

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, AGRICULTURE,  
AND RECREATION COMMITTEE**

July 1, 2011

**Committee  
Report No.** \_\_\_\_\_

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

Chair and Members:

Your Economic Development, Agriculture, and Recreation Committee, having met on June 16, 2011, makes reference to County Communication No. 11-92, from Mayor Alan M. Arakawa, transmitting a proposed resolution entitled "ACCEPTING REAL PROPERTY SITUATE AT KIHEI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, AND SECTION 171-11, HAWAII REVISED STATUTES".

The purpose of the proposed resolution is to accept from the State approximately 1.88 acres situated at Tax Map Key No. (2) 3-9-07:005 (portion), on Uluniu Road, Kihei, Maui, for management and control by the County. The property has been set aside by State Executive Order No. 4342, for the public purposes of a Veterans Center and community support activities.

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 by the passage of a resolution, approved by a majority of its members.

Your Committee received a revised proposed resolution incorporating nonsubstantive revisions.

An Executive Assistant from the Office of the Mayor stated that the subject parcel is adjacent to a parcel previously donated to the County by the State. He stated that both parcels are currently being used by the veterans. Acceptance of the second parcel, consisting of open recreational space, will allow the County to consider granting a single lease to the veterans for both parcels.

Your Committee noted that the veterans have been excellent stewards of the land in this area, and encouraged the Administration to consolidate these two lots when appropriate.

COUNCIL OF THE COUNTY OF MAUI

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**Committee**  
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Your Committee voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair White, Vice-Chair Cochran, and members Baisa, Hokama, and Pontanilla voted "aye". Committee members Carroll and Couch were excused.

Your Economic Development, Agriculture, and Recreation Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "ACCEPTING REAL PROPERTY SITUATE AT KIHAI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, AND SECTION 171-11, HAWAII REVISED STATUTES", be ADOPTED; and
2. That County Communication No. 11-92 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



\_\_\_\_\_  
MIKE WHITE, Chair

# Resolution

No. \_\_\_\_\_

ACCEPTING REAL PROPERTY SITUATE AT  
KIHEI, WAILUKU, MAUI, HAWAII, FROM THE STATE OF  
HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE, AND  
SECTION 171-11, HAWAII REVISED STATUTES

WHEREAS, the State of Hawaii is the owner of that certain parcel of real property situate at Kihei, Wailuku, Maui, Hawaii, consisting of an area of 1.880 acres, and more particularly identified as TMK No. (2) 3-9-007:005 (portion) (hereinafter “the Property”); and

WHEREAS, on November 22, 2010, the Honorable Linda Lingle, Governor of the State of Hawaii, by authority of Section 171-11, Hawaii Revised Statutes, set aside the Property to the County of Maui by Executive Order No. 4342, for the public purposes of a veterans center and community support activities, a true and correct copy of said Executive Order No. 4342 being attached hereto as Exhibit “1”; and

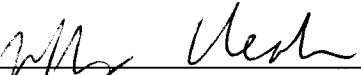
WHEREAS, the County of Maui desires to acknowledge receipt of the Property for the purpose outlined in Executive Order No. 4342 and assume management and control of the Property, in accordance with Section 171-11, Hawaii Revised Statutes; and

WHEREAS, pursuant to Section 3.44.015.C, Maui County Code, the County Council may accept 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 the Property as described in Exhibit "1", pursuant to Section 3.44.015.C, Maui County Code; 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 Housing and Human Concerns, the Director of Parks and Recreation, the Director of Finance, the Planning Director, the Director of Public Works, the Governor of the State of Hawaii, the Maui County delegation to the Hawaii State Legislature, and the Department of Land and Natural Resources of the State of Hawaii.

APPROVED AS TO FORM  
AND LEGALITY

  
\_\_\_\_\_  
JEFFREY UEOKA  
Deputy Corporation Counsel  
County of Maui  
S:\ALL\JTU\RESOS\VFWE0.doc



Government Beach Reserve, situate at Waiohuli, Wailuku, Maui, Hawaii, and identified as "Addition to Veterans Center and Community Support Activities Site," containing an area of 1.880 acres, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts 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. 25,001 and dated October 20, 2010.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Maui shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

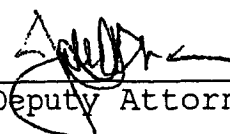
SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public land.

