

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC WORKS AND  
FACILITIES COMMITTEE**

October 3, 2008

**Committee  
Report No.**

08-119

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

Chair and Members:

Your Public Works and Facilities Committee, having met on September 17, 2008, makes reference to County Communication No. 08-174, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SCHOOL STREET 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-B, consisting of approximately 0.024 acres, in Kahului, Maui, along Vevau Street, and identified as TMK: (2) 3-7-04:portion of 001.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code (MCC), the Council may accept gifts or donations of real property or any interest in real property by the passage of a resolution, approved by a majority of its members.

At its meeting, your Committee met with the Deputy Director of Public Works and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Director stated that the Department inspected the improvements on June 10, 2008, and confirms that all improvements satisfy the requirements of Title 18, MCC, and are, therefore, acceptable for dedication to the County.

Your Committee congratulated the Department for processing this matter in a timely fashion, and for ensuring that all required improvements were completed rather than deferred.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

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**Committee**  
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Your Public Works and Facilities Committee RECOMMENDS the following:

1.     That Resolution No. \_\_\_\_\_, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SCHOOL STREET SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
  
2.     That County Communication No. 08-174 be FILED.

Adoption of this report is respectfully requested.

pwf:cr:08086aa:scj

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**BILL KAUAKEA MEDEIROS** Co-Chair

**DANNY A. MATEO** Member



**MICHAEL P. VICTORINO** Co-Chair

**JOSEPH PONTANILLA** Member

**G. RIKI HOKAMA** Member

# Resolution

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

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

WHEREAS, LONO STREET PROPERTIES, LLC, a California limited liability company (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the School Street Subdivision, Tax Map Key Number (2) 3-7-004-001 (portion), Subdivision File No. 3.2196, by dedicating that certain Road Widening Lot 2-B. Said lot is 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 the Department of Public Works has reviewed and approved said dedication; and

WHEREAS, pursuant to Maui County Code, Section 3.44.015(C), the County 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; now, therefore,

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

1. That it hereby accepts Lot 2-B, as described in said Warranty Deed attached hereto as Exhibit "1" to be dedicated by said 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 the Department of Public Works and the Subdivider.

APPROVED AS TO FORM  
AND LEGALITY:



\_\_\_\_\_  
DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui

LAND COURT SYSTEM

REGULAR SYSTEM

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

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

TMK: (2) 3-7-004-001 (portion)  
Subdivision File No. 3.2196

Total No. of Pages: 6

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That LONO STREET PROPERTIES, LLC, a California limited liability company, whose address is 15206 Ventura Boulevard #306, Sherman Oaks, California 91403, (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, Maui, Hawaii

**EXHIBIT " 1 "**

96793, (hereinafter the "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Kahului, 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 5<sup>th</sup> day of December, 2007.

GRANTOR:

LONO STREET PROPERTIES, LLC

By   
MICHAEL C. BOLLENBACHER  
Its Member

APPROVED AS TO FORM AND LEGALITY:

 DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 5th day of December, 2007, before me personally appeared MICHAEL C. BOLLENBACHER, 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.

Joyce M. Takitani  
Print Name: Joyce M. Takitani  
Notary Public, State of Hawaii.  
My commission expires: 8/16/2011

## LAND DESCRIPTION

Being all of Lot 2-B of the School Street Subdivision, being a portion of Grant 3343 to Claus Spreckels.

Situated at Kahului, Maui, Hawaii

TMK: (2)3-7-04:001 portion

Beginning at a point at the easterly corner of this parcel of land, being the southwesterly corner of a remaining portion of Grant 3343 to Claus Spreckels (TMK: (2)3-7-04:012), and being also a point on the northerly side of Vevau Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,982.26 feet north and 8,970.47 feet east and running by azimuths measured clockwise from true south; thence,

1. 70° 21'            340.71    feet along Vevau Street; thence,
2. 160° 21'           0.75     feet along Lot 1-B of the Kahului Townsite Subdivision (File Plan 21); thence,
3. 70° 21'            1.20     feet along the same; thence,
4. 160° 21'           2.25     feet along a remaining portion of Grant 3343 to Claus Spreckels (TMK: (2)3-7-04:003); thence,
5. 250° 21'          341.91   feet along Lot 2-A of the School Street Subdivision (TMK: (2)3-7-04:001 por); thence,
6. 340° 21'          3.00     feet along a remaining portion of Grant 3343 to Claus Spreckels (TMK: (2)3-7-04:012) to the point of beginning and containing an area of 0.024 acres.

This description is based on an actual field survey and was prepared by me or under my direct supervision.



Randall Sherman

Date

10 MAR 08

Licensed Professional Land Surveyor  
State of Hawaii Certificate Number LS4187  
License Expiration Date: April 30, 2008

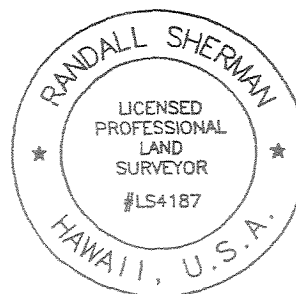


Exhibit "A"