

# Resolution

No. 22-158

AUTHORIZING PROCEEDINGS IN EMINENT  
DOMAIN FOR THE ACQUISITION OF REAL  
PROPERTY LOCATED AT 5385 LOWER  
HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII

WHEREAS, the real property located at 5385 Lower Honoapiilani Road, Lahaina, Maui, Hawai‘i, encompassing about one-half acre, should be used as a public building for Hawaiian cultural education or other public purposes; and

WHEREAS, the property is identified for real property tax purposes as tax map key (2) 4-3-002:057; and

WHEREAS, the Maui County General Plan directs officials to “perpetuate the Hawaiian culture as a vital force in the lives of residents” and to “establish centers and programs of excellence for the perpetuation of Hawaiian arts and culture”; and

WHEREAS, Hawaiian education perpetuates the skills, knowledge, values, and practices of the native people of Hawai‘i and their innovations and resilient response to adapt to an ever-changing world; and

WHEREAS, Hawaiian education leads to the development of a cultural lens that preserves core Hawaiian perspectives and goes beyond content learning as it also includes internalizing and putting into practice the teachings of Kūpuna; and

WHEREAS, Sections 46-1.5(6), 46-61, and 46-62, Hawai‘i Revised Statutes (“HRS”), and Chapter 101, HRS, authorize counties to exercise the power of condemnation by eminent domain when it is in the public interest to do so; and

WHEREAS, under Section 101-13, HRS, “Whenever any county deems it advisable or necessary to exercise the right of eminent domain in the furtherance of any governmental power, the proceedings may be instituted . . . after the . . . county council . . . of the county has authorized such suit by resolution duly passed . . .”; and

WHEREAS, Section 101-13, HRS, also provides that the resolution “be published in a newspaper with the ayes and noes, at least one day (Sundays and legal holidays excepted) before final action upon it”; and

WHEREAS, Section 4-2(7), Revised Charter of the County of Maui (1983), as amended, states: “Resolutions authorizing proceedings in eminent domain shall be adopted as provided by law”; now, therefore,

