

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

August 25, 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 August 3, 2009, makes reference to County Communication No. 09-193, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE WAIOLANI PIKAKE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of Roadway Lot 38 from M&W 2, LLC, consisting of 48,178 square feet, located on Kama Street in the Waiolani Pikake Subdivision, Waikapu, Maui.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code, 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 noted that Roadway Lot 38 is in conformance with County standards and confirmed that all required improvements have been completed. Final approval for the Waiolani Pikake Subdivision was granted on January 9, 2007.

Your Committee noted its concern for the safety of the subdivision residents because of the roadway owner's failure to activate installed street lights in the subdivision prior to acceptance of the dedication by the County. The Director stated that the County is responsible for activating the street lights upon approval of the dedication.

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

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

August 25, 2009
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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 ROADWAY LOT FOR THE WAIOLANI PIKAKE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be ADOPTED; and
2. That County Communication No. 09-193 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 ROADWAY LOT FOR
THE WAIOLANI PIKAKE SUBDIVISION, PURSUANT
TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, M&W 2, LLC (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Waiolani Pikake Subdivision, Tax Map Key Number (2)3-5-034:038, Subdivision File No. 3.2027, by dedicating that certain Roadway Lot 38. 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 Section 3.44.015(C), Maui County Code, 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:

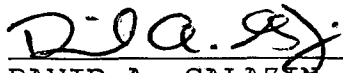
1. That it hereby accepts Lot 38, as described in said Warranty Deed attached hereto as Exhibit "1", to be dedicated by said Subdivider to the County of Maui in accordance with said Warranty Deed; and

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

S:\ALL\DAG\RESO\waiolanipikakeroadwaylot38.wpd

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (X) Pickup () To:
County of Maui
200 High Street
Wailuku, HI 96793

TOTAL NUMBER OF PAGES: 6

T.M.K. No. (2) 3-5-034:038
Subdivision File No. 3.2027

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **M&W 2, LLC**, a Hawaii limited liability company, whose address is 8 Kiopa'a Street, Pukalani, Maui, Hawaii 96768, hereafter the "Grantor", for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor paid by **COUNTY OF MAUI**, a political subdivision of the State of Hawaii, whose principal office and mailing address is 200 South High Street, Wailuku, Hawaii 96793, hereafter the "Grantee", receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Waikapu, Maui, Hawaii, more fully described in Exhibit "A" hereto attached and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever, including 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.

1
EXHIBIT " 1 "

PAGE 1 OF 6

TO HAVE AND TO HOLD the same together with all buildings, improvements, tenements, rights, easements, hereditaments, privileges and appurtenances thereunto 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 seised 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 the 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 10th day of April 2009.

Grantor:

APPROVED AS TO FORM:


Deputy Corporation Council
County of Maui
DAVID A. GALAZIN

M&W 2, LLC,
a Hawaii limited liability company

By Its Member-Manager

KRS DEVELOPMENT, INC.,
a Hawaii corporation

By 
Kent R. Smith
Its President

STATE OF HAWAII

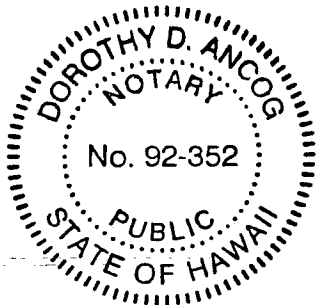
)
) SS.

COUNTY OF MAUI

)

On April 13, 2009, before me personally appeared **Kent R. Smith**, to me personally known, who, being by me duly sworn or affirmed, did say that such person (s) executed the foregoing instrument as the free act and deed of such person (s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

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

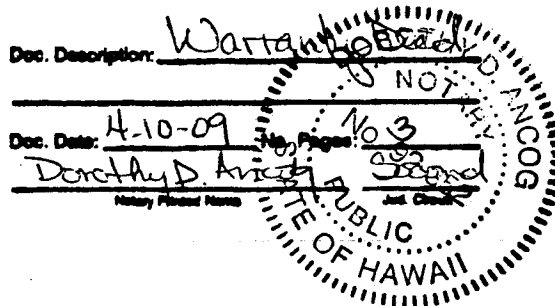


Dorothy AncoG
(notary's signature)

DOROTHY D. ANCOG

(print/type name of notary)
Notary Public, State of Hawaii

My commission expires: NOV 23, 2011



LOT 38

(KAMA STREET)

WAIOLANI PIKAKE SUBDIVISION

SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

BEING PORTIONS OF GRANT 2017 TO EEKA; GRANT 1707 TO KAUI;

