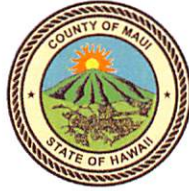


ALAN M. ARAKAWA
Mayor



RECEIVED
MARK R. WALKER
Director
2018 JUN 12 PM 1:10
OFFICE OF THE MAYOR

COUNTY OF MAUI
DEPARTMENT OF FINANCE
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

June 12, 2018

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

RECEIVED
2018 JUN 14 AM 9:42
OFFICE OF THE
COUNTY CLERK

For Transmittal to:

Honorable Michael White, Chair
And Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Mr. White
Mayor
6/13/18
Date

Dear Chair White and Maui County Council Members:

**SUBJECT: WAIKAPU GARDENS PHASE 2 SUBDIVISION
ROAD LOT 61
SUBDIVISION FILE NO. 3.2299
TMK: (2) 3-5-036:061**

Pursuant to Section 3.44.015 H. of the Maui County Code, this letter shall serve as notice that the County of Maui has accepted a Warranty Deed for Roadway Lot, Lot 61 by the Department of Public Works – Subdivision Division. The parcel is identified by the subject Tax Map Key Number.

Please refer to enclosed Exhibit A for the Legal Description and Exhibit B for the Subdivision Map for the Lot.

In addition, the Department of Public Works has provided additional information pursuant to Section 3.44.015, F.4 of the Maui County Code.

- 1) **County Funds:** No County funds were used for the acquisition of this property.

COUNTY COMMUNICATION NO. 18-241

Warranty Deed
Roadway Lot, Lot 61
TMK: (2) 3-5-036:061
June 12, 2018
Page 2

- 2) **Purpose:** Roadway Lot 61 (Ohana Hana Place, Ohana Hana Street & Ohana Hana Loop) Dedication
- 3) **Standards:** The roadway lot was constructed to county standards and provides the necessary right-of-way width.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at Ext. 7474.

Sincerely,



MARK R. WALKER
Director of Finance

Enclosures

Cc: David Goode, Director of Public Works

MRW/gmh

**Waikapu Gardens Phase 2 Subdivision
Description of Lot 61
(Ohana Hana Place, Ohana Hana Street and Ohana Hana Loop)**

All that certain parcel of land being all of Lot 61 (Ohana Hana Place, Ohana Hana Street and Ohana Hana Loop) of Waikapu Gardens Phase 2 Subdivision, being portions of Grant 3152 to H. Cornwell, at Waikapu, Wailuku, Maui, Hawaii, and being more particularly described as follows:

Beginning at a point on the southeasterly corner of this Lot 61, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 9,598.30 feet South and 673.47 feet West and running by azimuths measured clockwise from True South:

1. Along Lot 28 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: $260^{\circ} 30' 38''$ and the point of tangency azimuth from the radial point being: $170^{\circ} 23'$, having a radius of 30.00 feet, the chord azimuth and distance being: $125^{\circ} 26' 49''$ for 42.47 feet, thence;
2. $80^{\circ} 23'$ 44.74 feet along same, thence;
3. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: $170^{\circ} 23'$ and the point of tangency azimuth from the radial point being: $80^{\circ} 23'$, having a radius of 20.00 feet, the chord azimuth and distance being: $35^{\circ} 23'$ for 28.28 feet, thence;
4. $350^{\circ} 23'$ 234.51 feet along Lots 28, 29, 30, 31 and 32 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
5. Thence along Lots 32, 33, 34, 35, 36 and 37 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: $260^{\circ} 23'$ and the point of tangency azimuth from the radial point being: $17^{\circ} 28' 12''$, having a radius of 88.00 feet, the chord azimuth and

distance being: 48° 55' 36" 150.13
feet, thence;

6. Thence along Lots 37, 38, 60, 1, 2, and 3 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 17° 28' 12" and the point of tangency azimuth from the radial point being: 24° 00', having a radius of 1,872.00 feet, the chord azimuth and distance being: 110° 44' 06" for 213.24 feet, thence;
7. 114° 00' 272.44 feet along Lots 3, 4, 5, 6, 7 and 8 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
8. Thence along Lot 8 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 204° 00' and the point of tangency azimuth from the radial point being: 161° 44', having a radius of 50.00 feet, the chord azimuth and distance being: 92° 52' 00" for 36.05 feet, thence;
9. Thence along Lots 8, 9, 59, 10 and 11 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 341° 44' and the point of tangency azimuth from the radial point being: 246° 16' 00", having a radius of 50.00 feet, the chord azimuth and distance being: 204° 00' for 74.00 feet, thence;
10. Thence along Lots 11 and 12 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 66° 16' 00" and the point of tangency azimuth from the radial point being: 24° 00' 00", having a radius of 50.00

