

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

April 10, 2015

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

PSF No.: 14MD-132

Maui

Partial Withdrawal of Land (Lot 1-B) from Governor's Executive Order No. 2823 to Department of Education; Issuance of Immediate Right of Entry to County of Maui for Roadway, Walking and Bike Path, and Greenbelt Purposes and Improvements; and Sale of 1,681 sq. ft. Remnant (Lot 1-B) via Quit Claim Deed to County of Maui for Roadway Improvements, Kihei, Maui, TMK: (2) 2-2-002:043 por.

CONTROLLING AGENCY

Department of Education

APPLICANT

County of Maui

LEGAL REFERENCE:

Section 171-11 and 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kihei, Maui identified by Tax Map Key: (2) 2-2-002:043 por, as shown on the attached map labeled Exhibit A.

AREA:

1,681 square feet, more or less.

ZONING:

State Land Use District:      Urban  
County of Maui CZO:        Open Zone

TRUST LAND STATUS:

Acquired after 1959

CURRENT USE STATUS:

Governor's Executive Order No. 2823 setting aside 25 acres to Department of Education for Kihei Elementary and Intermediate school purposes; and

Land Office Deed No. 28225 to Maui Electric Company, Ltd. for utility purposes.

PURPOSE OF SET ASIDE:

Roadway, walking and bike path, and greenbelt purposes and improvements.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner. This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost;
- 2) Obtain written concurrence from MECO in regards to this action's effect upon LOD 28225 for utility purposes;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department;
- 4) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 5) Consolidate the remnant with the Applicant's abutting property through the

County subdivision process.

REMARKS:

A remnant portion of public land is to be withdrawn from Executive Order 2823 to the Department of Education (DOE) for Kihei Elementary and Intermediate school. Signed concurrence was received from the Superintendent of the DOE, Ms. Kathryn Matayoshi, by letter dated August 12, 2014 (exhibit E). The remnant Lot 1-B is to be quit claimed by the State to the County of Maui to facilitate the implementation of the Kihei Greenway Phase 2 project (Exhibit B).

The Kihei Greenway Phase 2 project is a proposed paved pedestrian / bicycle path that is a continuation of the existing Kihei greenway which was part of the Piikea Avenue round-about project. Proposed improvements on the land to be acquired include a paved path, landscaping & irrigation, signage, pavement markings, minor concrete work, and path lighting. All improvements shall improve access and utility of the area leading to greater opportunities for multi-modal transportation and increased health and safety. Staff strongly encourages support for these proposed uses of public lands.

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." Lot 1-B is an odd shape and consists of 1,681 sq. ft. and therefore meets the definition of a remnant (Exhibit C).

On November 20, 1997, under Item No. D-17, the Board authorized a similar withdrawal from EO 2823 in order to accommodate roadway improvements along East Lipoa street by the County of Maui. Furthermore, in 2002, the State quit claimed parcels A (8,800 sq. ft., CSF 22,754; and B (854 sq. f.t., CSF 22,755) to the County of Maui for said roadway improvements (exhibit D).

Following subdivision of Lot 1-B, the County of Maui shall purchase the fee and the State shall issue a quitclaim deed as needed pursuant to receipt of payment.

An immediate right of entry is to be issued and include language that said right would automatically terminate upon the conveyance of the fee interest of Lot 1-B to the County.

