

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

December 4, 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 November 16, 2009, makes reference to County Communication No. 09-261, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KAUNUOHUA AWARD, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of Road Widening Lot A-3, consisting of approximately 675 square feet, situated along the westerly side of Front Street at Alio, Lahaina, Maui, affecting TMK: (2) 4-6-02:003.

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 informed your Committee that the subdivision was granted final approval on August 10, 2009, and that all requirements of the Subdivision Agreement have been completed. He also confirmed that Road Widening Lot A-3 has met the requirements of Title 18, MCC, and is, therefore, acceptable for dedication to the County.

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 A ROAD WIDENING LOT FOR THE KAUNUOHUA AWARD, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be ADOPTED; and

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

December 4, 2009

Page 2

Committee

Report No. _____

2. That County Communication No. 09-261 be FILED.

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



BILL KAUAKEA MEDEIROS, Chair

im:cr:09030:mjg

Resolution

No. _____

ACCEPTING DEDICATION OF A ROAD WIDENING
LOT FOR THE KAUNUOHUA AWARD, PURSUANT
TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, 417 FRONT STREET ASSOCIATES, LLC, a Hawaii limited liability company, (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Kaunuohua Award, Tax Map Key No. (2) 4-6-002:003, Subdivision File No. 4.894, by dedicating that certain Road Widening Lot A-3, as 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 said dedication and recommends approval of the 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 Lot A-3, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated

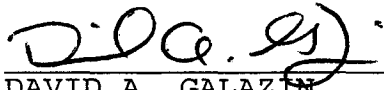
Resolution No. _____

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) PICKUP ()

TO: COUNTY OF MAUI

Department of Finance
200 South High Street
Wailuku, Hawaii 96793

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

TMK No. (2) 4-6-02: 3 Total No. of Pages: 6

Subdivision File No. 4.894

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That 417 FRONT STREET ASSOCIATES, LLC, whose address is 1000 Sansome St., Ste. 180, San Francisco, California 94111, (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 mailing 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 Lahaina, Maui, 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, 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 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 6 day of FEBRUARY, 2009.

GRANTOR: 417 FRONT STREET ASSOCIATES, LLC,
a Hawaii limited liability company

By Riley C. Mattson
name: Riley C. Mattson
Its Manager

By _____
name:
Its

By _____
name:
Its

By _____
name:
Its

APPROVED AS TO FORM
AND LEGALITY:

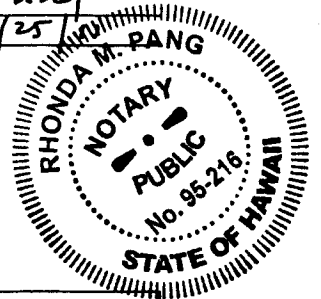
David A. Galazin
DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
COUNTY OF Maui) SS.

On this 6th day of February, 2009^{pen 7}, before me personally appeared Riley C. Mattent, 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.

Rhonda M. Pang
NOTARY PUBLIC, State of Hawaii.
Print Name: Rhonda M. Pang
My commission expires: 5/25/10



NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>none indicated</u>	# Pages: <u>4</u>
Notary Name: <u>Rhonda M. Pang</u>	Judicial Circuit: <u>2nd Circuit</u>
Doc. Description: <u>Warranty Deed</u>	
Notary Signature: <u>Rhonda M. Pang</u>	
Date: <u>2/6/09</u>	

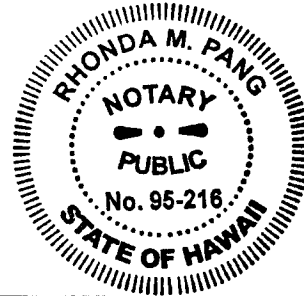


EXHIBIT A

LOT A-3

(4.50 FEET ROADWAY WIDENING LOT)

KAUNUOHUA AWARD

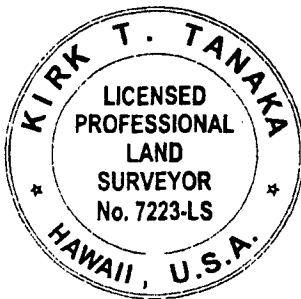
SITUATED ON THE WESTERLY SIDE OF FRONT STREET

AT ALIO, LAHAINA, MAUI, HAWAII

BEING A PORTION OF LAND COMMISSION AWARD 293 TO KAUNUOHUA

Beginning at the Northwest corner of this Lot, being also the Northeast corner of Lot A-1, Kaunuohua Award, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 10,964.71 feet South and 1,888.15 feet West and running by azimuths measured clockwise from True South:

1. 234° 05' 4.50 feet along Grant 10903 to Mary P. Bright;
2. 323° 05' 150.00 feet along Front Street;
3. 55° 48' 4.51 feet along Royal Patent 1702, Land Commission Award 3834 to Puhi;
4. 143° 05' 149.87 feet along Lots A-2 and A-1, Kaunuohua Award to the point of beginning and containing an area of 675 Square Feet.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223
License Expires: April 30, 2008

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

December 13, 2007

This Description is subject
to Final Subdivision Approval
by the County of Maui
(Subd. File No. 4.894)

EXHIBIT "A"
to
WARRANTY DEED
(continued)

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines and surface and ground waters.
2. Rights of native tenants as reserved in Land Patent Number S-8692.
3. Location of the seaward boundary in accordance with the laws of the State of Hawaii and shoreline setback line in accordance with County regulation and/or ordinance and the effect, if any, upon the area of the land described herein.