

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE

August 19, 2014

**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 July 22, 2014, makes reference to County Communication 14-127, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAHAINA PLACE ANNEX, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept "Lot 2" along Dickenson Street, consisting of 1,259 square feet, identified by Tax Map Keys (2) 4-6-008:029 (por.) and (2) 4-6-008:065 (por.), Lahaina, Maui, Hawaii for road-widening purposes.

Your Committee notes, 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 adoption of a resolution.

The Director of Public Works stated Section 18.16.060(B), Maui County Code, requires a subdivider to provide additional right-of-way when the subdivided property is adjacent to a substandard street. Acceptance of the road-widening lot will enable Dickenson Street to conform to the County's standard for minimum right-of-way width.

The Director further stated that an oversight by the Department delayed the dedication of the road-widening lot. The subdivision received final subdivision approval on October 7, 1986, and required improvements were completed on July 21, 1987.

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

Your Infrastructure and Environmental Management Committee
RECOMMENDS the following:


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

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Committee
Report No. _____

1. That Resolution _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAHAINA PLACE ANNEX, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 14-127 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 LAHAINA PLACE ANNEX,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, VENTURE 1995, a Hawaii limited partnership, (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Lahaina Place Annex, Tax Map Key Number (2) 4-6-008:portions of 029 and 065, Subdivision File No. 4.484, by dedicating that certain Road Widening Lot 2, 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:

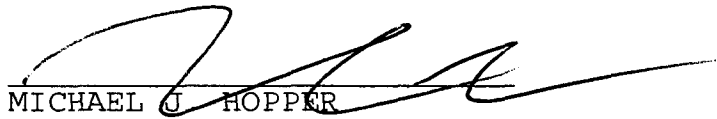
1. That it hereby accepts Lot 2, as described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

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\Lahaina place annex.road widening.wpd

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (X) Pickup () To:

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

TOTAL NUMBER OF PAGES: 6

H:\Data\Michelle\Business\SHill Ivan X11332-011150 Dickenson Street Warranty Deed (Lot 2).doc

T.M.K.: (2) 4-6-008-029 (por.) & 065 (por.)

Subdivision File No. 4.484

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **VENTURE 1995**, a Hawaii limited partnership, whose address is 1164 Bishop Street, Suite 400, Honolulu, Hawaii 96813, (hereafter the "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to Grantor paid by **COUNTY OF MAUI**, a political subdivision of the State of Hawaii, with its principal office and post office address being 200 South High Street, Wailuku, Maui, Hawaii 96793, (hereafter the "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at 150 Dickenson Street, Lahaina, Maui, Hawaii, more fully described in Exhibit "A" hereto attached and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever.

AND the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the 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 thereunto 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 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 that the Grantor will WARRANT AND DEFEND the same unto the 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 12th February 2013.

APPROVED AS TO FORM:


THE ING LAW FIRM, LLLC

GRANTOR:


VENTURE 1995, a Hawaii limited
partnership

By: **PROPERTIES 1995, INC.**
a Hawaii corporation

By 
IVAN L. ISHII, President

Its General Partner

APPROVED AS TO FORM
AND LEGALITY:

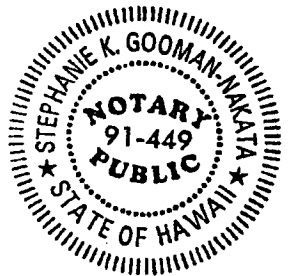

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

5/11/13

STATE OF HAWAII
City of
COUNTY OF MAUI Honolulu

)
) SS.
)

This 6-page WARRANTY DEED dated 2/12/13, was subscribed and sworn to before me, _____, on 2/12/13, in the ~~Second~~ ^{1st} Circuit of the State of Hawaii, by **IVAN L. ISHII**, to me personally known, who, being by me duly sworn, did say that he is the President of **PROPERTIES 1995, INC.**, a Hawaii corporation, the general partner of **VENTURE 1995**, a Hawaii limited partnership, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officer acknowledged said instrument to be the free act and deed of said corporation as such general partner.



[Handwritten Signature]

(notary's signature)

Stephanie K. Gooman-Nakata

(print/type name of notary)

Notary Public, in and for said County and State.

My commission expires: 7/1/2015

EXHIBIT "A"

LOT 2

LAHAINA PLACE ANNEX

SITUATED ON THE SOUTHERLY SIDE OF DICKENSON STREET

AT PAUNAU, LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 1952 AND 2476,

LAND COMMISSION AWARD 331, APANA 1 TO J. KAHULA

Beginning at the Southeasterly corner of this Lot, being also the North corner of Lot 1 of Lahaina Place Annex, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,955.02 feet South and 3,066.30 feet West and running by azimuths measured clockwise from True South:

1. 47° 43' 24" 92.82 feet along Lot 1 of Lahaina Place Annex;
2. 145° 09' 13.37 feet along Lot 4, Land Court Application 376 and Dickenson Street;
3. 227° 17' 52.50 feet along Dickenson Street;
4. 227° 23' 30" 40.01 feet along Dickenson Street;
5. 323° 33' 13.96 feet along Lot 2, Dickenson Square Subdivision to the point of beginning and containing an area of 1,259 Square Feet.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in black ink, 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

September 24, 2013
Revised: December 9, 2013

Being a portion of the premises conveyed to Grantor herein by Deed dated July 26, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-098863.

Subdivision number _____
Approved for Recordation with the Bureau of Con-
veyances and Department of Taxation, State of
Hawaii.

LOT 2
AREA = 1,279 SQ. FT.