RECOMMENDATION: That the Board:

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Approve of and recommend to the Governor issuance of an executive order withdrawing 1,681 sq. ft. from the Governor's Executive Order No. 2823 and subject 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.
5. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to County of Maui 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 deed or grant (remnant) form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
6. Authorize the issuance of an immediate right-of-entry to the County of Maui covering the subject area for roadway improvement 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 right-of-entry form(s), as may be amended from time to time; and

- b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

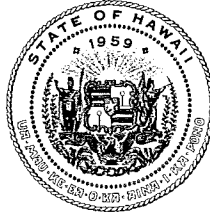
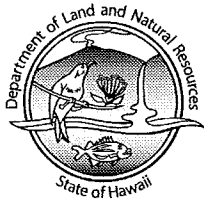
Respectfully Submitted,

  
\_\_\_\_\_  
Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Carty S. Chang, Interim Chairperson

DAVID Y. IGE  
GOVERNOR OF HAWAII



CARTY S. CHANG  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN  
INTERIM FIRST DEPUTY

W. ROY HARDY  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 10, 2015

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Partial Withdrawal of Land (Lot 1-B) from Governor's Executive Order No. 2823 to Department of Education; Issuance of Immediate Right of Entry to County of Maui for Roadway Improvements; and Sale of 1,681 sq. ft. Remnant (Lot 1-B) via Quit Claim Deed to County of Maui for Roadway Improvements TMK: (2) 2-2-002:043 por.

Project Location: Kihei, Maui

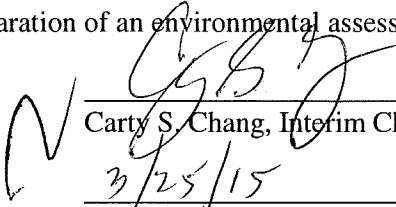
Project / Reference No.: 14MD-132

Project Description: Roadway Improvements, Kihei Greenway Phase 2, Pedestrian / Bicycle Path

Chap. 343 Trigger(s): Use of State Lands.

Exemption Class No. and Description: In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which states: "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" [HAR § 11-200-8(a)(1)], and Exemption Class No. 4, "Minor alteration in the conditions of land, water, or vegetation."

Recommendation: It is anticipated that this project will probably have minimal or no significant adverse effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
Carty S. Chang, Interim Chairperson

