

REQUEST FOR LEGAL SERVICES

Date: April 28, 2024
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

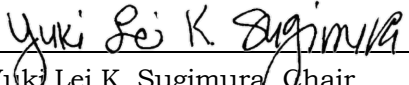
TRANSMITTAL
Memo to:

DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina Toshikiyo, Esq.

Subject: RESOLUTION 24-77, CD1; AUTHORIZING THE GRANT AND DISPOSITION OF REAL PROPERTY LOCATED AT 266 DICKENSON STREET, TO LAHAINA COMMUNITY LAND TRUST (BFED-1) (CC-11)

Background Data: Please see revised resolution correcting the exhibit reference (Lot A) in the first WHEREAS clause. Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-1, CC-11.

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

| | |
|--|---|
| Requestor's signature  Yuki Lei K. Sugimura, Chair | Contact Person <u>Carla Nakata</u> (Telephone Extension: <u>x5519</u>) |
|--|---|

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): April 30, 2024
REASON: To begin assembling packet for posting of FY 2025 Budget legislation.

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)

Resolution

No. 24-77, CD1

AUTHORIZING THE GRANT AND DISPOSITION OF REAL
PROPERTY LOCATED AT 266 DICKENSON STREET,
LAHAINA, HAWAII, TO LAHAINA COMMUNITY LAND TRUST

WHEREAS, the County of Maui (“County”) is the owner of a parcel of undeveloped real property located at 266 Dickenson Street, Lahaina, Hawaii, tax map key number (2) 4-6-011:011 (“Property”), comprising 0.2088 acres, shown as Lot A in the attached Exhibit “A,” and

WHEREAS, the County purchased the Property with an appropriation from the Affordable Housing Fund in 2021; and

WHEREAS, the County desires to convey the Property to Lahaina Community Land Trust, whose mission is to protect and perpetuate Lahaina by empowering the community to live, engage, prosper, restore, and care for its ‘āina and ea; and

WHEREAS, Lahaina Community Land Trust desires to acquire the Property from the County and use the Property to develop affordable housing to keep Lahaina families in Lahaina and ensure Lahaina lands will remain in the hands of the Lahaina community for future generations; and

WHEREAS, in recognition of the urgent need to develop affordable housing in Lahaina, the County finds that it is in the public interest to dispose of the Property and to grant it to Lahaina Community Land Trust; and

WHEREAS, in accordance with Section 3.36.090, Maui County Code, the Council may authorize the grant of County real property by resolution; and

WHEREAS, in accordance with Section 3.44.020, Maui County Code, the Council may dispose of County real property by adoption of a resolution; and

Resolution No. _____

WHEREAS, in accordance with Chapter 3.35, Maui County Code, the Property will be subject to deed restrictions as required for properties purchased with appropriations from the Affordable Housing Fund; and

WHEREAS, in accordance with Section 3.44.030(A), Maui County Code, the Council may waive the requirement of public auction, after public notice, for the disposition of County real property in a manner other than public auction, by adoption of a resolution approved by two-thirds of its members; and

WHEREAS, in accordance with Section 3.44.070(A), Maui County Code, the Council may waive the requirement of appraisal for the disposition of real property in fee simple by adoption of a resolution; now, therefore,

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

1. That the Council authorizes the Mayor, or the County's duly authorized representative, to execute all necessary documents associated with the grant and disposition of the Property to Lahaina Community Land Trust;
2. That the Council finds it is in the public interest to waive the requirements of public auction and appraisal for the disposition of the Property in accordance with Sections 3.44.030(A) and 3.44.070(A), Maui County Code; and
3. That certified copies of this Resolution be transmitted to the Mayor, Managing Director, Director of Housing and Human Concerns, Director of Finance, and President of Lahaina Community Land Trust.

