

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

October 4, 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 September 16, 2013, makes reference to County Communication 13-237, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE D.T. HILL SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize acceptance of Road Widening Lot 3, consisting of 0.043 acre., along Laie Drive, Makawao, Maui, Hawaii, identified as a portion of TMK: (2) 2-4-009:010, 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 resolution, approved by a majority of its members.

The Director of Public Works stated the subdivision was granted final approval on June 28, 2013. Improvements to the roadway lot and adjoining roadway were deferred by the recording of a Subdivision Agreement, for three lots or less, on September 9, 2009. The deferral was allowed at that time, pursuant to Section 18.20.040, Maui County Code. The Director stated his support for the resolution and recommended it be adopted.

Your Committee voted 4-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran and members Carroll, Couch, and White voted "aye". Committee Vice-Chair Crivello, and members Guzman, and Hokama were excused.

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

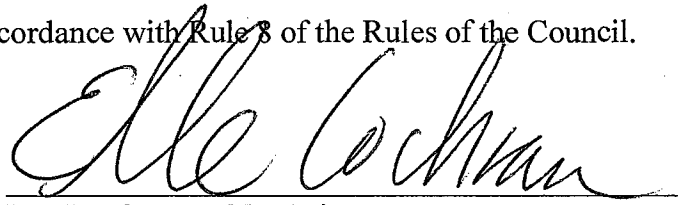
Page 2

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 D.T. HILL SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 13-237 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 D.T. HILL SUBDIVISION,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, ETHEL P. FUNES and CLEMENT CAMBRA, SUCCESSOR CO-TRUSTEES OF THE LOUIS DE CAMBRA REVOCABLE LIVING TRUST DATED FEBRUARY 9, 1979, HAROLD CAMBRA and HAROLD L. CAMBRA, (hereinafter collectively called "Subdivider"), desires to comply with the subdivision requirements for the D.T. Hill Subdivision, Tax Map Key Number (2) 2-4-009:010, Subdivision File No. 2.3017, by dedicating that certain Road Widening Lot 3, 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 3, 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

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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 17th day of OCTOBER, 2012.

GRANTOR:

By Ethel P. Funes
name: ETHEL P FUNES
Its CO-TRUSTEE AS AFORESAID

By Clement Cambra
name: CLEMENT CAMBRA
Its CO-TRUSTEE AFORESAID

By Harold L. Cambra
name: HAROLD L. CAMBRA
Its

By Harold Cambra
name: HAROLD CAMBRA
Its

APPROVED AS TO FORM
AND LEGALITY:

Michael J. Hopper
MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

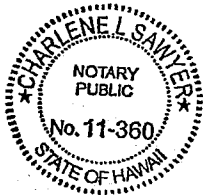
STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of OCTOBER, 2012, before me personally appeared ETHEL P FINES, 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.

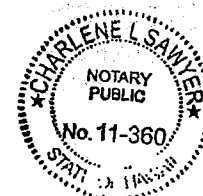
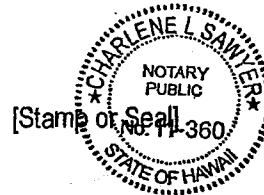
Charlene L Sawyer

[Stamp or Seal]



NOTARY PUBLIC, State of Hawaii
Print Name CHARLENE L SAWYER
My commission expires: NOVEMBER 13, 2015

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>UNDATED</u>	# Pages:	<u>10</u>
Notary Name:	<u>CHARLENE L SAWYER</u>	Judicial Circuit:	<u>SECOND</u>
Doc. Description:	<u>WARRANTY DEED</u>		
Notary Signature:	<i>Charlene L Sawyer</i>		
Date:	<u>10/17/12</u>		

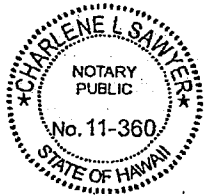


STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of OCTOBER, 2012, before me personally appeared CLEMENT CAMBRA, 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.

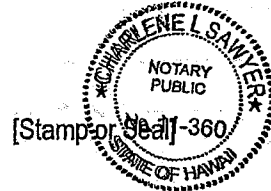
[Stamp or Seal]



Charlene Sawyer

NOTARY PUBLIC, State of Hawaii
Print Name CHARLENE L. SAWYER
My commission expires: 11/13/2015

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Notary Signature: <i>Charlene Sawyer</i>			
Date:	<u>10/17/12</u>		

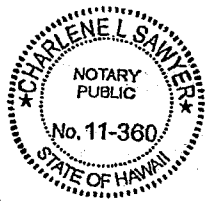


STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of OCTOBER, 2012, before me personally appeared HAROLD L CAMBRA, 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]

