

REQUEST FOR LEGAL SERVICES

Date: February 10, 2025
From: Tom Cook, Chair
Water and Infrastructure Committee

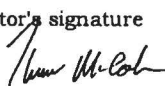
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: RESOLUTION 25-21, AUTHORIZING THE ACQUISITION OF REAL PROPERTY CONSISTING OF 1.811 ACRES IDENTIFIED AS TAX MAP KEY (2) 2-3-005-004 SITUATED AT 'ŌMA'OPIO, KULA, MAKAWAO, MAUI, HAWAI'I, FOR AN AMOUNT NOT TO EXCEED \$451,561 (WAI-2)

Background Data: Please see the proposed CD1 version of Resolution 25-21. Please submit your response to wai.committee@mauicounty.us with a reference to WAI-2.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Tom Cook, Chair	Contact Person <u>Keone J. Hurdle or Carla Nakata</u> (Telephone Extension: <u>7659 or 5519 respectively</u>)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 14, 2025

REASON: For posting on the February 25, 2025, WAI Committee agenda.

FOR CORPORATION COUNSEL'S RESPONSE

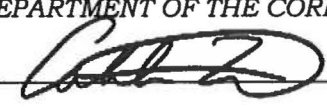
ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☒ [X] APPROVED ☐ [] DISAPPROVED ☐ [] OTHER (SEE COMMENTS BELOW)
☐ [] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 2/11/25

By 

(Rev. 7/03)

wai:ltr:002acc01:kjh

Attachment

Resolution

No. 25-21, CD1

AUTHORIZING THE ACQUISITION OF 1.811 ACRES OF REAL PROPERTY IDENTIFIED AS A PORTION OF TAX MAP KEY (2) 2-3-005:004; A WATERLINE EASEMENT ACROSS TAX MAP KEYS (2) 2-3-004:016, (2) 2-3-004:020, AND (2) 2-3-005:004; AND AN ACCESS EASEMENT ACROSS TAX MAP KEYS (2) 2-3-004:016 AND (2) 2-3-005:004, 'ŌMA'OPIO, KULA, MAKAWAO, MAUI, HAWAI'I, FOR \$451,561

WHEREAS, Haleakala Ranch Company, a Hawai'i corporation, is the owner in fee simple interest of Lot 1B of the Kahakapao Reservoir Subdivision, 'Ōma'opio, Kula, Makawao, Maui, Hawai'i, comprising 1.811 acres, identified for real property tax purposes as a portion of tax map key (2) 2-3-005:004, described in the attached Exhibit "A" and depicted in the attached Exhibit "B"; and

WHEREAS, a 2-million-gallon concrete water storage tank, known as the 'Ōma'opio tank, is sited on the 1.811 acres; and

WHEREAS, Haleakala Ranch Company expressed a desire to sell the 1.811 acres to the County of Maui; and

WHEREAS, the appraised value for the 1.811 acres is \$450,000; and

WHEREAS, a nonexclusive waterline easement and a nonexclusive access easement are needed to properly tie in and access the 'Ōma'opio tank on the 1.811 acres; and

WHEREAS, the waterline easement comprises 0.225 acre and traverses tax map keys (2) 2-3-004:016, (2) 2-3-004:020, and (2) 2-3-005:004, described in the attached Exhibit "C" and depicted in the attached Exhibit "E"; and

WHEREAS, tax map key (2) 2-3-004:020 is owned by the County, but its ownership will revert to Haleakala Ranch Company as part of the Real Property Purchase and Sale Agreement contemplated by this Resolution; and

WHEREAS, the access easement comprises 0.770 acre and traverses tax map keys (2) 2-3-004:016 and (2) 2-3-005:004, as described in Exhibit "D" and depicted in Exhibit "F"; and

Resolution No. _____

WHEREAS, the waterline easement and access easement have an appraised value of \$1,561; and

WHEREAS, the parties intend to enter into a Real Property Purchase and Sale Agreement for the 1.811 acres and the waterline and access easements at the agreed-upon price of \$451,561, exclusive of closing costs and expenses; and

