

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 4, 2009

**Committee
Report No.** _____

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

Chair and Members:

Your Committee of the Whole, having met on November 19, 2009, makes reference to the following:

1. County Communication No. 09-99, from the Director of Housing and Human Concerns, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO KIHEI YOUTH CENTER". The purpose of the proposed resolution is to authorize a grant of a 20-year license to the Kihei Youth Center for property comprised of approximately 3,868 square feet at 131 South Kihei Road, Kihei, Maui, Hawaii, to operate a youth center.
2. Committee of the Whole Report No. 09-46, recommending adoption of a revised proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO KIHEI YOUTH CENTER". The purpose of the revised proposed resolution is to authorize a grant of a 35-year license to the Kihei Youth Center for property comprised of approximately 3,989 square feet (building and adjacent basketball court) at 131 South Kihei Road, Kihei, Maui, Hawaii, to operate a youth center.

Your Committee notes that at its meeting of June 23, 2009, the Council recommitted Committee of the Whole Report No. 09-46 to your Committee due to concerns related to the addition of 15 years to the term of the license agreement. Because the subject property is on State land, and under the control and management of the County by way of an executive order, the addition of 15 years to the term of the license agreement requires the approval of the Board of Land and Natural Resources (BLNR). The BLNR approved the Kihei Youth Center's original request for a 20-year license at its meeting of December 12, 2008. BLNR approval for the additional 15 years to the term of the license agreement could take a significant amount of time.

Your Committee received a revised proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

December 4, 2009
Page 2

**Committee
Report No.** _____

KIHEI YOUTH CENTER” from the Director of Parks and Recreation. The purpose of the revised proposed resolution is to authorize a grant of a 20-year license to the Kihei Youth Center for approximately 3,989 square feet (building and adjacent basketball court) located at 131 South Kihei Road, Kihei, Maui, Hawaii, to operate a youth center.

Lehuanani Huddleston-Hafoka, Executive Director of the Kihei Youth Center, requested that your Committee reconsider her original request for a 20-year license in order to expedite the signing of the license agreement and the release of County funds for vital maintenance and repairs to the Center’s facilities.

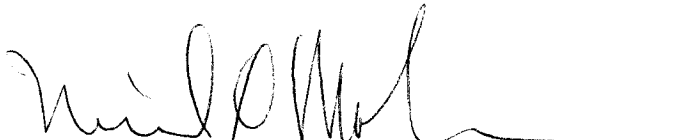
Your Committee expressed its appreciation for all of the services the Kihei Youth Center provides to the youth and the community of South Maui, and acknowledged the need for the license agreement to be finalized in a timely manner. Your Committee noted that County funds were previously appropriated for maintenance and repairs to the Kihei Youth Center; however, those funds cannot be released without the executed license agreement.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Molina, Vice-Chair Mateo, and members Baisa, Johnson, Kaho’ohalahala, Medeiros, Nishiki, Pontanilla, and Victorino voted “aye”.

Your Committee of the Whole RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled “AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO KIHEI YOUTH CENTER”, be ADOPTED; and
2. That County Communication No. 09-99 be FILED.

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



MICHAEL J. MOLINA, Chair

Resolution

NO. _____

AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO KIHEI YOUTH CENTER

WHEREAS, KIHEI YOUTH CENTER, a Hawaii nonprofit corporation (hereinafter called "KIHEI YOUTH CENTER"), desires to obtain a license of a portion of certain real property from the County of Maui for a nominal sum; and

WHEREAS, the real property KIHEI YOUTH CENTER desires to occupy is that certain facility known as the Kihei Youth Center located at 131 South Kihei Road, Kihei, Maui, Hawaii, consisting of a building of approximately 3,989 square feet and the adjacent basketball court, said facility being situated on a portion of that certain parcel of land identified as Tax Map Key No. (2) 3-9-006:011, situated at Waiakoa, Kula (Kihei), Maui, Hawaii, and more particularly described in Exhibit "1", attached hereto and made a part hereof (hereinafter called the "Premises"), in the control and custody of the County under Executive Order 2958, attached hereto and made a part hereof as Exhibit "2"; and

WHEREAS, an application has been made to the Council of the County of Maui by Kihei Youth Center, through the Department of Housing and Human Concerns and the Department of Parks and Recreation, with the approval of the Grants Review Committee, as

Resolution No. _____

evidenced by their Certification of Review of Request for Grants of Real Property attached hereto and made a part hereof as Exhibit "3", to obtain a license of the Premises at a nominal rental; and

