

REQUEST FOR LEGAL SERVICES

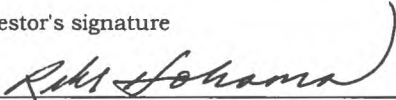
Date: June 5, 2017
From: Riki Hokama, Chair
Budget and Finance Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: DISPOSITION OF THE LOTS AT THE FAIRWAYS AT MAUI LANI (BF-41)

Background Data: Revise resolution as indicated on the attached marked-up copy. In your response, please provide an original, signed hard copy.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Riki Hokama	Contact Person Michele Yoshimura (Telephone Extension: 7663)
---	--

ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 6, 2017
REASON: For posting on Committee meeting agenda on June 7, 2017.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

bf:ltr:041acc01:mmy

Attachment

Resolution

No. _____

[RESOLUTION] AUTHORIZING THE DISPOSAL OF THE LOTS
COMPRISING THE FAIRWAYS AT MAUI LANI BY PUBLIC AUCTION

WHEREAS, the County of Maui is the owner of the lots identified as TMK Nos. (2) 3-8-096:001-055, hereinafter collectively referred to as the "Fairways"; and

WHEREAS, the County of Maui, through its Director of Finance ("Director"), desires to dispose of the Fairways through bulk sale; and

WHEREAS, the proposed disposition shall be conducted by public auction in accordance with Section 3.44.030, Maui County Code ("MCC"); and

WHEREAS, the County of Maui is in receipt of an appraisal which identifies the market value of the Fairways under a bulk sale scenario as of December 15, 2016; and

WHEREAS, in accordance with Section 3.44.070, MCC, the Director intends to establish the upset price at NINE MILLION EIGHT HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$9,817,500); and

WHEREAS, proceeds from the sale shall first be used to satisfy any outstanding real property taxes on the Fairways with remainder being deposited into the Affordable Housing Fund; and

WHEREAS, these proceeds shall not substitute the appropriations required by the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, said proceeds deposited into the Affordable Housing Fund shall be not be included in the Affordable Housing Fund Annual Plan, but shall instead be specifically appropriated by the Council in the budget ordinance; and

WHEREAS, in accordance with Section 3.44.020, MCC, the Council may authorize the disposition of real property in fee simple; now, therefore,

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

1. That pursuant to Chapter 3.44, MCC, the Council hereby authorizes the disposition of the Fairways by public auction with an upset

Resolution _____


price of NINE MILLION EIGHT HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$9,817,500); and

2. That the proceeds shall be distributed and appropriated in a manner consistent with this Resolution; and

3. The Mayor, the Director, or their authorized representatives, may execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution; and

4. That certified copies of this Resolution shall be transmitted to the Mayor and Director.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui
2017-0177
2017-03-20 Resolution