



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
AIRPORTS
400 RODGERS BOULEVARD, SUITE 700
HONOLULU, HAWAII 96819-1880

IN REPLY REFER TO:

AIR-PM 24.0567

September 12, 2024

DOT Land Matters
State of Hawaii
Honolulu, Hawaii

GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO MAUI
OCEANVIEW LP FOR: (1) ACCESS PURPOSES AND (2) UTILITY PURPOSES
AND ISSUANCE OF A TEMPORARY RIGHT-OF-ENTRY PERMIT FOR ACCESS
AND UTILITY PURPOSES OVER AKAHELE STREET, KAPALUA AIRPORT
TAX MAP KEY: (2) 4-3-001:068 (PORTION) MAUI

APPLICANT:

Maui Oceanview LP, a Delaware limited partnership.

LEGAL REFERENCE:

Hawaii Revised Statutes (HRS), Sections 26-19 and 171-2, as amended.

LOCATION:

Portion of Akahahele Street, which is under the jurisdiction of the State of Hawaii,
Department of Transportation (HDOT), leading to Kapalua Airport from Honoapiilani
Highway, Island of Maui, identified by Tax Map Key: 2nd Division, 4-3-001:068
(portion).

AREA:

Access Easement – approximately 2.361 acres, as delineated on the map labeled
Exhibit A; and

Utility Easement – approximately 6,400 square feet, as delineated on the map labeled
Exhibit B, being Crossings 1, 3 and 5.

GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO MAUI OCEANVIEW LP,
OVER AKAHELE STREET, KAPALUA AIRPORT

Page 2

ZONING:

State Land Use: Agricultural (Akahele St.)/Urban (Kapalua Airport)
County: Road (Akahele St.)/Airport (Kapalua Airport)

LAND TITLE STATUS:

Section 5(a), Hawaii Admission Act: Non-Ceded
DHHL, 30% entitlement lands Yes _____ No X

CURRENT USE STATUS:

Land encumbered under Governor's Executive Order No. 4552 (dated April 5, 2018) setting aside 57.296 acres designated as Kapalua-West Maui Airport to be under the control and management of HDOT for airport purposes.

CHARACTER OF USE:

Access Easement: Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access purposes.

Utility Easement: Right, privilege and authority to construct, use, maintain, repair, replace and remove water and sewer transmission pipelines over, under and across State-owned land for utility purposes.

CONSIDERATION:

Gratis. See Remarks section.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

The impacts of the proposed Right of Entry for access purposes over Akahele Street have been identified and analyzed in the Pulelehua Final Environmental Impact Statement (FEIS), that was accepted by the Land Use Commission on July 13, 2005, and published by the Office of Environmental Quality Control in The Environmental Notice on August 8, 2005. The Pulelehua FEIS is still valid and relevant mitigation measures from the FEIS will be implemented to address the minimal impacts of this action.

GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO MAUI OCEANVIEW LP,
OVER AKAHELE STREET, KAPALUA AIRPORT

Page 3

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO _____
Registered business name confirmed:	YES <u>X</u>	NO _____
Good standing confirmed:	YES <u>X</u>	NO _____

REMARKS:

In June 2006, Maui Land & Pineapple Company, Inc. received approval from the Land Use Commission (LUC) to amend the State Land Use District Boundary designation from the Agricultural District to the Urban District for the development of a master planned residential community identified as Pulelehua on approximately 310 acres of land surrounding Kapalua Airport (Docket No. A04-751).

In June 2016, Maui Land & Pineapple Company, Inc. conveyed the 310 acres of land together with its land entitlements to Maui Oceanview LP. As a condition of the LUC's Decision and Order for Docket No. A04-751, Maui Oceanview LP as the new landowner, is required to enter into an agreement with HDOT for access to, and use of Akahele Street.

Numerous meetings with both HDOT and Maui Oceanview LP were held to discuss and negotiate terms and conditions for the use of Akahele Street. In January 2022, a Memorandum of Agreement (MOA) was executed which documented the parties' understandings, obligations and agreements regarding the future use, improvements, and maintenance of Akahele Street in connection with the Pulelehua project.

The MOA authorized the issuance of a non-exclusive right of entry agreement for Maui Oceanview LP's use of Akahele Street. In discussions with our Deputy Attorney General's office, it was recommended that instead of a right of entry agreement, that issuance of a grant of easement for access purposes would be in the best interest of the State. In addition, the MOA authorized the issuance of a limited number of non-exclusive underground utility easements within Akahele Street for use by Maui Oceanview LP. The access easement and utility easement shall run with the land and apply to all future owners of the real property identified as Tax Map Key: (2) 4-3-001:082 and (2) 4-3-001:083.

