

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE MANAGEMENT COMMITTEE

July 24, 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 July 2, 2012, makes reference to County Communication 12-117, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PALAUEA SUBDIVISION, LAND COURT APPLICATION 1804, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication from Palauea Developers LLC of road widening Lot 688, consisting of .015 acre, along Kaukahi Street in Wailea, Maui, Hawaii, identified as TMK: (2) 2-1-23:034 (portion), for public purposes.

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 October 1, 2002. He further informed your Committee that his Department approved all improvements on April 19, 2005, and that this road widening lot meets the requirements of the Maui County Code and is 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 Cochran, Vice-Chair Victorino, and members Carroll, Couch, Hokama, Mateo, and Pontanilla voted "aye".

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PALAUEA SUBDIVISION, LAND COURT APPLICATION 1804, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and

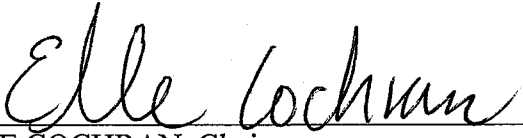
COUNCIL OF THE COUNTY OF MAUI
**INFRASTRUCTURE MANAGEMENT
COMMITTEE**

July 24, 2012
Page 2

Committee
Report No. _____

2. That County Communication 12-117 be FILED.

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



ELLE COCHRAN, Chair

im:cr:12051aa:scj

Resolution

No. _____

ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR
THE PALAUEA SUBDIVISION, LAND COURT APPLICATION 1804,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, Palauea Developers LLC, a Delaware limited liability company, (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Palauea Subdivision, Land Court Application 1804, Tax Map Key Number (2) 2-1-023:por. of 034, Subdivision File No. 2.2566, by dedicating that certain Road Widening Lot 688, 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 688, 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\Palaeua Developers LLC roadway lot.wpd

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 _____ day of _____, 20_____.

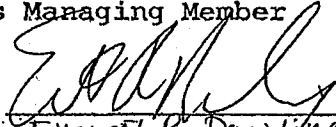
GRANTOR:

PALAUEA DEVELOPERS LLC

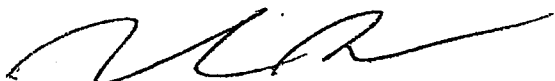
By PALAUEA INVESTORS LLC
Its Manager

By MAUI QUEST LLC
Its Managing Member

By DOWLING COMPANY, INC.
Its Managing Member

By 
Everett R. Dowling
Its Authorized Signatory

APPROVED AS TO FORM
AND LEGALITY:

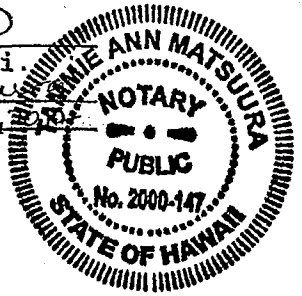
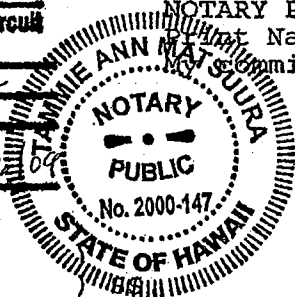

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
COUNTY OF Maine) SS.

On this 26th day of February, 2009, before me personally appeared Errett R. Dowling, 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.

Doc. Date: 2/26/09 # Pages: 6
Tammie Ann Matsuura Second Circuit
Doc. Description: Warrant Deed
The 1-1-03: on 0246 Patauca
Develcom LLC + COM
Tammie Ann Matsuura 2/26/09
Notary Signature Date



Tammie Ann Matsuura
NOTARY PUBLIC, State of Hawaii.
Print Name Tammie Ann Matsuura
My commission expires: April 9, 2011

NOTARY CERTIFICATION
STATE OF HAWAII

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: _____

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: _____

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: _____

EXHIBIT "A"

All of that certain parcel of land situate at Honuaula, Wailea, Island and County of Maui, State of Hawaii, described as follows:

LOT 688, area 0.015 acre, more or less, as shown on Map 97, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1804 of Matson Navigation Company;

Being a portion of the land(s) described in Transfer Certificate of Title No. 570,472 issued to Palauea Developers LLC, a Delaware limited liability company.

Being a portion of the premises acquired by Warranty Deed from Palauea Investors LLC, a Hawaii limited liability company, as Grantor, to Palauea Developers LLC, a Delaware limited liability company, as Grantee, dated December 15, 2000, filed in the said Land Court as Document No. 2671137.

END OF EXHIBIT "A"

