

Resolution

No. 24-126

AUTHORIZING THE ACQUISITION OF THE PARCEL OF LAND
IDENTIFIED AS TAX MAP KEY NO. (2) 2-3-037:026
LOCATED IN KULA, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$950,000.00

WHEREAS, Von Tempsky FP, a Hawaii limited partnership (“Von Tempsky”), is the owner in fee simple of that certain real property located at 4355 Lower Kula Road, Kula, Maui, Hawaii, consisting of approximately 7.043 acres, and identified for real property tax purposes as tax map key number (2) 2-3-037:026 (the “Property”), which is more particularly described in Exhibit “A” and depicted in Exhibit “B,” both of which are attached hereto and incorporated herein by reference; and

WHEREAS, Von Tempsky has expressed a desire to sell the Property to the County of Maui and the parties intend to enter into a Real Property Purchase and Sale Agreement at the agreed to price of NINE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$950,000.00) plus customary expenses; and

WHEREAS, the Director of Finance has determined that acquisition of the Property is in the public interest; and

WHEREAS, Section 3.44.015(C), Maui County Code, requires that the Council authorize by resolution any acquisition of real property with a purchase price that exceeds \$250,000.00; now, therefore,

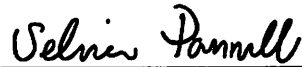
BE IT RESOLVED by the Council of the County of Maui:

1. That the Council finds the acquisition of the Property to be in the public interest; and
2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed NINE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$950,000.00), exclusive of closing costs and expenses; and
3. That it does hereby authorize the Mayor or the Mayor’s duly authorized representative, to execute all necessary documents in connection with the acquisition of the Property; and

Resolution No. 24-126

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks and Recreation, and Von Tempsky FP.

APPROVED AS TO FORM
AND LEGALITY:



SELINA R. PANNELL
Deputy Corporation Counsel
County of Maui

2023-0103
2024-06-21 Reso Auth Von Tempsky Comm Cntr Acquisition.docx

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Greg A. See". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.

EXHIBIT "A"

SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7453, Land Commission Award Number 8452, Apana 21 to Keohokalole) situate, lying and being on the southeasterly side of Lower Kula Road, at Kealahou 3 and 4, Kula, Island and County of Maui, State of Hawaii, and thus bounded and described as per survey dated December 12, 1996, to-wit:

Beginning at a 1/2 inch pipe at the southeasterly corner of this lot, the southeasterly side of Lower Kula Road, the coordinates of which point of beginning referred to Government Survey Triangulation Station "PULEHU" being

7,271.16 feet south
52.30 feet east

and running by azimuths measured clockwise from true South:

- | | | | | |
|----|------|-----|--------|---|
| 1. | 197° | 15' | 598.73 | feet along the southeasterly side of Lower Kula Road to a 1/2 inch pipe; thence |
| 2. | 204° | 58' | 269.48 | feet along same to a 1/2 inch pipe; thence |
| 3. | 316° | 49' | 119.85 | feet along the remaining portion of L. C. Aw. 8452 along Land owned by Robert G. Von Tempsky and Alexa G. Zabriskie to a point at angle in fence line; thence |
| 4. | 310° | 43' | 67.40 | feet along same to a point at angle in fence; thence |
| 5. | 298° | 08' | 203.87 | feet along same to a 1/2 inch pipe at fence corner; thence |
| 6. | 324° | 10' | 167.09 | feet along same to a 1/2 inch pipe at fence corner; thence |
| 7. | 356° | 47' | 180.99 | feet along same to a 1/2 inch pipe; thence |
| 8. | 28° | 56' | 504.76 | feet along same to a 1/2 inch pipe at stonewall; thence |

SCHEDULE C CONTINUED

9. 121° 52' 320.65 feet along Kealahou 1 and 2 along land owned by Louis K. Fernandez to the point of beginning and containing an area of 7.043 acres, more or less.

