

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

November 18, 2022

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on September 13, 2022, and November 1, 2022, makes reference to Resolution 22-117, entitled “AMENDING RESOLUTION 18-210 AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2.”

Resolution 22-117’s purpose is to amend Resolution 18-210 and approve the disposition of 33.373 acres of County real property described in and shown on Exhibits “A-1” and “A-2,” conditioned upon the County’s receipt of payment by the State of Hawai‘i (“State”) in the amount of \$1,251,798 for the additional acreage used for the Lahaina Bypass, in accordance with Section 3.44.020, Maui County Code.

Your Committee notes the following timeline of events prior to the Council’s adoption of Resolution 18-210 at its meeting of December 21, 2018:

- Resolution 13-151 authorized the County to acquire 148.409 acres of real property from Makila Land Co., LLC, located in Launiupoko, Maui, Hawai‘i, identified for real property tax purposes as tax map key (2) 4-7-001:030. The appraisal reflected a negotiated price adjustment in consideration of the future transfer of the right-of-way for the Lahaina Bypass (“Bypass”) project. The right-of-way land area impacted by the road alignment was 22.25 acres.

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee
Report No. _____**

- The State Department of Transportation (“State DOT”) subsequently obtained the title to the property for the Honoapi‘ilani Highway Realignment, Phase 1B-2.
- Phase 1B-2, which was an approximately five-mile-long design-build project to minimize the timeframe to build and maximize the efficiency of construction of the Bypass, was completed and the Bypass opened on April 23, 2018.
- After receiving the final design and completing the Special Management Area process, the southern connector of the roadway had to be relocated further north to provide better protection from the shoreline; therefore, the right-of-way mapping was not completed until February 2018.
- By correspondence dated November 21, 2018, the Department of the Corporation Counsel transmitted Resolution 18-210 to include the State’s offer to pay the County \$1,251,798, for the additional acreage used by the State DOT to construct the Bypass.
- The Director of Public Works confirmed the appraisal for the acquisition of 148.409 acres of real property located in Launiupoko, Maui, Hawai‘i, factored in approximately 22 acres needed for the Bypass and valued the acreage at zero. Once the alignment of the Bypass was completed, it was noted that the actual acreage used for the Bypass was in excess of the original 22 acres.
- The State DOT agreed to pay the County \$1,251,798, or \$102,758 per acre, for 12.182 acres used in addition to the original 22.25 acres.

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 3

**Committee
Report No. _____**

A representative from the Department of Finance noted Resolution 18-210 attached an incorrect map of the property as Exhibit “1.”

At the request of your Committee Chair, the Department provided detailed maps of the property, in addition to the corrected maps attached to Resolution 22-117 as Exhibits “A-1” and “A-2.”

Your Committee supported amending Resolution 18-210 and approving the disposition of the property, but expressed concerns about homeless encampments in the area.

Your Committee agreed to address the concerns under a separate discussion when the Department of Parks and Recreation and Department of Housing and Human Concerns could be consulted.

Your Committee voted 9-0 to recommend adoption of Resolution 22-117. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Johnson, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted “aye.”

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 22-117, attached hereto, entitled “AMENDING RESOLUTION 18-210 AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2,” be ADOPTED.

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 4

**Committee
Report No.** _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

great:cr:22056aa:kmatt

Resolution

No. 22-117

AMENDING RESOLUTION 18-210 AND AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2

WHEREAS, the COUNTY OF MAUI (hereinafter the “County”) is the owner of real property identified for real property tax purposes as tax map key number (2) 4-7-001:030 (por.) (the “Property”), as described in Exhibit “A-1” and as shown on Exhibit “A-2”, attached hereto and incorporated by reference herein; and

WHEREAS, by way of Resolution 18-210, the Council authorized the disposition of the Property to the State of Hawaii, Department of Transportation (“DOT”), for the purpose of the Honoapiilani Highway Realignment, Phase 1B-2 (the “Lahaina Bypass”); and

