WATER AND INFRASTRUCTURE COMMITTEE Amendment Summary Form

Legislation:

Resolution 25-129, entitled "AUTHORIZING THE ACOUISITION OF 1.724 ACRES IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEYS (2) 4-6-027:027, 029, 030 AND 041; (2) 4-6-027:026, 028, 033, AND 040; AND (2) 4-6-016:041, SITUATED AT LAHAINA, MAUI, HAWAII FOR UP TO \$1,950,000, EXCLUSIVE OF CLOSING COSTS AND EXPENSES, UNDER SUBSECTION 3.44.015(C), MAUI COUNTY CODE."

Proposer:

Tom Cook, Chair / Low M. Col-

Water and Infrastructure Committee.

Description:

The proposed CD1 version:

- 1. Slightly adjusts combined acreages by 0.004 acres, based on the metes and bounds descriptions provided, in the title and body of the resolution.
- 2. Incorporates nonsubstantive and technical revisions for clarity, consistency, and style.

Motion:

Move to substitute Resolution 25-129 with the attached proposed CD1 version.

Attachment:

Proposed CD1 version of Resolution 25-129.

wai:ltr:013aasf01:kjh

Resolution

No. <u>25-129</u>, CD1

AUTHORIZING THE ACQUISITION OF 1.72
ACRES IDENTIFIED FOR REAL PROPERTY TAX
PURPOSES AS TAX MAP KEYS (2) 4-6-027:027,
029, 030 AND 041; (2) 4-6-027:026, 028, 033,
AND 040; AND (2) 4-6-016:041, SITUATED AT
LAHAINA, MAUI, HAWAI'I, FOR UP TO
\$1,950,000, EXCLUSIVE OF CLOSING COSTS
AND EXPENSES, UNDER SUBSECTION
3.44.015(C), MAUI COUNTY CODE

WHEREAS, Hope Builders Inc. is the owner in fee simple of certain real property parcels situated at Lahaina, Maui, Hawaiʻi, comprising 0.449 acres, identified for Real Property Tax purposes as Tax Map Keys (2) 4-6-027:027, 029, 030, and 041, as described in the attached Exhibit "A," referenced respectively as Lots 7, 9, 10, and 21, and depicted in the attached Exhibit "B"; and

WHEREAS, Wainee Land & Homes, LLC is the owner in fee simple of certain real property parcels situated at Lahaina, Maui, Hawai'i, comprising 1.271 acres, identified for Real Property Tax purposes as Tax Map Keys (2) 4-6-027:026, 028, 033, and 040, and (2) 4-6-016:041, as described in the attached Exhibit "C," referenced respectively as Lots 6, 8, 13, 20, and 24, and depicted in the attached Exhibit "D"; and

WHEREAS, Hope Builders Inc. is a Hawai'i domestic profit corporation, the President of which is Peter K. Martin; and

WHEREAS, Wainee Land & Homes, LLC, is a Hawai'i domestic limited liability company, a manager of which is Peter Klint Martin, Trustee of the Peter Klint Martin Revocable Trust Dated April 11, 1995; and

WHEREAS, Hope Builders Inc. and Wainee Land & Homes, LLC expressed a desire to sell the parcels to the County and the parties intend to enter into a Real Property Purchase and Sale Agreement at the agreed-upon price of \$1,950,000, exclusive of closing costs and expenses; and

WHEREAS, the Director of Finance has determined that the parcels' acquisition is in the public interest; and

WHEREAS, the parcels' intended use is for the Kuhua Street and Dickenson Street extensions; and

Resolution No. 25-129, CD1

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

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

- 1. That it authorizes the acquisition of 1.72 acres identified for Real Property Tax Purposes as Tax Map Keys (2) 4-6-027:027, 029, 030, and 041, (2) 4-6-027:026, 028, 033, and 040, and (2) 4-6-016:041, situated at Lahaina, Maui, Hawai'i, for up to \$1,950,000, exclusive of closing costs and expenses, under Subsection 3.44.015(C), Maui County Code;
- 2. That it finds the parcels' acquisition to be in the public interest;
- 3. That it authorizes the Mayor to execute all necessary documents in connection with the acquisition; and
- 4. That certified copies of this Resolution be transmitted to the Mayor; Director of Finance; Director of Public Works; Peter K. Martin, President, Hope Builders Inc.; and Peter Klint Martin, Trustee of the Peter Klint Martin Revocable Trust Dated April 11, 1995, Manager, Wainee Land & Homes, LLC.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel County of Maui

wai:misc:013areso01:kjh

EXHIBIT "A" Legal Descriptions Lots 7, 9, 10, and 21

Being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 2, to Holoauhee

at Lahaina, Maui, Hawaii

Beginning at the Eastern corner of this parcel. Also, being the Southern corner of Lot 9, being Royal Patent 5574, Land Commission 2866, Apana 3, to Kamiki. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 6,884.03 feet South and 2,432.33 feet West and running by azimuths measured clockwise from true South:

1.	52° 01'	66.56 feet	along Lot 13, being a portion of Land Commission Award 8524-B, Part 2, Apana 2 to Peke;
2.	126° 58' 33"	41.21 feet	along Lot 8, being Royal Patent 1746, Land Commission Award 5389, Apana 1 to Holoauhee and Lot 10, being Royal Patent 1760 & 1891, Land commission Award 32, part 1 to Edmund R. Butler;
3.	228° 15' 33"	69.98 feet	along Lot 2, being a portion of, Land Commission Award 7713, Apana 262, to V. Kamamalu;
4.	312° 31'	45.00 feet	along Lot 9, being Royal Patent 5574, Land Commission Award 2866, Apana 3 to Kamiki to the point of beginning and containing an area of 0.066 acres.