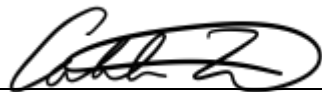
WHEREAS, the Director of Finance has determined that acquisition of the 1.811 acres and the waterline and access easements is in the public interest; and

WHEREAS, Subsection 3.44.015(C), Maui County Code, requires that the Council authorize by resolution an acquisition of real property with a purchase price that exceeds \$250,000; now, therefore,

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

1. That in accordance with Subsection 3.44.015(B), Maui County Code, the Council finds the acquisition of the 1.811 acres and the waterline and access easements to be in the public interest;
2. That in accordance with Subsection 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the 1.811 acres and the waterline and access easements for \$451,561, exclusive of closing costs and expenses;
3. That it authorizes the Mayor to execute all necessary documents in connection with the acquisition of the 1.811 acres and the waterline and access easements; and
4. That certified copies of this Resolution be transmitted to the Mayor, Director of Finance, Director of Public Works, and President of Haleakala Ranch Company.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

wai:misc:002areso01

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Upon the request of the Mayor.

EXHIBIT "A"- LOT 1B LEGAL DESCRIPTION

KAHAKAPAO RESERVOIR SUBDIVISION

LOT 1B

Being a portion of R. P. Grant 3515 to Haleakala Ranch Company

Situated at Omaopio, Kula, Makawao, Maui, Hawaii

Beginning at the Southwest corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PANE" being 10,227.57 feet South and 7,490.43 feet East and running by azimuths measured clockwise from true South:

1. Along Lot 1A of Kahakapao Reservoir Subdivision, on a curve to the right with a radius of 10.00 feet, the chord azimuth and distance being:

175° 30' 30" 17.90 feet;
2. Thence along same, on a curve to the left with a radius of 65.00 feet, the chord azimuth and distance being:

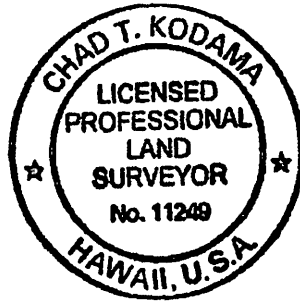
229° 52' 20.67 feet;
3. 220° 43' 38.00 feet along Lot 1A of Kahakapao Reservoir Subdivision;
4. 130° 43' 15.00 feet along same;
5. 190° 00' 198.00 feet along same;
6. 231° 00' 147.10 feet along same;
7. 303° 30' 189.06 feet along same;
8. 0° 00' 88.00 feet along same;
9. 46° 15' 182.00 feet along same;
10. 54° 00' 38.40 feet along same;
11. 44° 15' 44.00 feet along same;

12. Thence along same, on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

76° 52' 30" 48.52 feet;

13. 22° 00' 11.00 feet along Lot 1A of Kahakapao Reservoir Subdivision;

14. 112° 00' 96.60 feet along same to the point of beginning and containing an area of 1.811 acres.

