

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY AND INTERGOVERNMENTAL**  
**AFFAIRS COMMITTEE**

September 19, 2014

**Committee**  
**Report No.** \_\_\_\_\_

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 9, 2014, makes reference to County Communication 12-123, from the Director of Public Works, transmitting a proposed resolution entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HANSEN ROAD, ISLAND OF MAUI, COUNTY OF MAUI, STATE OF HAWAII PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize the exchange of 28,412 square feet of County-owned land with 27,428 square feet of land owned by Alexander & Baldwin, Inc., for the realignment of Hansen Road.

Your Committee notes the Council's Policy Committee (2011-2013 term) previously reported on this matter in Policy Committee Report 12-153. In that report, the Committee recommended a revised proposed resolution, entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HANSEN ROAD, PUUNENE, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE", be adopted and County Communication 12-123 be filed. At its meeting of January 18, 2013, the Council referred Policy Committee Report 12-153 to your Committee, without acting on the recommendations.

Your Committee notes the revised proposed resolution references the land size in terms of acreage, as 0.652 acre of County-owned land and 0.630 acre of privately owned land; reflects the privately owned land belongs to Alexander & Baldwin, LLC; and updates the metes and bounds description for the privately owned land.

Your Committee further notes the recommendations in Policy Committee Report 12-153 were not adopted because of concerns raised by Title Guaranty concerning the ownership of Hansen Road.

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Your Committee further notes the Department of the Corporation Counsel sought a court declaration establishing the County's ownership of Hansen Road. The Second Circuit Court filed a Judgment declaring the County the owner of Hansen Road on August 19, 2014.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a copy of the Judgment and the revised title report issued by Title Guaranty. The Department also transmitted a revised proposed resolution, approved as to form and legality, deleting references to the need to subdivide the County-owned land, because the subdivision had since been completed.

Your Committee recommended the revised proposed resolution be further revised to incorporate the three exhibits describing the land to be exchanged that were inadvertently omitted from the latest version of the resolution.

Your Committee voted 9-0 to recommend adoption of the further revised proposed resolution, filing of Policy Committee Report 12-153, and filing of the communication. Committee Chair Hokama, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Victorino, and White voted "aye".

Your Committee is in receipt of a further revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HANSEN ROAD, PUUNENE, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE", be ADOPTED;
2. That Policy Committee Report 12-153 be FILED; and
3. That County Communication 12-123 be FILED.

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

  
\_\_\_\_\_  
G. RIKI HOKAMA, Chair

pia:cr:14054aa:cmn

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE EXCHANGE OF REAL PROPERTY  
SITUATED AT HANSEN ROAD, PUUNENE, MAUI, HAWAII,  
PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE

WHEREAS, the County of Maui ("County") is the owner of that certain real property situated at Puunene, Maui, Hawaii, TMK (2) 3-8-084-999 (por.), which is more particularly described as Lot 3-B and colored in red on the plat map attached hereto as Exhibit "1", (the "County Lot"), and comprised of approximately 0.652 acre (see Exhibit "A" attached hereto, being the metes and bounds description); and

WHEREAS, Alexander & Baldwin, LLC, a Hawaii limited liability company ("A&B"), is the owner of that certain parcel of land situated at Puunene, Maui, Hawaii, TMK (2) 3-8-006:081, which is more particularly described as Lot 2-C-4-C-1-G and colored in blue on the plat map attached hereto as Exhibit "1" ("A&B's Lot"), and comprised of approximately 0.630 acre (see Exhibit "B" attached hereto, being the metes and bounds description); and

WHEREAS, Hansen Road was realigned in such a way that A&B's Lot is now part of Hansen Road and the County Lot is no longer part of the newly aligned Hansen Road; and

WHEREAS, the County and A&B desire to execute an exchange of fee simple title and thereby legally realign the boundaries of the County Lot and A&B's Lot with the existing Hansen Road already being used by the people of Maui County; and

WHEREAS, the County Lot and A&B's Lot are very similar in size, and therefore, the County and A&B desire that appraisals for the exchange be waived by the County Council pursuant to Section 3.44.070 of the Maui County Code; and

**Resolution No. \_\_\_\_\_**

WHEREAS, pursuant to Section 3.44.060 of the Maui County Code, the County Council may, upon finding that the above-described exchange of real property is in the public interest, approve such exchange by two-thirds of its members; and

WHEREAS, said public notice was published at least once in each of three successive weeks in the Maui News on September 5, 12, and 19, 2012; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 3.44.070 of the Maui County Code, it hereby waives any appraisal of the parcels of real property to be exchanged pursuant to this resolution; and