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

WHEREAS, the Council of the County of Maui desires to approve the grant application of Kihei Youth Center, in accordance with the terms and conditions of that certain "Grant Agreement for a License of County Real Property" (hereinafter called "Grant Agreement"), and proposed "License" between the County of Maui and Kihei Youth Center, on file with the Department of Parks and Recreation; now, therefore,

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

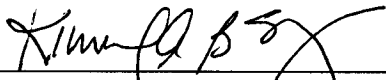
1. That Kihei Youth Center be granted the right to occupy the Premises in accordance with the terms and conditions of the proposed License, at an annual rental of ONE AND NO/100 DOLLARS (\$1.00) for a period of twenty (20) years; and

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

Resolution No. _____

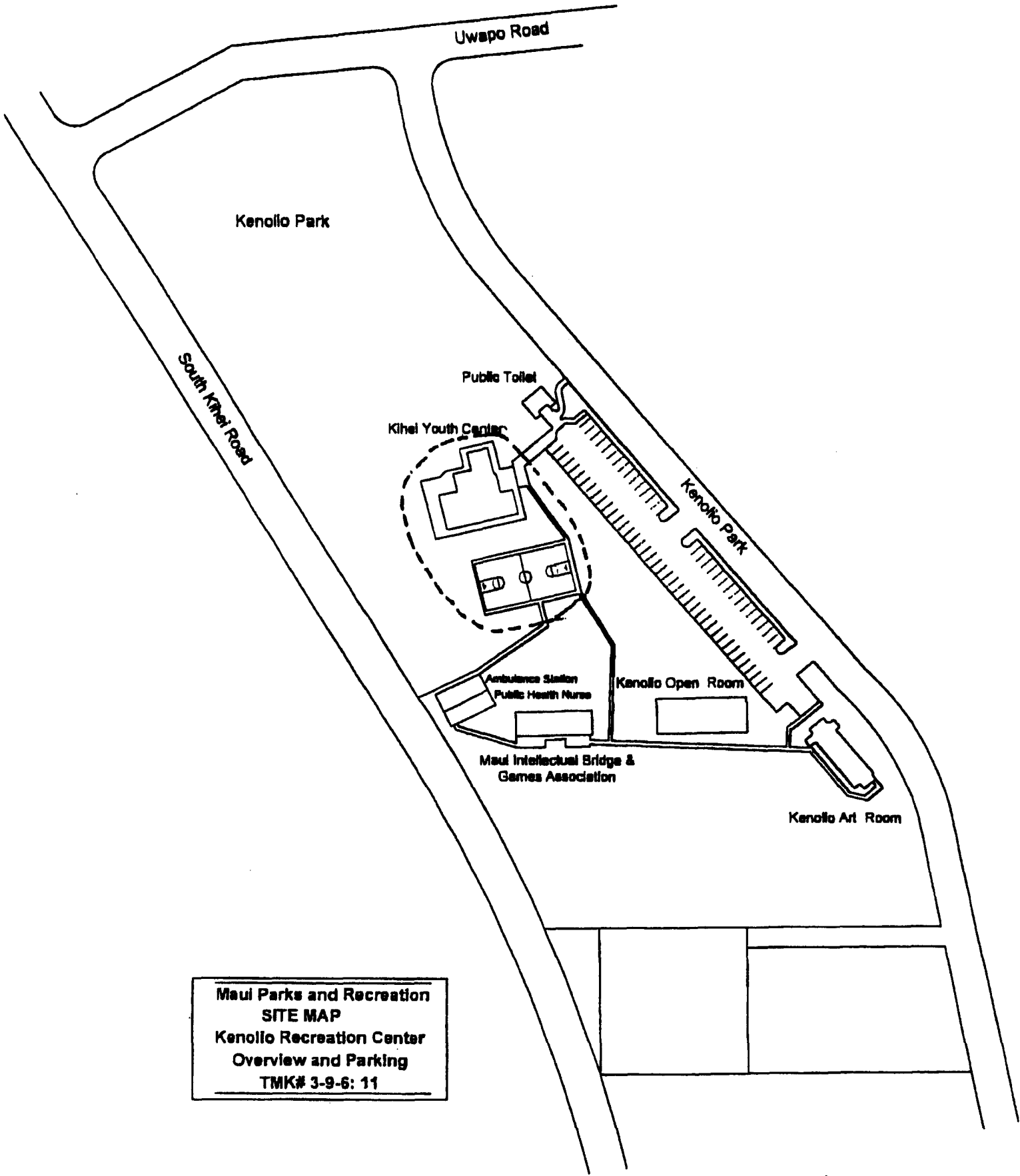
3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks and Recreation, and to Kihei Youth Center.

