

Resolution

No. 24-191

AUTHORIZING THE ACQUISITION OF A CONDOMINIUM UNIT
IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-001-001-0003
LOCATED IN PUUNENE, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$2,477,550.00

WHEREAS, AB MAUI QUARRIES, LLC, a Delaware limited liability company, is the owner in fee simple of that certain real property located at Puunene, Maui, Hawaii, consisting of approximately 48.82 acres, and identified for real property tax purposes as tax map key number (2) 3-8-001-001-0003 (“Property”), which Property 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, AB MAUI QUARRIES, LLC 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 TWO MILLION FOUR HUNDRED SEVENTY-SEVEN THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS (\$2,477,550.00) plus customary expenses; and

WHEREAS, the Property consists of a condominium unit located on quarried land adjacent to the Central Maui Landfill; and

WHEREAS, the Property has been identified as a suitable location for the permanent disposal site of the August 2023 Maui Wildfires debris, and, separately, municipal solid waste landfilling; 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

Resolution No. 24-191

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 TWO MILLION FOUR HUNDRED SEVENTY-SEVEN THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS (\$2,477,550.00), 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

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and AB MAUI QUARRIES, LLC.

**APPROVED AS TO FORM
AND LEGALITY:**

ANDREW V. NELSON
Deputy Corporation Counsel
County of Maui

2024-0375
2024-03-15 Maui Lani Terraces D-105 PSA Reso.docx

SCHEDULE C

-FIRST:-

Unit No. 3 of the Condominium Project known as "HC&D CONDOMINIUM" as established by Declaration of Condominium Property Regime dated December 14, 2018, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-69220897, and any amendments thereto, and as shown on Condominium Map No. 5875 recorded in said Bureau, and any amendments thereto.

Together with easements appurtenant to said Unit established by and described in the Declaration, including the following:

- (A) Non-exclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of said Unit; in the other common elements for use according to their respective purposes.
- (B) Exclusive easements to use other limited common elements appurtenant thereto designated for its exclusive use by the declaration.

-SECOND:-

An undivided 1.3% interest in all common elements of the Project, and in the land on which the Project is located, as established for Unit by the Declaration, or such other percentage interest as hereinafter established for said Unit by any amendment of the Declaration, as tenant in common with the other owners and tenants thereof.

The lands upon which said Condominium Project "HC&D CONDOMINIUM" is located are described as follows:

-ITEM I:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Puunene, District of Wailuku, Island and County of Maui, State of Hawaii, being REMAINDER (PARCEL 001) of the "HANSEN ROAD REHABILITATION SUBDIVISION", as shown on survey map prepared by Chad T. Kodama, Land Surveyor with Controlpoint Surveying, Inc., dated January 14, 2016, last revised October 4, 2016 and approved by the Department of Public Works on October 31, 2016,

SCHEDULE C CONTINUED

Subdivision File No. 3.2347, bearing Tax Key designation (2) 3-8-001-001, and containing an area of 1,195.171 acres, more or less.

Together with a non-exclusive easement for underground private waterline purposes, as granted by GRANT OF NON-EXCLUSIVE EASEMENT FOR UNDERGROUND WATERLINE PURPOSES dated March 24, 1997, recorded as Document No. 97-116789, more particularly described therein; and subject to the terms and provisions contained therein.

-ITEM II:-

LOT 2-A-2 of the "CENTRAL MAUI SANITARY LANDFILL SUBDIVISION" containing an area of 2,403.70 acres, as shown on Subdivision Map dated May 7, 2007, as revised, approved by the County of Maui on November 7, 2008, Subdivision File Number 3.2203, comprised of the following:

-PARCEL FIRST:-

All of that certain parcel of land situate at Kula, Makawao, Island and County of Maui, State of Hawaii, being the land(s) described in deregistered Transfer Certificate of Title No. 327,306, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-67440535, described as follows:

LOT B, area 49.23 acres, more or less, and
LOT C, area 0.19 acre, more or less,

SECTION 1, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 4 of Kalialinui Plantation Company, Limited, which lot has been deregistered from the Land Court System pursuant to Hawaii Revised Statutes Section 501 Part II.

EXCEPTING AND EXCLUDING Parcel First described herein.

-ITEM III:-

All of that certain parcel of land (being portion of the land described in and covered by Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Wailuku, District of Wailuku, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 3-8-003-021 and containing an area of 28.190 acres, more or less.

SCHEDULE C CONTINUED

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY UNIT DEED WITH
COVENANTS

GRANTOR : ALEXANDER & BALDWIN, LLC, a Delaware limited
liability company

GRANTEE : AB MAUI QUARRIES, LLC, a Delaware limited liability
company, as Tenant in Severalty

DATED : as of November 15, 2023

RECORDED : Document No. A-87190414

END OF SCHEDULE C

INTRODUCED BY:

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

Upon the request of the Mayor.