

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

August 22, 2014

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

PSF No.:14MD-136
MAUI

Approval of the Issuance of a Construction and Management
Right-of-Entry Permit to the Division of State Parks for
Unencumbered Public Lands at Waikapu, Wailuku, Maui, Tax Map
Key (2) 3-8-007:104

APPLICANTS:

Division of State Parks whose business and mailing address is 1151
Punchbowl Street Room 310, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

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

LOCATION:

Government lands situated at Waikapu, Wailuku, Maui, identified by
Tax Map Keys: (2) 3-8-007:104 as described in Exhibit A.

AREA:

65.378 acres, more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: Agricultural

TRUST LAND STATUS:

Acquired after statehood

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

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

State Parks management functions pursuant to Chapter 184, Hawaii Revises Statutes, as amended, and Hawaii Administrative Rules, Title 13, Subtitle 6, Chapter 146

TERM:

The management right-of-entry permit shall be effective upon execution and expire upon the issuance of an executive order.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the Central Maui Regional Park was published in the OEQC's Environmental Notice on June 23, 2013, with a Finding of No Significant Impact (FONSI).

BACKGROUND:

At its meeting of December 9, 2011, under agenda item E-3, the Land Board approved in concept the acquisition of private lands at Waikapu, Wailuku, Maui for the purposes of creating the Central Maui Regional Sports Complex ("CMRSC"). The Department's Division of State Parks ("State Parks") conducted all due diligence for the acquisition.

At the March 28, 2014 Land Board meeting, under agenda item E-3, State Parks reported the results of their due diligence and the Land Board approved the acquisition of private lands for park purposes. In the report to the Land Board, State Parks also indicated the most appropriate jurisdiction for maintenance and management of CMRSC is at the County level. Notwithstanding the above, with discussions with the County of Maui ongoing at the time, State Parks indicated a recommendation on a set aside for the CMRSC would be presented to the Land Board once that determination was made and after the State acquired the CMRSC land.

At its meeting of June 13, 2014, under agenda item E-1, State Parks recommended and the Land Board authorized the acquisition of the subject property subject to the terms and conditions of a Warranty Deed with Reservations of Easements, Covenants, Reservations and Restrictions, a copy of which was attached. Pursuant to the Land Board's approval, the 65.378 acres of land situate at Waikapu, Wailuku, Maui, further identified by TMK as (2) 3-8-007:104 (hereinafter the "Subject Property") was acquired and is now unencumbered public land.

As previously reported to the Land Board, State Parks plans to

develop the CMRSC in two phases. Phase I primary improvements will include a high school baseball field, two softball fields, bathroom facilities, a concession building, and parking; and is expected to be completed in late 2015. Additional improvements for Phase I may also include two additional youth softball fields. Commencement of Phase II improvements for CMSC remains dependent on future appropriations.¹

REMARKS:

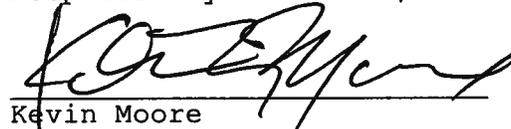
With assistance from Engineering Division, State Parks procured construction services for the construction of Phase I of the CMRSC. Subject to the availability of funds and with further assistance from the Engineering Division, State Parks will procure the services for the construction for all CMRSC Phase II improvements. Whereas a mutual agreement between State Parks and the County of Maui has yet to be finalized, State Parks has agreed to assume all interim management responsibilities for the Subject Property until such time as an agreement is reached and a Governor's executive order setting aside the Subject Property is issued.

Whereas the funding for the acquisition and development of CMRSC was appropriated to State Parks, which has conducted all due diligence for the acquisition of the Subject Property; and State Parks is in discussions with the County of Maui and remains responsible for the planned development of the CMRSC, Land Division supports State Parks' request for a management right-of-entry, under the terms and conditions cited herein.

RECOMMENDATION: That the Land Board authorize the issuance of a management and construction right-of-entry permit to the Division of State Parks covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Kevin Moore
Acting Administrator

¹ As State Parks previously reported to the Land Board, \$18.5 million was appropriated to State Parks for the land acquisition and park design/construction; and total development cost of CMRSC is estimated to exceed \$25 Million.

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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EXHIBIT A

Description of Grantor's Property

DESCRIPTION

MAUI LANI SUBDIVISION

LOT 12-A 3

TAX MAP KEY: (2) 3-8-007:104

All of that certain parcel of land, being a portion of Lot 12-A of the Maui Lani Subdivision, being also portions of Grant 3152 to Henry Cornwell and Grant 3343 to Claus Spreckels situated at Waikapu and Wailuku Commons, Wailuku, Island and County of Maui, State of Hawaii

Beginning at the northwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 6,177.64 feet South and 2,707.87 feet East and running by azimuths measured clockwise from True South:

1. 284° 48' 20" 306.74 feet along Lots 155, 62, 61, 58 and 57 of Maui Lani Phase 7, Increment 4 Subdivision (F. P. 2473);

2. 304° 00' 3,214.71 feet along Lots 57 to 36, inclusive of the Maui Lani Phase 7, Increment 4 Subdivision (F. P. 2473) and Lots 137 to 133, inclusive and Lots 127 to 122, inclusive of the Maui Lani Phase 7, Increment 3 Subdivision (F. P. 2442) and Lots 67 to 48, inclusive of the Maui Lani Phase 7, Increment 2 Subdivision (F. P. 2433) and Lot 11-C-2 of the Maui Lani Development Subdivision;

3. Thence along the northwesterly side of Kuihelani Highway [F.A.S.P. No. S-0380 (4)] (being along Road widening Lot 12-A-5 of the Maui Lani Subdivision) on a curve to the left with a radius of 11,612.16 feet, the chord azimuth and distance being:
34° 00' 53.15" 527.70 feet;

4. 122° 42' 46" 12.00 feet along same;
5. Thence along same on a curve to the left with a radius of 11,624.16 feet, the chord azimuth and distance being:
31° 39' 26" 428.28 feet;
6. Thence along Lot 12-A-1 of the Maui Lani Subdivision on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:
121° 39' 45" 1.64 feet;
7. 122° 36' 1,065.80 feet along Lot 12-A-1 of the Maui Lani Subdivision;
8. Thence along same on a curve to the left with a radius of 2,380.87 feet, the chord azimuth and distance being:
116° 18' 522.53 feet;
9. 144° 04' 840.97 feet along Lot 12-A-1 of the Maui Lani Subdivision;
10. Thence along same on a curve to the right with a radius of 503.22 feet, the chord azimuth and distance being:
150° 30' 50" 113.01 feet;
11. 156° 57' 40" 526.93 feet along Lot 12-A-1 of the Maui Lani Subdivision;
12. 106° 11' 470.00 feet along same;
13. 196° 55' 490.95 feet along same to the point of beginning and containing an Area of 65.378 Acres.

SUBJECT, HOWEVER to existing Easements 16 and 17 for water transmission line purposes in favor of the County of Maui per Grant of Easement recorded in Liber 14533, pages 181,192 and 203.

SUBJECT, ALSO to a restriction of vehicular access rights affecting Course Nos. 3, 4 and 5 of the above described parcel of land.

Prepared by: A&B Properties, Inc.
Kahului, Maui, Hawaii

January 7, 2013
REVISED: June 17, 2014

This work was prepared by me or under my supervision.



 4/30/2016
Ken T. Nomura
Licensed Professional Land Surveyor
Certificate No. LS-7633
Expiration Date: 4/30/2016

ME
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