APPROVED AS TO FORM
AND LEGALITY:



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

S:\ALL\KBS\Housing\Grants Review\Kihei Youth Center\Reso3.wpd



Maui Parks and Recreation
SITE MAP
 Kenolio Recreation Center
 Overview and Parking
 TMK# 3-9-6: 11

Executive Order No. 2958

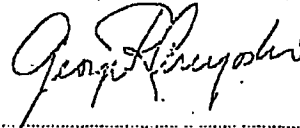
Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

FOR RECREATION CENTER SITE, to be under the control and management of the County of Maui, Department of Human Concerns, situate at Pulehunui and Waiakoa, Wailuku, Kula, Island of Maui, State of Hawaii, containing an area of 4.40 acres, more or less, said land being more particularly described in Exhibit "A" and delineated on Exhibit "B", both of which are attached hereto and made a part hereof, said exhibits being, respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 18,414 and dated September 6, 1978.

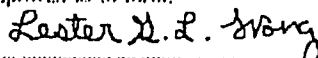
SUBJECT to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.
Done at the Capitol at Honolulu this 6th day of March Nineteen Hundred and 79.



Governor of the State of Hawaii

Approved as to form:



Deputy Attorney General
NOV 23 1978

EXHIBIT " 2 "

PAGE 1 OF 4



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

September 6, 1978

C.S.F. No. 18,414

RECREATION CENTER SITE

Pulehunui and Waiakoa, Wailuku (Kula), Maui, Hawaii

Comprising the following:

- (a) Portion of the Government Land of Waiakoa.
- (b) Portion of Land Patent 8140, Land Commission Award 5230 to Keaweamahi conveyed to the Territory of Hawaii by Hawaiian Commercial and Sugar Co., Ltd. by deed dated November 12, 1931 and recorded in Liber 1138 on Pages 365-370 (Land Office Deed 4268).

Beginning at the southeast corner of this parcel of land and on the westerly side of Kenolio Road, the coordinates of said point of beginning referred to a "+" on rock (Kalaepohaku) at seashore on the boundary between the lands of Pulehunui and Waiakoa being 234.50 feet South and 659.07 feet East and the coordinates of said "+" on rock (Kalaepohaku) referred to Government Survey Triangulation Station "PUU O KALI" being 17,875.5 feet North and 25,734.0 feet West, thence running by azimuths measured clockwise from True South:-

1. 89° 11' 197.18 feet along 20-foot Right-of-Way;
2. 88° 12' 210.14 feet along Grants 7459 and 10982 to Board of Hawaiian Evangelical Association;
3. Thence along easterly side of South Kihei Road on a curve to the left with a radius of 2311.83 feet, the chord azimuth and distance being: 150° 29' 25.8" 288.21 feet;
4. 146° 55' 181.19 feet along the easterly side South Kihei Road;
5. Thence along the easterly side of South Kihei Road on a curve to the right with a radius of 11439.16 feet, the chord azimuth and distance being: 146° 59' 09.5" 27.67 feet;

-1-

EXHIBIT "A"