- feet, the chord azimuth and distance being: 315° 08' for 36.05 feet, thence;
11. 294° 00' 272.44 feet along Lots 12, 13, 61, 51 and 50 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
 12. Thence along Lots 50, 49, 48 and 39 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 24° 00' and the point of tangency azimuth from the radial point being: 17° 28' 12", having a radius of 1,824.00 feet, the chord azimuth and distance being: 290° 44' 06" for 207.77 feet, thence;
 13. Thence along Lot 39 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 17° 28' 12" and the point of tangency azimuth from the radial point being: 260° 23', having a radius of 40.00 feet, the chord azimuth and distance being: 228° 55' 36" for 68.24 feet, thence;
 14. 170° 23' 376.68 feet along Lots 39, 40, 41, 57, 42, 43 and 44 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell;
 15. Thence along Lot 44 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 260° 23' and the point of tangency azimuth from the radial point being: 189° 32', having a radius of 30.00 feet, the chord azimuth and distance being: 134° 57' 30" for 34.78 feet, thence;
 16. 99° 32' 72.76 feet along same, thence;
 17. Thence along Lots 44, 47 and 56 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the

left with the point of curvature azimuth from the radial point being: 189° 32' and the point of tangency azimuth from the radial point being: 171° 00', having a radius of 300.00 feet, the chord azimuth and distance being: 90° 16' for 96.62 feet, thence;

18. 81° 00' 32.47 Feet along Lot 56 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
19. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 171° 00' and the point of tangency azimuth from the radial point being: 87° 27', having a radius of 30.00 feet, the chord azimuth and distance being: 39° 13' 30" for 39.97 feet, thence;
20. 357° 27' 163.76 feet along Lots 56, 55, 54 and 53 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
21. Thence along Lots 53 and 52 of Waikapu Gardens Phase Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 267° 27' 00" and the point of tangency azimuth from the radial point being: 294° 00', having a radius of 168.00 feet, the chord azimuth and distance being: 10° 43' 30" for 77.15 feet, thence;
22. 24° 00' 44.95 feet along Lot 51 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell;
23. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 114° 00' and the point of tangency azimuth from the radial point being: 24° 00', having a radius of 20.00 feet, the chord azimuth and distance being: 339° 00' for 28.28 feet, thence;

24. 114° 00' 88.00 feet along Lot 61 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
25. Thence along Lot 13 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 24° 00' and the point of tangency azimuth from the radial point being: 294° 00', having a radius of 20.00 feet, the chord azimuth and distance being: 249° 00' for 28.28 feet, thence;
26. 204° 00' 44.95 feet along Lots 13 and 14 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
27. Thence along Lot 14 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 294° 00' and the point of tangency azimuth from the radial point being: 267° 27', having a radius of 120.00 feet, the chord azimuth and distance being: 190° 43' 30" for 55.11 feet, thence;
28. 177° 27' 163.76 feet along Lots 14, 15, 58 and 16 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
29. Thence along Lots 16, 17, 18, 19 and 20 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 87° 27' 00" and the point of tangency azimuth from the radial point being: 171° 00', having a radius of 78.00 feet, the chord azimuth and distance being: 219° 13' 30" for 103.93 feet, thence;
30. 261° 00' 32.47 feet along Lot 20 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;


31. Thence along Lots 20, 21 and 22 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 171° 00' and the point of tangency azimuth from the radial point being: 189° 32', having a radius of 348.00 feet, the chord azimuth and distance being: 270° 16' 112.08 feet, thence;
32. 279° 32' 72.76 feet along Lots 22, 23 and 24 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
33. Thence along Lots 24, 25 and 26 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the right with the point of curvature azimuth from the radial point being: 189° 32' and the point of tangency azimuth from the radial point being: 260° 23', having a radius of 78.00 feet, the chord azimuth and distance being: 314° 57' 30" for 90.42 feet, thence;
34. 350° 23' 54.18 feet along Lots 26 and 27 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, thence;
35. Thence along Lot 27 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell on a curve to the left with the point of curvature azimuth from the radial point being: 80° 23' and the point of tangency azimuth from the radial point being: 350° 23', having a radius of 20.00 feet, the chord azimuth and distance being: 305° 23' for 28.28 feet, thence;
36. 260° 23' 45.56 feet along same, thence;
37. Thence along Lot 27 of Waikapu Gardens Phase 2 Subdivision, being a portion of Grant 3152 to H. Cornwell, being also along Easement S-2 of Waikapu Gardens Phase 2 Subdivision for a portion of the arc

on a curve to the left with the point of curvature azimuth from the radial point being: $350^{\circ} 23'$ and the point of tangency azimuth from the radial point being: $261^{\circ} 07' 39''$, having a radius of 30.00 feet, the chord azimuth and distance being: $215^{\circ} 45' 19.5''$ for 42.15 feet, thence;