LICENSED PROFESSIONAL MI LAND SURVEYOR NO. 17011

Kevin J. Clarke

Licensed Professional Land Surveyor

Certificate No. 17011-LS

Exp. 04/2022

09/05/2021

SLD 71 WML (Lot 7) 20-0517

Being Royal Patent 5574, Land Commission Award 2866, Apana 3 to Kamiki

at Lahaina, Maui, Hawaii

Beginning at the Southern corner of this parcel. Also, being the Eastern corner of Lot 7, being Royal Patent 1746, Land Commission Award 5389, Apana 2, to Holoauhee the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 6,884.03 feet South and 2,432.32 feet West and running by azimuths measured clockwise from true South:

1.	132° 31'	44.99 feet	along Lot 7, being Royal Patent 1746, Land Commission Award 5389, Apana 2 to Holoauhee;
2.	219° 04' 17"	57.13 feet	along Lot 2, being a portion of Royal Patent 1958, Land Commission Award 387, Part 5, Section 4, No. 4 to American Sandwich Island Mission;
3.	308° 01'	36.40 feet	along Lot 6, being Royal Patent 1746, Land Commission Award 5389, Apana 3 to Holoauhee;
4.	221° 46'	58.02 feet	along the same;
5	231° 31'	79.54 feet	along the same;
6	322° 01'	67.14 feet	along Royal Patent 5702, Land Commission Award 8524-B Apana 5, Part 2 to Peke;
7	57° 01'	117.06 feet	along Lot 12, being Royal Patent 1716, Land Commission Award 2745, Part 2, Apana 2 to Paaoao;
8	145° 46'	24.11 feet	along Lot 13, being a portion of Land Commission Award 8524-B, Part 2, Apana 2 to Peke;
9	52° 01'	78.64 feet	along the same to the point of beginning and containing an area of 0.242 acres.



Kevin J. Clarke

Licensed Professional Land

Surveyor

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09/05/2021

SLD 71 WML (Lot 9) 20-0517

Being a portion of Royal Patent 1760 & 1891, Land Commission Award 32, Apana 1 to Edmund R. Butler Lahaina, Maui, Hawaii

Beginning at the Southern corner of this parcel. Also, being the Western corner of Lot 8, being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 1 to Holoauhee. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 6,934.85 feet South and 2,499.81 feet West and running by azimuths measured clockwise from true South:

1. 145° 52' 52.25 feet along the Ea	ast side of Mill Street;
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2. 306° 58' 33"	46.62 feet	along Lot 2, being a portion of Land Commission Award 8524-B, Part 2, Apana 2 to Peke and Lot 7, being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 2 to Holoauhee;
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3.	27°31'	17.15 feet	along Lot 8, being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 1 to Holoauhee to the point of beginning and containing an area of 0.009
			acres.



Kevin J. Clarke

Licensed Professional Land Surveyor

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09/05/2021

SLD 71 WML (Lot 10) 20-0517

Being Royal Patent 1716, Land Commission Award 2745, Part 2 Apana 1 to Paaoao

at Lahaina, Maui, Hawaii

Beginning at the Southern corner of this parcel. Also, being the Southwestern corner of Lot 20, being Royal Patent 8277, Land Commission Award 3974, Apana 1 to Haui, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,122.84 feet South and 2,372.38 feet West and running by azimuths measured clockwise from true South:

1.	151° 01'	61.52 feet	along Lot 13, being Royal Patent 5702, Land Commission Award 8524-B, Part 2, Apana 2 to Peke
2.	234° 31'	89.86 feet	along the same;
3.	328° 28'	64.80 feet	along Lot 20, being Royal Patent 8277, Land Commission Award 3974, Apana 1 to Haui;
4.	56° 42'	92.42 feet	along the same, to the point of beginning and containing an area of 0.132 acres.