APPROVED AS TO FORM AND LEGALITY:

Department of Corporation Counsel
County of Maui

EXHIBIT "A"

LOT A
ARCANGEL SUBDIVISION

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4475, Land Commission Award 7713, Apana 26 to V. Kamamalu and Royal Patent 5702, Land Commission Award 8542-B, Apana 1 to Peke) being Lot A of the ARCANGEL SUBDIVISION, Subdivision File No. 4.104, situate at Lahaina, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a Spike (frd) on the westerly corner of this parcel of land on the southeasterly side of Dickenson Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,468.10 feet South and 2,571.86 feet West and running by azimuths measured clockwise from True South ;

- | | | | | |
|----|------|-----|--------|---|
| 1. | 226° | 15' | 93.14 | feet along the southeasterly side of Dickenson Street to a 1/2 inch pipe; |
| 2. | 316° | 59' | 100.00 | feet along Lot 3, along remainder of Royal Patent 5702, Land Commission Award 8542-B to Peke and Royal Patent 4475, Land Commission Award 7713, Apana 26 to V. Kamamalu to a 3/4 inch pipe; |
| 3. | 46° | 15' | 87.53 | feet along TMK: (2) 4-6-011:008, along remainder of Royal patent 4475, Land Commission Award 7713, Apana 26 to V. Kamamalu to a pipe; |
| 4. | 136° | 15' | 27.77 | feet along Lot B of the Arcangel Subdivision, along remainder of Royal patent 4475, Land Commission Award 7713, Apana 26 to V. Kamamalu to a 3/4" pipe; |
| 5. | 45° | 32' | 3.43 | feet along same to 3/4" pipe ; |

6. 135° 32' 72.27 feet along same, along remainder
of Royal Patent 5702, Land
Commission Award 8542-B to
Peke to the point of beginning and
containing an area of 9,097 square
feet.

Together with a non-exclusive waterline easement for utility purposes, as granted
by WATERLINE EASEMENT, dated August 3, 2006, recorded as Document No. 2006-
145805, more particularly described therein; and subject to the terms and provisions
contained therein.

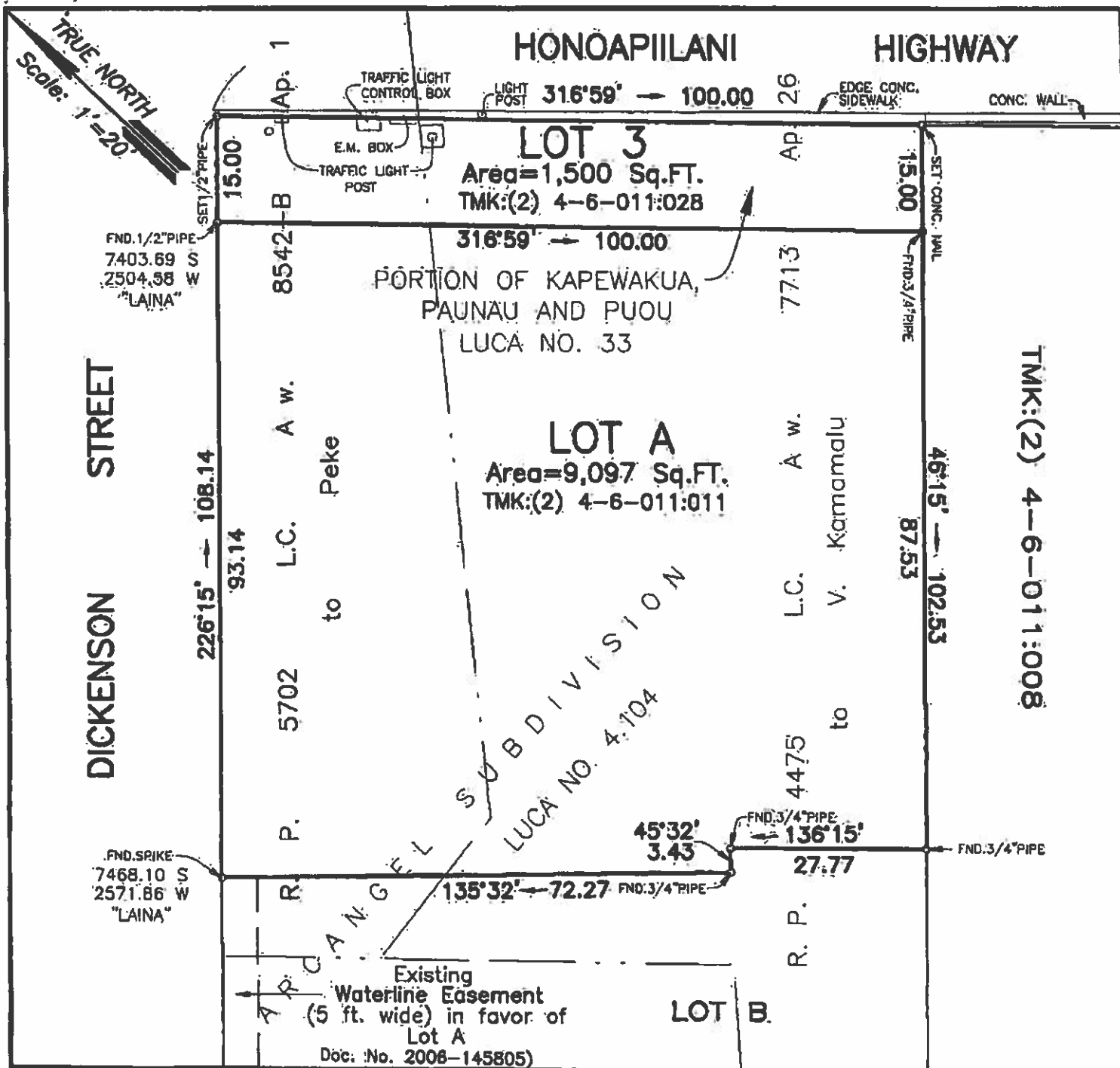
This work was prepared by me
or under my direction
Valencia Land Surveying