In consideration of HDOT issuing the non-exclusive access easement and utility easement at no charge, Maui Oceanview LP will replace HDOT's current, aging potable water and wastewater systems that serve Kapalua Airport and allow HDOT to connect to the Pulelehua project's potable water and wastewater systems. Additionally, Maui Oceanview LP will be responsible for all maintenance, operation, and liability for that portion of Akahele Street under the access easement.

GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO MAUI OCEANVIEW LP,
OVER AKAHELE STREET, KAPALUA AIRPORT

Page 4

Issuance of the perpetual, non-exclusive access easement and the perpetual, non-exclusive utility easement will allow Maui Oceanview LP to proceed with the planning, construction, and development of the Pulelehua Project, subject to other government approvals.

RECOMMENDATION:

Approve the issuance of a perpetual, non-exclusive access easement and a perpetual, non-exclusive utility easement, and issuance of a temporary right-of-entry permit for access and utility purposes to Maui Oceanview LP covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

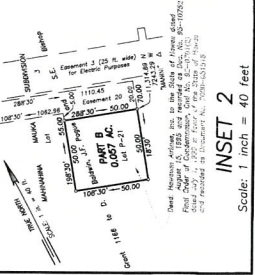
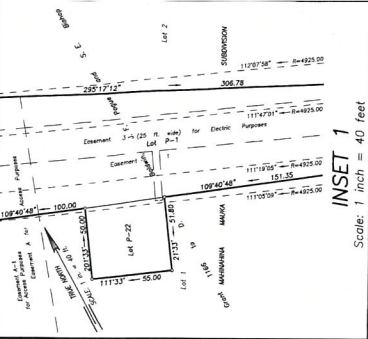
1. The standard terms and conditions of the most current perpetual easement document and right-of-entry permit forms, as may be amended;
2. The access easement and utility easement shall run with the land and apply to all future owners of the real property identified as Tax Map Keys: (2) 4-3-001:082 and (2) 4-3-001:083;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of HDOT.

Respectfully submitted,



CURT T. OTAGURO
Deputy Director of Transportation for Airports

Attachments



STATE OF HAWAII
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 SURVEY DIVISION

REID K. SHAROT - State Land Surveyor
 (REVISED - JANUARY 2018)
 KAPALUA - WEST MAUI AIRPORT
 PARTS A AND B
 Mahinahina 1, 2, 3 and Kahana, Lahaina, Maui, Hawaii

Scale: 1 inch = 200 feet
 January 12, 2018

Job No. MA-282(17)
 Tracing by: G. Yanashiro

For Description, See CSF No. 23,646
H.S. PLAT 1114-A

SUMMARY OF AREAS

Lot	Area (Ac.)
Lot 1	49.993
Lot 2	0.112
Lot 3	0.279
Lot 4	0.279
Lot 5	1.426
Lot 6	0.394
Lot 7	0.064
Lot 8	0.064
Lot 9	0.511
Lot 10	0.511
Lot 11	0.511
Lot 12	0.511
Lot 13	0.511
Lot 14	0.511
Lot 15	0.511
Lot 16	0.511
Lot 17	0.511
Lot 18	0.511
Lot 19	0.511
Lot 20	0.511
Lot 21	0.511
Lot 22	0.511
Lot 23	0.511
Lot 24	0.511
Lot 25	0.511
Lot 26	0.511
Lot 27	0.511
Lot 28	0.511
Lot 29	0.511
Lot 30	0.511
Lot 31	0.511
Lot 32	0.511
Lot 33	0.511
Lot 34	0.511
Lot 35	0.511
Lot 36	0.511
Lot 37	0.511
Lot 38	0.511
Lot 39	0.511
Lot 40	0.511
Lot 41	0.511
Lot 42	0.511
Lot 43	0.511
Lot 44	0.511
Lot 45	0.511
Lot 46	0.511
Lot 47	0.511
Lot 48	0.511
Lot 49	0.511
Lot 50	0.511
Lot 51	0.511
Lot 52	0.511
Lot 53	0.511
Lot 54	0.511
Lot 55	0.511
Lot 56	0.511
Lot 57	0.511
Lot 58	0.511
Lot 59	0.511
Lot 60	0.511
Lot 61	0.511
Lot 62	0.511
Lot 63	0.511
Lot 64	0.511
Lot 65	0.511
Lot 66	0.511
Lot 67	0.511
Lot 68	0.511
Lot 69	0.511
Lot 70	0.511
Lot 71	0.511
Lot 72	0.511
Lot 73	0.511
Lot 74	0.511
Lot 75	0.511
Lot 76	0.511
Lot 77	0.511
Lot 78	0.511
Lot 79	0.511
Lot 80	0.511
Lot 81	0.511
Lot 82	0.511
Lot 83	0.511
Lot 84	0.511
Lot 85	0.511
Lot 86	0.511
Lot 87	0.511
Lot 88	0.511
Lot 89	0.511
Lot 90	0.511
Lot 91	0.511
Lot 92	0.511
Lot 93	0.511
Lot 94	0.511
Lot 95	0.511
Lot 96	0.511
Lot 97	0.511
Lot 98	0.511
Lot 99	0.511
Lot 100	0.511