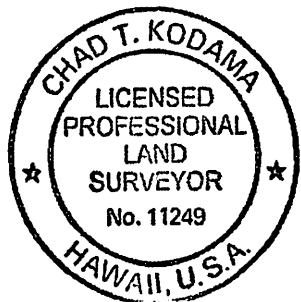
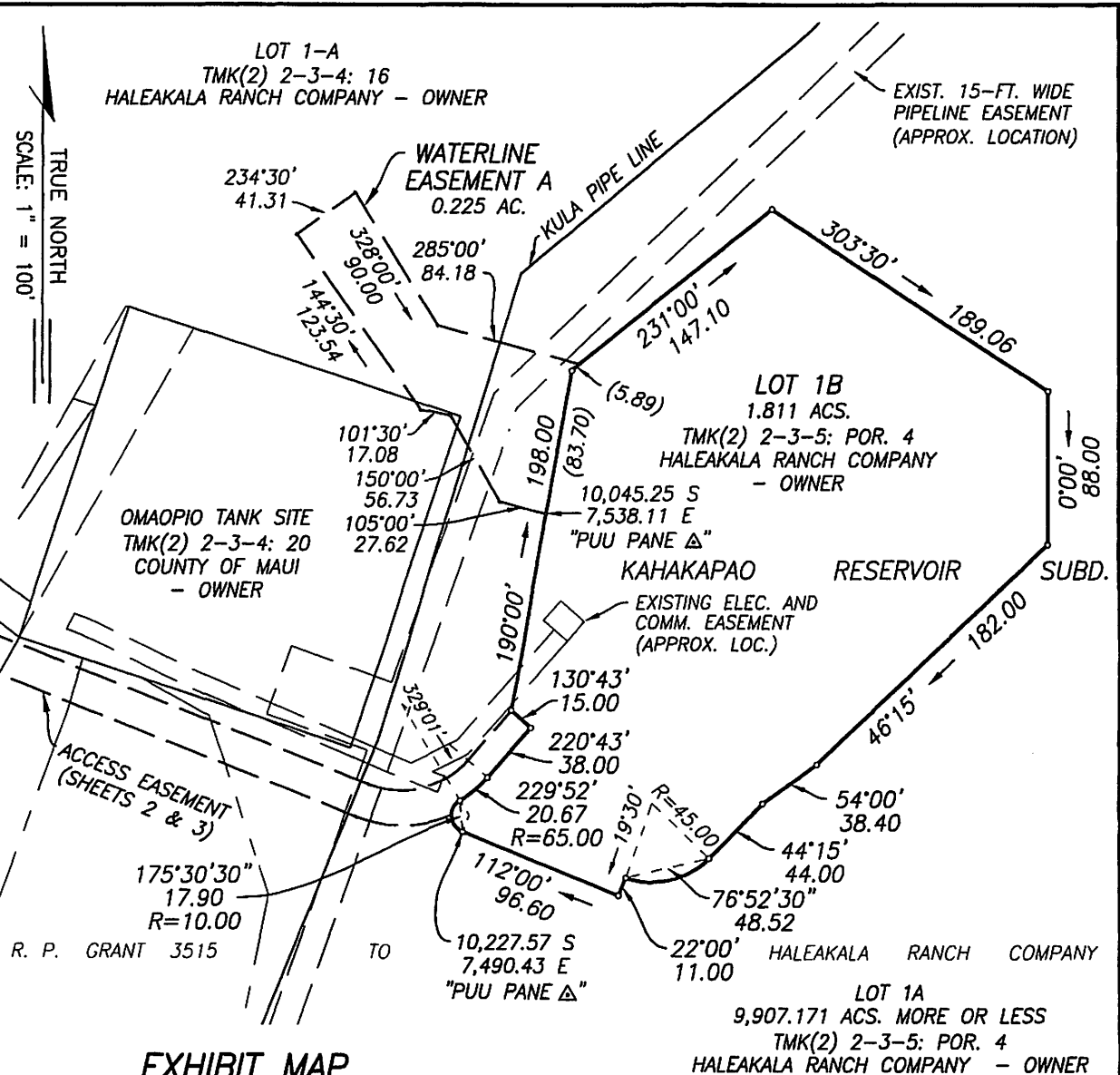
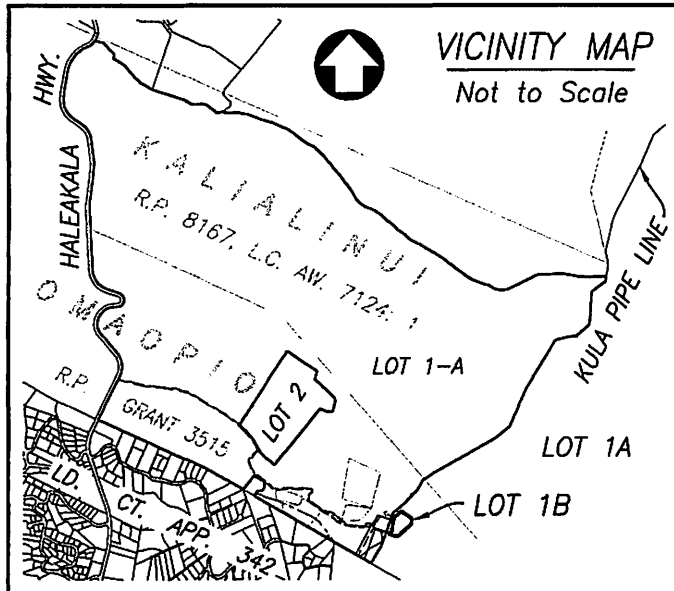


August 6, 2019
Honolulu, Hawaii
Tax Map Key: (2) 2-3-5: 4

A handwritten signature in cursive script that reads "Chad T. Kodama".

