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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

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

APPROVAL IN CONCEPT FOR THE ACQUISITION
OF PRIVATELY-OWNED LANDS FOR AIRPORT PURPOSES,
SITUATE AT KAHULUI, ISLAND AND COUNTY OF MAUI
TAX MAP KEY: (2) 3-8-001-002 (portion)

MAUI

APPLICANT AGENCY:

Department of Transportation, Airports Division ("DOT").

PRIVATE LANDOWNER:

Alexander and Baldwin, Inc., a Hawaii corporation ("A&B").

LEGAL REFERENCE:

Sections 107-10, 171-11, 171-30, 261-4, Hawaii Revised Statutes, as amended, and Chapter 101, HRS as may be necessary.

LOCATION:

Privately-owned lands situated at Kahului, Island and County of Maui, identified by Tax Map Key (2) 3-8-1-002 (portion), as shown on attached Exhibits "A" and "B"

AREA:

15 acres, more or less.

ZONING:

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

ITEM M-8

LAND TITLE STATUS:

Not applicable. Private lands

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

CURRENT USE:

Vacant and subject to encumbrances of record.

CONSIDERATION:

One-time payment, in the amount of the fair market value as determined by an independent appraiser contracted by the State, pursuant to Section 171-30(e), HRS. Said appraisal shall be subject to review and approval by the DOT.

PURPOSE:

This request is for the approval in concept for the acquisition of privately owned lands for the purpose of preventing incompatible land uses of future development by the current landowner in an area that could impede airport operations and safety.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

A Final Environmental Impact Statement (FEIS) was issued in September 1997 for Kahului Airport Improvements (including acquisition of subject lands) and published in the OEQC's The Environmental Notice on October 23, 1997. The FEIS was accepted by the Governor on February 18, 1998.

REQUIREMENTS:

DOT shall be required to:

- 1) Contract and pay for an independent appraisal and appraisal review to determine the market value of the subject lands to be acquired.

A&B shall be required to:

- 1) Process and obtain subdivision approval and satisfy all conditions imposed by the County of Maui. In addition, DOT may require certain conditions to be cleared to satisfy the Federal Aviation Administration's grant assurances;
- 2) Provide survey maps and descriptions for the privately owned property according to State DAGS standards;

- 3) Obtain a title report for the privately owned property, subject to review and approval by Applicant.
- 4) Pay for and conduct a Phase I environmental site assessment and, if the 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 performing 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 of Hawaii Department of Health, all at no cost to the State and to the satisfaction of the Applicant.

REMARKS:

This request is for approval in concept for the acquisition of privately owned lands for the purpose of preventing incompatible land uses of future development by the current landowner in an area that could impede airport operations and safety. The subject lands are designated in the Airports Division's June 1993 Master Plan as lands for future acquisition.

The lands to be acquired are located in A&B's Maui Business Park Phase II, the second phase of A&B's light industrial subdivision called Maui Business Park. The lands are a portion Tax Map Key No. (2) 3-8-001-002, in which A&B is in the process of obtaining subdivision approval for their development. The property is vacant, unimproved land bordered by Hana Highway to the north and Pulehu Road to the south.

Funding for the acquisition of the necessary lands was approved in the 2013 Legislative session. DOT expects to utilize FAA Airport Improvement Program funds for the acquisition of the lands.

DOT and A&B are currently negotiating terms of a Memorandum of Agreement for the purchase of the subject lands. Final Land Board approval to this transaction and a request for set aside of the lands to DOT will be made at a later date.

RECOMMENDATION:

That the Board:

1. Approve, in concept, the acquisition of land pursuant to the terms cited above, which by this reference, are incorporated herein, provided that the proposed details of the acquisition shall be submitted to the Board for review and remain subject to final approval by the Board and the Department of the Attorney General prior to documentation.

2. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State.

Respectfully submitted,



FORD N. FUCHIGAMI
Director of Transportation

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member

