

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

ERIN A. WADE
Deputy Managing Director



DEPARTMENT OF MANAGEMENT
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

March 13, 2025

Ms. Lesley Milner 
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Mayor 3/14/25
Date

For Transmittal to:

Honorable Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Sugimura:

SUBJECT: BILL 8 (2025), AMENDING THE FISCAL YEAR 2025 BUDGET: APPENDIX A, PART II, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND; AND RESOLUTION 25-53, AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 104A LOWER WAIEHU BEACH ROAD (BFED-22)

This letter serves as a response to the questions in your February 26, 2025 letter regarding the acquisition of 104A Lower Waiehu Beach Road, Wailuku (TMK: (2) 3-3-001-034), and specifically addressing concerns raised during public testimony regarding the property's title.

At this point, the County has no concerns as to the property's title. Per the Preliminary Title Report, The Church Of Jesus Christ Of Latter-Day Saints ("LDS Church") acquired the property from Wailuku Sugar Company in 1938. The Preliminary Title Report includes no mention of any claim against the title of the property, nor any other references or clauses that would typically be cause for concern. The County has advised the seller's agent of Henry Maio's claim, and the LDS Church is researching the claim.

Honorable Yuki Lei Sugimura, Chair

March 13, 2025

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After looking into the matter, we continue to recommend purchasing the property. I have attached the preliminary title report for your review.

Should you have any further questions, please feel free to contact me at Extension 7211.

Sincerely,



JOSIAH K. NISHITA
Managing Director

Attachment

PRELIMINARY REPORT
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, LLC and no liability will arise under this report.

SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
a Utah non-profit corporation,
as Fee Owner

This report is dated as of October 29, 2024 at 8:00 a.m.

Inquiries concerning escrow should be directed to:

Escrow Officer - Lindsey Pagnini; Office: (808)856-8072
Email: Lindsey.Pagnini@tghawaii.com

Inquiries concerning this report should be directed to:

Title Officer - Liz Iglesias; Office: (808)533-5815
Email: Liz.Iglesias@tghawaii.com
Please reference Order No. 7311497964, Escrow No. 7322425471

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (2) 3-3-001-034 Area Assessed: 0.41 acre

Tax Classification: NON-OWNER-OCCUPIED/RESIDENTIAL

Street Address : 104 A LOWER WAIEHU BEACH ROAD, WAILUKU, HAWAII
96793

Real Property Tax Website: [\(2\) 3-3-001-034](#)

2. Mineral and water rights of any nature.

3. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : April 26, 1938

RECORDED : Liber 1439 Page 282

The foregoing includes, but is not limited to, matters relating to the following:

"Reserving, however, to said Wailuku Sugar Company all water rights of any character appurtenant to all of the premises hereinabove described that are herein conveyed to said party of the first part."

4. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : September 2, 1998

RECORDED : Document No. 98-144000

SCHEDULE B CONTINUED

5. The land has no recorded access to a public roadway.

-Note:- The Company will not insure or otherwise be liable for any loss or damage by reason of lack of access to and from the land.

END OF SCHEDULE B

SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Commission Award Number 8559-B, Apana 20 to W. C. Lunalilo) situate, lying and being at Papahawale, South Waiehu, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT 2 of the "WAIEHU BEACH LOTS", and thus bounded and described:

Beginning at a one inch pipe in a concrete monument in the southwest corner of this lot the coordinates of which point referred to "LUKE" Triangulation Station being 13,569.6 feet north and 1,176.0 feet east and running by azimuths measured clockwise from the true South:

- | | | | |
|----|----------|-------|---|
| 1. | 165° 30' | 101.3 | feet along Antone Silva's lot to a concrete monument; |
| 2. | 264° 36' | 187.4 | feet along Wailuku Sugar Company's Lot 1 to a concrete monument; |
| 3. | 354° 36' | 100.0 | feet along the Wailuku Sugar Company's road right-of-way to a concrete monument; |
| 4. | 84° 36' | 171.3 | feet along the same to the point of beginning, containing an area of 0.41 acre, more or less. |

SCHEDULE C CONTINUED

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a Utah corporation
sole

GRANTEE : CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH
OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah
corporation sole

DATED : September 2, 1998
RECORDED : Document No. 98-144000

END OF SCHEDULE C

GENERAL NOTES

1. 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.
2. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the name change of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, to THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah nonprofit corporation, effective August 5, 2019.

BUYER(S) LIEN INFORMATION

1. The Company finds no liens docketed against COUNTY OF MAUI, the proposed purchaser(s).

GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
- B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
- C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
- D. If the transaction involves a construction loan, the following is required:
 - (1) a letter confirming that there is no construction prior to recordation; or
 - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from the Company.

- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
- F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
- G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at www.tghawaii.com.
- H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 26, 2025

Mr. Josiah Nishita, Managing Director
Department of Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Nishita:

SUBJECT: BILL 8 (2025), AMENDING THE FISCAL YEAR 2025 BUDGET: APPENDIX A, PART II, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND; AND RESOLUTION 25-53, AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 104A LOWER WAIEHU BEACH ROAD (BFED-22)

At its meeting of February 18, 2025, the Council's Budget, Finance, and Economic Development Committee received testimony in opposition of Bill 8 and Resolution 25-53, questioning the subject property's title.

May I please request your response to the following:

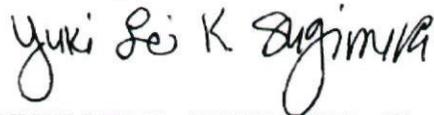
1. Please explain whether the Administration considers the property to have clear title. If not, what is the Administration's plan to investigate the issue.
2. Does the Administration still recommend purchasing the property? Please explain.

May I further request you transmit your response to bfed.committee@mauicounty.us by **March 10, 2025**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. Josiah Nishita
February 26, 2025
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Should you have any questions, please contact me or the Committee staff (Kirsten Szabo at ext. 7662, or Pauline Martins at ext. 8039).

Sincerely,

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura". The signature is written in a cursive style with a large, looped initial "Y".

YUKI LEI K. SUGIMURA, Chair
Budget, Finance, and Economic
Development Committee

bfed:ltr:022amd03:kes

cc: Mayor Richard T. Bissen, Jr.
Deputy Managing Director
Budget Director

BFED Committee

From: Janina E. Agapay <Janina.E.Agapay@co.maui.hi.us>
Sent: Friday, March 14, 2025 12:57 PM
To: BFED Committee
Cc: Cynthia E. Sasada
Subject: Bill 8 (BFED-22) Response
Attachments: Bill 8 (BFED-22) Response.pdf

Aloha,

Please see attached response from Management.

Janina Agapay

County of Maui | Budget Office

Phone: (808) 270-7836

Email: Janina.E.Agapay@co.maui.hi.us