WHEREAS, Resolution 18-210 attached an incorrect Exhibit “1”; and

WHEREAS, the Property was acquired by the County pursuant to Resolution No. 13-151, which included an appraisal reflecting a negotiated price adjustment in consideration of the future transfer to the DOT of the right of way for the Lahaina Bypass project; and

WHEREAS, the State of Hawaii has agreed to pay the County the sum of \$1,251,798 for additional acreage used by the DOT to construct the Lahaina Bypass; and

WHEREAS, Section 13-14 of the Charter provides for cooperation with the State of Hawaii; and

WHEREAS, pursuant to Sections 3.44.020, 3.44.030, 3.44.050, and 3.44.070, Maui County Code, the Council may authorize the disposition of County real property in fee simple by resolution upon finding that it is in

Resolution No. 22-117

the public interest to do so, and may waive public auction, public hearing, and appraisal, provided that such resolution is approved by two-thirds of its members; now, therefore,

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

1. That the Council hereby finds that it is in the public interest to grant the Property to the State of Hawaii, Department of Transportation, and waives public hearing, public auction, and an appraisal of the Property; and

2. That pursuant to Section 3.44.020, Maui County Code, the Council hereby amends Resolution 18-210 and approves the disposition of the Property as described in and shown on Exhibits "A-1" and "A-2"; conditioned upon the County's receipt of payment by the State of Hawaii in the amount of \$1,251,798 for the additional area used for the Lahaina Bypass; and

3. That the proceeds shall be deposited to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund; and

4. That it does hereby authorize the Mayor of the County of Maui, or the Mayor's duly authorized representative, to execute all necessary documents in connection with the disposition of the Property; and

5. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, the Director of Parks and Recreation, the Corporation Counsel, and the State of Hawaii, Department of Transportation.

Resolution No. 22-117

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'R. Thomson', is written over a horizontal line.

RICHELLE M. THOMSON
First Deputy Corporation Counsel
County of Maui
LF 2018-0229

EXHIBIT " A-1 "

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2 Hokiokio Place to Vicinity of Olowalu Federal Aid Project No. NH-030-1(051)

PARCEL 1 (Revision 2)

Being a portion of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips

Being also a portion of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2 (LUCA File No. 4.837).

Land Situated at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this piece of land, on the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Hokiokio Place to Vicinity of Olowalu, Federal Aid Project No. NH-030-1(051) and on the South side of Kai Hele Ku Street (Lot B-2) Mahanalua Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Laina" being 19,281.19 feet South and 6,703.63 feet East, thence running by azimuths measured clockwise from true South:

1. Along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along Lot 10-C of the Makila Nui Subdivision on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
207° 29' 46" 42.80 feet;
2. 341° 59' 16" 385.86 feet along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along Lot 10-C of the Makila Nui Subdivision;
3. Thence along same on a curve to the left with a radius of 2,784.79 feet, the chord azimuth and distance being:
338° 04' 19" 380.35 feet;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

4. Thence along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. HN-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2 on a curve to the left with a radius of 2,864.67 feet, the chord azimuth and distance being:

317° 13' 23.5" 2,059.24 feet;
5. 296° 09' 31" 679.32 feet along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
6. Thence along same on a curve to the right with a radius of 1,805.00 feet, the chord azimuth and distance being:

315° 04' 14.5" 1,170.06 feet;
7. 333° 58' 58" 410.36 feet along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
8. 243° 58' 58" 75.00 feet along same;
9. 330° 35' 13" 728.99 feet along same;
10. 42° 41' 30" 55.00 feet along same;
11. 312° 41' 30" 166.21 feet along same;
12. 42° 41' 30" 15.00 feet along same;
13. 132° 41' 30" 90.90 feet along the Northeast side of Lahaina-Wailuku Road, F.A.P. No. 30-A;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

