

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. 11-117, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KAMAOLE HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of road widening Lot 6-D, consisting of 761 square feet along Alaku Place, Kihei, Maui, identified as TMK: (2) 3-9-13:003, from Sky Lewis. The dedication of the property for public purposes will satisfy the subdivision requirements for the Kamaole Homesteads Subdivision.

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 the subdivider deferred improvements to the road widening lot and adjoining roadway through a subdivision agreement recorded on May 31, 2007. The subdivision was granted final approval on March 17, 2011. According to the Director, the Department of Public Works deems the roadway lot appropriate for donation to the County in its natural state.

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**

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**Committee
Report No.** _____

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE KAMAOLE HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 11-117 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
FOR THE KAMAOLE HOMESTEADS SUBDIVISION, PURSUANT
TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, SKY LEWIS (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Kamaole Homesteads Subdivision, Tax Map Key Number (2) 3-9-013:003, Subdivision File No. 3.2190, by dedicating that certain road widening Lot 6-D, 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 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 6-D, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

Resolution No. _____

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

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LAND COURT

AFTER RECORDATION, RETURN BY: MAIL (XX) REGULAR SYSTEM 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) 3-9-013: 003 Total No. of Pages: 5
Subdivision File No. 3.2190

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That SKY LEWIS, single, whose
address is 2600 Kananani Road, Kihei, Hawaii 96753,
(hereinafter collectively the "Grantor"), for and in consideration
of the sum of Ten Dollars and no/100 (\$ 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 Makai, Kihei, Maui, Hawaii, more

EXHIBIT " 1 "

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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 16 day of Dec, 2010.

GRANTOR:

By *SKY LEWIS*
name: SKY LEWIS
Its Grantor

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 16th day of DECEMBER, 2010, before me personally appeared SKY LEWIS, 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.

NOTARY PUBLIC CERTIFICATION
Arlene Yabes Second Circuit
Doc. Description: WARRANT
DEED
No. of Pages: 5 Date of Doc. 12-16-10

[Signature]
NOTARY PUBLIC, State of Hawaii.
Print Name ARLENE YABES
My commission expires: MAY 27, 2011

L.S.

L.S.

[Signature] 12-16-10

STATE OF HAWAII)
) SS.
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____, 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.

NOTARY PUBLIC, State of Hawaii.
Print Name _____
My commission expires: _____

LAND DESCRIPTION

All of that certain parcel of land being Lot 6-D (road widening lot) of the Kamaole Homesteads Subdivision and being also a portion of Land Patent Grant Number 9761 to Hamili or his heirs & Land Patent Grant Number 9107 to John Palaile.

Situated at Makai, Kihei, Kula, Maui, Hawaii
TMK: (2) 3-9-13:003

Beginning at the southwesterly corner of this parcel of land, being the northwesterly corner of Lot 6-C of the Kamaole Homesteads Subdivision and being also the northeasterly corner of Lot 1 of the Alaku Subdivision (File Plan 2019), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAMAOLE" being 3,365.84 feet south and 3,361.00 feet east and running by azimuths measured clockwise from true south; thence,

1. 169° 25' 6.58 feet along Alaku Place right-of-way; thence,

2. 286° 18' 158.63 feet along the same; thence,

3. Following along Lot 6-B of the Kamaole Homesteads Subdivision along a curve to the right with the point of curvature azimuth from the radial point being: 8°08'19" and the point of tangency azimuth from the radial point being: 11°53'25", having a radius of 579.00 feet, the chord azimuth and distance being,

100° 00' 45" 37.91 feet; thence,

4. Following along Lot 6-C of the Kamaole Homesteads Subdivision along a curve to the right with the point of curvature azimuth from the radial point being: 11°53'25" and the point of tangency azimuth from the radial point being: 16°18', having a radius of 579.00 feet, the chord azimuth and distance being,

104° 05' 49" 44.55 feet; thence,

5. 106° 18' 73.46 feet along the same to the point of beginning and containing an area of 761 square feet.

This description is based on an actual field survey and was prepared by me or under my direct supervision.



11 FEB 11

Randall Sherman
Licensed Professional Land Surveyor
State of Hawaii Certificate Number LS4187
License Expiration Date: April 30, 2012
Land Court Certificate Number 189

Date

