

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

July 22, 2011

**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 June 27, 2011, makes reference to County Communication No. 11-116, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT AT THE INTERSECTION OF HAIKU ROAD AND WEST KUIAHA ROAD, HAIKU, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of road widening Lot 1-B, consisting of 86 square feet, from the Peter C.V. Marciel Revocable Living Trust. The property is needed for the installation of a guard rail at the intersection of Haiku Road and West Kuiaha Road, fronting the parcel identified as TMK: (2) 2-7-09:012.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code, the 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.

The Director of Public Works informed your Committee that this subdivision was granted final approval on December 21, 2010. He stated that the Department of Public Works intends to install a guard rail along this roadway lot once the Council accepts the dedication. The Director thanked the Marciel family for donating this lot without compensation.

Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran, Vice-Chair Victorino, and members Carroll, Couch, Hokama, Mateo, and Pontanilla voted "aye".

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

July 22, 2011  
Page 2

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

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT AT THE INTERSECTION OF HAIKU ROAD AND WEST KUIAHA ROAD, HAIKU, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 11-116 be FILED.

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

  
\_\_\_\_\_  
ELLE COCHRAN, Chair

# Resolution

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

ACCEPTING DEDICATION OF A ROAD WIDENING LOT AT  
THE INTERSECTION OF HAIKU ROAD AND WEST KUIAHA ROAD, HAIKU,  
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, PETER C. V. MARCIEL, as Trustee under that certain unrecorded Peter C. V. Marciel Revocable Living Trust dated March 5, 2009, as Fee Owner, desires the County of Maui to install a guard rail along a portion of Tax Map Key No. (2) 2-7-009:012, by dedicating that certain road widening Lot 1-B, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the current layout at the intersection of Haiku Road and West Kuiaha Road, fronting parcel 2-7-009:012 is not conducive to standard engineering designs for the installation of a guard rail, and Peter C. Marcel, Trustee under that certain unrecorded Peter C. V. Marciel Revocable Living Trust, wishes to change the parcel to meet the needed design standard through the creation of road widening Lot 1-B and dedication thereof; 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 any interest in real

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

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 1-B, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated by PETER C. V. MARCIEL, as Trustee under that certain unrecorded Peter C. V. Marciel Revocable Living Trust dated March 5, 2009, as Fee Owner, 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 Peter C. V. Marciel, as Trustee under that certain unrecorded Peter C. V. Marciel Revocable Living Trust dated March 5, 2009, as Fee Owner.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui



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 23 day of February, 2011.

GRANTOR:

By *Peter C.V. Marciel*  
name: Peter C.V. Marciel  
Its Trustee as aforesaid

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 23 day of February, 2011, before me personally appeared Peter C. Marcini, 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.

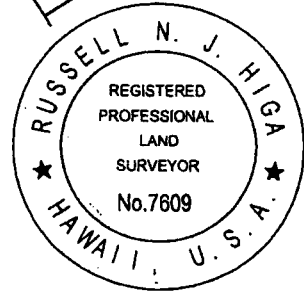
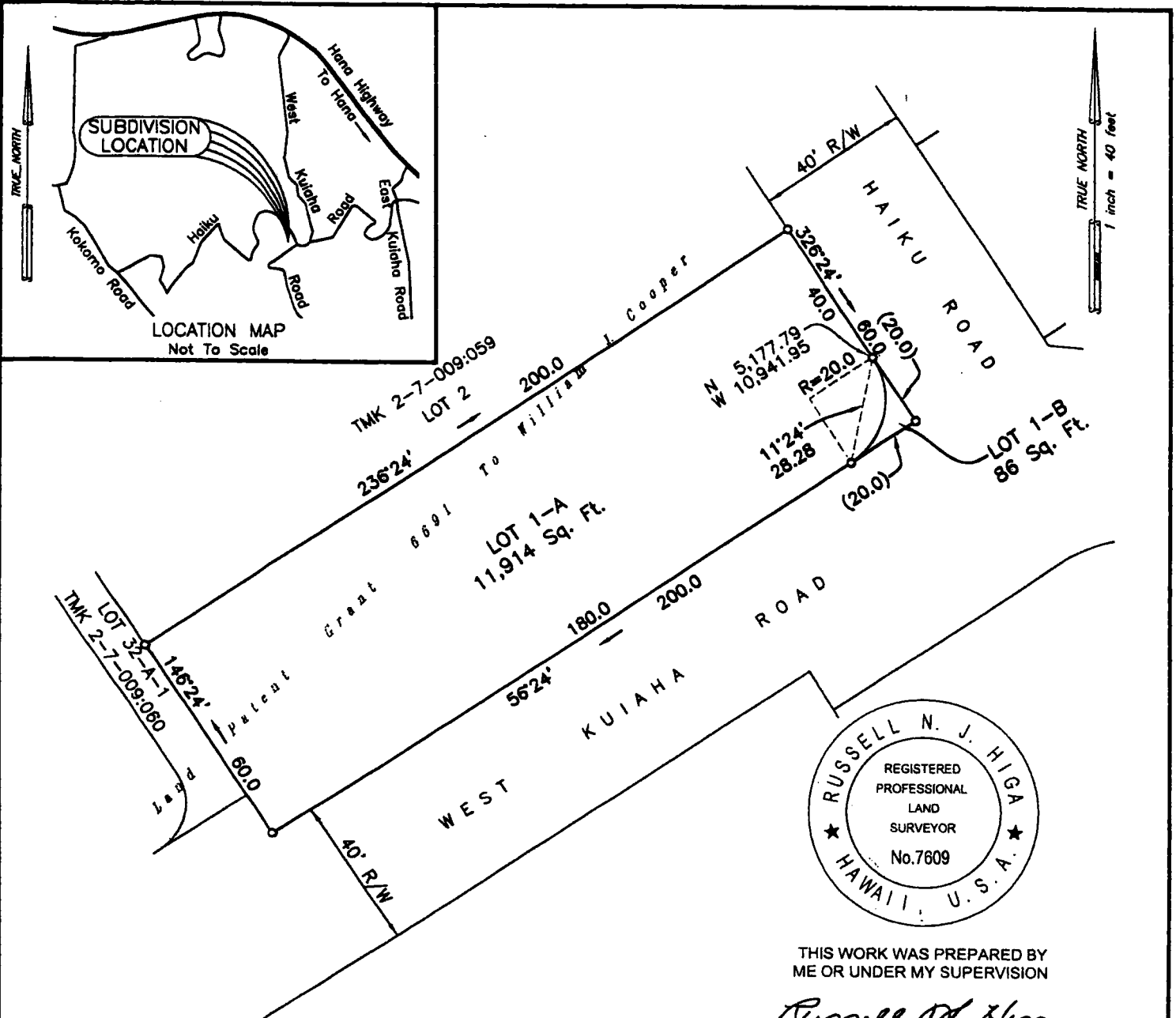
[Stamp or Seal]