14. 42° 41' 30" 10.00 feet along same;
15. 132° 41' 30" 716.47 feet along same;
16. Thence along same on a curve to the left with a radius of
2,183.59 feet, the chord azimuth
and distance being:
129° 35' 15" 236.49 feet;
17. 216° 29' 00" 5.00 feet along the Northeast side of
Lahaina-Wailuku Road,
F.A.P. No. 30-A;
18. 243° 58' 58" 72.42 feet along the Southwest side of
Honoapiilani Highway Realignment,
Phase 1B-2, Project No.
NH-030-1(051), along the remainder
of Lot 7 of the Launiupoko
(Large-Lot) Subdivision No. 2;
19. 153° 58' 58" 191.69 feet along same;
20. 63° 58' 58" 30.00 feet along same;
21. 153° 58' 58" 160.34 feet along same;
22. Thence along same on a curve to the left with a radius of
1,565.00 feet, the chord azimuth
and distance being:
135° 04' 14.5" 1,014.49 feet;
23. 116° 19' 31" 48.54 feet along the Southwest side of
Honoapiilani Highway Realignment,
Phase 1B-2, Project No.
NH-030-1(051), along the remainder
of Lot 7 of the Launiupoko
(Large-Lot) Subdivision No. 2;
24. 26° 09' 31" 188.44 feet along the East side of South
Connector Road, along the remainder
of Lot 7 of the Launiupoko
(Large-Lot) Subdivision No. 2;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

25. Thence along same on a curve to the right with a radius of 713.05 feet, the chord azimuth and distance being:
27° 49' 31" 41.48 feet;
26. 119° 29' 31" 35.00 feet along same;
27. Thence along the East side of South Connector Road on a curve to the right with a radius of 678.05 feet, the chord azimuth and distance being:
31° 40' 25.5" 51.63 feet;
28. Thence along same on a curve to the right with a radius of 678.05 feet, the chord azimuth and distance being:
35° 16' 05" 33.43 feet;
29. Thence along same on a curve to the right with a radius of 678.05 feet, the chord azimuth and distance being:
53° 40' 01.5" 396.18 feet;
30. 340° 39' 13" 62.88 feet along the East side of South Connector Road, along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
31. 105° 29' 00" 176.50 feet along the North side of Lahaina-Wailuku Road, F.A.P. No. 30-A;
32. Thence along same on a curve to the right with a radius of 2,609.42 feet, the chord azimuth and distance being:
108° 59' 48.5" 319.83 feet;
33. 202° 30' 37" 15.00 feet along the West side of South Connector Road, along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

34. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:

257° 15' 09" 667.37 feet;

35. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:

220° 15' 25" 35.06 feet;

36. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:

212° 20' 20" 124.46 feet;

37. 206° 09' 31" 188.44 feet along the West side of South Connector Road, along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;

38. 116° 09' 31" 134.75 feet along the Southwest side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;

39. 206° 09' 31" 30.00 feet along same;

40. 116° 09' 31" 361.03 feet along same;

41. Thence along same on a curve to the right with a radius of 3,074.67 feet, the chord azimuth and distance being:

138° 21' 28.5" 2,323.40 feet;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

42. 106° 48' 15" 135.15 feet along the Southwest side of
Honoapiilani Highway Realignment,
Phase 1B-2, Project No.
NH-030-1(051), along the remainder
of Lot 7 of the Launiupoko
(Large-Lot) Subdivision No. 2;
43. 161° 59' 16" 549.39 feet along same;
44. 226° 59' 16" 143.44 feet along same;
45. 161° 59' 16" 9.14 feet along same;
46. Thence along the South side of Kai Hele Ku Street (Lot B-2)
Mahanalua Subdivision on a curve to
the left with a radius of 530.00
feet, the chord azimuth and
distance being:

257° 08' 53.75" 76.60 feet;
47. 253° 00' 16" 8.71 feet along same;
48. 253° 00' 16" 115.55 feet along same, to the point of
beginning and containing an area of
1,453,712 square feet or 33.373
acres.

Together with any and all abutter's rights of vehicle access
appurtenant to the reminder of the land of which Parcel 1 is a
part, into and from Honoapiilani Highway Realignment, Phase 1B-2,
Federal Aid Project No. NH-030-1(051), Hokiokio Place to Vicinity
of Olowalu, over and across Courses 4-12 (inclusive), 18 to 27
(inclusive), 29, 30, 33, 34, 36 to 45 (inclusive) of the above
described Parcel 1.

