

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

March 16, 2012

**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 February 27, 2012, makes reference to County Communication 11-316, from the Director of Public Works, transmitting a proposed resolution entitled “ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA BEACH HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE”.

The purpose of the proposed resolution is to accept the dedication from the Roman Catholic Church in the State of Hawaii of road widening Lot 13-A-1-A-1, consisting of 2,912 square feet, along South Kihei Road, Kihei, Maui, Hawaii, identified as TMK: (2) 3-9-09:028 (portion), for public purposes.

Your Committee received a revised proposed resolution incorporating nonsubstantive revisions.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code, (“MCC”), 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 November 2, 2011. He stated that the subdivision owner has met the requirements of Title 18, MCC, and therefore, Lot 13-A-1-A-1 is acceptable for dedication to the County.

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran, Vice-Chair Victorino, and members Carroll, Hokama, Mateo, and Pontanilla voted “aye”. Committee member Couch was excused.

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**Committee
Report No.** _____

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution _____, as revised herein and attached hereto, entitled “ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA BEACH HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE”, be ADOPTED; and
2. That County Communication 11-316 be FILED.

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Committee
Report No. _____

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



ELLE COCHRAN, Chair

im:cr:12036aa:scj

Resolution

No. _____

ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR
THE WAIOHULI-KEOKEA BEACH HOMESTEADS SUBDIVISION,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, the ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII, a Hawaii non-profit corporation, (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Waiohuli-Keokea Beach Homesteads Subdivision, Tax Map Key Number (2) 3-9-009:028, Subdivision File No. 3.1681, by dedicating that certain Road Widening Lot 13-A-1-A-1, 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 13-A-1-A-1, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

S:\ALL\MJH\RESOS\roman catholic church.wpd

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN TO: BY: MAIL PICKUP

Robert Bruce Graham, Jr.
Ashford & Wriston
P. O. Box 131
Honolulu, HI 96810
Phone: 539-0400

This document contains _____ pages

Tax Map Key No.: 2/3-9-009;por. 28

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII, a Hawaii nonprofit corporation, whose address is 1184 Bishop Street, Honolulu, Hawaii 96813 (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 Waiohuli, Kihei, 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,

EXHIBIT " 1 "

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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 seised in fee simple of the described real land 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 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 has executed this instrument on this

9th day of December, 2010.

APPROVED AS TO FORM:
ASHFORD & WRISTON

BY 

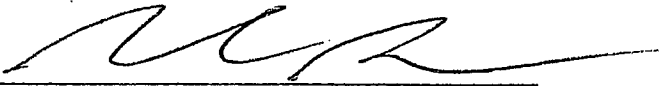
ROMAN CATHOLIC CHURCH IN THE
STATE OF HAWAII

By 

Clarence Silva
Its President

"Grantor"

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On December 9, 2010, before me personally appeared **CLARENCE SILVA**, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Karen BO Kung Karen BO Kung
Print Name: _____ J.S.
Notary Public, State of Hawaii
My Commission Expires: June 25, 2012

NOTARY CERTIFICATION	
Document Description: WARRANTY DEED	
Document Date: <u>December 9, 2010</u>	No. of Pages: <u>6</u>
First Judicial Circuit	
<u>Karen BO Kung</u>	
Signature of Notary	
<u>Karen BO Kung</u>	
Printed Name of Notary	
(Official Stamp or Seal)	

LAND DESCRIPTION

Lot 13-A-1-A-1
(Road Widening Lot)

All of that certain parcel of land known as Lot 13-A-1-A-1 of the Waiohuli-Keokea Beach Homesteads (Subdivision File No. 3.1681) being a portion of Grand 9664 to Akuna Akana.

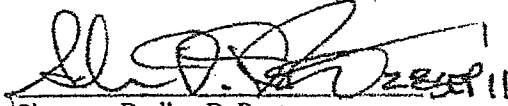
Situate at
Waiohuli, Kihei, Maui, Hawaii
Tax Map Key: (2) 3-9-09: Portion 28

Beginning at a 3/4 inch pipe (found) at the southeasterly most corner of this parcel of land, being a point on the northerly property boundary line of Lot 14-A of the Waiohuli-Keokea Beach Lots [Tax Map Key: (2) 3-9-09: 13] and a point on the westerly right-of-way line of South Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being 5,665.83 feet north and 23,398.14 feet west and running by azimuths measured clockwise from true South; thence,

1. 82° 46' 50" 4.61 feet along the northerly side of Lot 14-A of the Waiohuli Keokea Beach Lots [Tax Map Key: (2) 3-9-09: 13] to a 3/4 inch pipe (set); thence,
2. 169° 40' 00" 424.42 feet along the easterly side of Lot 13-A-1-A-2 of the Waiohuli-Keokea Beach Homesteads (Subdivision File No. 3.1681) to a 3/4 inch pipe (set); thence.
3. Following along the same, along the arc of a curve concave to the left, with the point of curvature azimuth from the radial point being: 259° 40' 00" and the point of tangency azimuth from the radial point being: 173° 44' 40", having a radius of 30.00 feet, the chord azimuth and distance being 126° 42' 20" for 40.89 feet to a 3/4 inch pipe (set); thence.
4. 263° 44' 40" 8.08 feet along the southerly side of West Lipoa Street to a 1/2 inch pipe (found); thence,
5. Following along the same, along the arc of a curve concave to the right, with the point of curvature azimuth from the radial point being: 173° 44' 40" and the point of tangency azimuth from the radial point being: 260° 08' 00", having a radius of 30.00 feet, the chord azimuth and distance being 306° 56' 20" for 41.07 feet to a 3/4 inch pipe (set); thence,
6. 350° 08' 00" 423.86 feet along the westerly side of South Kihei Road to the point of beginning and containing as area of 2.912 square feet or 0.067 acre

This work was done by me or
under my direct supervision.

AKAMAII LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2012
92701 (9/28/11 - JM)

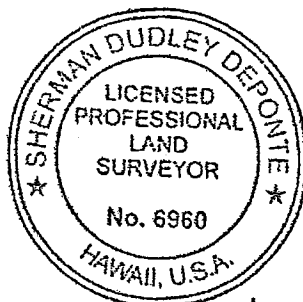


EXHIBIT " A "

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