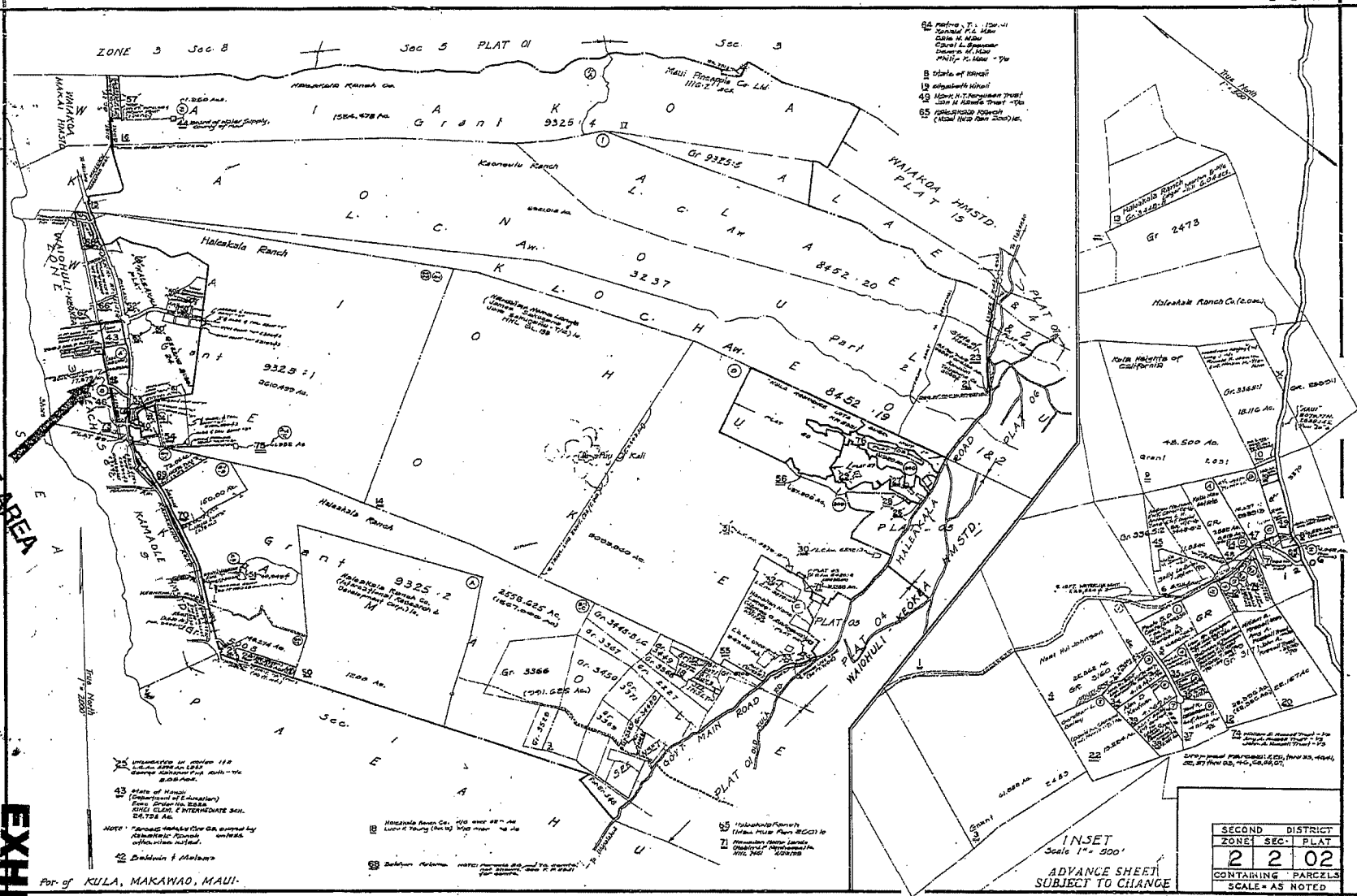
3/25/15  
Date

SUBJECT AREA

1960  
Map of Kula, Maui, Hawaii  
Scale: 1" = 500'

EXHIBIT A

Part of KULA, MAKAWAO, MAUI.



