

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

July 5, 2013

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on June 17, 2013, makes reference to County Communication 13-154, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIQHULI-KEOKEA BEACH 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 2-A-2-D, consisting of 925 square feet, along South Kihei Road, Kihei, Maui, Hawaii, identified as TMK: (2) 3-9-01:151, from Joseph G. Kealoha, Jr., for public purposes. Adoption of the proposed resolution will enable the roadway to conform to proscribed dimensions.

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 resolution, approved by a majority of its members.

The Director of Public Works stated the subject roadway lot results from a subdivision granted final approval on March 27, 2013. Improvements to the roadway lot and adjoining roadway were deferred by the recording of a Subdivision Agreement, for three lots or less, on February 22, 2005. The deferral was allowed at that time, pursuant to Section 18.20.040, MCC. The Director stated his support for the resolution and recommended it be adopted.

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

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

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**Committee
Report No.** _____

Your Infrastructure and Environmental Management Committee
RECOMMENDS the following:

1. That Resolution _____, 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 13-154 be FILED.

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

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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

iem:cr:13010aa: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, JOSEPH G. KEALOHA, JR. (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Waiohuli-Keokea Beach Homesteads Subdivision, Tax Map Key Number (2) 3-9-1:151, Subdivision File No. 3.2119, by dedicating that certain Road Widening Lot 2-A-2-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 2-A-2-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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

S:\ALL\MJH\RESOS\waiohuli-keokea beach homesteads.road widening.wpd

|

LAND COURT REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (XX) PICKUP ()

COUNTY OF MAUI
Department of Finance
200 South High Street
Wailuku, Hawaii 96793

S:\CLERICAL\LJN\PW\DSA FORMS MASTERS\Warranty deed (rev 6-11).wpd

TMK No. (2) 3-9-1-151 Total No. of Pages: _____

Subdivision File No. 3.2119

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That JOSEPH G. KEALOHA, JR., unmarried, whose address is 409 Liholiho Street, Wailuku, Maui, Hawaii 96793, (hereinafter 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, whose principal office and mailing address is 200 South High Street, Wailuku, Hawaii 96793, (hereinafter "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Waiohuli, Wailuku,, 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, 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 27th day of February, 2013.

GRANTOR:

By Joseph G. Kealoha, Jr.
Name: JOSEPH G. KEALOHA, JR.
Its: Owner

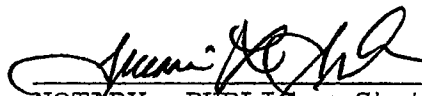
APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 29th day of February, 2013, before me personally appeared JOSEPH G. KEALOHA, 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.


NOTARY PUBLIC, State of Hawaii.
Print Name Kenanna L. Angala
My commission expires: 8/15/2014

Date of Doc: <u>February 29, 2013</u>	# Pages: <u>9</u>
Name: <u>Kenanna L. Angala</u>	Second Circuit
Doc. Description: <u>Warranty Deed</u>	
 Notary Signature	
NOTARY CERTIFICATION (Seal)	

V.S.

V.S.

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.

[Stamp or Seal]

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

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

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.

[Stamp or Seal]

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

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

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.

[Stamp or Seal]

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

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	

Notary Signature: _____	[Stamp or Seal]
Date: _____	

EXHIBIT "A"

Lot 2-A-2-D
Road Widening Lot
Waiohuli-Keokea Beach Homesteads
Por. Land Patent Grant 8767 to E. N. Wilcox
Waiohuli, Wailuku, Maui, Hawaii

ALL OF THAT CERTAIN PARCEL OF LAND known as Lot 2-A-2-D, a road widening lot of Waiohuli-Keokea Beach Homesteads, Subdivision File No. 3.2119, situate at Waiohuli, Wailuku, Island and County of Maui, State of Hawaii, and more particularly described as follows:

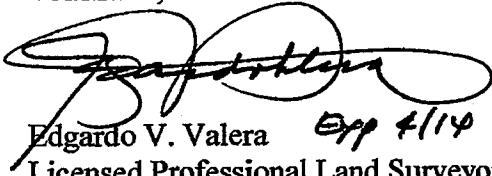
BEGINNING at a ½ inch pipe at the southeast corner of this lot and along the west side of South Kihei Road, the coordinates of said point of beginning being

North 10,718.22 feet
West 24,345.00 feet

referred to Government Survey Triangulation Station "PUU O KALI" and running by azimuths measured clockwise from true South (meridian of said "PUU O KALI"); thence,

1. 82° 57' 4.28 feet along Grant 9681 to Mary K. Rose to a ½ inch pipe; thence,
2. 170° 00' 60.34 feet along Lot 2-A-2-B of Waiohuli-Keokea Beach Homesteads to a ½ inch pipe; thence,
3. 168° 23' 46" 100.04 feet along the same and along Lot 2-A-2-A of Waiohuli-Keokea Beach Homesteads to a ½ inch pipe; thence,
4. 170° 00' 14.74 feet along Lot 2-A-2-A of Waiohuli-Keokea Beach Homesteads to ½ inch pipe; thence,
5. 272° 17' 30" 7.24 feet along Lot 2-A-1 of Waiohuli-Keokea Beach Homesteads to a ½ inch pipe; thence,
6. 350° 00' 173.76 feet along the west side of South Kihei Road to the point of beginning and containing an area of 925 square feet, more or less.

This work was prepared by me
or under my direct supervision.
VALERA, INC.



Edgardo V. Valera *Exp 4/14*
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 5076
End of description.
3544Lt2a2d

