

REQUEST FOR LEGAL SERVICES

Date: February 12, 2025
From: Tamara Paltin, Chair
Disaster Recovery, International Affairs, and Planning Committee

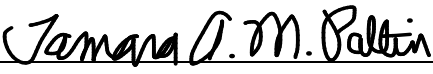
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: RESOLUTION 25-49, AUTHORIZING THE ACQUISITION OF LAND AT LIMA HANA PLACE, LAHAINA, MAUI (DRIP-8)

Background Data: Please see revised resolution. Please also confirm the owner's name is correctly identified in the attached proposed CD1 version, per the attached Warranty Deed dated November 9, 2024. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-8.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 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)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 18, 2025
REASON: For consideration at the DRIP Committee meeting of February 19, 2025.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: 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 _____

By _____

(Rev. 7/03)

Resolution

No. 25-49, CD1

AUTHORIZING THE ACQUISITION OF 24,018
SQUARE FEET OF PROPERTY IDENTIFIED AS
TAX MAP KEY (2) 4-5-007:028, LAHAINA, MAUI,
HAWAII, FOR AN AMOUNT NOT TO EXCEED
\$1,700,000

WHEREAS, Pamela L. Hall, Trustee of The Jay R. Moore Trust dated June 1, 1995, as amended (“Owner”), is the owner in fee simple of that certain real property located at 968 Limahana Place, Lahaina, Maui, Hawai‘i, comprising 24,018 square feet, identified for real property tax purposes as tax map key (2) 4-5-007:028 (“Property”), described in the attached Exhibit “A,” and depicted in the attached Exhibit “B”; and

WHEREAS, Owner 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-upon price of \$1,700,000, exclusive of closing costs and expenses; and

WHEREAS, the Director of Finance has determined that the Property’s acquisition 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 the Council finds the Property’s acquisition to be in the public interest;
2. That under Subsection 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed \$1,700,000, exclusive of closing costs and expenses;
3. That it authorizes the Mayor to execute all necessary documents in connection with the Property’s acquisition; and

Resolution No. 25-49, CD1

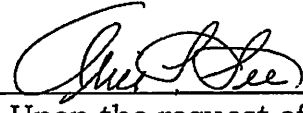
4. That certified copies of this Resolution be transmitted to the Mayor; Director of Finance; and Pamela L. Hall, Trustee of The Jay R. Moore Trust dated June 1, 1995, as amended.

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
County of Maui

drip:misc:008areso01:jpp

INTRODUCED BY:

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

Upon the request of the Mayor.

SCHEDULE C

All of that certain parcel of land situate at Hanakao, District of Lahaina, Island and County of Maui, State of Hawaii, being LOT 15 of the "WILI KO SUBDIVISION", as shown on File Plan Number [1144](#), filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 24,018 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : MAUI TRANS-PACIFIC PROPERTIES, INC., a Hawaii corporation

