

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

November 27, 2019

Via Email and Hand Delivery
daniel.e.orođenker@hawaii.gov

Daniel E. Orođenker, Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813

SUBJECT: A97-721 ATC Makena Entities and H2R, LLC

Dear Mr. Orođenker:

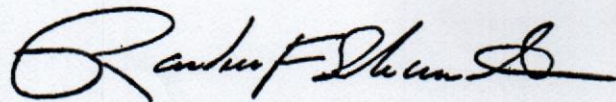
We received your letter dated November 8, 2019 requesting the status of the Land Use Commission (LUC), Decision & Order (D&O) Condition No. 12 of the above noted docket regarding the State of Hawaii Department of Transportation (HDOT) condition. As a matter of clarification, the amended D&O renumbered the HDOT condition to Condition No. 11. As your letter paraphrased, the condition requires participation in the pro rata funding and construction of local and regional transportation improvements and programs including dedication of rights of way as determined by State DOT and County of Maui, and that an agreement with HDOT be obtained as to the level of funding and participation.

As mentioned in the Status Report Hearing held on September 26, 2019, H2R, LLC (H2R) purchased a portion of the Makena Resort known as Makena H-2 in October of 2018. The property is a 27.85-acre parcel, identified as TMK (2) 2-1-005:085. Since the purchase of the property, H2R has been working to satisfy the LUC conditions including Condition No. 11. To that end, HDOT agreed that H2R's pro rata share will be contributing funds to construct a traffic signal at the Piilani Highway/Okolani Drive/Mikioi Place intersection. Russell Iwasa of HDOT Planning Branch instructed H2R to prepare a draft Memorandum of Agreement (MOA) to reflect the pro rata share funding and satisfaction of LUC Condition No. 11. H2R will be submitting the draft MOA in the near future.

Please contact me at 529-7304 or by email at sakumoto@m4law.com if you have any questions or need any further clarifications.

Sincerely,

McCORRISTON MILLER MUKAI MacKINNON LLP



By _____
Randall F. Sakumoto

cc: Leilani Pulmano, H2R, LLC
ATC Makena Entities (c/o Jennifer A. Lim, Esq.)

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LAND USE COMMISSION
STATE OF HAWAII