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 22<sup>nd</sup> day of NOVEMBER, 2010.

  
\_\_\_\_\_  
Governor of the State of Hawaii

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

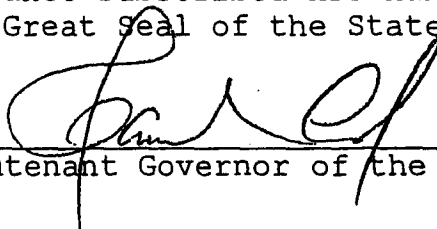
Dated: November 22, 2010

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. 4342 setting aside land for public purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed his name and caused the Great Seal of the State to be affixed.



\_\_\_\_\_  
Lieutenant Governor of the State of Hawaii

DONE in Honolulu, this 22<sup>nd</sup> day of November, A.D. 2010



**STATE OF HAWAII  
SURVEY DIVISION  
DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU**

C.S.F. No. 25,001

October 20, 2010

**ADDITION TO  
VETERANS CENTER AND COMMUNITY SUPPORT ACTIVITIES SITE**

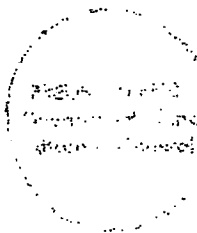
Waiohuli, Wailuku, Maui, Hawaii

Being a portion of Government (Crown) Land of Waiohuli.

Being also a portion of the Government Beach Reserve.

Beginning at the east corner of this parcel of land, at the northeast corner of Veterans Center and Community Support Activities Site, Governor's Executive Order 4087 and on the west side of Uluniu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 8058.15 feet North and 24,701.59 feet West, thence running by azimuths measured clockwise from True South:-

- |    |          |   |
|----|----------|---|
| 1. | 79° 59'  | 86.60 feet along Veterans Center and Community Support Activities Site, Governor's Executive Order 4087;  |
| 2. | 349° 59' | 200.00 feet along Veterans Center and Community Support Activities Site, Governor's Executive Order 4087; |
| 3. | 79° 59'  | 233.40 feet along the remainder of the Government Beach Reserve;  |





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4. 169° 59' 310.00 feet along the remainder of the Government Beach Reserve;
5. 259° 59' 320.00 feet along the remainder of the Government Beach Reserve;
6. 349° 59' 110.00 feet along the west side of Uluniu Road to the point of beginning and containing an AREA OF 1.880 ACRES.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: *Gerald Z. Yonashiro*  
Gerald Z. Yonashiro  
Land Surveyor ry

Compiled from map and desc. furn. by  
Newcomer-Lee Land Surveyors, Inc.  
Said map and desc. have been examined  
and checked as to form and mathematical  
correctness but not on the ground by the  
Survey Division.

TRUE NORTH  
SCALE: 1 in. = 60 ft.

WAOHULI

KEOKEA

BEACH  
FIRST

HOMESTEADS  
SERIES

8-A

8-A

Grant 11071 to George Tim Leong

Grant 10043 to  
Antone Pereira, Jr.

8058.15 N  
24,701.59 W  
"PUU-O-KALI" Δ

348°58' — 110.00

ULUNIU

ROAD

Government

(Crown)

Land  
VETERANS CENTER AND  
COMMUNITY SUPPORT ACTIVITIES SITE  
Governor's Executive Order 4087  
(C.S.F. 23,877)

Lot A  
WAOHULI - KEOKEA BEACH LOTS

Grant 13285  
to Yil Boc Chur  
and Uhn Hoy Chur  
H

348°59' — 200.00

320.00

Government

Beach

Reserve

1.880 ACRES

259°59'

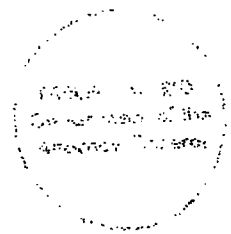
169°59'

310.00

233.40

78°58'

REDUCED NOT TO SCALE



ADDITION TO  
VETERANS CENTER AND COMMUNITY SUPPORT ACTIVITIES SITE

Waiohuli, Wailuku, Maui, Hawaii

EXHIBIT "B"

JOB No-339(10)  
C. BK.

Scale: 1 inch = 60 feet

TAX MAP: 3-8-07 : Par. 5

C.S.F. NO. 25,001

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

02Y October 20, 2010

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