

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

July 24, 2015

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

SP1502CMRP01

Maui

Grant of Perpetual, Non Exclusive, Utility Easement and Issuance of Immediate Construction Right-of-Entry Permit to Maui Electric Company Limited for Electrical Utility Purposes, Central Maui Regional Sports Complex, Waikapū, Maui, Tax Map Key: (2) 3-8-007:104 (por.)

APPLICANT:

Maui Electric Company Limited (MECO).

LEGAL REFERENCE:

Section 171-13, 55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of that certain parcel of land situate and being at Waikapū and Wailuku Commons, District of Wailuku, Island and County of Maui, State of Hawai‘i, Tax Map Key No. (2) 3-8-007:104 (por.)¹ shown on the attached maps labeled Exhibit A (the “Property”).

AREA:

Portion of 65.378 acres, more or less, subject to confirmation by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District:	Urban
County of Maui	Agriculture

ITEM E-1

¹ The Property was previously a portion of a larger parcel TMK: (2) 3-8-007:101 which was subdivided prior to the Department’s acquisition of the parcel. Maui tax maps have not yet been updated to reflect the subdivision. The green shaded area on the map represents the boundaries of the Property.

TRUST LAND STATUS:

Section 5(a) lands. The property is not trust land.

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

CURRENT USE STATUS:

The Department acquired fee simple title to the Property in June 2014 for the purposes of a regional park. Approximately \$23 Million has been appropriated for the construction of playing fields, namely youth baseball/softball and soccer. The park is currently under construction.

PURPOSE/CHARACTER OF USE:

MECO is requesting a perpetual utility easement to install, maintain and energize electrical service to the Central Maui Regional Sports Complex. In addition, the MECO requests an immediate construction and management Right-of-Entry permit to stage equipment and materials for the initial construction and maintenance of the electrical improvements. A site plan indicating the location of the electrical lines is attached as Exhibit C.

CONSIDERATION FOR EASEMENT AND RIGHT-OF-ENTRY:

Gratis.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Work with DLNR to provide survey maps and descriptions according to State DAGS standards.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on June 23, 2013 with a finding of no significant impact (FONSI).

REMARKS:

The Department's involvement in the CMRSC project began in 2011 following an initial \$9,000,000 appropriation to the State Parks' budget as a legislative add-on. Since then, appropriations have increased to over \$23 Million to fund park improvements. In June of 2014, following the Board's approval at its June 13, 2014 meeting (under agenda item E-1),

the Property was acquired and construction began shortly thereafter.

The Department is in discussions with the County of Maui to operate the park. Completion of the first phase is planned for November, 2015 with an anticipated opening in March/April 2016. Attached as Exhibit B is a plan layout of CMRSC indicating the location of the playing fields.

Existing easements for the property provide for utility access; however, MECO has requested a utility easement issued directly to them to provide electrical service to the CMRSC pursuant to the alignment depicted and highlighted in Exhibit C. The service would enter the Property from S. Kamehameha Avenue and proceed along an internal driveway and parking area to serve the needs of the park. A final metes and bounds description of the easement will be created by the Department's design consultant in coordination with MECO to complete the easement.

State Parks recommends the Board approve the easement and authorize the issuance of an immediate construction right of entry to provide power to the park, to complete the improvements, and begin operating an irrigation well.

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RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Maui Electric Company Limited covering the subject area for utility easement 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 perpetual easement document 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.

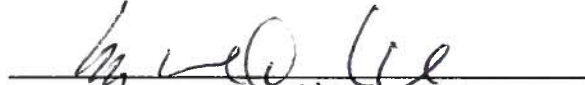
2. Grant an immediate construction and management right-of-entry permit to the Maui Electric Company Limited, its consultants, contractors, and/or persons acting for or on its behalf, onto the subject land under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time;
 - b. This right-of-entry permit is effective upon the Land Board's approval and shall continue until the grant of perpetual easement document is executed; and,
 - c. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