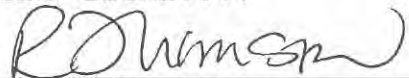
2. That, pursuant to Section 3.44.060 of the Maui County Code, the Council finds that the exchange of real property resulting from the realignment of boundaries of the real property as set forth above and attached hereto is in the public's interest to ensure continued access to Hansen Road in the same manner it is already currently being used; and


3. That it authorizes the Department of Public Works to negotiate said real property exchange with Alexander & Baldwin, LLC; and

4. That it does hereby authorize the Mayor of the County of Maui to implement the proposed exchange by executing all documents necessary to finalize the exchange of said real property interests; and

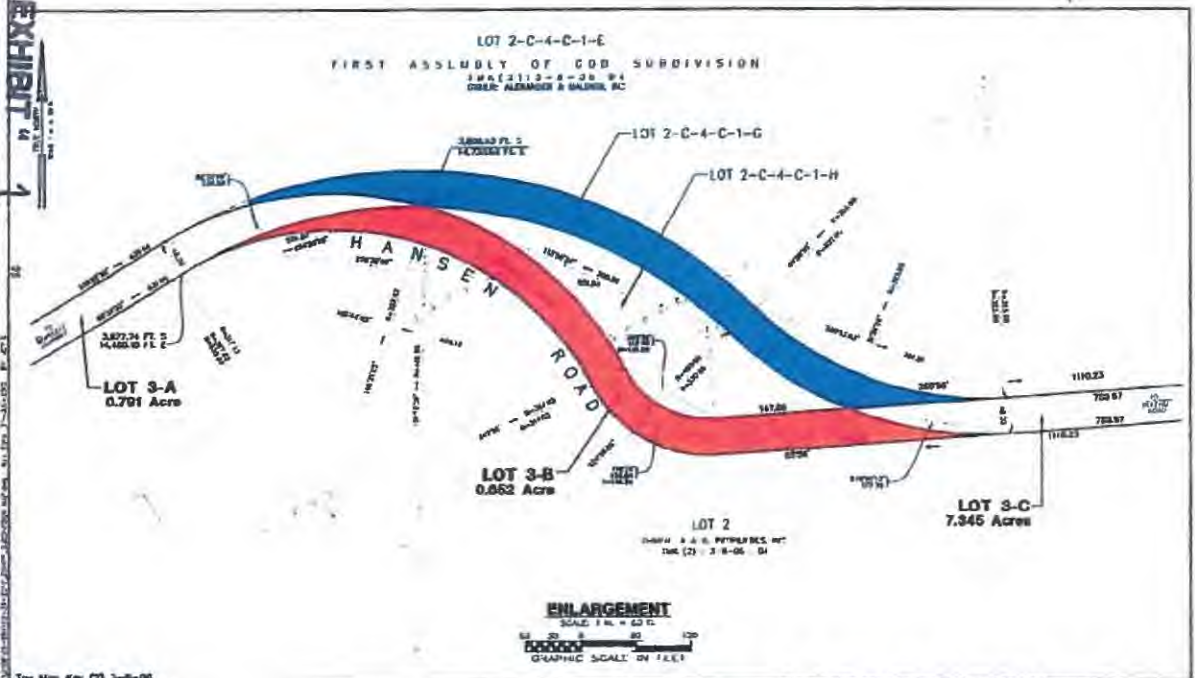
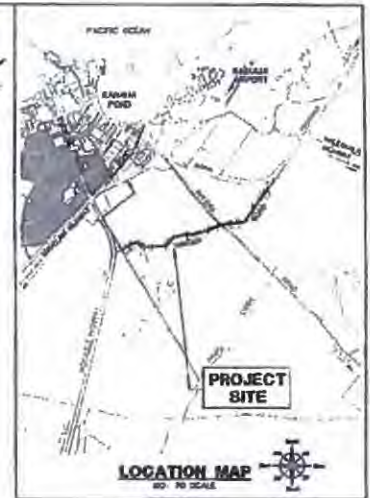
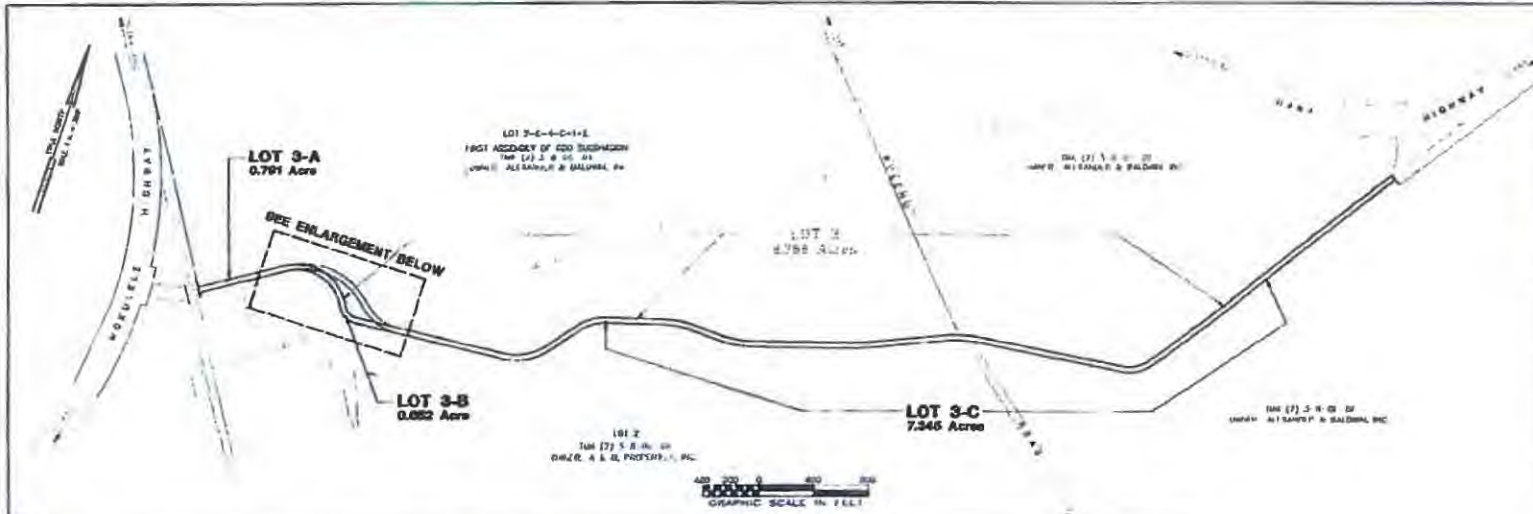
5. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, and Alexander & Baldwin, LLC.