L.S.

*Russell Higa*  
NOTARY PUBLIC, State of Hawaii  
Print Name Russell Higa  
My commission expires: 8/15/14

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>2/23/11</u>	# Pages:	<u>6</u>
Notary Name:	<u>Russell Higa</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Warranty Deed</u> <u>Lot 1-B, Cooper Park Tract</u>		
		[Stamp or Seal] L.S.	
Notary Signature:	<u><i>Russell Higa</i></u>		
Date:	<u>2/23/11</u>		





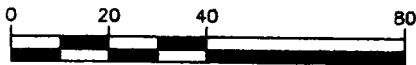
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

*Russell N. J. Higa*  
 Expiration Date: 4/30/12

Owner:  
 Peter C.V. Marciel Revocable Living Trust  
 1730 Haiku Road  
 Haiku, HI 96708

NOTES:

1. ALL AZIMUTHS AND COORDINATES SHOWN REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "KAPUAI".
2. ALL BOUNDARY CORNERS ARE MARKED WITH 1/2" PIPES UNLESS OTHERWISE NOTED.
3. PURSUANT TO MAUI COUNTY CODE SECTION 3.44.015(C), THE COUNTY OF MAUI IS NOT RESPONSIBLE FOR ANY PARK, ROADWAY, EASEMENT (INCLUDING BUT NOT LIMITED TO DRAINAGE, SEWER, ACCESS, RECLAIMED WATER OR AVIGATION EASEMENTS), OR ANY OTHER INTEREST IN REAL PROPERTY SHOWN ON THIS MAP OR SHOWN ON THESE PLANS, UNLESS THE MAUI COUNTY COUNCIL HAS ACCEPTED ITS DEDICATION BY A RESOLUTION APPROVED BY A MAJORITY OF COUNCIL MEMBERS AT A REGULAR OR SPECIAL MEETING OF THE MAUI COUNTY COUNCIL.



(Scale: 1 in = 40 Feet)

**FINAL SUBDIVISION APPROVAL**  
 (APPROVAL BASED UPON SECTION  
 18.04.020.H, M.C.C.)

Subdivision File Number:  
 Approved for Recordation with the Bureau of  
 Conveyances and Department of Taxation,  
 State of Hawaii.

*Milton M. Oshiro* 12-21-10  
 Director of Public Works Date

COUNTY OF MAUI DEPARTMENT OF PUBLIC WORKS		
<b>COOPER PARK TRACT</b> <b>SUBDIVISION OF LOT 1 INTO LOT 1-A AND 1-B</b>		
BEING A PORTION OF L. P. GRANT 6691 TO WILLIAM J. COOPER AT KUIAHA-PAUWELA, HAMAKUALOA, MAKAWAO, ISLAND OF MAUI, STATE OF HAWAII		
TMK (2) 2-7-009:012	SUBD. NO. 2.3147	DATE: DEC. 20, 2010

Lot 1-B  
Cooper Park Tract  
Being a Portion of Land Patent Grant 6691 to William J. Cooper  
Situate at Kuiaha-Pauwela, Hamakualoa, Makawao, Island of Maui, State of Hawaii

Beginning at the north corner of this lot, being also the northeast corner of Lot 1-A of Cooper Park Tract (Subdivision No. 2Q), along the southwest side of Haiku Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 5,177.79 feet North and 10,941.95 feet West, thence running by azimuths measured clockwise from True South:

1. 326° 24'                      20.0 feet    along the Southwest side Haiku Road;
2. 56° 24'                      20.0 feet    along North side of Kuiaha Road;

thence along Lot 1-A, Cooper Park Track, being also along the remainder of L.P. Grant 6691 to William J. Cooper on a curve to the left with a radius of 20.0 feet, the radial azimuth to the point of curve being 326°24', the radial azimuth to the point of tangent being 236°24', the direct chord azimuth and distance being:

3. 191° 24'                      28.28 feet    to the point of beginning and containing an area of 86 square feet.

*Russell N. J. Higa*

12/20/10

Licensed Professional Land Surveyor No. 7609  
State of Hawaii - Expiration Date 4/30/12