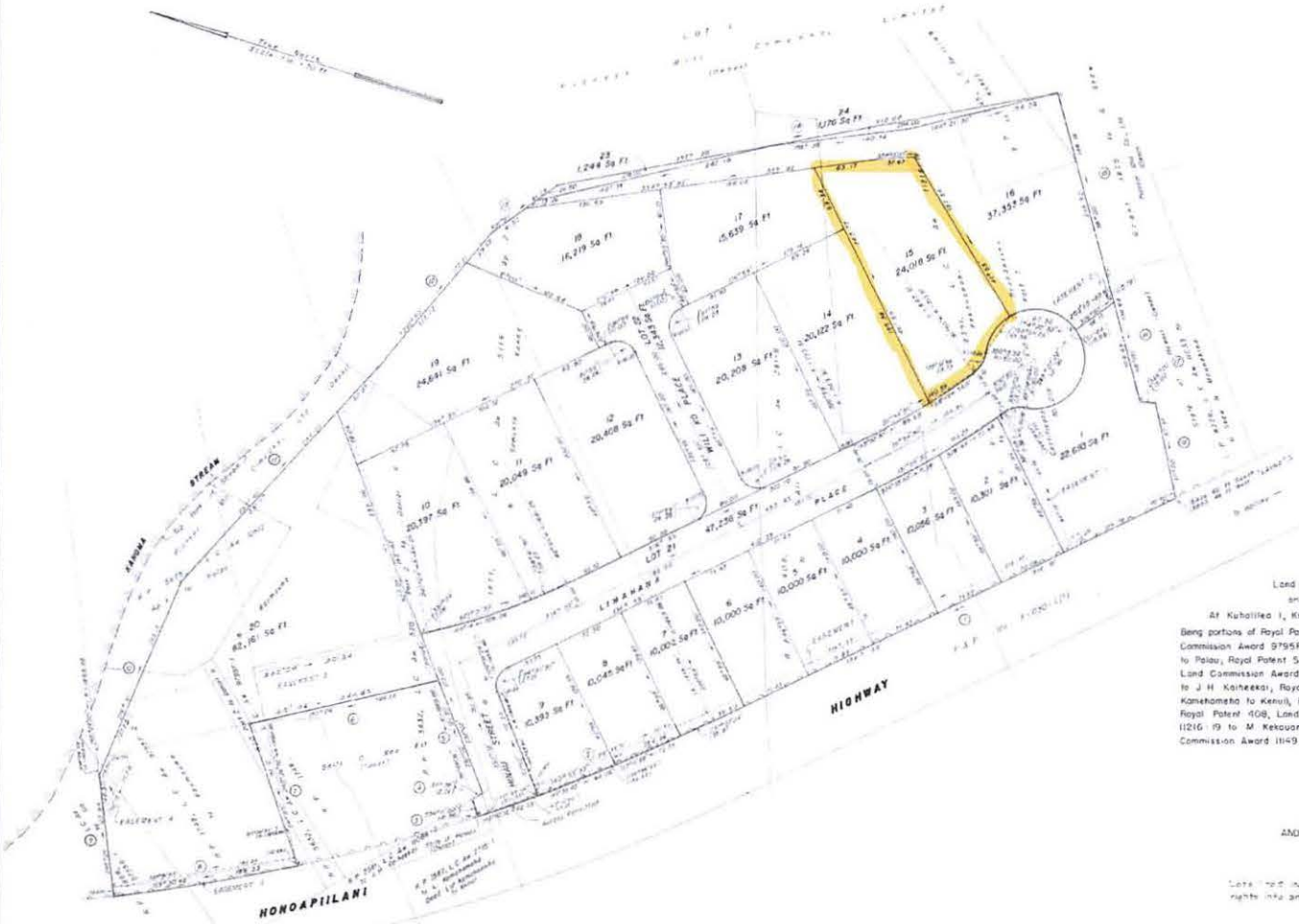
GRANTEE : PAMELA L. HALL, Trustee of The Jay R. Moore Trust dated June 1, 1995, as amended, with full powers to sell, mortgage, lease or otherwise deal with the land

DATED : November 9, 2024

RECORDED : Document No. [A-9088000666](#)

END OF SCHEDULE C

Exhibit "A"



WILI KO SUBDIVISION

Land situated on the northeastern side of Honoapilani Highway and on the southern side of Mahama Stream at Kahaione 1, Kahaione 2, Aupokopoko, Nakaioke, Hanakoa, Laheina, Moli, Hawaii being portions of Royal Patent 1868, Land Commission Award 9795G 1 to Ua; Royal Patent 1748, Land Commission Award 9795F 2 to Kaunama; Royal Patent 5675, Land Commission Award 10612, Apuna 1 to Palau, Royal Patent 5632, Land Commission Award 520, Part 2 to Daniel S; Royal Patent 1748, Land Commission Award 9795F 1 to Kaunama, Royal Patent 3581, Land Commission Award 11086 2 to J. H. Kaiheka, Royal Patent 2567, Land Commission Award 7715 1 to L. Kanehameha, Deed Lot Kanehameha to Keolu, Royal Patent 1871, Land Commission Award 5116, Apuna 2 to Samuela Kame, Royal Patent 1408, Land Commission Award 281-B to Ali; Land Patent 8391, Land Commission Award 11216 19 to M. Kekouanohi; Certificate of Boundaries No. 216 Part II, Royal Patent 1745, Land Commission Award 1149 to Kahaio, and Grant 1875 to S. Shaw.