Albert S. Sasaki OCT 7 1986
Director of Public Works date

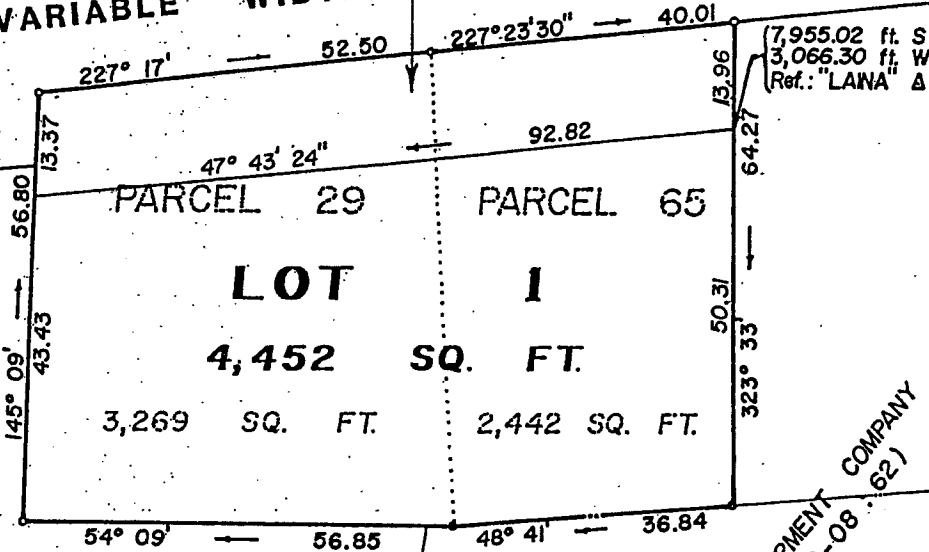
TRUE NORTH
SCALE: 1" = 20'

DICKENSON

STREET

To HONOAPIILANI HIGHWAY
227° 43' 24" (Mon. to Mon.)

(VARIABLE WIDTH)

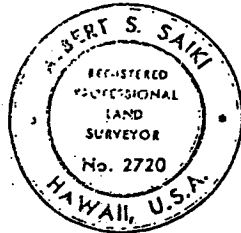


Owner :
GLENMAR DEVELOPMENT CO., INC.
(T.M.K. : 4-6-08:28)

Owner :
KAISER DEVELOPMENT COMPANY
(T.M.K. : 4-6-08:62)

NOTES:

1. ADJOINING OWNERS AS SHOWN TAKEN FROM TAX MAP.
2. WATER & SEWER SERVICE CONNECTED TO COUNTY SYSTEM.
3. COORDINATES AS SHOWN TAKEN FROM LAND COURT APPLICATION 376 (MAP 1).
4. LOT 2 (FOR ROADWAY WIDENING PURPOSES) TO BE DEDICATED TO COUNTY OF MAUI.
5. ALL CORNERS MARKED WITH 1/2.-INCH PIPES UNLESS OTHERWISE NOTED.
6. STREET MONUMENT AZIMUTHS (RECORD) ADOPTED.



THIS PLAN WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

Owner :
GLENMAR DEVELOPMENT CO., INC.

Address :
P O. BOX 815
LAHAINA, MAUI, HAWAII

Albert S. Sasaki 3/5/86
ALBERT S. SAIKI DATE
Reg. Professional Surveyor
Certificate No. 2720 E-S

LAHAINA PLACE ANNEX

CONSOLIDATION OF PARCELS 29 AND 65
OF TAX MAP KEY 4 - 6 - 08 & RESUBDIVISION
OF SAID CONSOLIDATION INTO LOTS 1 & 2

BEING PORTIONS OF R. P. 1952 & 2476, L. C. AW. 331:1 TO J. KAHULA
& R. P. 1685, L. C. AW. 1815:1 TO KEAWEAHEULU

AT PAUNAU, LAHAINA, MAUI, HAWAII Rev'd: AUG. 15, 1986

TAX MAP KEY : 4 - 6 - 08 : 29 & 65 MARCH 5, 1986 L.U.C.A. #4.484

FACT SHEET
FOR
ROAD WIDENING LOT DEDICATION

1. Subdivision Name: **Lahaina Place Annex**
2. Subdivision File No.: **4.484**
3. Tax Map Key No.: **(2) 4-6-008:portions of 029 & 065**
4. Subdivision Owner: **Venture 1995**
5. Applicant: **Kirk Tanaka**
R. T. Tanaka Engineers, Inc.
871 Kolu Street, Suite 201, Wailuku, 96793
Telephone: 242-6861
6. Location of Subdivision: **Lahaina**
7. Zoning: State Land Use: **Urban**
County: **B-2**
Community Plan: **West Maui Community Plan District**
8. Amount of lots created by the subdivision: **1 and 1 road widening lot**
9. Date of Final Subdivision Approval: **October 7, 1986**
10. Lot to be dedicated:
Lot number: **Lot 2**
Lot area: **1,259 square feet**
Adjacent Street Name: **Dickenson Street**
11. Approval date of street name by the Commission on Naming Streets, Parks and Facilities: **not applicable**
12. Confirmation that all improvements have been completed. Specific agency and date of approval will be listed. If improvements were not made, we will indicate so and provide an explanation.

Dept. of Public Works: July 21, 1987
Dept. of Water Supply: April 3, 1987
13. A statement that the dedication is consistent with conditions of approval and are in conformance with County standards: **The road widening lot conforms with Title 18 of the Maui County Code.**
14. Title of the proposed Resolution: **Accepting Dedication of a Road Widening Lot for the Lahaina Place Annex, Pursuant to Section 3.44.015, Maui County Code**