PART A TOTAL = 57,239 AC.
PART B (Lot P-21) = 0.057 AC.
TOTAL AREA = 57,296 AC.

NOTES:
 1. Easements 2, 3, 11, 14 to 20, inclusive, 25 to 27, inclusive, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, inclusive, are shown for information only and are not to be construed as a grant of any interest in the land.
 2. Easement 1, 4, 6 to 10, inclusive, 25 to 27, inclusive, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, inclusive, are shown for information only and are not to be construed as a grant of any interest in the land.
 3. Easements 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, inclusive, are shown for information only and are not to be construed as a grant of any interest in the land.
 4. Easements 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, inclusive, are shown for information only and are not to be construed as a grant of any interest in the land.
 5. Easements A and B for Access Purposes are shown for information only and are not to be construed as a grant of any interest in the land.
 6. Easement A-1 for Access Purposes is shown for information only and is not to be construed as a grant of any interest in the land.
 7. Easements A, B and C for Access Purposes are shown for information only and are not to be construed as a grant of any interest in the land.
 8. Easements D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

EXHIBIT A

NO.	REVISIONS	DATE	BY

KHIA PROJECT
 DATE: OCTOBER 2023
 SCALE: AS SHOWN
 DESIGNED BY: MERM
 CHECKED BY: MERM
 DRAWN BY: MERM
 TOOK BY: TOC
 PHASE 1
 CITY OF LAHAINA
 MAUI, HAWAII

UTILITY PLAN
 SHEET NUMBER
C-68

GRAPHIC SCALE 1" = 30'

UTILITY LEGEND

PROPERTY LINE	---
PROPOSED SANITARY SEWER LINE	--- S S
PROPOSED WATER LINE	--- W
PROPOSED RECYCLED WATER LINE	--- RW
PROPOSED HOSE BIB	○
PROPOSED SANITARY SEWER MANHOLE	○
PROPOSED SANITARY SEWER CLEANOUT	○
PROPOSED SANITARY SEWER CLEANOUT (DETAIL 1)	○
PROPOSED FIRE HYDRANT	○
PROPOSED FAPPING CLEAN-UP VALVE	○
PROPOSED WATER METER (MAUI STANDARD DETAIL 1A)	○
INTEGRATION SLEEVE	○
WATER VALVE	○
RESIDUER	○

UTILITY PLAN NOTES

1. ALL WATER LINE FITTINGS SHALL BE PVC OR HDPE OR EQUAL.
2. ALL SEWER FITTINGS SHALL BE PVC OR HDPE OR EQUAL.
3. UTILITY PIPE BEDDING AND BACKFILL PER DETAILS 1A.
4. ALL UTILITY LINES SHALL BE INSTALLED PER MAUI STANDARD DETAIL 1A. SEE PLUMBING PLANS FOR CONTINUATION AND BUILDING.
5. WATER SERVICES TO BE INSTALLED PER MAUI STANDARD DETAIL 1A. SEE PLUMBING PLANS FOR CONTINUATION AND BUILDING.
6. THREAT BLOCKING TO BE INSTALLED PER MAUI STANDARD DETAIL 1A. SEE PLUMBING PLANS FOR CONTINUATION AND BUILDING.
7. FIRE HYDRANTS TO BE INSTALLED PER MAUI STANDARD DETAIL 1A AND FIRE PLUMBING PLANS FOR CONTINUATION AND BUILDING.
8. ALL SANITARY AND MANHOLE COVERS TO BE ADJUSTED TO GRADE FOLLOWING STREET PAVEMENT PLACEMENT.
9. SANITARY AND MANHOLE COVERS SHALL BE 2' SEWER SERVICES SHALL BE 4" - 12" OR 8" AS PER DETAILS 1A.
10. WRAAP WEL UTILITY WITHIN 10' FEET OF TREE ROOT BALLS WITH TYPICAL WRAAP SHALL BE 4" - 12" OR 8" AS PER DETAILS 1A. SEE LANDSCAPE PLANS FOR TREE LOCATION.

