

COUNCIL OF THE COUNTY OF MAUI
**INFRASTRUCTURE MANAGEMENT
COMMITTEE**

July 7, 2009

Committee
Report No. _____

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

Chair and Members:

Your Infrastructure Management Committee, having met on June 16, 2009, makes reference to County Communication No. 09-163, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of Road Widening Lot 12-E-1-B of the Waiohuli-Keokea Homesteads subdivision along Lipoa Street, consisting of 3,318 square feet, and identified as TMK: (2) 3-9-02:154.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code (MCC), the Council may accept gifts or donations of real property or any interest in real property for public purposes by the passage of a resolution, approved by a majority of its members.

The Director of Public Works stated that the subdivision was granted final approval on April 20, 2009, and the Department inspected and approved the improvements on February 17, 2005. He confirmed that all improvements satisfy the requirements of Title 18, MCC, and are, therefore, acceptable for dedication to the County.

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Medeiros, Vice-Chair Pontanilla, and members Baisa, Kaho'ohalahala, Mateo, and Molina voted "aye". Committee member Victorino was excused.

COUNCIL OF THE COUNTY OF MAUI
**INFRASTRUCTURE MANAGEMENT
COMMITTEE**

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**Committee
Report No.** _____

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be ADOPTED; and
2. That Communication No. 09-163 be FILED.

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



BILL KAUAKEA MEDEIROS, Chair

Resolution

No. _____

ACCEPTING DEDICATION OF A ROAD WIDENING LOT
FOR THE WAIHULI-KEOKEA HOMESTEADS, PURSUANT
TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, MAUI SELF STORAGE LLC (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Waiohuli-Keokea Homesteads, Tax Map Key No. (2)3-9-002:154, Subdivision File No. 3.2007, by dedicating that certain Road Widening Lot 12-E-1-B. Said lot is more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed and approved said dedication; and

WHEREAS, pursuant to Maui County Code, Section 3.44.015(C), the County Council may accept donations of real property or any interest in real property by the passage of a resolution approved by a majority of its members; now, therefore,

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

1. That it hereby accepts Lot 12-E-1-B, as described in said Warranty Deed attached hereto as Exhibit "1" to be dedicated by said Subdivider to the County of Maui in accordance with said Warranty Deed; and

Resolution No. _____

2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works and the Subdivider.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

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LAND COURT REGULAR SYSTEM
AFTER RECORDATION, RETURN BY: MAIL (XX) PICKUP () TO:
COUNTY OF MAUI
Department of Finance Total No. of Pages:
200 South High Street
Wailuku, Hawaii 96793
TMK (2)3-9-002:154
LUCA FILE NO. 3.2007

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That MAUI SELF STORAGE LLC, whose address is P.O. BOX 1449, Kihei Hawaii 96753, (hereinafter collectively the "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) to Grantor paid by COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and post office address is 200 South High Street, Wailuku, Hawaii 96793, (hereinafter the "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Kihei, Maui, Hawaii, Island and County of Maui, State of Hawaii, more particularly described in Exhibit

"A", attached hereto and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever.

AND the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interests of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, rights, easements, hereditaments, privileges and appurtenances thereto belonging or appertaining, or held and enjoyed in connection therewith unto the Grantee according to the tenancy hereinabove set forth, absolutely and in fee simple, forever.

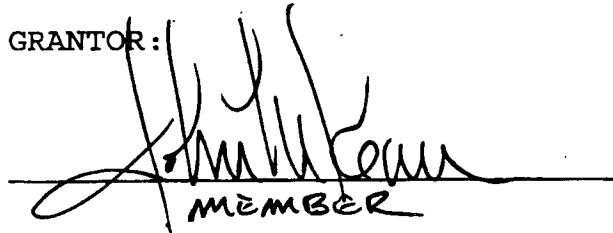
AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of the described real and personal property and that the Grantor has good right to convey the same as aforesaid; that the property is free and clear of all encumbrances, except as may be described in Exhibit "A"; and the Grantor will WARRANT AND DEFEND the same unto Grantee, forever, against the lawful claims and demands of all persons.