ROYAL PATENT 3154, LAND COMMISSION AWARD 3105, APANA 3 TO KAAA;

ROYAL PATENT 5476, LAND COMMISSION AWARD 5280 TO KAUI;

ROYAL PATENT 5972, LAND COMMISSION AWARD 5282

TO KANEPUAHEWA; AND

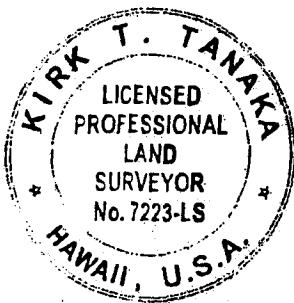
DEED: BOARD OF EDUCATION TO E. P. BOND AND EVERETT

Beginning at the Southeast corner of this Lot, being also the Northeast corner of Lot 1, Waiolani Pikake Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 8,026.19 feet South and 3,358.88 feet West and running by azimuths measured clockwise from True South:

1. 118° 24' 679.66 feet along Lots 1 to 12, inclusive, Waiolani Pikake Subdivision;
2. Thence, along Lots 12 and 13, Waiolani Pikake Subdivision, on a curve to the left with a radius of 103.00 feet, the radial azimuth to the point of curve being 208° 24', the radial azimuth to the point of tangent being 149° 02' 18.8", the chord azimuth and distance being:
88° 43' 09.4" 102.00 feet;
3. Thence, along Lots 13, 14, 39 and 15, Waiolani Pikake Subdivision, on a curve to the right with a radius of 147.00 feet, the radial azimuth to the point of curve being 329° 02' 18.8", the radial azimuth to the point of tangent being 28° 26' 48", the chord azimuth and distance being:
88° 44' 33.4" 145.68 feet;

4. 118° 26' 48" 97.07 feet along Lots 16 and 20, Waiolani Pikake Subdivision;
5. Thence, along Lot 20, Waiolani Pikake Subdivision, on a curve to the left with a radius of 30.00 feet, the radial azimuth to the point of curve being 208° 26' 48", the radial azimuth to the point of tangent being 118° 26' 48", the chord azimuth and distance being:
73° 26' 48" 42.43 feet;
6. 118° 26' 48" 6.00 feet along Lot 44 (6.00 Feet Wide Roadway Widening), Waiolani Pikake Subdivision;
7. 208° 26' 48" 104.00 feet along Old Waikapu Road;
8. 298° 26' 48" 6.00 feet along Lot 43 (6.00 Feet Wide Roadway Widening), Waiolani Pikake Subdivision;
9. Thence, along Lot 21, Waiolani Pikake Subdivision, on a curve to the left with a radius of 30.00 feet, the radial azimuth to the point of curve being 118° 26' 48", the radial azimuth to the point of tangent being 28° 26' 48", the chord azimuth and distance being:
343° 26' 48" 42.43 feet;
10. 298° 26' 48" 97.07 feet along Lots 21, 40 (Private Roadway) and 22, Waiolani Pikake Subdivision;
11. Thence, along Lots 22 and 23, Waiolani Pikake Subdivision, on a curve to the left with a radius of 103.00 feet, the radial azimuth to the point of curve being 28° 26' 48", the radial azimuth to the point of tangent being 329° 02' 18.8", the chord azimuth and distance being:
268° 44' 33.4" 102.08 feet;

12. Thence, along Lot 23, 26, 27, 28 and 29, Waiolani Pikake Subdi-
 vision, on a curve to the right
 with a radius of 147.00 feet,
 the radial azimuth to the point
 of curve being $149^{\circ} 02' 18.8''$,
 the radial azimuth to the point
 of tangent being $208^{\circ} 24'$, the
 chord azimuth and distance being:
 $268^{\circ} 43' 09.4''$ 145.58 feet;
13. $298^{\circ} 24'$ 691.94 feet along Lots 29 to 36, inclusive,
 Waiolani Pikake Subdivision;
14. $44^{\circ} 00'$ 45.68 feet along Kama Street, Waiolani
 Subdivision (File Plan 2108) to
 the point of beginning and con-
 taining an area of 48,178 Square
 Feet.



R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka

Kirk T. Tanaka
 Licensed Professional Surveyor
 Certificate No. 7223-LS
 License Expires: April 30, 2010

871 Kolu Street, Suite 201
 Wailuku, Hawaii 96793

June 28, 2006
 Revised: October 23, 2006
 Revised: January 16, 2007
 Revised: April 13, 2009