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2020

EXHIBIT "B" - LOT 1B MAP



This work was prepared by me or under my direct supervision

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires 4/30/2020

EXHIBIT MAP LOT 1B OF KAHAKAPAO RESERVOIR SUBDIVISION

BEING A PORTION OF R. P. GRANT 3515
TO HALEAKALA RANCH COMPANY
OMAPIO, KULA, MAKAWAO, MAUI, HAWAII

DATE: FEBRUARY 27, 2020

NOTES:

1. Azimuths and coordinates referred to Government Triangulation Station "PUU PANE".
2. Waterline Easement A to be in favor of the County of Maui.



KAHAKAPAO RESERVOIR SUBDIVISION

Waterline Easement A

Affecting Lot 1A of Kahakapao Reservoir Subdivision, Lot 1-A of Haleakala Ranch - II Large Lot Subdivision, and Parcel 20 of T.M.K. (2) 2-3-4 (Omaopio Tank Site)

Being a portion of R. P. Grant 3515 to Haleakala Ranch Company

Situated at Omaopio, Kula, Makawao, Maui, Hawaii

Beginning at the Southeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PANE" being 10,045.25 feet South and 7,538.11 feet East and running by azimuths measured clockwise from true South:

- | | | |
|----|----------|--|
| 1. | 105° 00' | 27.62 feet along the remainder of Lot 1A of Kahakapao Reservoir Subdivision; |
| 2. | 150° 00' | 56.73 feet along same, along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision, along the remainder of Parcel 20 of T.M.K. (2) 2-3-4 (Omaopio Tank Site); |
| 3. | 101° 30' | 17.08 feet along the remainder of Parcel 20 of T.M.K. (2) 2-3-4 (Omaopio Tank Site); |
| 4. | 144° 30' | 123.54 feet along same, along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision; |
| 5. | 234° 30' | 41.31 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision; |
| 6. | 328° 00' | 90.00 feet along same; |
| 7. | 285° 00' | 84.18 feet along same, along the remainder of Lot 1A of Kahakapao Reservoir Subdivision; |

8. 51° 00'

5.89 feet along Lot 1B of Kahakapao Reservoir Subdivision;

9. 10° 00'

83.70 feet along same to the point of beginning and containing
an area of 0.225 acres or 9,810 sq. ft.



August 6, 2019
Honolulu, Hawaii
Tax Map Key: (2) 2-3-4: 16 & 20, 2-3-5: 4

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2020

KAHAKAPAO RESERVOIR SUBDIVISION

Access Easement

Affecting Lot 1A of Kahakapao Reservoir Subdivision and Lot 1-A of Haleakala Ranch - II Large Lot Subdivision

Being a portion of R. P. Grant 3515 to Haleakala Ranch Company

Situated at Omaopio, Kula, Makawao, Maui, Hawaii

Beginning at the East corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PANE" being 10,167.60 feet South and 7,529.62 feet East and running by azimuths measured clockwise from true South:

1. 40° 43' 38.00 feet along Lot 1B of Kahakapao Reservoir Subdivision;
2. Thence along same, on a curve to the right with a radius of 65.00 feet, the chord azimuth and distance being:

 49° 52' 20.67 feet;
3. Thence along same, on a curve to the left with a radius of 10.00 feet, the chord azimuth and distance being:

 30° 42' 30" 9.48 feet;
4. Thence along the remainder of Lot 1A of Kahakapao Reservoir Subdivision, on a curve to the right with a radius of 70.00 feet, the chord azimuth and distance being:

 88° 46' 05" 54.47 feet;
5. 111° 40' 242.00 feet along the remainder of Lot 1A of Kahakapao Reservoir Subdivision, along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
6. Thence along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision, on a curve to the left with a radius of 190.00 feet, the chord azimuth and distance being:

 98° 55' 83.87 feet;
7. 86° 10' 121.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;

8. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 350.00 feet, the chord azimuth and distance being:
- 96° 35' 126.56 feet;
9. 107° 00' 167.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
10. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 210.00 feet, the chord azimuth and distance being:
- 119° 30' 90.91 feet;
11. 132° 00' 42.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
12. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 460.00 feet, the chord azimuth and distance being:
- 124° 20' 122.74 feet;
13. 116° 40' 49.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
14. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 210.00 feet, the chord azimuth and distance being:
- 120° 50' 30.52 feet;
15. 125° 00' 250.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
16. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 90.00 feet, the chord azimuth and distance being:
- 175° 49' 139.52 feet;
17. 226° 38' 45.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;

18. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
- 192° 41' 08" 22.34 feet;
19. Thence along same, on a curve to the left with a radius of 35.00 feet, the chord azimuth and distance being:
- 138° 00' 38" 24.77 feet;
20. 217° 00' 20.18 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
21. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 55.00 feet, the chord azimuth and distance being:
- 319° 47' 08" 35.73 feet;
22. Thence along same, on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being:
- 12° 41' 08" 44.68 feet;
23. 46° 38' 45.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
24. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 70.00 feet, the chord azimuth and distance being:
- 355° 49' 108.52 feet;
25. 305° 00' 250.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
26. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 190.00 feet, the chord azimuth and distance being:
- 300° 50' 27.61 feet;

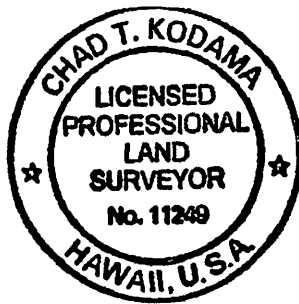
27. 296° 40' 49.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
28. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 480.00 feet, the chord azimuth and distance being:
- 304° 20' 128.07 feet;
29. 312° 00' 42.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
30. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 190.00 feet, the chord azimuth and distance being:
- 299° 30' 82.25 feet;
31. 287° 00' 167.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
32. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the left with a radius of 330.00 feet, the chord azimuth and distance being:
- 276° 35' 119.33 feet;
33. 266° 10' 121.50 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision;
34. Thence along the remainder of Lot 1-A of Haleakala Ranch – II Large Lot Subdivision, on a curve to the right with a radius of 210.00 feet, the chord azimuth and distance being:
- 278° 55' 92.69 feet;
35. 291° 40' 242.00 feet along the remainder of Lot 1-A of Haleakala Ranch - II Large Lot Subdivision, along the remainder of Lot 1A of Kahakapao Reservoir Subdivision;
36. Thence along the remainder of Lot 1A of Kahakapao Reservoir Subdivision, on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being:
- 256° 11' 30" 58.04 feet;

37. 220° 43'

38.00 feet the remainder of Lot 1A of Kahakapao Reservoir Subdivision;

38. 310° 43'