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
Highways Division

January 30, 2018
Honolulu, Hawaii
Tax Map Key: (2)4-7-01:030

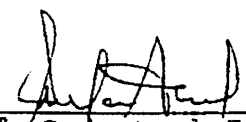
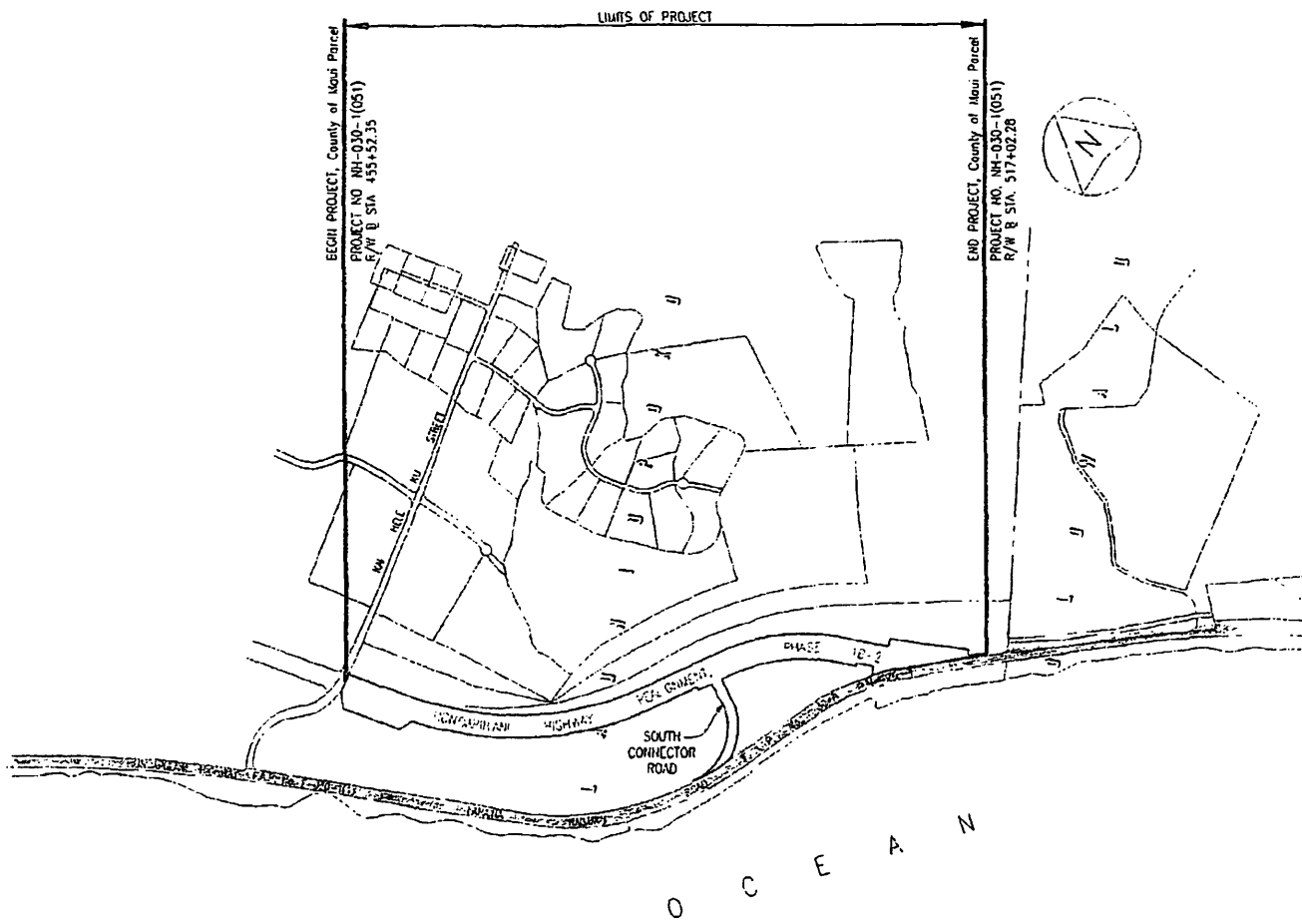
By 
for Cadastral Engineer

