

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

October 3, 2008

Committee  
Report No.

08-121

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. 08-195, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE HALE KANANI 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 consisting of approximately 148 square feet, in Kihei, Maui, at the easterly corner of the intersection of South Kihei Road and Kanani Street, and identified as TMK: (2) 3-9-16:portion of 046.

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 May 7, 2008, and confirms that all improvements satisfy the requirements of Title 18, MCC, and are, therefore, acceptable for dedication to the County.

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

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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 HALE KANANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
  
2.     That County Communication No. 08-195 be FILED.

Adoption of this report is respectfully requested.

pwf:cr:08090aa: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 HALE KANANI SUBDIVISION, PURSUANT TO  
SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, HALE KANANI ASSOCIATES, LLC (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Hale Kanani Subdivision, TMK: (2) 3-9-016:046, Subdivision File No. 3.2091, by dedicating that certain Road Widening Lot 2. 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 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, 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 ( ) Pickup ( ) To:

TOTAL NUMBER OF PAGES: 5

T.M.K. No. (2) 3-9-016: 046

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That HALE KANANI ASSOCIATES, LLC, a Hawaii limited liability company, whose address is 8 Kiopa'a Street, Pukalani, Maui, Hawaii 96768, hereafter the "Grantor", for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration 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, hereafter the "Grantee", receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Kamaole, 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, 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.

EXHIBIT " 1 "

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 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 24<sup>th</sup> day of June 2004.

Grantor:

APPROVED AS TO FORM:

Cindy Y. Young  
Deputy Corporation Council  
County of Maui

HALE KANANI ASSOCIATES II, LLC,  
a Hawaii limited liability company

By Its Member-Manager

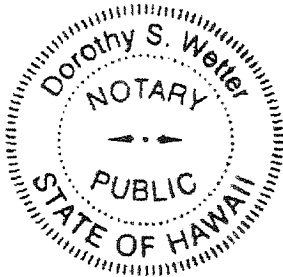
KRS DEVELOPMENT, INC.,  
a Hawaii corporation

By   
MARK R. WALKER  
Its Vice - President

STATE OF HAWAII  
COUNTY OF MAUI

)  
) SS.  
)

On June 24, 2004, before me personally appeared **MARK R. WALKER**, to me personally known, who, being by me duly sworn, did say that he is the Vice - President, of **KRS DEVELOPMENT, INC.**, a Hawaii corporation, and that the said instrument was signed on behalf of said corporation by authority of its Board of Directors, in said corporation's capacity as Manager of **HALE KANANI ASSOCIATES II, LLC**, a Hawaii limited liability company, and that the foregoing instrument was signed in the name of and in behalf of said limited liability company, and said **MARK R. WALKER** acknowledged that the foregoing document was executed as the free act and deed of said corporation, and as the free act and deed of said limited liability company.



*Dorothy S. Wetter*

(notary's signature)

Dorothy S. Wetter

(print/type name of notary)

Notary Public, in and for said  
County and State.

My commission expires: **NOV. 23, 2007**



DESCRIPTION  
**LOT 2**  
**(ROAD WIDENING LOT)**  
**HALE KANANI SUBDIVISION**

All of that certain parcel of land, being Lot 2 (road widening lot) of the Hale Kanani Subdivision (the map thereof not being recorded), being a portion Grant 11677 to Yuk Oi Tom Dang, situated at Kamaole, Kihei, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found ¾-inch pipe at the Northwest corner of this parcel of land, at the Easterly corner of the intersection of the South Kihei Road and the Kanani Street right-of-ways, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

1,047.39 feet South  
21,464.77 feet West

and running by azimuths measured clockwise from true South:

1. 272° 09' 00"            20.32 feet along the South boundary of said Kanani Street right-of-way to a ¾-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" at the Northwest corner of Lot 1 of said Hale Kanani Subdivision;

Thence along said Lot 1 of the Hale Kanani Street Subdivision, along the remainder of said Grant 11677 to Yuk Oi Tom Dang on the arc of a curve to the left, concave Southeasterly with a radius of 20.00 feet, the radial azimuth to the point of curve being 126° 34' 58", the radial azimuth to the point of tangent being 76° 08' 36", the chord azimuth and distance being:

2. 11° 21' 47"            17.04 feet to a ¾-inch pipe with yellow plastic cap marked "RLS 2715, RLS 5983" on the Northeasterly boundary of the South Kihei Road right-of-way;

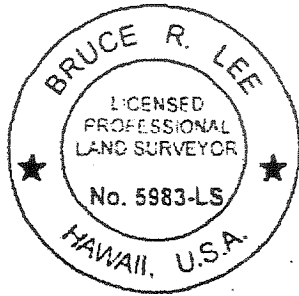
Thence along said Northeasterly boundary of the South Kihei Road right-of-way on the arc of a curve to the left, concave Southwesterly with a radius of 1667.02 feet, the radial azimuth to the point of curve being 226° 17' 40", the radial azimuth to the point of tangent being 225° 27' 26", the chord azimuth and distance being:

3. 135° 52' 33"            24.34 feet to the point of beginning and containing an area of 148 Square Feet, more or less.

Exhibit "A"  
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Prepared by:

**NEWCOMER-LEE**  
**LAND SURVEYORS, INC.,** a Hawaii Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

*Bruce R. Lee 04/06*

**BRUCE R. LEE**  
Licensed Professional Land  
Surveyor Certificate No. 5983-LS

6/15/04  
KRS/HALE KANANI  
File 03-6208B  
*D1: 03-6208B Lot 2 Road Widening*

Exhibit "A"  
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