Arthur P. Valencia

3/17/21

Arthur P. Valencia
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 10026
Exp. Date: 4-30-22





Arthur P. Valencia 3/17/21
This work was prepared by me or under my direct supervision.

PLAT MAP
LOT A
ARCANGEL SUBDIVISION
 LUCA NO. 4.104 AND
LOT 3
 BEING PORTION OF KAPEWAKUA
 PAUNAU AND PUOU
 LUCA NO. 33
 Lahaina, Maui, Hawaii
 VALENCIA LAND SURVEYING 808-661-3257

BFED Committee

From: BFED Committee
Sent: Sunday, April 28, 2024 11:29 AM
To: CorpCounselRFLS@co.maui.hi.us
Cc: BFED Committee
Subject: OCS - BFED, FISCAL YEAR ("FY") 2025 BUDGET (BFED-1) (CC-11); reply by 04/30/2024
Attachments: (CC-11) Correspondence to Corp Counsel 04-28-2024.pdf

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|-------------------------|---------------------------------|----------------|
| ASSIGNED TO: <u>KCT</u> | ASSIGNMENT NO. <u>2023-0087</u> | BY: <u>GMR</u> |
|-------------------------|---------------------------------|----------------|

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
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COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 4/29/24

By Kristina Toshikiyo (Rev. 7/03)

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Kristina C. Toshikiyo
Department of Corporation Counsel
County of Maui

