

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

October 2, 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 September 14, 2009, makes reference to County Communication No. 09-233, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE KAMEHAMEIKI-PULEHUIKI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of Road Widening Lots 14-D and 14-E, along Kamehameiki Road, Kula, consisting of approximately 7,539 square feet, affecting TMK: (2) 2-3-01:030.

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 informed your Committee that the subdivision was granted final approval on August 4, 2009. The road widening lots have met the requirements of Title 18, Maui County Code, and are acceptable for dedication.

Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Medeiros, Vice-Chair Pontanilla, and members Baisa, Kaho'ohalahala, Mateo, Molina, and Victorino voted "aye".

Your Infrastructure Management Committee **RECOMMENDS** the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE KAMEHAMEIKI-PULEHUIKI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be **ADOPTED**; and
2. That County Communication No. 09-233 be **FILED**.

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

October 2, 2009
Page 2

Committee
Report No. _____

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



BILL KAUAKEA MEDEIROS, Chair

im:cr:09026aa:mjg

Resolution

No. _____

ACCEPTING DEDICATION OF ROAD WIDENING LOTS
FOR THE KAMEHAMEIKI-PULEHUIKI HOMESTEADS,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, FRANCINA S. GIBBS, Trustee under Declaration of Revocable Trust of Francina S. Gibbs dated August 15, 1991 (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Kamehameiki-Pulehuiki Homesteads, Tax Map Key No. (2) 2-3-001:portion of 030, Subdivision File No. 2.2723, by dedicating those certain Road Widening Lots 14-D and 14-E, as more fully described in Exhibits "A-1" and "A-2" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed said dedication and recommends approval of same; 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 Lots 14-D and 14-E, as described in the Warranty Deed attached hereto as Exhibit "1"

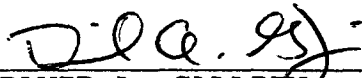
Resolution No. _____

to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

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



LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (XX) PICK-UP ()

**TO: COUNTY OF MAUI
Department of Finance
200 South High Street
Wailuku, Maui, Hawaii 96793**

S:\DSA\STANDARD FORMS\Subdivision\Standard Agreements\WarrantydeedRev0707.wpd

TMK No. (2) 2-3-001: portion of 030 Total No. of Pages: _____
Subdivision File No. 2.2723

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Francina S. Gibbs, Trustee under Declaration of Revocable Trust of Francina S. Gibbs dated August 15, 1991, whose address is 478 Kamehameiki Road, Kula, HI 96790, (hereinafter the "Grantor"), for and in consideration of the sum of One Dollar (\$1.00) to Grantor paid by COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and mailing address is 200 South High Street, Wailuku, Maui, Hawaii 96793, (hereinafter the "Grantee"), receipt whereof

is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Kamehameiki, Kula, Makawao, Maui, Hawaii, more particularly described in Exhibits "A-1" and "A-2", attached hereto and incorporated herein by reference, into 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.

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 Exhibits "A-1" and "A-2"; 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 Exhibits "A-1" and "A-2", all buildings and improvements thereon (including any personal property described in Exhibits "A-1" and "A-2") 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 _____ day of _____, 20____.

GRANTOR:

Francina S. Gibbs,
Trustee under Delcaration
of Revocable Trust of Francina
S. Gibbs dated August 15, 1991
(print name above)

By Francina S. Gibbs
name: Francina S. Gibbs
Its Trustee

By _____
name:
Its

By _____
Name:
Its

By _____
name:
Its

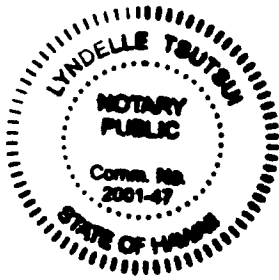
APPROVED AS TO FORM
AND LEGALITY:

D.A. Galazin
DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF Maui)

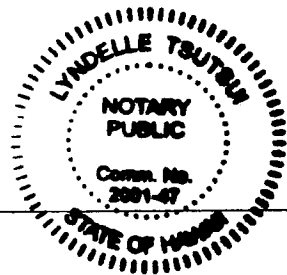
On this 1st day of June, 2009, before me personally appeared Francina S. Gibbs, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

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



Lyndelle Tsuteui
NOTARY PUBLIC, State of Hawaii.
Print Name Lyndelle Tsuteui
My commission expires: 2/4/2013

NOTARY PUBLIC CERTIFICATION		
Doc. Date:	<u>No date</u>	# Pages: _____
Notary Name:	<u>Lyndelle Tsuteui</u>	Judicial _____
Doc. Description:	<u>Warranty Deed</u>	Circuit: <u>2nd</u>
_____ _____ _____		
Notary Signature:	<u>Lyndelle Tsuteui</u>	
Date:	<u>June 1, 2009</u>	



DESCRIPTION
LOT 14-D
(KAMEHAMEIKI ROAD WIDENING LOT)
KAMEHAMEIKI-PULEHUIKI HOMESTEADS

All of that certain parcel of land, being Lot 14-D (Kamehameiki Road widening lot) of the Kamehameiki-Pulehuiki Homesteads (the map thereof not being recorded), being a portion of Grant 3896 to Kauhi, situated at Kamehameiki, Kula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (set) $\frac{3}{4}$ -inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" at the south corner of this parcel of land, on the northwesterly boundary of Lot 15 of said Kamehameiki-Pulehuiki Homesteads and Grant 3895 to Mahuna, said pipe also being the east corner of Lot 14-B of said Kamehameiki-Pulehuiki Homesteads, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KIKALAPUU" being:

5,134.02 feet South
2,804.99 feet East

and running by azimuths measured clockwise from true South:

1. 134° 17' 00" 193.09 feet along said Lot 14-B of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi to a (set) $\frac{3}{4}$ -inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983";

Thence along said Lot 14-B of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi on the arc of a curve to the right, concave northeasterly with a radius of 250.00 feet, the radial azimuth to the point of curve being 44° 17' 00", the radial azimuth to the point of tangent being 54° 59' 10", and the chord azimuth and distance being:

2. 139° 38' 05" 46.63 feet to a (set) $\frac{3}{4}$ -inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" at a point of compound curvature at the east corner of Lot 14-C of said Kamehameiki-Pulehuiki Homesteads;

Thence along said Lot 14-C of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi on the arc of a curve to the right, concave northeasterly with a radius of 250.00 feet, the radial azimuth to the point of curve being 54° 59' 10", the radial azimuth to the point of tangent being 67° 11' 52", and the chord azimuth and distance being:

3. 151° 05' 31" 53.18 feet to a (set) $\frac{3}{4}$ -inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" at a point of compound curvature at the east corner of Lot 14-A of said Kamehameiki-Pulehuiki Homesteads;

EXHIBIT "A-1"

Page 1 of 2

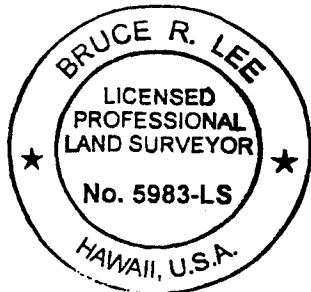
PAGE 6 OF 9

Thence along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi on the arc of a curve to the right, concave northeasterly with a radius of 250.00 feet, the radial azimuth to the point of curve being 67° 11' 52", the radial azimuth to the point of tangent being 70° 35' 00", and the chord azimuth and distance being:


4. 158° 53' 26" 14.77 feet to a (set) ¾-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983";
5. 160° 35' 00" 39.88 feet along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi to a (set) ¾-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" on the southwesterly boundary of said Kamehameiki Road right-of-way;
6. 332° 48' 00" 88.25 feet along said southwesterly boundary of the Kamehameiki Road right-of-way;
7. 314° 17' 00" 253.00 feet along said southwesterly boundary of the Kamehameiki Road right-of-way to the north corner of said Lot 15 of the Kamehameiki-Pulehuiki Homesteads and said Grant 3895 to Mahuna;
8. 33° 35' 00" 15.80 feet along said Lot 15 of the Kamehameiki-Pulehuiki Homesteads, along said Grant 3895 to Mahuna to the point of beginning and containing an area of 4,245 Square Feet or 0.097 Acre, more or less.

Prepared by:

**NEWCOMER-LEE
LAND SURVEYORS, INC.,** a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.



BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS

5/10/08
GIBBS, FRANCINA
File 00-4923
00-4923 Cina Gibbs Subd. Lot 14-D (RW)

EXHIBIT "A-1"
Page 2 of 2

PAGE 7 OF 9

DESCRIPTION
LOT 14-E
(KAMEHAMEIKI ROAD WIDENING LOT)
KAMEHAMEIKI-PULEHUIKI HOMESTEADS

All of that certain parcel of land, being Lot 14-E (Kamehameiki Road widening lot) of the Kamehameiki-Pulehuiki Homesteads (the map thereof not being recorded), being a portion of Grant 3896 to Kauhi, situated at Kamehameiki, Kula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (set) 3/4-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" at the west corner of this parcel of land, on the southeasterly boundary of Lot 13 of said Kamehameiki-Pulehuiki Homesteads and Grant 3897 to H. K. Kanahuna, said pipe also being the north corner of Lot 14-A of said Kamehameiki-Pulehuiki Homesteads, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KIKALAPUU" being:

4,568.42 feet South
2,217.34 feet East

and running by azimuths measured clockwise from true South:

1. 213° 23' 00" 7.86 feet along said Lot 13 of the Kamehameiki-Pulehuiki Homesteads, along said Grant 3897 to H. K. Kanahuna to a point on the southwesterly boundary of the Kamehameiki Road right-of-way;
2. 294° 19' 00" 306.50 feet along said southwesterly boundary of the Kamehameiki Road right-of-way;
3. 332° 48' 00" 52.91 feet along said southwesterly boundary of the Kamehameiki Road right-of-way to a (set) 3/4-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" on the northeasterly boundary of said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads;

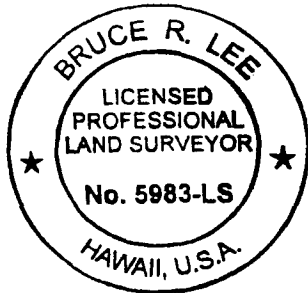
Thence along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi on the arc of a curve to the left, concave southwesterly with a radius of 526.00 feet, the radial azimuth to the point of curve being 221° 50' 50", the radial azimuth to the point of tangent being 208° 36' 00", and the chord azimuth and distance being:

4. 125° 13' 25" 121.35 feet to a (set) 3/4-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983";

- 5. 118° 36' 00" 33.79 feet along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi to a (set) 3/4-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983";
- 6. 115° 03' 00" 53.28 feet along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi to a (set) 3/4-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983";
- 7. 113° 55' 00" 143.03 feet along said Lot 14-A of the Kamehameiki-Pulehuiki Homesteads, along the remainder of said Grant 3896 to Kauhi to the point of beginning and containing an area of 3,294 Square Feet or 0.076 Acre, more or less.

Prepared by:

**NEWCOMER-LEE
LAND SURVEYORS, INC.,** a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee 04/10

BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS

5/10/08
GIBBS, FRANCINA
File 00-4923
00-4923 Cina Gibbs Subd. Lot 14-E (RW)