It is understood and agreed that the term "property" shall be deemed to mean and include the property specifically described in Exhibit "A", all buildings and improvements thereon (including any personal property described in Exhibit "A") and all rights, easements, privileges and appurtenances in connection therewith, that the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and


include the masculine and/or feminine, the singular or plural number, individuals, firms or corporations, that the rights and obligations of the Grantor and Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors in trust and assigns and that where there is more than one Grantor or Grantee, any covenants of the respective party shall be and for all purposes deemed to be joint and several.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this 17th day of October, 2002.

GRANTOR:


MEMBER

APPROVED AS TO FORM
AND LEGALITY:

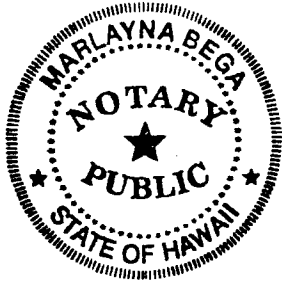

Gregory J. Garneau
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\PK\FORMS\WARRANTY.DED

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of October, 2002, before me personally appeared John M. Kean, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Marlayna Bega
NOTARY PUBLIC, State of Hawaii.

Print name Marlayna Bega
My commission expires: 2/6/2004

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this _____ day of _____, 20_____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

NOTARY PUBLIC, State of Hawaii.

Print name _____
My commission expires: _____

STATE OF HAWAII

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) SS.
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_____)
On this _____ day of _____, 20____, before
me appeared _____, to me personally
known, who being by me duly sworn, did say that _____ is the
_____ of _____

_____, in the capacity
shown, having been duly authorized to execute such instrument in
such capacity, and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation, and the said
instrument was signed and sealed in behalf of said corporation by
authority of its Board of Directors, and the said officer
acknowledged said instrument to be the free act and deed of said
corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal.

Notary Public, State of Hawaii

Print name _____
My commission expires: _____

STATE OF HAWAII

)
) SS.
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On this _____ day of _____, 20____, before me appeared _____, to me personally known, who being by me duly sworn, did say that _____ is the partner of _____, a general partnership organized under the laws of the State of Hawaii, in the capacity shown, having been duly authorized to execute such instrument in such capacity, and said _____ acknowledged that _____ executed the foregoing instrument as _____ free act and deed as such general partner.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

Print name _____
My commission expires: _____

Lot 12-E-1-B
Waiohuli-Keokea Homesteads
Portion of Land Patent 6967 to John Brown Jr.
Waiohuli (Kihei), Maui, Hawaii

ALL OF THAT CERTAIN PARCEL OF LAND known as road widening Lot 12-E-1-B of Waiohuli-Keokea Homesteads (LUCA File No. 3.2007), a portion of Land Patent 6967 to John Brown Jr., situate at Waiohuli (Kihei), Island and County of Maui, State of Hawaii, and more particularly described as follows:

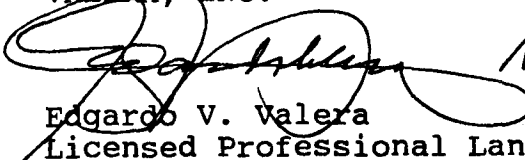
BEGINNING at a 1/2 inch pipe at the southeast corner of this lot and the north side of Lipoa Street, the coordinates of said point of beginning being

North 6,756.38 feet
West 22,250.83 feet

referred to Government Survey Triangulation Station "PUU KALI" and running by azimuths measured clockwise from true South (meridian of said "PUU KALI"); thence,

1. 83° 44' 237.02 feet along Lipoa Street to a found 1/2 inch pipe; thence,
2. 170° 36' 30" 14.02 feet along Lot 12-D of Waiohuli-Keokea Homesteads to a 1/2 inch pipe; thence,
3. 263° 44' 237.02 feet along Lot 12-E-1-A of Waiohuli-Keokea Homesteads (LUCA File No. 3.2007) to a found Nail; thence,
4. 350° 36' 30" 14.02 feet along Lot 12-F-1 of Waiohuli-Keokea Homesteads to the point of beginning and containing an area of 3,318 square feet, more or less.

This work was prepared by me
or under my direct supervision.
VALERA, INC.


Edgardo V. Valera
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 50983
End of description.
4595LE1B

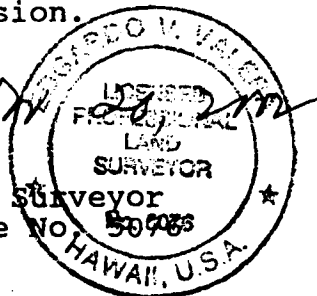


EXHIBIT " A "