TYPICAL UTILITY LOCATION

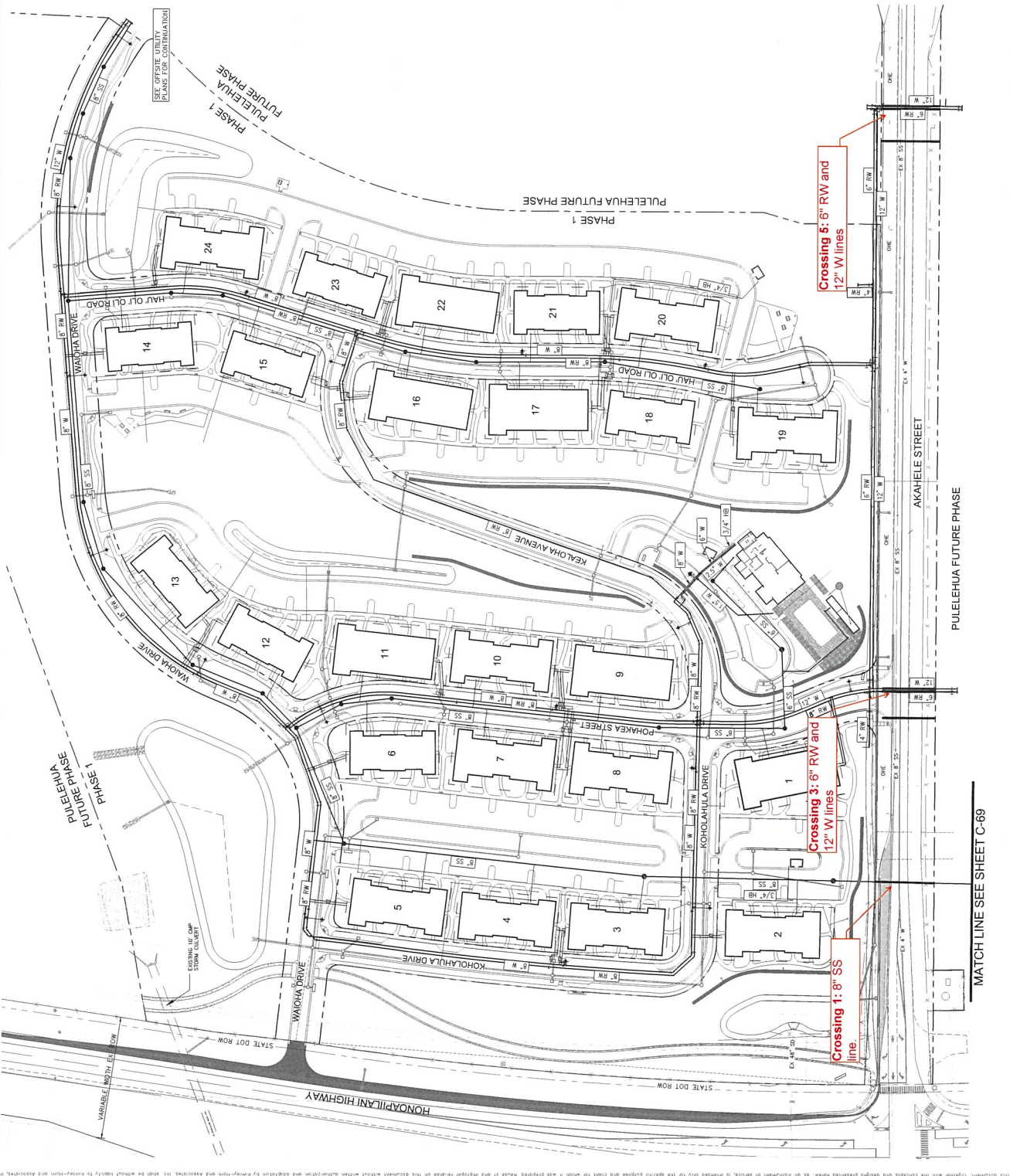


EXHIBIT B