the curve being: 72° 16' 20", the radial azimuth from the radial point to end of the curve being: 72° 36', and the chord azimuth and distance being:

- | | | |
|----|--------------|--|
| 1. | 162° 26' 10" | 39.59 feet; |
| 2. | 252° 36' | 60.03 feet along the remainder of Lot 1 of the Kihei High School Consolidation (Subdivision File No. 2.3173), being also the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company; |
| 3. | 162° 36' | 21.49 feet along same;
thence along same on a curve to the left with a radius of 500.00 feet, the radial azimuth from the radial point to the beginning of the curve being: 335° 28', the radial azimuth from the radial point to end of the curve being: 329° 28', and the chord azimuth and distance being: |
| 4. | 242° 28' | 52.34 feet; |
| 5. | 342° 34' | 108.10 feet along same; |
| 6. | 72° 34' | 47.00 feet along same; |
| 7. | 162° 34' | 37.88 feet along same; |

8. 72° 34'

64.47 feet along same to the point of beginning and containing an area of 7,513 square feet.



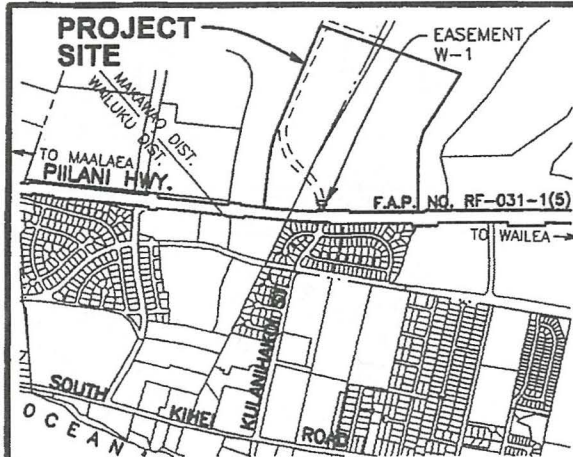
FUKUMOTO ENGINEERING, INC.

Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License expires: 4/30/22

August 23, 2021

EXHIBIT "B"



VICINITY MAP

GRAPHIC SCALE IN FEET

0 1000 2000 4000

NOTES:

1. ALL AZIMUTHS AND RECORD COORDINATES REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "PUU O KALI" Δ.
2. EASEMENT W-1 (7,513 SQ. FT.) IS AN EASEMENT FOR WATER PURPOSES AFFECTING LOT 1 OF THE KIHEI HIGH SCHOOL CONSOLIDATION (SUBDIVISION FILE NO. 2.3173) IN FAVOR OF MAUI COUNTY.

MAP SHOWING EASEMENT W-1

BEING A PORTION OF AND AFFECTING LOT 1 OF THE KIHEI HIGH SCHOOL CONSOLIDATION (SUBDIVISION FILE NO. 2.3173), BEING ALSO A PORTION OF GRANT 9325, APANA 1 TO HALEAKALA RANCH COMPANY

WAIOHULI, MAKAWAO, KIHEI, MAUI, HAWAII

SCALE: 1 IN. = 50 FT.

DATE: AUGUST 19, 2021

PREPARED FOR:

PREPARED BY:

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, HAWAII 96793

FUKUMOTO ENGINEERING, INC.
1721 WILU PA LOOP, SUITE 203
WAILUKU, HAWAII 96793

OWNER:

PROPERTY LOCATION:

STATE OF HAWAII - BLNR
P.O. BOX 621
HONOLULU, HAWAII 96809

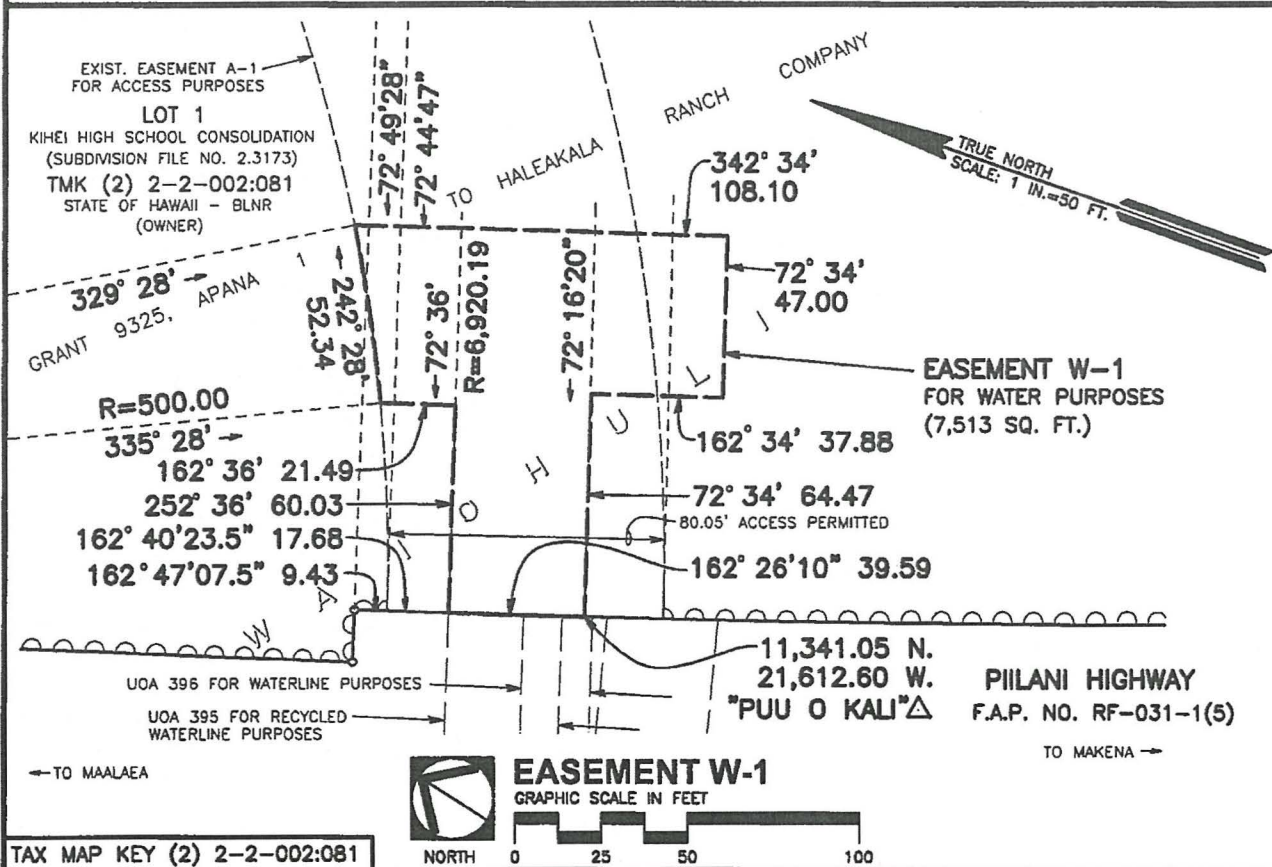
901 PIILANI HIGHWAY
KIHEI, HAWAII 96753



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Sharon Y. Toyama

SHARON Y. TOYAMA
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 13713
LICENSE EXPIRES 4/30/2022



TAX MAP KEY (2) 2-2-002:081