

Resolution

No. 25-201

AUTHORIZING SETTLEMENT OF COUNTY OF MAUI, DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT V. KOMAR MAUI PROPERTIES I LLC,
CASE 1:24-CV-00203-KJM

WHEREAS, the County of Maui, Department of Environmental Management filed a complaint on April 30, 2024, in the Circuit Court of the Second Circuit, State of Hawaii, Civil File 2CCV-24-0000375 against Komar Maui Properties I LLC ("Komar Properties") for eminent domain of the subject property identified as Tax Map Key (2) 3-8-003-020; and

WHEREAS, the above-referenced matter was removed to the United States District Court, District of Hawai'i on or about April 30, 2024, and assigned as Case 1:24-cv-00203; and

WHEREAS, the County withdrew the claims for eminent domain of the subject property on or about November 18, 2024; and

WHEREAS, Komar Properties is now seeking abandonment damages pursuant to section 101-27, Hawaii Revised Statutes; and

WHEREAS, the County, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this claim by way of a negotiated settlement; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms in an executive meeting before the Government Relations, Ethics, and Transparency Committee; and

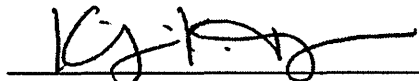
WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

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BE IT RESOLVED by the Council of the County of Maui:

1. That under section 3.16.020, Maui County Code, it approves settlement of County of Maui, Department of Environmental Management v. Komar Maui Properties I LLC, Case 1:24-cv-00203-KJM, under the terms discussed in an executive meeting before its Government Relations, Ethics and Transparency Committee;
2. That it authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under the terms and conditions as may be imposed by the Corporation Counsel consistent with the Council's settlement approval;
3. That it authorizes the Director of Finance to satisfy settlement of this case, under terms and conditions as may be imposed by the Corporation Counsel, consistent with the Council's settlement approval; and
4. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Environmental Management, and Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



KRISTIN K. TARNSTROM
Deputy Corporation Counsel
County of Maui
LIT-8150

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.