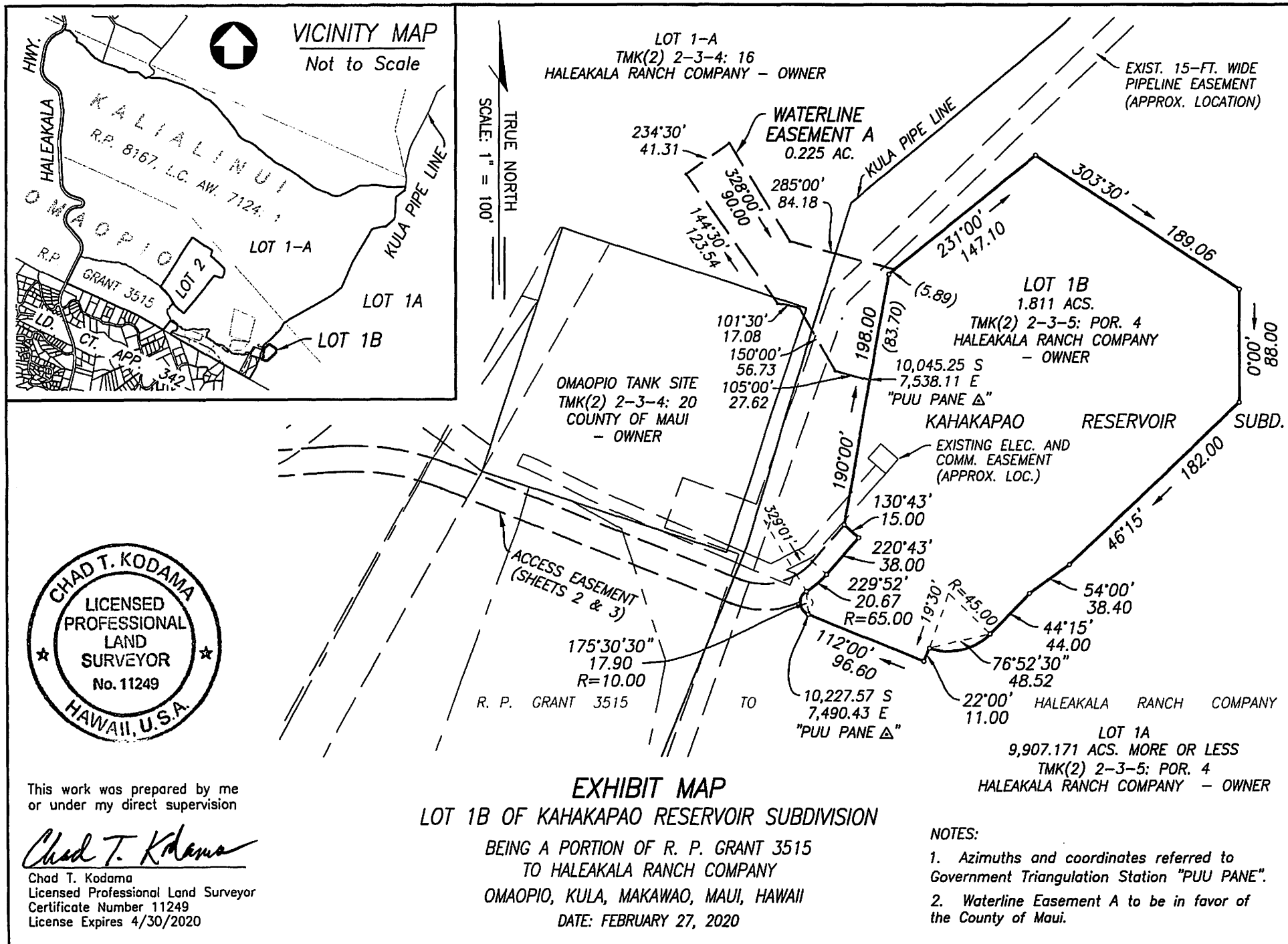
15.00 feet along Lot 1B of Kahakapao Reservoir Subdivision to the point of beginning and containing an area of 0.770 acres.

