

REQUEST FOR LEGAL SERVICES

Date: October 24, 2017
From: Riki Hokama, Chair
Budget and Finance Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: DISPOSITION OF THE LOTS AT THE FAIRWAYS AT MAUI LANI (BF-41)

Background Data: Revise proposed resolution as indicated on the attached marked-up copy.
Provide an original hard copy of the resolution.

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

Requestor's signature  Riki Hokama, Chair	Contact Person <u>Michele Yoshimura</u> (Telephone Extension: 7663)
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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): Wednesday, October 25, 2017
REASON: For posting on Friday, October 27, 2017 for the Council meeting of Friday, November 3, 2017.

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)

bf:ltr:041acc03:mmy

Attachment

Resolution

No. _____

URGING THE MAYOR TO ISSUE A REQUEST FOR PROPOSALS FOR THE SALE OF THE FAIRWAYS AT MAUI LANI LOTS AT A DISCOUNTED PRICE WITH AFFORDABILITY RESTRICTIONS

WHEREAS, the County of Maui is the owner of fifty-five lots located within the Fairways at Maui Lani subdivision and identified as tax map keys (2) 3-8-096:001 through 055, hereinafter collectively referred to as the "Fairways"; and

WHEREAS, the fifty-five lots are comprised of fifty residential lots, four roadway lots, and one drainage lot; and

WHEREAS, under current zoning and the Master Covenants, Conditions, and Restrictions of the Maui Lani Community Association ("CC&Rs"), one single-family dwelling unit with a minimum house size of 1,100 square feet may be constructed on each of the fifty residential lots; and

WHEREAS, the Council proposes that the Mayor sell the Fairways for EIGHT MILLION DOLLARS (\$8,000,000), a price discounted from the upset price of NINE MILLION EIGHT HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$9,817,500) initially proposed for the sale of the lots under a bulk sale by the Maui Lani Task Force, provided that certain restrictions are set forth in the Request for Proposals ("RFP"); and

WHEREAS, the RFP shall require the successful bidder to construct single-family dwelling units with a minimum living area of 1,100 square feet and at least two bedrooms, on each of the Fairways residential lots; and

WHEREAS, the RFP shall require that the successful bidder to comply with conditions of zoning and land use approvals, Maui County Code ("MCC") requirements, the CC&RS, and any other laws, agreements, or conditions that apply to the Fairways lots; and

WHEREAS, the RFP shall require that twenty-five of the single-family dwelling units should be sold to buyers who are very-low income and low income as defined by Chapter 2.96, MCC, for a total price not to exceed TWO HUNDRED

WHEREAS, the RFP shall require that construction of the dwelling units commences within twenty-four months from the close of the sale of the property; and

WHEREAS, the RFP shall require the developer to place a construction bond with the County to ensure timely performance of construction; and

Resolution No. _____

NINETY THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$290,450) including land, building, and improvements; and

WHEREAS, the RFP shall require that twenty-five of the single-family dwelling units should be sold to buyers who are below-moderate income as defined by Chapter 2.96, MCC, for a total price not to exceed THREE HUNDRED SEVENTY-TWO THOUSAND FIFTY DOLLARS (\$372,050) including land, building, and improvements; and

WHEREAS, the RFP shall further require that all units be sold to very-low income, low income, and below-moderate income buyers, regardless of the amount of time the units are offered for sale; and


WHEREAS, the RFP shall specify that qualifying residential workforce housing units constructed and sold in excess of the requirements of Chapter 2.96, MCC, shall not be eligible for residential workforce housing credits; and

WHEREAS, the RFP shall clearly state that the project is required to comply with Chapter 2.96, MCC; now, therefore,

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

1. That it does hereby urge the Mayor to issue a Request for Proposals for the sale of the lots comprising the Fairways at Maui Lani in accordance with terms set forth in this resolution;
2. Nothing in this resolution shall be construed to be a satisfaction of the requirements of Chapter 3.44, MCC; and
3. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, and the Director of Housing and Human Concerns.

APPROVED AS TO FORM AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui
bf:misc:04 lareso01:mmy