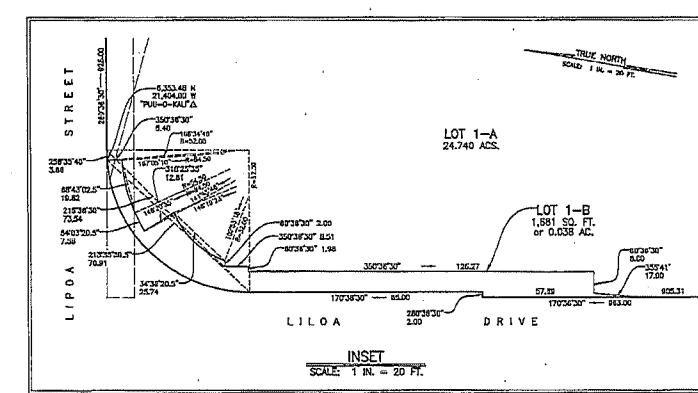
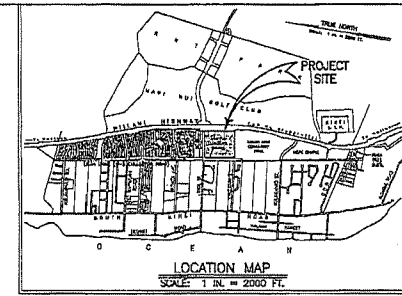
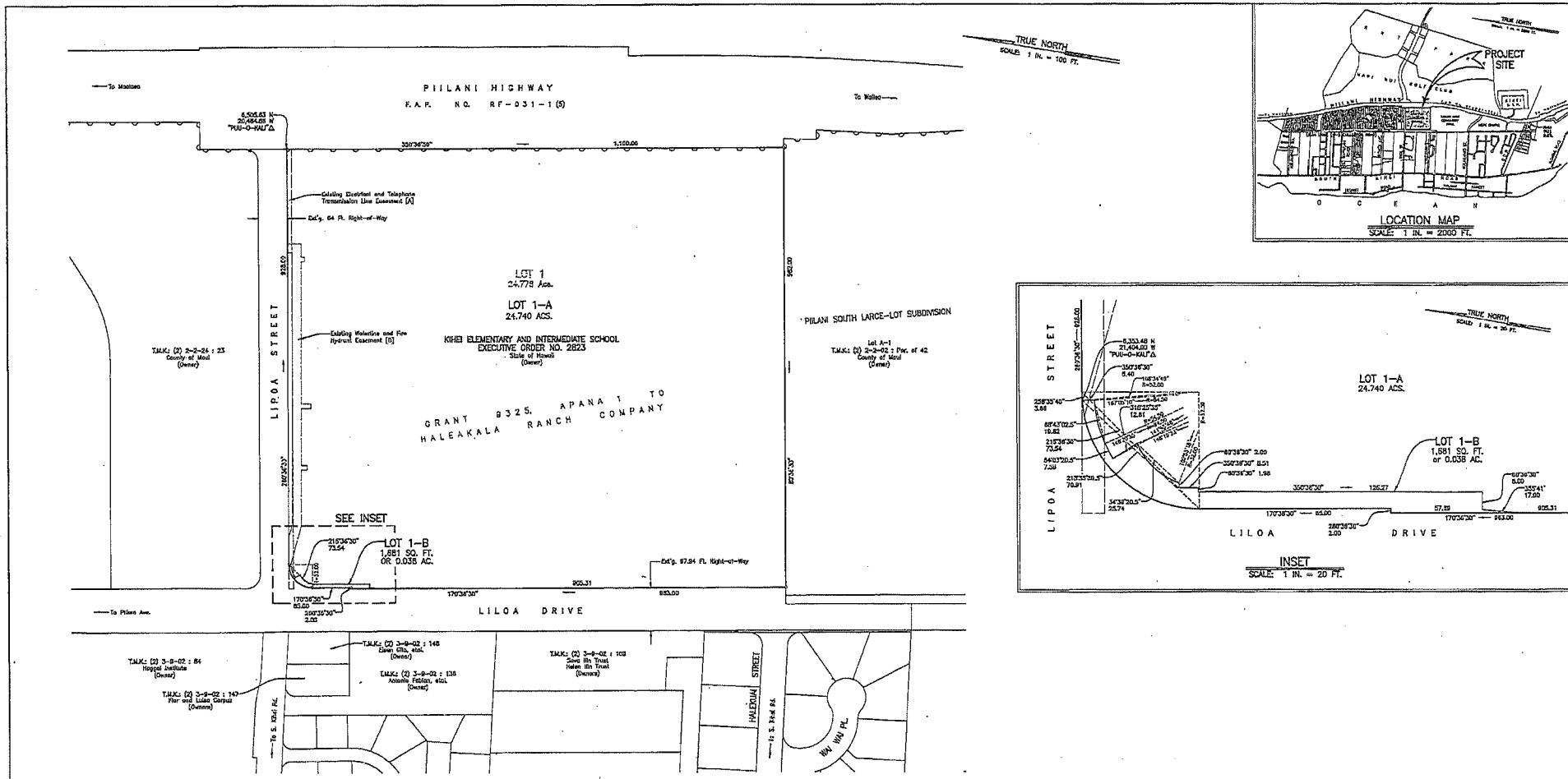
- 64. Hanaula Ranch Co. (1960)
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- 100. Hanaula Ranch Co. (1960)