Owner - An-Fac, Inc.
Address - Lahana, Maui, Hawaii

SUBDIVIDED INTO LOTS 1 TO 24 INCLUSIVE
AND DESIGNATION OF EASEMENTS 1 TO 6 INCLUSIVE

TOTAL AREA=10.714 ACRES

Lots 1 and 2 inclusive, Lots 20 and 21 are subject to restriction of access rights into and from Honoapilani Highway, General And Project No. K-10-001-01. The map is made in accordance with the ground and mathematical conditions, but not on the ground and the same is prepared in accordance with Section 216(a) of the Hawaii Revised Statutes, Honolulu, Hawaii, on the date July 1970 and may be checked by the State Surveyor with his field book under File No. 1144-Sub-Plan.

208 MAIN STREET
WAILUKU, MAUI, HAWAII
SEPTEMBER 19, 1969



NORMAN W. SAITO, ENGINEERING CONSULTANTS, INC.
BY: [Signature] Registered Professional Land Surveyor Certificate Number 1882 1

I have certified that the description of survey and map herein was made, examined and checked as to form and mathematical correctness, but not on the ground and the same is prepared in accordance with Section 216(a) of the Hawaii Revised Statutes, Honolulu, Hawaii, on the date March 20, 1969.

[Signature]
State Land Surveyor

State of Hawaii
OFFICE OF
MAYOR OF CONVEYANCES
Received for Filing this 30th day of
March, A.D. 1970 and the same
is hereby returned to the
owner.
[Signature]
Deputy Director of Conveyances

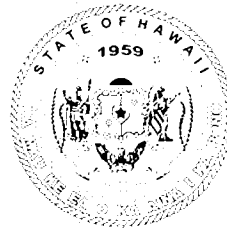
APPROVED
[Signature]
Deputy Director of Conveyances

- AREA OF EASEMENTS:**
- EASEMENT 1 (10.00 feet wide) for power purposes over and across Lot 1 = 1,527 Sq. Ft.
 - EASEMENT 2 (10.00 feet wide) for water pipeline purposes over and across Lot 16 = 504 Sq. Ft.
 - EASEMENT 3 (150.00 feet wide) for road and utility purposes over and across Lot 20 = 16,051 Sq. Ft.
 - EASEMENT 4 (20.00 feet wide) for drainage purposes affecting Lot 20 = 105 Sq. Ft.
 - EASEMENT 5 (10.00 feet wide) for landscaping purposes over and across Lots 1 to 9 inclusive = 7,105 Sq. Ft.
 - EASEMENT 6 (10.00 feet wide) for landscaping purposes over and across Lot 20 = 1,884 Sq. Ft.

NOTE:
Figures within this () indicate number of courses in description.
Center of adjoining lands as shown in plan are from records in the Top Mean Stream.
All corners marked by posts unless otherwise noted.
[Symbol] = 3/4" diameter galvanized iron pipe driven.
[Symbol] = 1/4" diameter galvanized iron pipe driven.

Exhibit "B"

NOTES AND BOUNDARY DESCRIPTION
RECORDED IN LISSEN BOOK 274 PAGE 289-290



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

November 18, 2024 12:59 PM
Doc No(s) A - 9088000666

Doc 1 of 1
Pkg 12457295 SKC

/s/ BESS PALMA (ACTING)
REGISTRAR

Conveyance Tax: \$750.00

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY MAIL (X) PICKUP () TO:

**PAMELA L HALL
991 W McKEVER LANE
WASHOUGAL WA 98671**

Total Pages: 4

TMK: (2) 4-5-007-028
968 Limahana Pl., Lahaina, HI

Liber: 16944 Page: 670

WARRANTY DEED

Grantor: **MAUI TRANS-PACIFIC PROPERTIES, INC.**, a Hawaii corporation

Grantee: **PAMELA L. HALL**, Trustee of **THE JAY R. MOORE TRUST** dated June 1, 1995, as amended, *which Trustee is empowered to hold, develop, lease, assign, convey, sell, encumber and/or otherwise deal with real property pursuant to those certain trust powers more particularly set forth in said Trust*

Grantee's Address: 991 W. McKever Lane, Washougal, Washington 98671

Grantee's Tenancy: IN TRUST

Subject Property: LOT 15 of the "WILI KO SUBDIVISION," situate at Hanakaoo, District of Lahaina, Island and County of Maui, State of Hawaii

KAREN TEMPLE, ATTORNEY AT LAW LLLC
1977 Kaohu Street, Wailuku, HI 96793
(808) 244-8222

THIS WARRANTY DEED is made from the party named above and hereinafter referred to as "Grantor," to the party named above and hereinafter referred to as "Grantee." Grantee's address is as set forth above.

