

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

September 21, 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 September 10, 2012, makes reference to County Communication 12-167, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SEABURY HALL SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication from Seabury Hall of road widening Lot 1-C, consisting of 0.3 acre, along Hanamu Road and Meha Road in Makawao, Maui, Hawaii, identified as TMK: (2) 2-4-008:001 and (2) 2-4-008:002, for public purposes.

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 June 22, 2011. He stated that, as a result of the subdivision process, Hanamu Road and Meha Road were found to be of inadequate width. The road widening lot will help to bring these roads into compliance with standard width requirements. The Director recommended acceptance of the lot.

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, Couch, Mateo, and Pontanilla voted "aye". Committee member Hokama was excused.

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

September 21, 2012
Page 2

**Committee
Report No.** _____

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SEABURY HALL SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 12-167 be FILED.

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

September 21, 2012
Page 3

Committee
Report No. _____

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



ELLE COCHRAN, Chair

im:cr:12056aa:cmn

Resolution

No. _____

ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR
THE SEABURY HALL SUBDIVISION,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, SEABURY HALL, a Hawaii non-profit corporation, (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Seabury Hall Subdivision, Tax Map Key Number (2) 2-4-008:001 and 002, Subdivision File No. 2.3092, by dedicating that certain Road Widening Lot 1-C, 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:

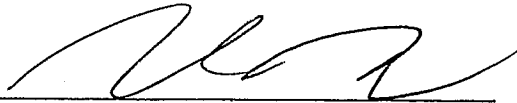
1. That it hereby accepts Lot 1-C, as described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

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\Seaburyhall.road widening.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 13th day of April, 20 10.

GRANTOR:
SEABURY HALL

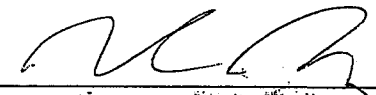
By 
name: Thomas D. Welch, Jr.
Its Secretary of the Board of Trustees

By _____
name:
Its

By _____
name:
Its

By _____
name:
Its

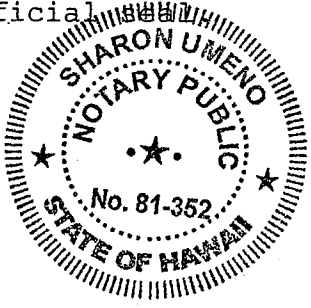
APPROVED AS TO FORM
AND LEGALITY:


MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 13th day of April, 2010, before me personally appeared THOMAS D. WELCH, JR., 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.

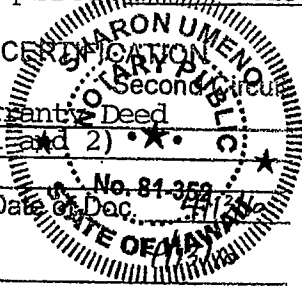
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Sharon Umeno

NOTARY PUBLIC, State of Hawaii.
Print Name Sharon Umeno
My commission expires: 5-5-2013

NOTARY PUBLIC CERTIFICATION
Sharon Umeno
Doc. Description: Warranty Deed
(TMK: (2) 2-4-8:1 and 2) *★*



STATE OF HAWAII)
) SS.
COUNTY OF _____)

No. of Pages: 6 Date of Doc. 4/13/10

Sharon Umeno
Notary Signature _____ Date _____

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

EXHIBIT "A"

LOT 1C (road widening) - SEABURY HALL SUBDIVISION

A portion of that certain parcel of land (being portions of the lands described in and covered by Royal Patent Grant Number 327 to Aneru and Royal Patent Grant Number 102 to Uwe) [Parcel 1 of Tax Map (2) 2-4-8.]

Situate at

Makawao, Maui, State of Hawaii

Land situated on the northwesterly side of Hanamu Road and the northeasterly side of Meha Road.

Beginning at a ½" pipe set at the easternmost corner of Lot 1A, "SEABURY HALL SUBDIVISION", being 118°28' and 8.61 feet from a ¾" pipe found on the northwesterly right-of-way of Hanamu Road at the easternmost corner of Lot 1C, coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "PIIHOLO", being 4,886.04' South and 5,047.43' West and running by azimuths measured clockwise from True South:

1. 305° 40' 8.57 feet along Lots 6-A-2 and 6-A-5, "ASA F. BALDWIN SUBDIVISION" to Hanamu Road; thence,
2. 43° 05' 625.63 feet along Hanamu Road to its intersection with Meha Road; thence,
3. 134° 52' 747.94 feet along Meha Road; thence,
4. 116° 09' 577.00 feet along same to a ¾" pipe with a yellow plastic cap (found) at the corner of Lot B, "MARCIEL SUBDIVISION"; thence,
5. 214° 51' 5.67 feet along Lot B, "MARCIEL SUBDIVISION" to an "X" on stone (set) at the corner of Lot 1A, "SEABURY HALL SUBDIVISION"; thence,
6. Along Lot 1A, "SEABURY HALL SUBDIVISION" on a curve to the left having a radius of 669.64 feet, the radial azimuth to the

- point of curve being $32^{\circ}45'18''$, the radial azimuth to the point of tangent being $25^{\circ}15'$, the chord azimuth and distance being:
- 299° 00' 09" 87.65 feet to a survey nail (set) in asphalt; thence,
 7. 295° 15' 90.21 feet along same to a 1/2" pipe (set) at the westernmost corner of Lot 1B, "SEABURY HALL SUBDIVISION"; thence,
 8. 295° 15' 299.45 feet along said Lot 1B to a 1/2" pipe (set); thence,
 9. Along same on a curve to the right having a radius of 552.22 feet, the chord azimuth and distance being:
305° 03' 30" 188.14 feet to a 1/2" pipe (set); thence,
 10. 314° 52' 205.27 feet along same to a 1/2" pipe (set) at the southernmost corner of Lot 1B; thence,
 11. 314° 52' 413.72 feet along Lot 1A to a 1/2" pipe (set); thence,
 12. Along same on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
268° 58' 30" 43.08 feet to a 1/2" pipe (set) on the southeasterly boundary of Lot 1A; thence,
 13. 223° 05' 586.04 feet along Lot 1A to the point of beginning, and containing an area of 0.300 acres.

I prepared this description on June 18, 2011.

Raymond B. Turner
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. 10914
 Expires April 30, 2012