ZONE	SEC.	PLAT
2	2	02

CONTAINING PARCELS  
SCALE AS NOTED

INSET  
Scale 1" = 500'  
ADVANCE SHEET  
SUBJECT TO CHANGE

PRINTED



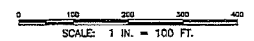
**Exhibit B**

- NOTES:**
1. ALL BOUNDARY CORNERS ARE MARKED WITH 3/4" PIPES, UNLESS OTHERWISE NOTED.
  2. ALL ADJACENT AND RECORD ENCUMBRANCES, SHOWN ON PLAN, REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "PII-U-D-KAUAI".
  3. OWNERS OF ADJACENT LANDS, SHOWN ON PLAN, ARE TAKEN FROM RECORDS IN THE TAX MAPS BEARING.
  4. DENOTES EXISTING NO VEHICLE ACCESS PERMITTED.
  5. LOT 1-B IS A ROADWAY LOT TO BE DEDICATED TO THE COUNTY OF MAUI.
- EXISTING ENCUMBRANCES:**  
(LETTER IN BRACKETS ON MAP CORRESPONDS WITH NOTE BELOW)
- A. PERMANENT PERPETUAL NON-EXCLUSIVE EASEMENT FOR ELECTRICAL AND TELEPHONE TRANSMISSION LINE IN FAVOR OF MAUI ELECTRIC CO., LTD., RECORDED IN DOCUMENT NOS. 88-015428 TO 88-015430 DATED FEBRUARY 4, 1992.
  - B. EXISTING WATERLINE AND FIRE HYDRANT EASEMENT IN FAVOR OF THE DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI, UNRECORDED.

**KIHEI ELEMENTARY AND INTERMEDIATE SCHOOL**  
 SUBDIVISION OF LOT 1 OF KIHEI ELEMENTARY AND INTERMEDIATE SCHOOL,  
 GOVERNOR'S EXECUTIVE ORDER 2823 INTO LOTS 1-A AND 1-B

BEING A PORTION OF GRANT 8325, APANA 1 TO HALEAKALA RANCH COMPANY

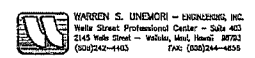
WAIOHULI - KEOKEA (KIHEI), MAKAWAO, MAUI, HAWAII



OWNERS: STATE OF HAWAII  
 ADDRESS: HONOLULU, HAWAII



*R. M. A.* 4/30/15 2/4/15  
 The map was prepared by *R. M. A.* Expiration Date *4/30/15*  
 No. of Under my supervision *0* Date of License *4/30/15*



WARREN S. UNEMORI - UNEMORI, INC.  
 2145 Wade Street - Wailuku, Maui, Hawaii 96753  
 (508)242-4403 FAX (508)244-4635