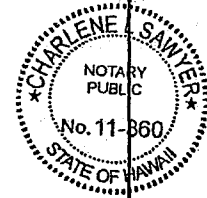


Charlene Sawyer

NOTARY PUBLIC, State of Hawaii
Print Name CHARLENE L SAWYER
My commission expires: NOVEMBER 13, 2015

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Notary Signature:	<i>Charlene Sawyer</i>		
Date:	<u>10/17/12</u>		

[Stamp or Seal]

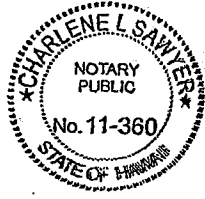


STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of OCTOBER, 2012, before me personally appeared HAROLD CAMBRA, 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]

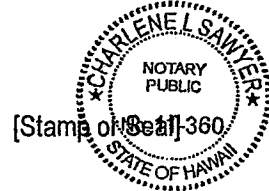


Charlene L Sawyer

NOTARY PUBLIC, State of Hawaii
Print Name CHARLENE L SAWYER

My commission expires: 11/13/2015

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>UNDATED</u>	# Pages:	<u>10</u>
Notary Name:	<u>HAROLD CAMBRA</u>	Judicial Circuit:	<u>SECOND</u>
Doc. Description:	<u>WARRANTY DEED</u>		
Notary Signature:	<i>Charlene L Sawyer</i>		
Date:	<u>10/17/12</u>		



[Stamp or Seal] 360

LOT 3

D. T. HILL SUBDIVISION

(ROADWAY WIDENING LOT)

SITUATED ON THE NORTHEAST SIDE OF LAIE DRIVE

AT MAKAWAO, MAUI, HAWAII

BEING A PORTION OF GRANT 216 TO J. T. GOWER

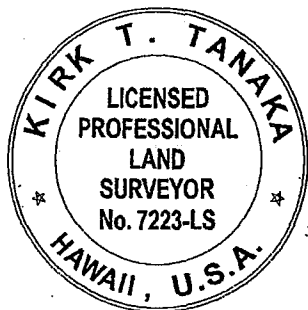
Beginning at the Northeast corner of this Lot, being also the Northwest corner of Lot 1, D. T. Hill Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PANE" being 14,219.52 feet North and 2,325.27 feet West and running by azimuths measured clockwise from True South:

1. 89° 21' 71.73 feet along Lot 1, D. T. Hill Subdivision;
2. Thence, along Lots 1 and 2, D. T. Hill Subdivision on a curve to the left with a radius of 116.00 feet, the radial azimuth to the point of curve being 179° 21' and the radial azimuth to the point of tangent being 81° 07' 40", the chord azimuth and distance being:
40° 14' 20" 175.39 feet;
3. Thence, along Lot 2, D. T. Hill Subdivision on a curve to the left with a radius of 165.00 feet, the radial azimuth to the point of curve being 81° 07' 40" and the radial azimuth to the point of tangent being 58° 17', the chord azimuth and distance being:
339° 42' 20" 65.35 feet;

4.	328° 17'	40.07 feet	along Lot 2, D. T. Hill Subdivision;
5.	318° 00'	120.90 feet	along Lot 2, D. T. Hill Subdivision;
6.	322° 45'	90.66 feet	along Lot 2, D. T. Hill Subdivision;
7.	332° 56'	92.99 feet	along Lot 2, D. T. Hill Subdivision;
8.	54° 22' 50"	2.02 feet	along Parcel 09, Tax Map Key: (2) 2-4-09 and the Westerly side of Laie Drive;
9.	152° 56'	93.12 feet	along the Westerly side of Laie Drive;
10.	142° 45'	90.40 feet	along the Westerly side of Laie Drive;
11.	138° 00'	121.00 feet	along the Westerly side of Laie Drive;
12.	148° 17'	73.40 feet	along the Westerly side of Laie Drive;
13.	170° 12'	62.10 feet	along the Westerly side of Laie Drive;
14.	191° 26'	42.60 feet	along the Westerly side of Laie Drive;
15.	219° 59'	49.30 feet	along the Westerly side of Laie Drive;
16.	238° 14'	46.50 feet	along the Westerly side of Laie Drive;
17.	260° 01'	28.00 feet	along the Westerly side of Laie Drive;
18.	268° 55'	81.91 feet	along the Westerly side of Laie Drive;

19. 313° 21'

4.02 feet along the Westerly side of Laie Drive to the point of beginning and containing an area of 0.043 Acre.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Surveyor
Certificate No. 7223-LS
License Expires: April 30, 2014

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

October 2, 2012

This description is contingent upon final subdivision approval by the County of Maui under Subdivision File No. 2.3017

