

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC SERVICES COMMITTEE**

June 23, 2009

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Public Services Committee, having met on June 3, 2009, makes reference to County Communication No. 09-33, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO `AHA KUKUI O MOLOKAI".

The purpose of the proposed resolution is to authorize the grant of a 30-year lease of approximately 2.97 acres at 25 Hio Place, Kaunakakai, Molokai, Hawaii, to `Aha Kukui o Molokai, to construct a canoe hale and operate a cultural club.

Your Committee notes that pursuant to Section 3.36.090, Maui County Code, the Council may authorize the grant of a lease of real property by resolution. Your Committee further notes that the Grants Review Committee recommended that a lease of 30 years be granted at a nominal rental of \$1.00 per year.

Your Committee revised the proposed resolution to authorize the grant of a lease of real property for a 55-year term to allow `Aha Kukui o Molokai to access additional funding from donors requiring a longer lease. Representatives from `Aha Kukui o Molokai confirmed that this longer lease would be beneficial to the organization.

Your Committee voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Nishiki, Vice-Chair Pontanilla, and members Kaho`ohalahala, Medeiros, and Victorino voted "aye". Committee members Mateo and Johnson were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision.

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC SERVICES COMMITTEE**

June 23, 2009  
Page 2

**Committee**  
**Report No.** \_\_\_\_\_

Your Public Services Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO 'AHA KUKUI O MOLOKAI", be ADOPTED; and
2. That County Communication No. 09-33 be FILED.

This report is submitted in accordance with Rule 7 of the Rules of the Council.

  
\_\_\_\_\_  
WAYNE K. NISHIKI, Chair

# Resolution

No. \_\_\_\_\_

## AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO 'AHA KUKUI O MOLOKAI

WHEREAS, 'AHA KUKUI O MOLOKAI, a Hawaii nonprofit corporation (hereinafter called "'AHA KUKUI O MOLOKAI"), desires to obtain a lease of certain real property from the County of Maui for a nominal sum; and

WHEREAS, the real property 'AHA KUKUI O MOLOKAI desires to occupy is that certain parcel located at 25 Hio Place, Kaunakakai, Molokai, Hawaii, more particularly identified as TMK: (2) 5-3-001:005, consisting of approximately 2.97 acres, and more particularly described and depicted in Exhibit "1", attached hereto and made a part hereof (hereinafter called the "Premises"); and

WHEREAS, an application has been made to the Council of the County of Maui by 'AHA KUKUI O MOLOKAI, through the Department of Housing and Human Concerns, with the approval of the Grants Review Committee, as evidenced by their Certification of Review of Request for Grants of Real Property attached hereto and made a part hereof as Exhibit "2", to obtain a lease of the Premises at a nominal rental; and

**Resolution No. \_\_\_\_\_**

WHEREAS, pursuant to Maui County Code Section 3.36.090, the Council of the County of Maui may authorize the grant of a lease of real property by resolution; and

WHEREAS, the Council of the County of Maui desires to approve the grant application of 'AHA KUKUI O MOLOKAI, in accordance with the terms and conditions of that certain "Grant Agreement for a Lease of County Real Property" (hereinafter called "Grant Agreement"), and proposed "Lease" between the County of Maui and 'AHA KUKUI O MOLOKAI, on file with the Department of Housing and Human Concerns; now, therefore,

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

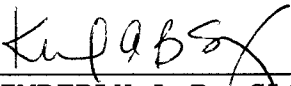
1. That 'AHA KUKUI O MOLOKAI be granted the right to occupy the Premises in accordance with the terms and conditions of the proposed Lease, at an annual rental of ONE AND NO/100 DOLLARS (\$1.00) for a period of fifty-five (55) years; and

2. That the Mayor and the Director of Finance or their authorized representatives are authorized to execute the proposed Grant Agreement and Lease; and

**Resolution No. \_\_\_\_\_**

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Housing and Human Concerns, and the Executive Director of 'AHA KUKUI O MOLOKAI.

APPROVED AS TO FORM  
AND LEGALITY:



\_\_\_\_\_  
KIMBERLY A.B. SLOPER  
Deputy Corporation Counsel  
County of Maui

S:\ALL\KBS\Housing\Grants Review\Aha Kukui\Reso.wpd

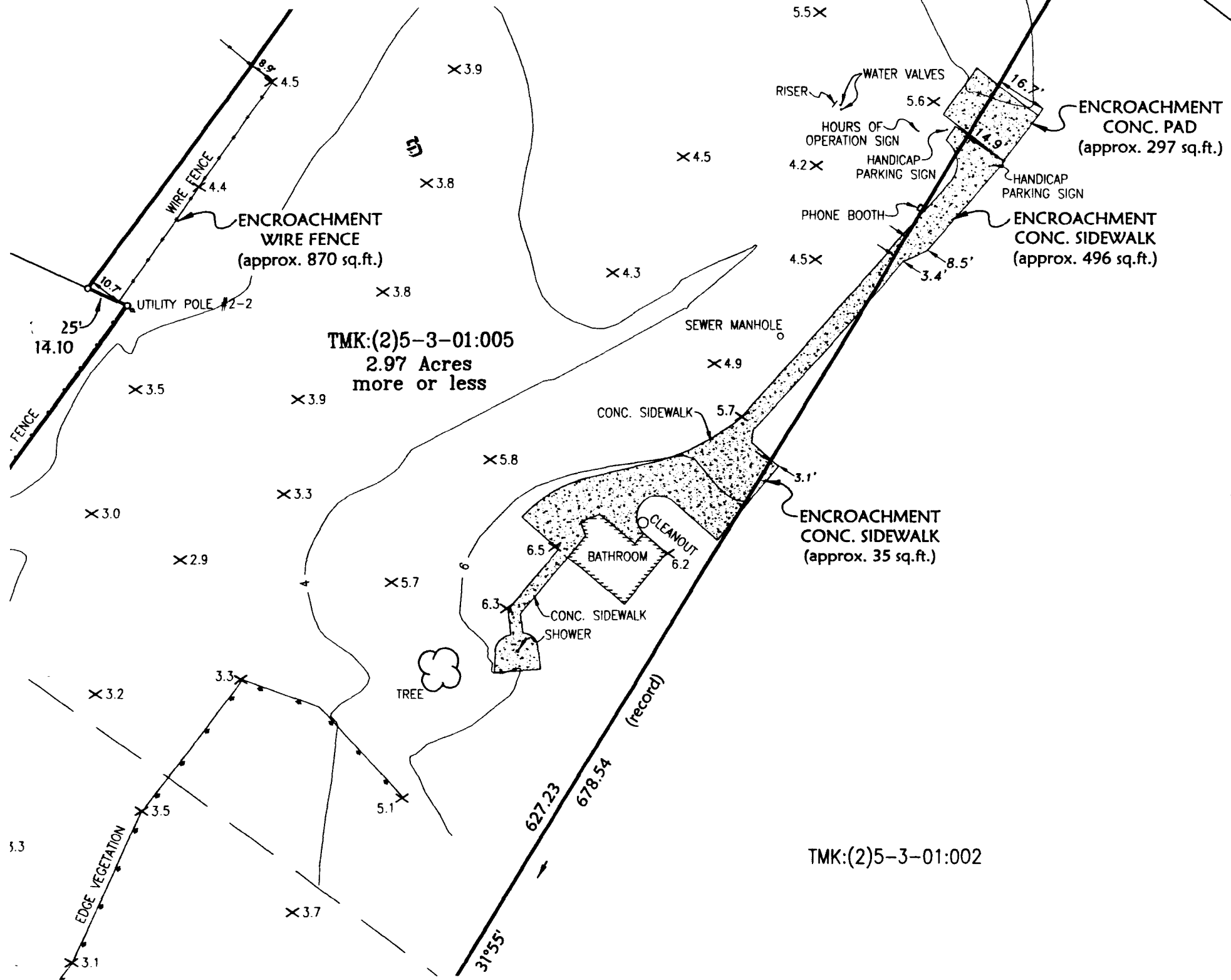
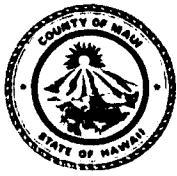


EXHIBIT "1"



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
 COUNTY OF MAUI

CHARMAINE TAVARES  
 Mayor  
 LORI TSUHAKO  
 Director  
 JO-ANN T. RIDAO  
 Deputy Director

2200 MAIN STREET, SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165  
 MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL director.hhc@mauicounty.gov

**MAUI COUNTY GRANTS REVIEW COMMITTEE**  
**Certification of Review of Request for Grants of Real Property**

Subject to Chapter 3.36.090, Maui County code, the "committee shall transmit to the council any request for a grant of real property, including concessions at less than fair market value, and its recommendations with respect to the request."

By this document, the Grants Review Committee (GRC) certifies that, at its meeting on November 6, 2008, the following application for Grant of Real Property was reviewed:

Applicant: **Aha Kukui O Molokai**  
 Location: **Molokai**  
 Address: **PO Box 391, Hoolehua, HI 96729-0391**  
 TMK: **(2) 5-3-001:005 2.97 acres**  
 Length of Time: **30 years**

Purpose: **The intended usage for this property is to build a halau wa'a (canoe house) to store canoes and equipment and to use as a meeting place to hold gatherings, workshops and other activities.**

Initiating Dept: **Parks and Recreation**

Subject to its review and discussions, the following action was taken:

- Recommend approval of request at fair market value (to be determined by appropriate appraisal).
- Recommend approval of request at less than fair market value. The GRC recommends lease rent of \$ 1.00 per year.
- Recommend disapproval of request for the following reason(s):

Subject to Chapter 3.36.090, MCC, the Council shall be notified of this request. Notice of this recommendation shall also be provided to the Initiating Department, who will transmit this certification along with appropriate resolution and other required documents to the Maui County Council for review and authorization of grant.

Certified by:

Susan Bendon on this 19 day of November, 2008

Chair / Co-Chair, Grants Review Committee

Print Name: Susan Bendon

Reviewed and approved for transmittal by:

Lori Tuhako

Director, Department of Housing & Human Concerns

EXHIBIT " 2 "