I.M.K.: (2) 2-2-02 : 43

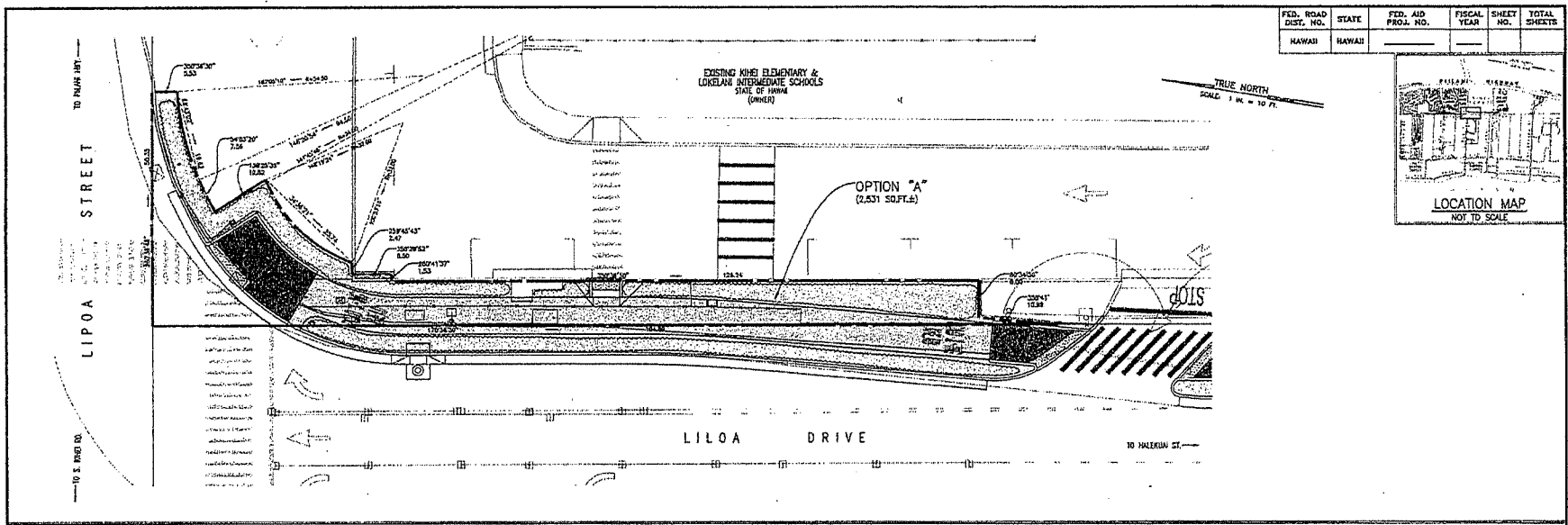
Subdivision File No.

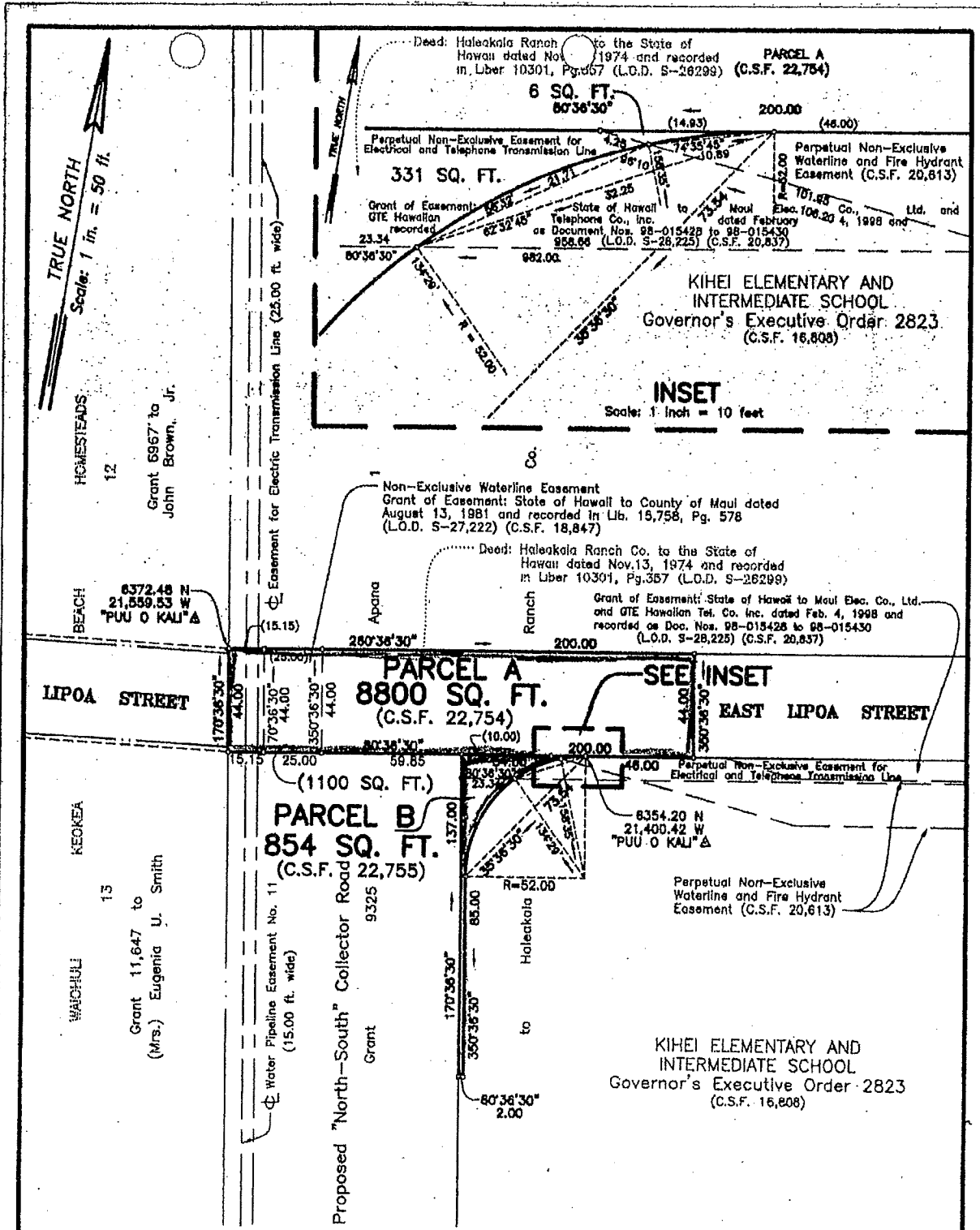
February 10, 2015  
 Revised: March 10, 2015