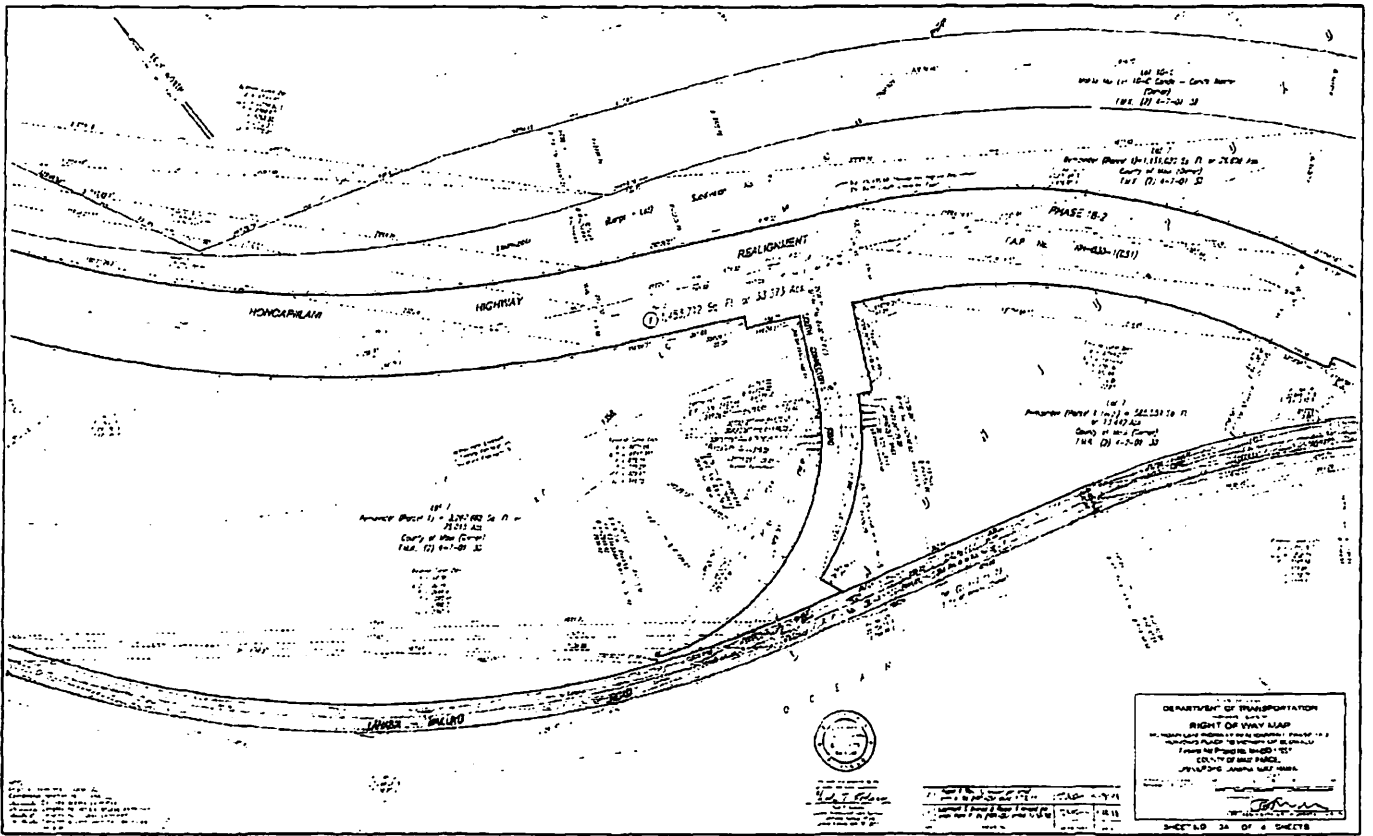
EXHIBIT A-2

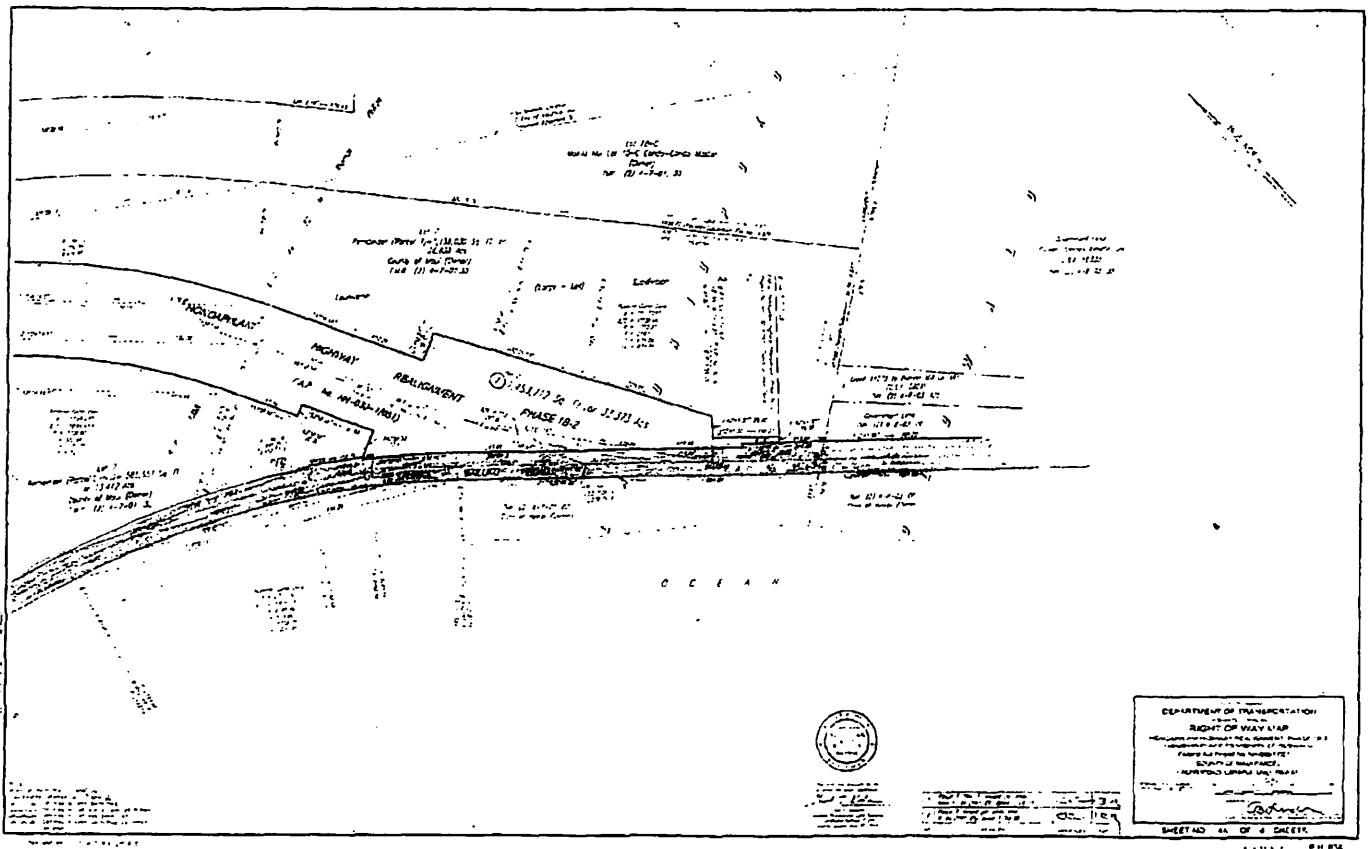


LOCATION PLAN

NOT TO SCALE







Resolution No. 22-117

INTRODUCED BY:

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

Upon the request of the Mayor.