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

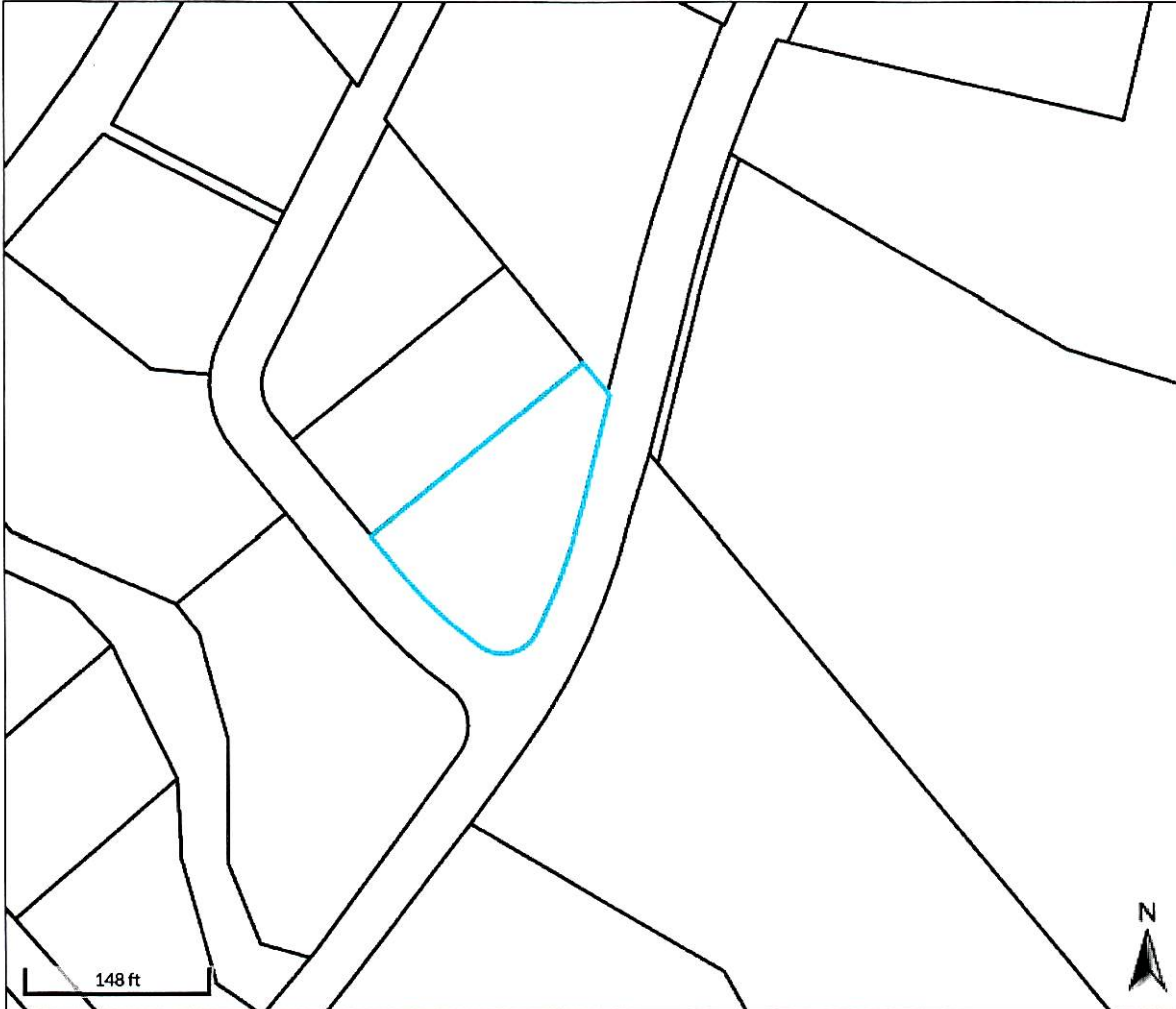
1. That, in accordance with Sections 46-1.5(6), 46-61, and 46-62, HRS, and Chapter 101, HRS, it finds that the acquisition of real property, in fee simple, located at 5385 Lower Honoapiilani Road, Lahaina, Maui, Hawai‘i, comprising about one-half acre and identified for real property tax purposes as tax map key (2) 4-3-002:057, by exercise of the power of condemnation, is in the public interest and necessary for the public purposes of establishing a public building for Hawaiian cultural education, among other public purposes;
2. That it authorizes proceedings in eminent domain as provided by law be instituted for the acquisition of the property identified in the prior paragraph, as illustrated in Exhibit “A,” and a temporary right to enter the property to allow for the completion of a proper survey and appraisal in accordance with law;
3. That the Corporation Counsel of the County of Maui is authorized to proceed in eminent domain for the acquisition of the property;
4. That the Corporation Counsel is further authorized to deposit with the Clerk of the Circuit Court of the Second Circuit, State of Hawai‘i, the estimated just compensation to obtain possession of the property;
5. That the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of the Council and the Circuit Court of the Second Circuit, State of Hawai‘i, in which the proceedings are held; and

**Resolution No. 22-158**

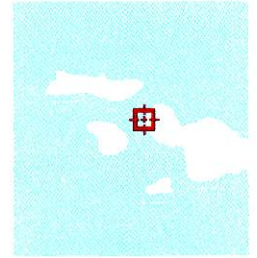
6. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Public Works, and Corporation Counsel.

paf:jbf:22-126d

# Exhibit "A"



## Overview



## Legend

 Parcels

<b>Parcel ID</b>	430020570000	<b>Situs/Physical Address</b>	5385 LOWER HONOAPIILANI RD	<b>Assd Land Value</b>	\$1,274,800	<b>Last 2 Sales</b>			
<b>Acreage</b>	0.4798	<b>Mailing Address</b>	NAPILI BEACH HOUSE LLC	<b>Assd Building Value</b>	\$374,300	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Class</b>	NON-OWNER-OCCUPIED/RESIDENTIAL	<b>Address</b>	PO BOX 1060 LAHAINA HI 96761	<b>Total Assd Value</b>	\$1,649,100	10/3/2017	0	n/a	U
				<b>Exempt Value</b>	\$0	6/26/2017	\$1200000	Valid Sale	Q
				<b>Taxable Value</b>	\$1,649,100				

**Brief Tax Description** LOT 13 NAPILI BEACH LOTS LPGR 13,622 20,899 SF DES  
(Note: Not to be used on legal documents)

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Developed by  **Schneider**  
GEOSPATIAL

INTRODUCED BY:

*Tamara M. Paltin*

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TAMARA PALTIN