

Resolution

No. 23-232

**AUTHORIZING THE ACQUISITION OF APPROXIMATELY 658 SQUARE
FEET IDENTIFIED AS TAX MAP KEY NO. (2) 4-3-006-036-0024
SITUATED AT LAHAINA, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$490,000.00**

WHEREAS, Terry Hubert Trout and Charlene Ruth Trout, husband and wife, ("Owner"), are the owners in fee simple of that certain real property located at 3750 Lower Honoapiilani Road, Unit 304, Lahaina, Maui, Hawaii, consisting of approximately 658 square feet, and identified for real property tax purposes as tax map key number (2) 4-3-006-036-0024, ("Property"), which Property is more particularly described in Exhibit "A," and depicted in Exhibit "B" attached hereto, both of which are incorporated herein by reference; and

WHEREAS, Property consists of one (1) bedroom and one (1) bathroom and is located on the second floor of the Leinani Apartments condominium complex; 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, Terry Hubert Trout and Charlene Ruth Trout 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 NINETY THOUSAND DOLLARS AND NO/100 DOLLARS (\$490,000.00) 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; and

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

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2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Properties for an amount not to exceed FOUR HUNDRED NINETY THOUSAND DOLLARS AND NO/100 DOLLARS (\$490,000.00), 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, and Terry Hubert Trout and Charlene Ruth Trout.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read "Kristina C. Toshikiyo", is written over a horizontal line.

KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui

2023-1787
2023-11-09 Reso 3750 L. Honoapiilani Rd Apt 304

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Charles Lee", is written over a horizontal line.

Upon the request of the Mayor.

-FIRST:-

An undivided 3.111% interest, to be held as tenant in common with Leinani Apartments, Inc, its successors and assigns, and the holders from time to time of other undivided interests, in and to the land described herein.

-SECOND:-

An undivided 3.111% interest, to be held as tenant in common with Leinani Apartments, Inc., its successors and assigns, and the holders from time to time of other undivided interests, in and to all the common elements of the buildings and improvements now located and hereafter to be constructed on said land, including specifically but without limitation of the generality of the foregoing that certain building known as the "LEINANI APARTMENTS, UNIT 1".

-THIRD:-

Apartment No. 304 on the third floor of said "LEINANI APARTMENTS, UNIT 1", as established by Declaration of Horizontal Property Regime dated February 23, 1970, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 6909 at Page 304, as amended, as shown on Condominium Map No. 161, and Parking Space(s), if any as shown on said Declaration, as amended.

-FOURTH:-

The right of ingress to and egress from the Apartment and the right to use for all proper purposes, in common with the Leinani Apartments, Inc., its successors and assigns, and all other occupants, from time to time of any and all portions of said Apartment Building, the roads, sidewalks, yard, and other common ways on said land, and the hallways, stairways and other passageways, lobbies, and other public portions and equipment of said Building, hereinafter referred to as "common elements".

The land upon which said Condominium Project "LEINANI APARTMENTS, UNIT 1" is located is described as follows:

EXHIBIT "A"

All of that certain parcel of land (portion of the land described in and covered by Royal Patent Number 415, Land Commission Award Number 75 to Charles Cockett) situate, lying and being at Mahinahina 4, Kaanapali, District of Lahaina, Island and County of Maui, State of Hawaii, being LOT 2 of the "LEINANI SUBDIVISION", being the consolidation and re-subdivision of Lots 1 and 2, and containing an area of 28,315 square feet, more or less.

Said parcel being more fully described in Declaration of Horizontal Property Regime dated February 25, 1970, recorded in said Bureau of Conveyances in Liber 6909 at Page 304, as amended.

Together with an undivided 3.111 percentage interest in and to the irrevocable, and exclusive easements over, through, across and upon those areas known as Easements "B" and "E", as granted by instrument dated October 17, 1988, recorded in Liber 22496 at Page 728, and more particularly described therein.

Together, also, with certain rights to use the swimming pool, laundry facility, electrical transformers and water meter located on Lot 1, as granted by instrument dated October 17, 1988, recorded in Liber 22496 at Page 728.

Leinani Apartments



EXHIBIT "B"

08/10/2021