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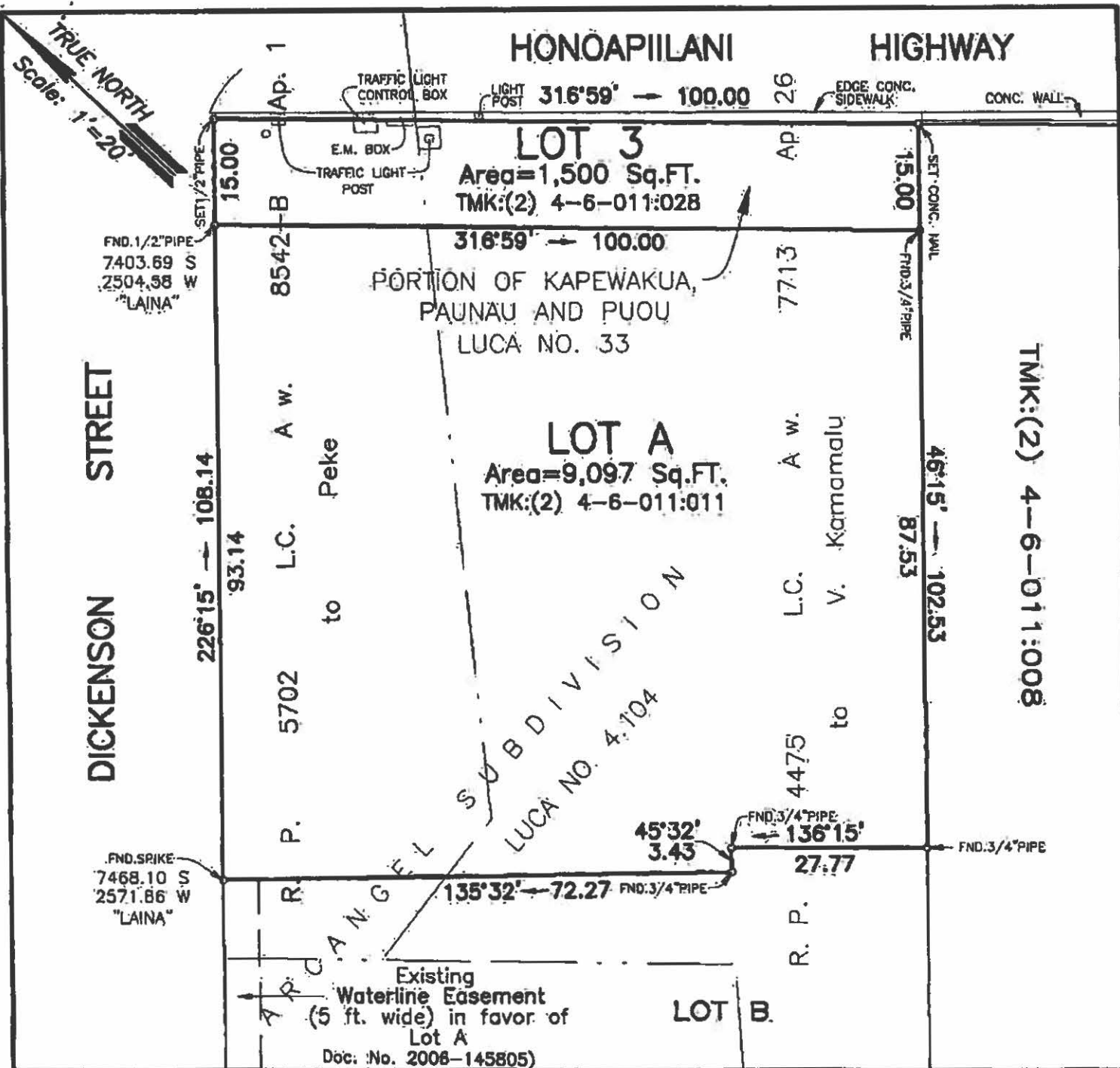
This work was prepared by me
or under my direction
Valencia Land Surveying

Arthur P. Valencia

3/17/21

Arthur P. Valencia
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 10026
Exp. Date: 4-30-22





Arthur P. Valencia 3/17/21

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

PLAT MAP
 LOT A
 ARCANGEL SUBDIVISION
 LUCA NO. 4.104 AND
 LOT 3
 BEING PORTION OF KAPEWAKUA
 PAUNAU AND PUOU
 LUCA NO. 33
 Lahaina, Maui, Hawaii
 VALENCIA LAND SURVEYING 808-661-3257

BFED Committee

From: Kristina Toshikiyo <Kristina.C.Toshikiyo@co.maui.hi.us>
Sent: Friday, April 26, 2024 11:05 AM
To: BFED Committee
Cc: Melody Andrion; Megan K. Moniz
Subject: Transmitting BFED-1 (CC-10) Resolution 24-77 CD1
Attachments: BFED-1 CC-10 2024-04-26 Closing Reso 24-77 CD1 re 266 Dickenson St.pdf

Aloha,

Please see the attached approved Resolution, thank you!

Kristina

***Department of Corporation Counsel emails may contain attorney-client privilege information and should not be forwarded without approval.

Kristina C. Toshikiyo
Department of the Corporation Counsel
200 S. High Street
Wailuku, Hawaii 96793
Ph: (808) 270-7740
Fax: (808) 270-7152
Email:Kristina.C.Toshikiyo@co.maui.hi.us

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