

Resolution

No. 24-69

AUTHORIZING THE ACQUISITION OF A CONDOMINIUM UNIT
IDENTIFIED AS TAX MAP KEY NO. (2) 4-3-006:004:0065
LOCATED IN LAHAINA, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$430,000.00

WHEREAS, Thomas Dayton Scott and Pia Marie Scott, Trustees under that certain unrecorded Revocable Living Trust Agreement dated April 22, 2008 known as the Thomas and Pia Scott Trust dated April 22, 2008, as amended (“Trust”), are the owners in fee simple of that certain real property located at 3740 Lower Honoapiilani Road, Unit D-105, Lahaina, Maui, Hawaii, consisting of approximately 530 square feet, and identified for real property tax purposes as tax map key number (2) 4-3-006:004:0065 (“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, Thomas Dayton Scott and Pia Marie Scott, Trustees of the Trust, have 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 FOUR HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$430,000.00) plus customary expenses; and

WHEREAS, the Property consists of a condominium unit with one (1) bedroom and one (1) bathroom and is located on the first floor of the Maui Lani Terraces condominium project; and

WHEREAS, the Property has been identified as a suitable location for affordable rental housing for kupuna displaced by the August 2023 Maui Wildfires; 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,

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

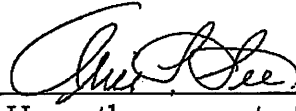
1. That the Council finds the acquisition of the Property to be in the public interest; and
2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed FOUR HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$430,000.00), exclusive 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
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, Thomas Dayton Scott, and Pia Marie Scott.

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

INTRODUCED BY:

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

Upon the request of the Mayor.

Exhibit "A"

-FIRST:-

Apartment No. D-105 of that certain Condominium Project known as "MAUI LANI TERRACES", as established by Declaration of Condominium Property Regime dated October 31, 1990, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-179073, and shown on Condominium Map No. 1408 and any amendments thereto.

Together with appurtenant easements as follows:

- (A) An exclusive easement to use the parking space(s) assigned to the Apartment by the Declaration as now or hereafter amended, and as shown in the Declaration, as amended.
- (B) Non-exclusive easements in the common elements designed for such purposes as ingress and egress, and the transmission of utility services for the Apartment, in the other common elements for use according to their respective purposes.
- (C) All other easements, rights and privileges described in the Declaration as being appurtenant to the Apartment.

-SECOND:-

An undivided 0.6743% interest in all common elements of the Project as established for the Apartment by the Declaration, as amended, as tenant in common with the other owners and tenants thereof.

The land upon which said Condominium Project "MAUI LANI TERRACES" is located is described as follows:

All of that certain parcel of land (being a portion of the land(s) described in and covered by Royal Patent Number 415, Land Commission Award Number 75 to Charles Cockett) situate, lying and being on the easterly side of Lower Honoapiilani Road, at Mahinahina 4, (Kaanapali), Lahaina, Island and County of Maui, State of Hawaii, being LOT 1-A of the "POINCIANA PLACE SUBDIVISION", and containing an area of 179,350 square feet or 4.117 acres, more or less.

Together with an easement (10.00 feet wide) for drainage purposes over and across Lot 1, Hale Royale Apartments Subdivision (TMK: 4-3-06:5), as set forth in Grant dated November 4, 1980, recorded in Liber 15212

at Page 658, and containing an area of 3,267 square feet, more or less.

Together also with an irrevocable, non-exclusive easement over, across and through Easement "A" (24 feet wide, area 3,836 square feet) for roadway and utility purposes, Easement "C" (area 26 square feet) for drainage purposes, and Easement "D" (area 752 square feet) for utility purposes, as described in instrument dated October 17, 1988, recorded in Liber 22496 at Page 728.

Said parcels of land being more particularly described in Declaration of Condominium Property Regime dated October 31, 1990, recorded in said Bureau of Conveyances as Document No. 90-179073, as amended.