BEING THE PREMISES ACQUIRED BY COMMISSIONER'S DEED

GRANTOR : BENARD M. HERREN, as Commissioner

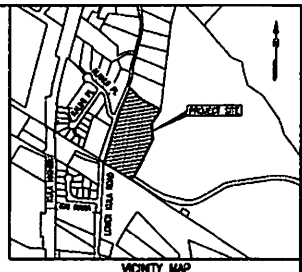
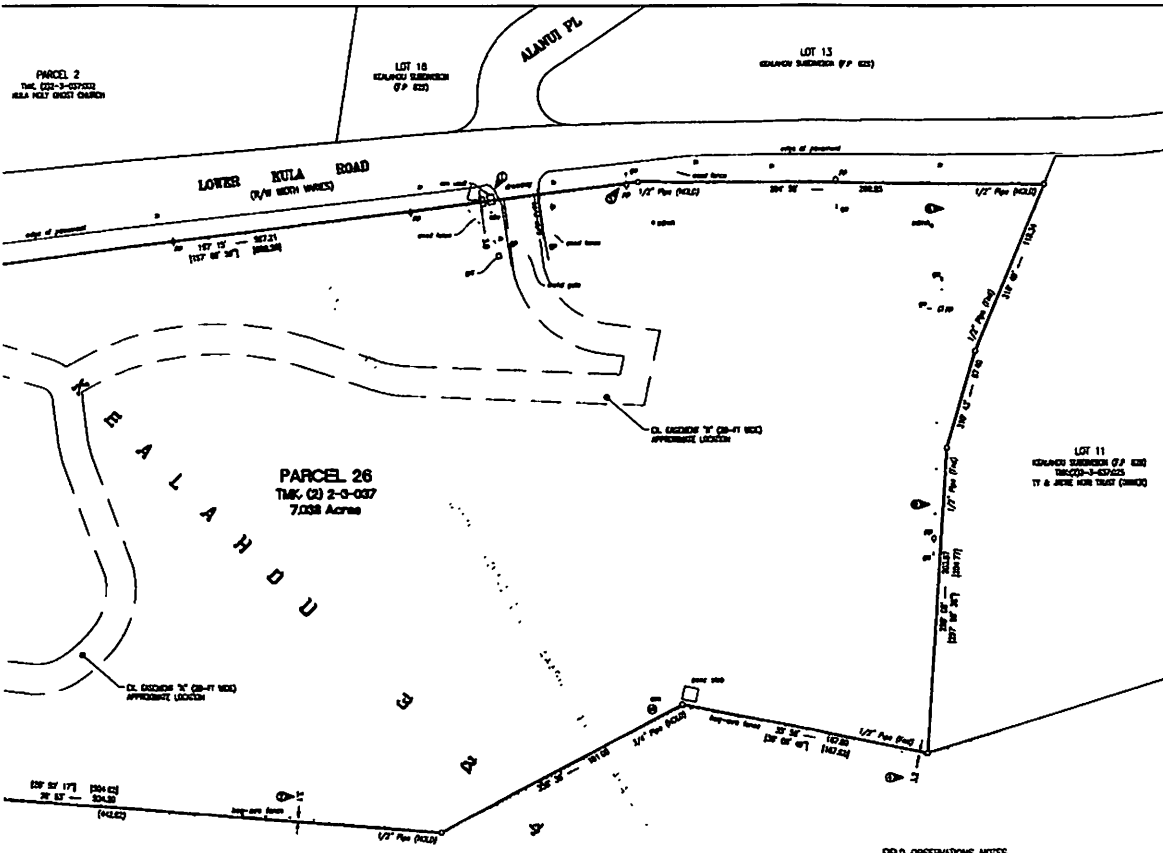
GRANTEE : VON TEMPSKY FP, a Hawaii Limited Partnership

DATED : March 26, 2024

RECORDED : Document No. A-88570183

END OF SCHEDULE C

EXHIBIT "B"



- LEGEND**
- ⊗ 1" WATER
 - ⊗ 2" WATER
 - ⊗ 12" SEWER
 - ⊗ 18" SEWER
 - ⊗ 12" GAS
 - ⊗ 18" GAS

- FIELD OBSERVATIONS NOTES:**
- 1" WATER MAIN ENTERS INTO PROPERTY BY AS MUCH AS 3.0 FEET S.
 - 12" SEWER (CONCRETE) ENTERS INTO PROPERTY BY AS MUCH AS 3.1 FEET S.
 - 18" SEWER (CONCRETE) ENTERS INTO PARCEL 26 OF THE SURVEY BY AS MUCH AS 3.3 FEET S.
 - 12" GAS (CONCRETE) ENTERS INTO LOT 2 OF THE 6 AND 8 VON TEMPEKY TRUST SUBDIVISION BY AS MUCH AS 3.3 FEET S.
 - 18" GAS (CONCRETE) ENTERS INTO LOT 2 OF THE 6 AND 8 VON TEMPEKY TRUST SUBDIVISION BY AS MUCH AS 3.0 FEET S.
 - 12" UTILITY LINES AND UTILITY POLES ALONG LOWER KULA ROAD MONITOR IN AND OUT OF PROPERTY BY AS MUCH AS 3.0 FEET S.
 - 18" UTILITY LINES ENTER INTO PROPERTY ALONG HORNBURY BLVD. ON EACH OF, UNMONITORED.

NOTES:

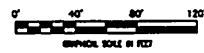
1. 1" (24"-41" wide) FOR ACCESS AND UTILITY PURPOSES AS SHOWN ON MAP AND 2.5' (24"-41" wide) APPROVED ON RECORDS IN 1998 AND GRANTED TO OF AREA AS DOCUMENT NO. 1998-00004, DATED FEBRUARY 11, 2008.

2. 1" (24"-41" wide) ACCESS EASEMENT IN FAVOR OF THE (2) RECORDS IN DOCUMENT NO. 19-10776, (THE SURVEY OF THE AREA) WHICH ARE APPROVED BY MAPS IN BEING, REGISTERED LAND SUBDIVISION, DATED SEPTEMBER 11, 1982 AND 12, 1983.

3. (10'-11" wide) FOR UTILITY PURPOSES IN FAVOR OF HAWAII ELECTRIC AND CITY OF HONOLULU TELEPHONE COMPANY INC. DATED JUNE 4, 1978, LESS SURVEY PAGE 117.

BOUNDARY SURVEY
PARCEL 26 OF TAX MAP KEY (2) 2-3-037
RANDAL AND DORA VON TEMPEKY MEMORIAL PARK SUBDIVISION
 Being a portion of Royal Patent 7453, Land Commission Award 0452,
 Apone 21 to Keohokakalo

SITUATED
 KEALAHOU 3 AND 4, KULA, MAKAWAO, MAUI, HAWAII



ACTION SURVEY
 Action Survey LLC
 P O Box 2883 Honolulu HI 96713
 Office (808) 961-3400 Fax (808) 979-2402
 E-Mail: info@actionsurvey.com
 Website: www.actionsurvey.com



THE WORK WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.
 JUSTIN R. ZOOK
 LICENSED PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER 12178-HAWAII
 EXPIRATION DATE: 4/31/2028