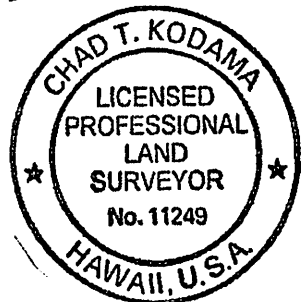
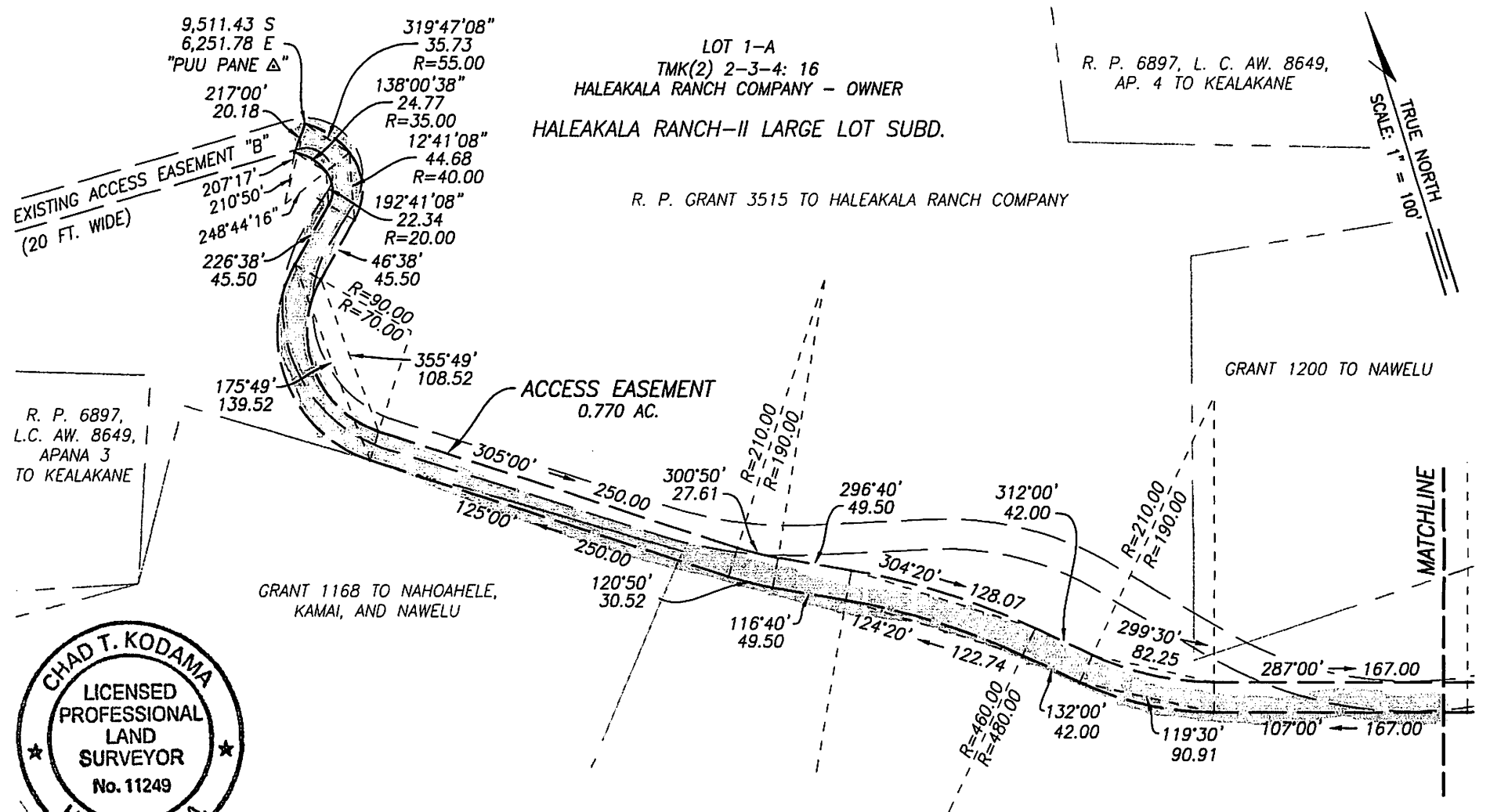


August 6, 2019
Honolulu, Hawaii
Tax Map Key: (2) 2-3-4: 16 & 2-3-5: 4

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2020





This work was prepared by me
or under my direct supervision

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires 4/30/2020

EXHIBIT MAP ACCESS EASEMENT

AFFECTING LOT 1A OF KAHAKAPAO RESERVOIR SUBDIVISION AND
LOT 1-A OF HALEAKALA RANCH-II LARGE LOT SUBDIVISION

BEING PORTIONS OF R. P. GRANT 3515 TO HALEAKALA RANCH
COMPANY AND GRANT 1168 TO NAHOAHELE, KAMAI, AND NAWELU

OMAOPIO, KULA, MAKAWAO, MAUI, HAWAII

DATE: FEBRUARY 27, 2020

NOTES:

1. Azimuths and coordinates referred to Government Triangulation Station "PUU PANE".
2. Access Easement (20 ft. wide) to be in favor of the County of Maui.