Conveyance. Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00), to Grantor paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, transfer, and convey unto Grantee, in the name and tenancy as set forth above, the property noted above and more completely described in Exhibit "A" attached hereto and by this reference made a part hereof, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith or appurtenant thereto, all reversions, rents, issues, and profits therefrom, and all of the estate, right, title, and interest of Grantor, both at law and in equity, therein and thereto.

Grantee's Interest. TO HAVE AND TO HOLD the same unto Grantee, in the tenancy aforesaid, and unto Grantee's heirs, legal representatives, successors, and assigns, forever.

Grantor's Covenants. AND Grantor does hereby covenant and agree with Grantee, Grantee's heirs, legal representatives, successors, and assigns, that Grantor is lawfully seised in fee simple of the premises hereby conveyed, that Grantor has good right to sell and convey the same as aforesaid, that the same are free and clear from all encumbrances, except non-delinquent real property taxes and those encumbrances, easements, restrictions, and reservations, if any, as may be described in Exhibit "A."

AND GRANTOR will, and Grantor's successors and assigns shall, forever WARRANT AND DEFEND the title to the land against the lawful claims and demands of all persons, except as noted herein.

Definitions. AT ALL TIMES HEREIN the terms "Grantor" and "Grantee" or any pronouns used in place thereof shall mean and include, and any and all covenants shall be deemed to be binding upon or inure to the benefit of, the masculine or feminine, singular or plural number, and individuals, firms or entities, and their and each of their respective heirs, legal representatives, successors, and assigns, according to the context thereof.

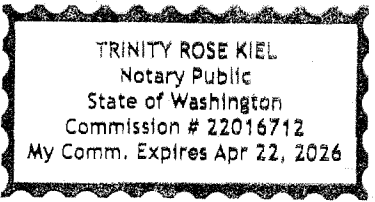
IN WITNESS WHEREOF, Grantor has caused this Warranty Deed to be executed
 this date: 11/9/2024

GRANTOR:
MAUI TRANS-PACIFIC PROPERTIES, INC., a
 Hawaii corporation

By: [Signature]
PAMELA L. HALL
 Its President

STATE OF WASHINGTON)
) SS.
 COUNTY OF Clark)

On this date: November 9, 2024, before me personally appeared **PAMELA L. HALL**, to me personally known, who, being by me duly sworn, did say that she is the President of **MAUI TRANS-PACIFIC PROPERTIES, INC.**, a Hawaii corporation, that the foregoing instrument was signed in the name of and on behalf of **MAUI TRANS-PACIFIC PROPERTIES, INC.**, a Hawaii corporation, and said president acknowledged that she executed the same as the free act and deed of said corporation.



[Signature]
 Name: Trinity Kiel
 Notary Public, State of Washington
 Commission No. 22016712
 My Commission expires: April 22, 2026

EXHIBIT "A"

All of that certain parcel of land situate at Hanakaoo, District of Lahaina, Island and County of Maui, State of Hawaii, being LOT 15 of the "WILI KO SUBDIVISION," as shown on File Plan Number 1144, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 24,018 square feet, more or less.

BEING the same premises conveyed to the Grantor herein by Deed recorded in the Bureau of Conveyances of the State of Hawaii in Liber 16944, at Page 670.

SUBJECT TO, AND TOGETHER WITH, any and all terms, conditions, reservations, covenants, restrictions, easements, encumbrances, and/or other matters affecting title to the property presently of record or created or agreed to by the Grantor herein.

END OF EXHIBIT "A"

DRIP Committee

From: DRIP Committee
Sent: Thursday, February 13, 2025 7:14 AM
To: CorpCounselRFLS@co.maui.hi.us
Cc: DRIP Committee
Subject: (OCS); (DRIP-8); reply by 2/18/25
Attachments: 008acc01signed.pdf