APPROVED AS TO FORM  
AND LEGALITY:



 MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui





- NOTES:
1. ALL RECORD DRAWINGS AND CORRECTIONS REFERRED TO GOVERNMENT SURVEY REGULATION STANDARD "LINES".
  2. ADJOINING OWNERS AS SHOWN TAKEN FROM THE MAP.
  3. THE ADJOINING ALONG THE WESTERN SIDE OF THIS SUBDIVISION OFFERS FROM ADJACENT ALONG THE EASTERN SIDE OF THE FIRST SECTION 7 OF COB SUBDIVISION ARE NOT SHOWN BY A WALL. THIS IS ONLY FOR THE ADJACENT SUBDIVISIONS TO BE SHOWN AS WELL AS ADJACENT ADJACENT BEARING THE ADJACENT OWNERS THERE, AND NO GAPS ARE DONE BETWEEN THESE TWO SUBDIVISIONS.

**HANSEN ROAD SUBDIVISION**  
**SUBDIVISION OF LOT 3 (SUBDIVISION FILE No. 3.1248)**  
**INTO LOTS 3-A, 3-B AND 3-C**  
 Being a Portion of Grant 3343 to Claus Sprackele  
**AT PURNENE, WAILUKU, MAUI, HAWAII**

COUNTY OF MAUI  
 ADDRESS: 200 SOUTH HIGH STREET I  
 WAILUKU, HAWAII 06703



DATE: 07/21/11  
 R. T. TANAKA  
 Licensed Professional Land Surveyor  
 Certificate No. 10211  
 Renewal Expires: 07/31/2014

Noted: JULY 27, 2012  
 Rechecked: JUNE 04, 2013  
 REVISION: 04, 2010

SUBDIVISION FILE No. 3.1248  
 JAN 02 10:00

Top Map Key (C) 3-B-05  
 871 KELLY STREET, SUITE 201  
 HONOLULU, MAUI, HAWAII 96703

**R. T. TANAKA ENGINEERS, INC.**  
 LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

HANSEN ROAD SUBDIVISION

LOT 3-B

SITUATED AT PUUNENE, WAILUKU, MAUI, HAWAII

BEING A PORTION OF GRANT 3343 TO CLAUS SPRECKELS

BEING ALSO A PORTION OF HANSEN ROAD

Beginning at the West corner of this Lot, on the South side of Hansen Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,877.74 feet South and 14,460.10 feet East and running by azimuths measured clockwise from True South:

1. Along Lot 3-A on a curve to the right with a radius of 490.00 feet, the radial azimuth to the point of curve being  $148^{\circ} 33' 30''$ , the radial azimuth to the point of tangent being  $181^{\circ} 19' 08''$ , the chord azimuth and distance being:  
 $254^{\circ} 56' 19''$                       276.39 feet;
2. Thence, along Lot 2-C-4-C-1-H, First Assembly of God Subdivision on a curve to the right with a radius of 357.03 feet, the radial azimuth to the point of curve being  $196^{\circ} 31' 02''$ , the radial azimuth to the point of tangent being  $242^{\circ} 56'$ , the chord azimuth and distance being:  
 $309^{\circ} 43' 31''$                       281.39 feet;
3. Thence, along Lot 2-C-4-C-1-H, First Assembly of God Subdivision on a curve to the left with a radius of 101.90 feet, the radial azimuth to the point of curve being  $62^{\circ} 56'$ , the radial azimuth to the point of tangent being  $355^{\circ} 56'$ , the chord azimuth and distance being:  
 $299^{\circ} 26'$                               112.48 feet;

EXHIBIT " A "

4. 265° 56' 147.06 feet along Lot 2-C-4-C-1-H, First Assembly of God Subdivision;
5. Thence, along Lot 3-C on a curve to the left with a radius of 395.00 feet, the radial azimuth to the point of curve being 21° 56' 26", the radial azimuth to the point of tangent being 355° 56', the chord azimuth and distance being:  
278° 56' 13" 177.76 feet;
6. 85° 56' 320.26 feet along the South side of Hansen Road;
7. Thence, along the South side of Hansen Road on a curve to the right with a radius of 141.90 feet, the radial azimuth to the point of curve being 355° 56', the radial azimuth to the point of tangent being 62° 56', the chord azimuth and distance being:  
119° 26' 156.64 feet;
8. Thence, along the South side of Hansen Road on a curve to the left with a radius of 317.03 feet, the radial azimuth to the point of curve being 242° 56', the radial azimuth to the point of tangent being 148° 33' 30", the chord azimuth and distance being:  
105° 44' 45" 465.13 feet  
to the point of beginning and containing an area of 0.652 Acre.



R. T. TANAKA ENGINEERS, INC.

*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

June 4, 2012



DESCRIPTION

FIRST ASSEMBLY OF GOD SUBDIVISION

LOT 2-C-4-C-1-G

All of that certain parcel of land, being a portion of Lot 2-C-4-C-1 of the First Assembly of God Subdivision, being also a portion of Grant 3343 to Claus Spreckels situated at Puunene, Waikuku, Island and County of Maui, State of Hawaii

Beginning at a pipe at the westerly corner of this lot, on the northwesterly side of Hansen Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,845.13 feet South and 14,443.30 feet East and running by azimuths measured clockwise from True South:

1. Along Lot 2-C-4-C-1-G of the First Assembly of God Subdivision on a curve to the right with a radius of 530.00 feet, the chord azimuth and distance being:  
276° 29' 48" 651.95 feet to a pipe;
2. Thence along same on a curve to the left with a radius of 355.00 feet, the chord azimuth and distance being:  
290° 11' 03" 291.81 feet to a pipe;
3. 85° 55' 173.20 feet along the northwesterly side of Hansen Road to a pipe;
4. Thence along Lot 2-C-4-C-1-H of the First Assembly of God Subdivision on a curve to the right with a radius of 395.00 feet, the chord azimuth and distance being:  
123° 11' 16" 154.31 feet to a pipe;
5. Thence along same on a curve to the left with a radius of 490.00 feet, the chord azimuth and distance being:  
112° 52' 41" 360.34 feet to a pipe at a point of compound curvature;

6. Thence along same on a curve to the left with a radius of 357.03 feet, the chord azimuth and distance being:  
82° 31' 20.5" 290.22 feet to the point of beginning and containing an Area of 0.630 Acre.

Prepared by: A&B Properties, Inc.  
Kahului, Maui, Hawaii

July 17, 2012

This work was prepared by me or under my supervision.



*Ken T. Nomura* 4/30/2014  
Ken T. Nomura  
Licensed Professional Land Surveyor  
Certificate No. LS-7633  
Expiration Date: 4/30/2014

ME  
11/48-r