DATE PLOTTED: 2/10/15



EXHIBIT "C"





**PORTIONS OF  
GRANT 9325, APANA 1 TO HALEAKALA RANCH, COMPANY  
PARCELS A AND B**

Waiohuli-Keokea, Makawao, Maui, Hawaii

**EXHIBIT "D"**

JOB MA-34(98)  
C. BK.

Scale: 1 inch = 50 feet

**REDUCED NOT TO SCALE**

TAX MAP 2-2-02:por.43

**SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII**

C.S.F. NO. 22,754 & 22,755

JFA September 18, 1998

PRELIM. APPR'D.  
Department of the  
Attorney General

File: D:\JANIE\MAS4(98)

NEIL ABERCROMBIE  
GOVERNOR



*GEO 2823*  
KATHRYN S. MATAYOSHI  
SUPERINTENDENT

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

OFFICE OF THE SUPERINTENDENT

August 12, 2014

TO: The Honorable William J. Aila Jr., Chairperson  
Department of Land and Natural Resources

FROM: *K. Matayoshi*  
Kathryn S. Matayoshi  
Superintendent

SUBJECT: **Concurrence on a Request to Remove Land from  
Executive Order No. 2823, Tax Map Key: 2-2-002: por. 043**

DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

2014 AUG 13 AM 7:53

RECEIVED

2014 AUG 19 PM 12:40

RECEIVED  
MAUI DISTRICT  
LAND DIVISION

The Department of Education (DOE) has reviewed plans to remove a strip of 2,531 square feet from Executive Order No. 2823 which sets aside land for the campuses of Kihei Elementary and Lokelani Intermediate School to the DOE. The property to be removed is a strip along Liloa Drive which will be used by the County of Maui for a public bikeway. The County of Maui has agreed to install a fence along what becomes the school's new boundary and to provide landscaping and maintenance along the boundary fence. The DOE believes that the bikeway will be beneficial to the area schools and the surrounding communities.

We appreciate your interest in DOE's concurrence on this matter. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

KSM:HM:jmb

- c: Raymond L'Heureux, Assistant Superintendent, OSFSS
- Alvin Shima, CAS, Baldwin/Kekaulike/Maui Complex Areas
- Daniel Ornellas, District Land Agent, DLNR, Maui
- David Goode, Director of Public Works, County of Maui

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

2014 AUG 14 AM 9:41

RECEIVED  
LAND DIVISION

EXHIBIT "E"