BEING THE PREMISES ACQUIRED BY QUITCLAIM APARTMENT DEED

GRANTOR : THOMAS D. SCOTT and PIA SCOTT, husband and wife

GRANTEE : THOMAS DAYTON SCOTT and PIA MARIE SCOTT, Co-Trustees of the Thomas and Pia Scott Revocable Trust under instrument dated April 22, 2008, with full powers to sell, mortgage, lease or otherwise deal with the land

DATED : February 12, 2015

RECORDED : Document No. A-55330730

Maui Lani Terraces

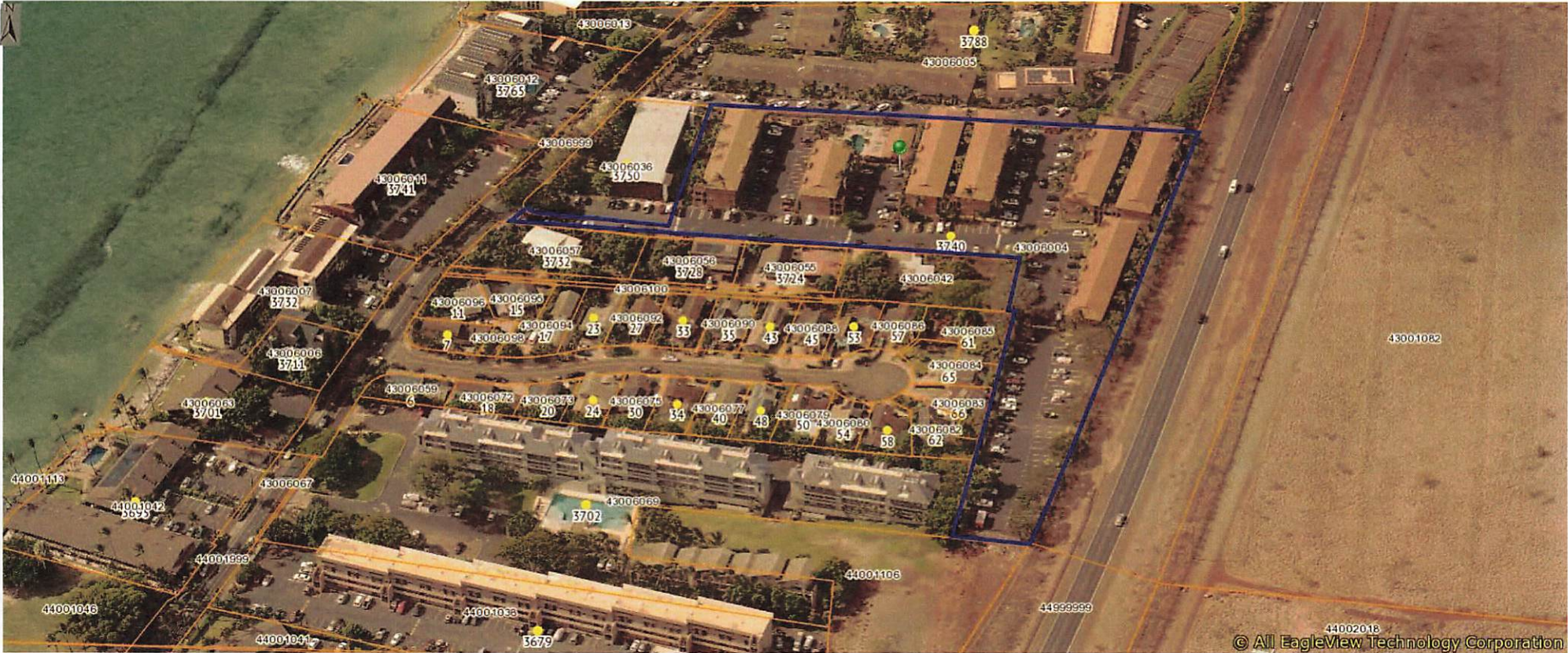


EXHIBIT "B"