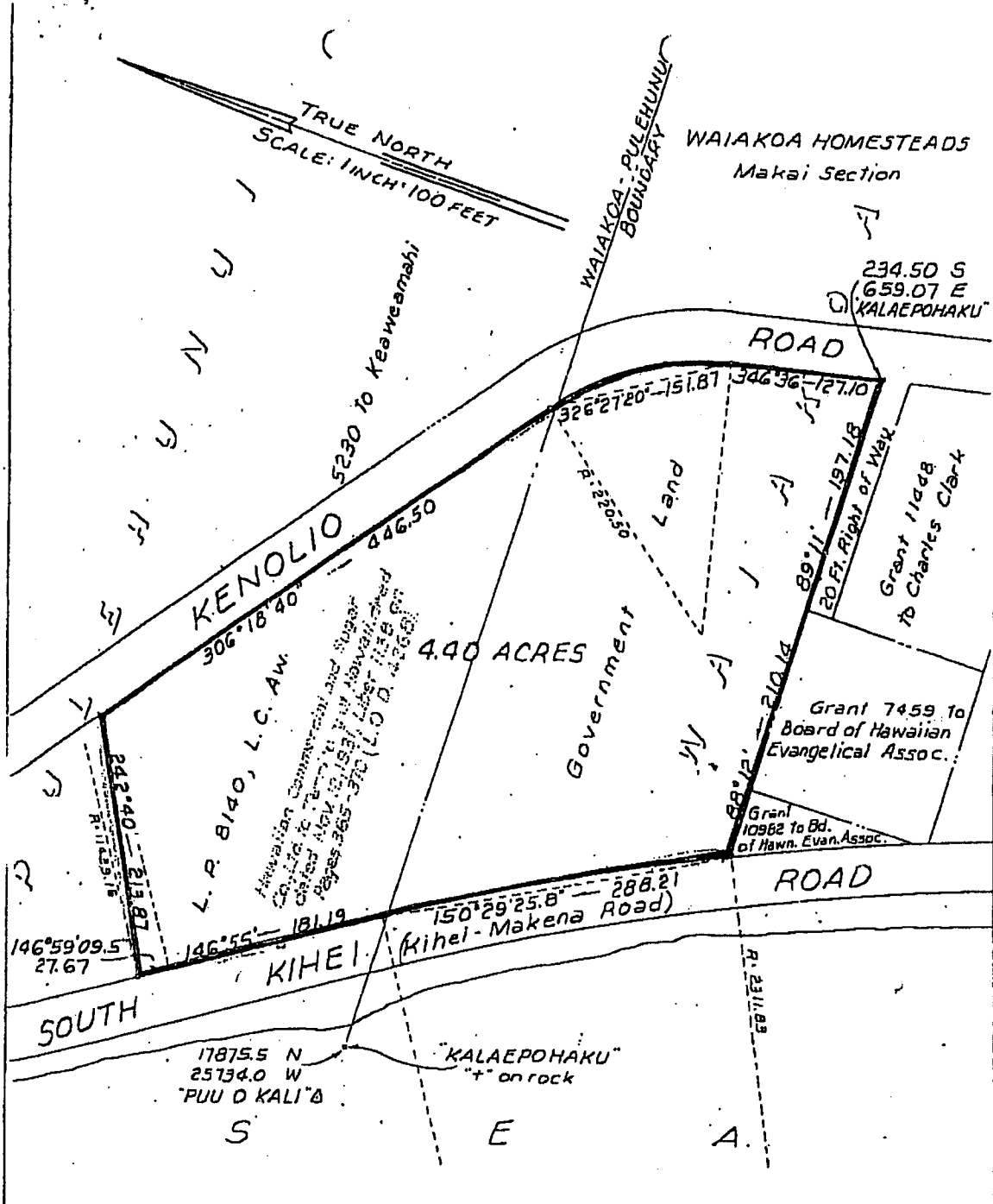
6. 242° 40' 213.87 feet along the remainder of L.P. 8140,
L.C. Award.5230 to Keaweamahi;
7. 306° 18' 40" 446.50 feet along the westerly side of Kenolio
Road;
8. Thence along the westerly side of Kenolio Road on a curve to the
right with a radius of 220.50 feet,
the chord azimuth and distance being:
326° 27' 20" 151.87 feet;
9. 346° 36' 127.10 feet along the westerly side of Kenolio
Road to the point of beginning and
containing an AREA OF 4.40 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: James Chrystal, Jr.
James Chrystal, Jr.
Land Surveyor

Compiled from CSF 6080, 11191
R.M.2416, 3028 & other Govt.
Survey Records.

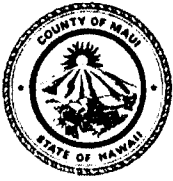
8th



RECREATION CENTER SITE
 Pulehunui and Waiakoa, Wailuku (Kula), Maui, Hawaii
 Scale : 1 inch : 100 feet

JOB NO. MA-8896
 C. BK. 4 PAGE 64, CRYSTAL

TAX MAP 3-9-06:11	SURVEY DIVISION DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES	EXHIBIT "B"
C. S. F. No. 18414	STATE OF HAWAII	Sept 6, 1978 J.C.



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor

VANESSA A. MEDEIROS
Director

LORI TSUHAKO
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7165 • EMAIL director.hhc@mauicounty.gov

GRANTS MANAGEMENT DIVISION
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, 2007, the following application for Grant of Real Property was reviewed:

Applicant: KIHEI YOUTH CENTER
Location: KIHEI, MAUI
Address: P.O. BOX 1722, KIHEI, HI 96753
TMK: (2)-3-9-006:011
Length of Time: 20 YEARS

Purpose:

Operation of a youth center which will provide recreational, educational, vocational and leisure programs, and services for youth.


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:

 on this 19 day of Dec, 2007
Chair / Co-Chair, Grants Review Committee

Print Name: Lee Y. Stein

PAGE 1 OF 1

Reviewed and approved for transmittal by: Vanessa Almeida
Director, Department of Housing & Human Concerns

EXHIBIT " 3 "