

# REQUEST FOR LEGAL SERVICES

**Date:** February 22, 2018  
**From:** Riki Hokama, Chair  
Budget and Finance Committee


TRANSMITTAL  
**Memo to:**

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

**Subject:** WAILUKU CIVIC COMPLEX (BF-76)

**Background Data:** Please incorporate the revisions shown on the attached marked-up copies of the proposed resolutions authorizing the acquisition of units at the One Medical Plaza Building. An original, signed hard copy of both resolutions is required with your response.

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

Requestor's signature  Riki Hokama	Contact Person Michele Yoshimura (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): \_\_\_\_\_  
REASON: \_\_\_\_\_

## 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:076acc01:mmmy

Attachments

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE ACQUISITION OF UNITS <sup>100</sup> ~~1~~ AND <sup>200</sup> ~~2~~  
OF THE ONE MEDICAL PLAZA BUILDING

WHEREAS, the County of Maui is developing the Wailuku Civic Complex; and

WHEREAS, development requires the acquisition of surrounding properties; and

WHEREAS, <sup>also known as the One Medical Plaza Building,</sup> ONE MEDICAL PLAZA BUILDING LLC ("Owner"), is the owner of the units located at 30 North Church Street, Wailuku, Hawaii, 96793, identified as tax map key numbers (2) 3-4-013-051:0001 and 0002 ("Property"); and <sup>for real property tax purposes</sup>

WHEREAS, County has determined that the Property would be beneficial in the development process; and

WHEREAS, County commissioned an appraisal by a disinterested appraiser, <sup>and</sup> said appraisal is attached hereto as Exhibit "1"; and

WHEREAS, a preliminary <sup>title</sup> report for the Property is attached hereto as Exhibit "2"; and

WHEREAS, the <sup>of Finance</sup> Finance Director, negotiated the purchase of the Property; and

WHEREAS, the <sup>of Finance</sup> Finance Director, has determined that acquisition of the Property is in the public interest; and

WHEREAS, part of Owner's inducement to agree to the sale was the threat of eminent domain proceedings; and

WHEREAS, County desires to purchase and Owner desires to sell the Property for the amount of FIVE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$597,500.~~00~~); 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000); NOW, THEREFORE;

**Resolution No. \_\_\_\_\_**

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

1. That the Council finds that the acquisition of the Property is 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 FIVE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$597,500.~~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 <sup>Chair of the</sup> Maui Redevelopment Agency, the ~~Department of Planning~~, the ~~Finance~~ Director, and One Medical Plaza Building LLC. <sup>Director</sup>

<sup>of Finance</sup>

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFFREY UEOKA  
Deputy Corporation Counsel  
County of Maui  
2017-1380  
2018-02-02 Resolution Units 1 and 2

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE ACQUISITION OF UNITS <sup>300</sup> ~~3~~ AND <sup>400</sup> ~~4~~  
OF THE ONE MEDICAL PLAZA BUILDING

← WHEREAS, the County of Maui is developing the Wailuku Civic Complex; and

WHEREAS, development requires the acquisition of surrounding properties; and

WHEREAS, *also known as the One Medical Plaza Building,* GEORGE S. ZAKAIB, Trustee under Declaration of Revocable Trust of George S. Zakaib, II, dated November 2, 2001 ("Owner"), is the owner of the units located at 30 North Church Street, Wailuku, Hawaii, 96793, identified as tax map key numbers (2) 3-4-013-051:0003 and 0004 (Property"); and *for real property tax purposes*

WHEREAS, County has determined that the Property would be beneficial in the development process; and

WHEREAS, County commissioned an appraisal by a disinterested appraiser, *and* said appraisal is attached hereto as Exhibit "1"; and

WHEREAS, a preliminary *title* report for the Property is attached hereto as Exhibit "2"; and

WHEREAS, the ~~Finance~~ *of Finance* Director negotiated the purchase of the Property; and

WHEREAS, the ~~Finance~~ *of Finance* Director has determined that acquisition of the Property is in the public interest; and

WHEREAS, part of Owner's inducement to agree to the sale was the threat of eminent domain proceedings; and

WHEREAS, County desires to purchase and Owner desires to sell the Property for the amount of SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$617,500.~~00~~); 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 TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000); NOW, THEREFORE;

**Resolution No. \_\_\_\_\_**

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

1. That the Council finds that the acquisition of the Property is 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 SIX HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$617,500.~~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 <sup>Chair of the</sup> Maui Redevelopment Agency, the <sup>Director</sup> ~~Department of Planning~~, the ~~Finance~~ Director, and George S. Zakaib.

<sup>of Finance</sup>

APPROVED AS TO FORM  
AND LEGALITY:

  
JEFFREY UEOKA  
Deputy Corporation Counsel  
County of Maui

2017-1380

2018-02-02 Resolution Units 3 and 4