DANIEL S. QUINN
Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson

EXHIBIT A – TAX MAP KEY

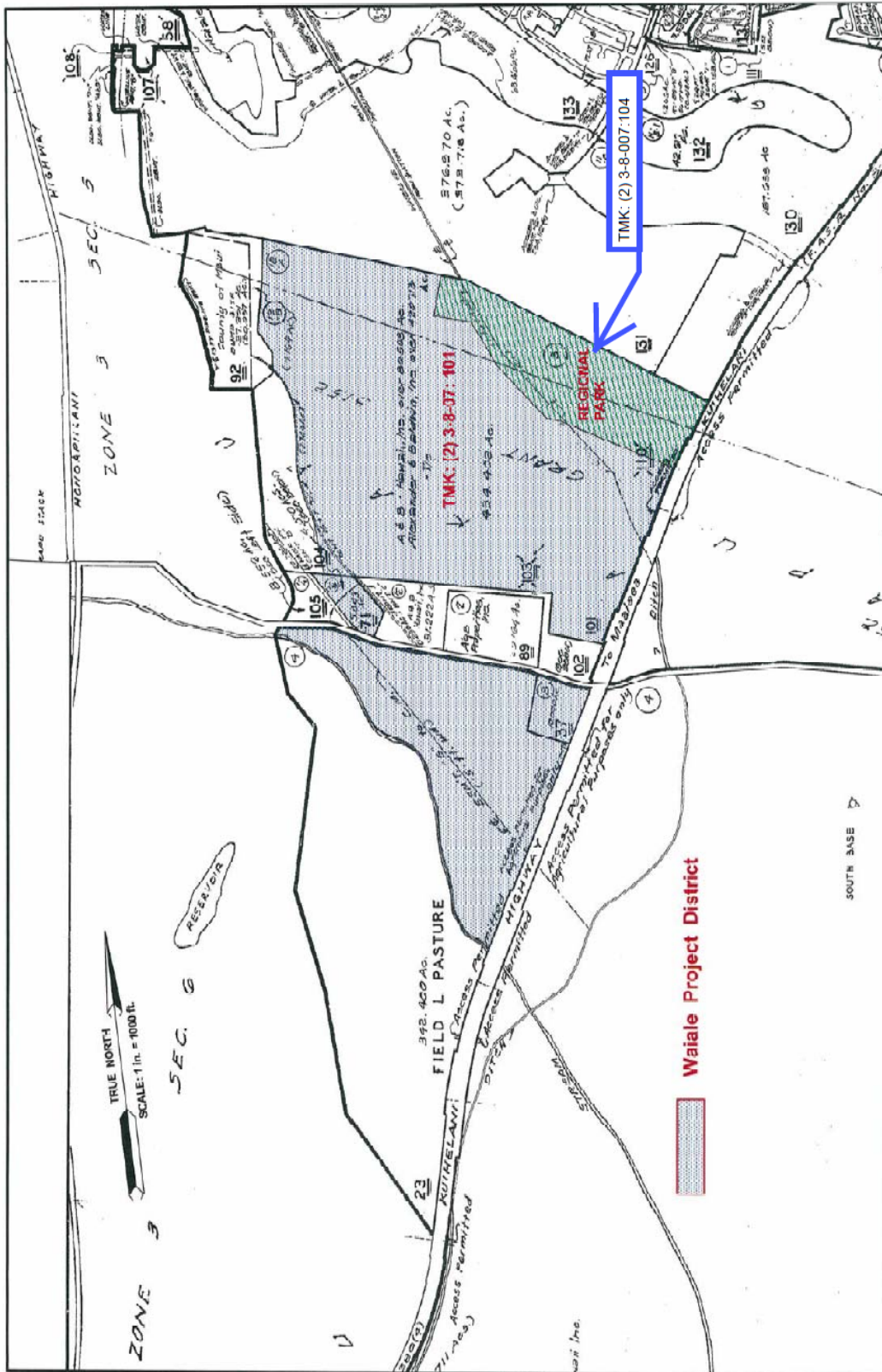


EXHIBIT B - PLAYING FIELDS SITE PLAN



CENTRAL MAUI REGIONAL SPORTS COMPLEX

PREPARED BY PBR-HAWAII
SCALE (INCHES TO FEET)
1" = 30'

July 28, 2014

PBR-HAWAII ARCHITECTURE
R.M. TOWELL CORPORATION

Central Maui Regional Sports Complex

- 1 - High School-Major League Field
- 4 - Softball Fields
- 4 - Youth Baseball Fields
- 3 - Soccer Fields
- 700 Parking Stalls