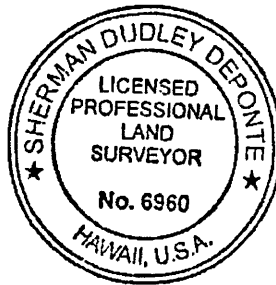
38. Thence along the westerly side of Waiale Road, being also along Easement D-1 of Waikapu Gardens Phase 2 Subdivision for a portion of the arc on a curve to the left with the point of curvature azimuth from the radial point being: $81^{\circ} 07' 39''$ and the point of tangency azimuth from the radial point being: $80^{\circ} 30' 38''$, having a radius of 10,000.00 feet, the chord azimuth and distance being: $350^{\circ} 49' 08.5''$ for 107.68 feet to the point of beginning and containing an Area of 92,984 square feet or 2.135 acres.

This work was done by me or under my direct supervision.

AKAMAI LAND SURVEYING, INC.



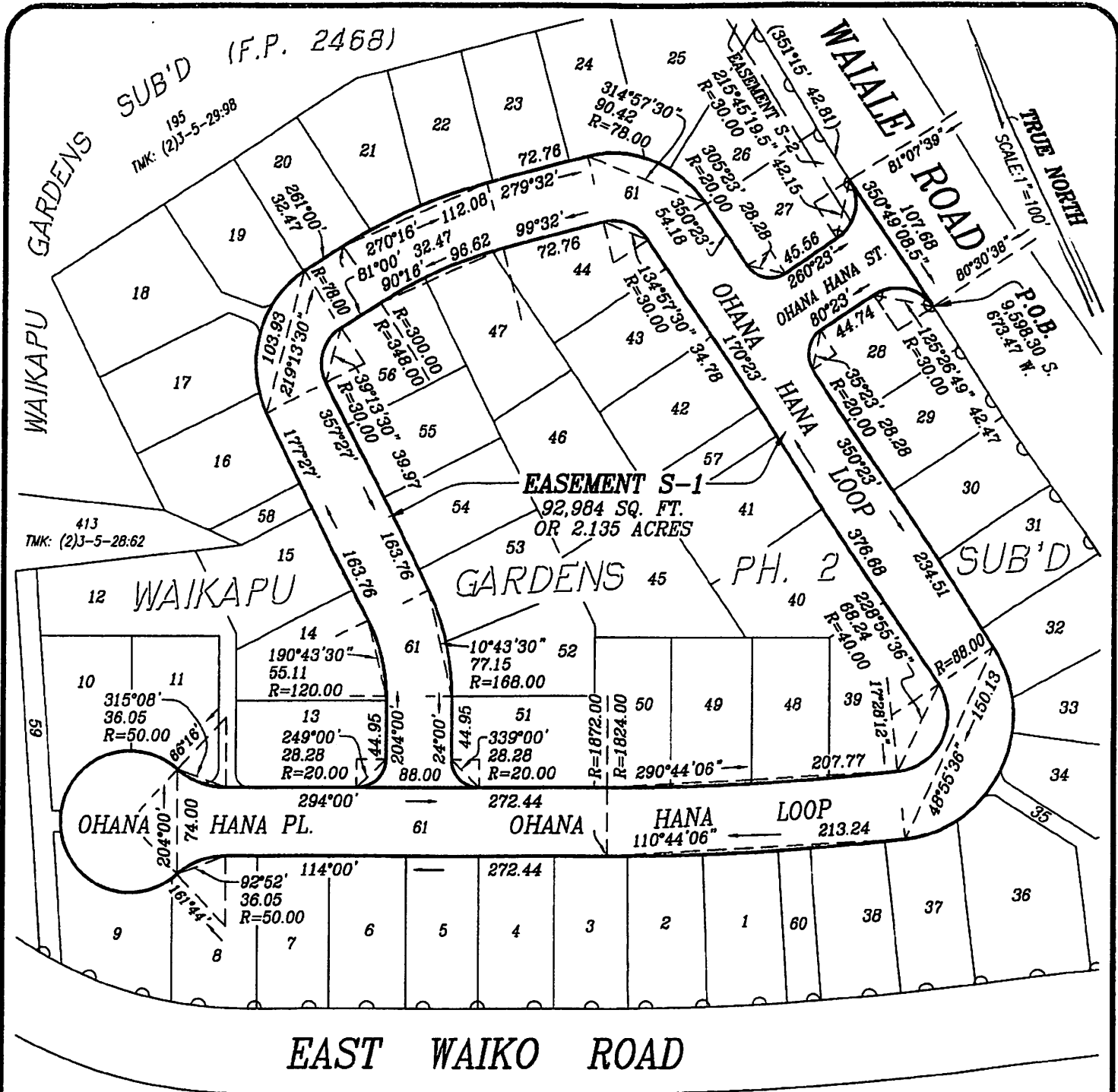
Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2016
213278 (2/18/15 -JM)



SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The terms and provisions contained in Private Fire Protection System Agreement dated June 2, 1986, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19563 on Page 104, made by Wailuku Agribusiness Co., Inc., and the County of Maui, by its Department of Water Supply.
3. The terms and provisions contained in Private Water System Agreement dated March 14, 1990, recorded as Document No. 90-069334, made by Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 24, 1990, recorded as Document No. 90-164426.
4. The terms and provisions contained in Private Fire Protection System Agreement dated March 14, 1990, recorded as Document No. 90-069335, made by Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the Department of Water Supply of the County of Maui.
5. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated April 6, 2000, recorded as Document No. 2000-049836, made by Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the County of Maui.
6. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated --- (acknowledged May 16, 2001), recorded as Document No. 2001-104989, made by Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the County of Maui, through its Department of Public Works and Waste Management.
7. The terms and provisions contained in Subdivision Agreement (Agricultural Use) dated June 21, 2001, recorded as Document No. 2001-104990, made by Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the County of Maui, through its Department of Public Works and Waste Management.
8. The terms and provisions contained in Private Fire Protection System Agreement dated March 21, 1997, recorded as Document No. 2002-046402, made by Brewer Environmental Industries, Inc., a Hawaii corporation, Wailuku Agribusiness Co., Inc., a Hawaii corporation, and the Department of Water Supply of the County of Maui.
9. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated November 3, 2004, recorded as Document No. 2004-227693, made by Wailuku Agribusiness Company, Inc. and Hawaii Land & Farming Company, Inc., and County of Maui, through its Department of Public Works and Environmental Management.
10. The terms and provisions contained in Waikapu Gardens Phase II Affordable Housing Agreement dated August 27, 2014, recorded as Document No. A-53650205, made by JES LLC, a Hawaii Limited Company dba Spencer Development, and the County of Maui.
11. Sewerline Easement in favor of Waikapu Gardens Homeowners Association, Inc., a Hawaii nonprofit corporation, dated June 3, 2015, recorded as Document No. A-56380842; granting a nonexclusive sewerline easement over, under, across and through said Lot 61 described hereinabove, as amended by instrument dated June 25, 2015, recorded as Document No. A-56600754.

NOTE: There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.



NOTES:

1. AZIMUTHS AND COORDINATES ARE REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "LUKE" Δ

2. EASEMENT S-1 (15-FT. WIDE) FOR SEWERLINE PURPOSES, BEING ALL OF LOT 61, IN FAVOR OF THE WAIKAPU GARDENS HOMEOWNERS ASSOCIATION, INC. = 92,984 SQ. FT. OR 2.135 ACRES.

DENOTES NO VEHICULAR ACCESS PERMITTED.

DENOTES ACCESS PERMITTED.



REVISED: FEBRUARY 27, 2017

THIS WORK WAS DONE BY ME OR UNDER MY DIRECT SUPERVISION.

Sherman Dudley Deponte

SHERMAN DUDLEY DEPONTE
 LICENSED PROFESSIONAL LAND SURVEYOR
 STATE OF HAWAII CERTIFICATE NO. 6960
 EXPIRATION DATE: 30 APRIL 2018

LOT 61 (ROADWAY LOT)
 OF WAIKAPU GARDENS PHASE 2 SUBDIVISION, BEING A PORTION OF GRANT 3152 TO H. CORNWELL
 WAIKAPU, WAILUKU, MAUI, HAWAII

AKAMAI LAND SURVEYING, INC.
 P.O. BOX 1748
 MAKAWAO, MAUI, HAWAII 96788

JOB NO.: 213278-ESMT

SCALE: 1" = 100'

T.M.K.:(2)3-5-02:16

DATE: 20 JAN '15 SHEET 1 OF 1