JOSEPH CLAND PROFESSIONAL LAND ** No. 17011

Kevin J. Clarke

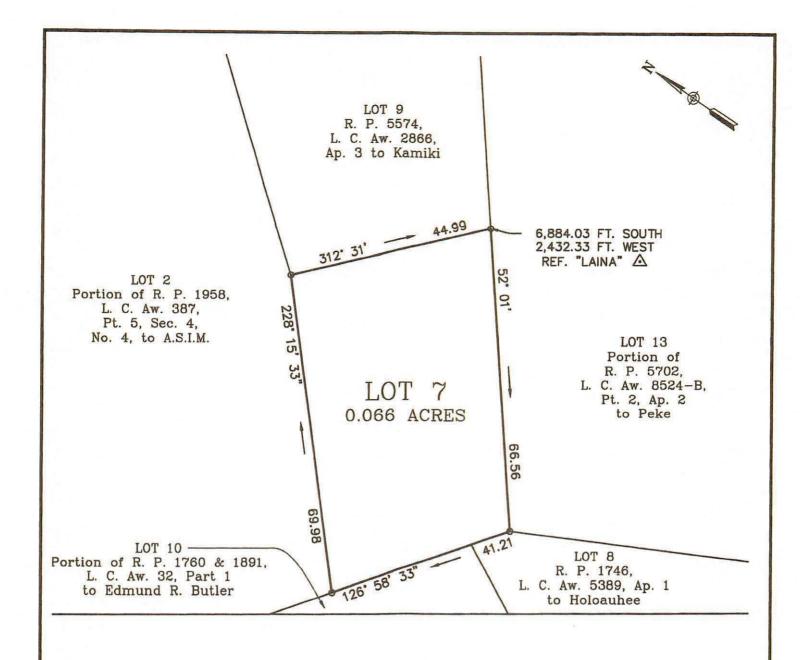
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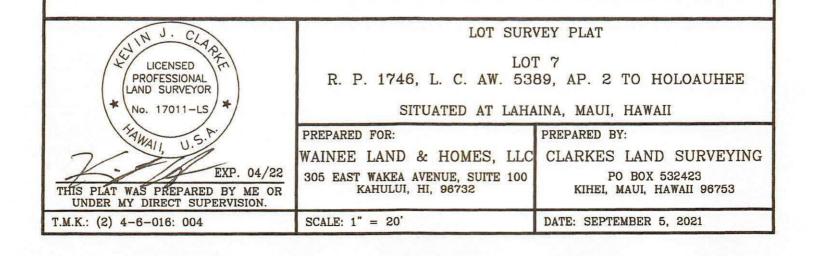
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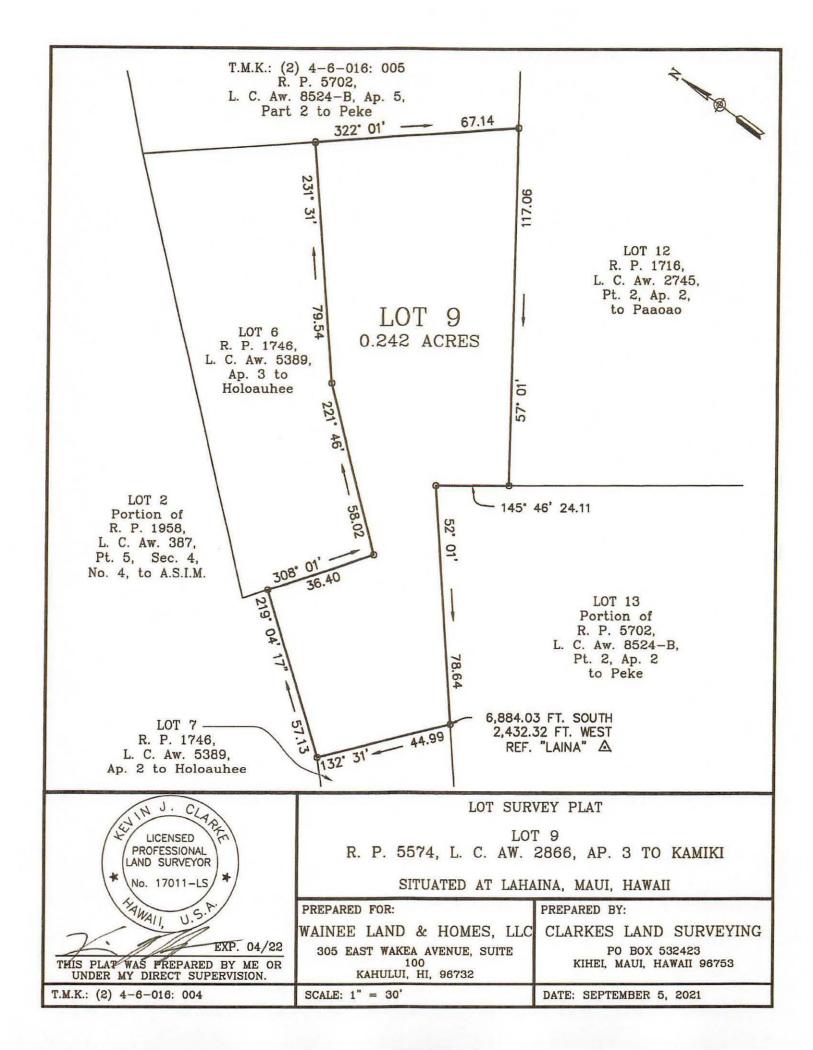
SLD 71 WML (Lot 21) 20-0517 EXHIBIT "B" Survey Maps Lots 7, 9, 10, and 21

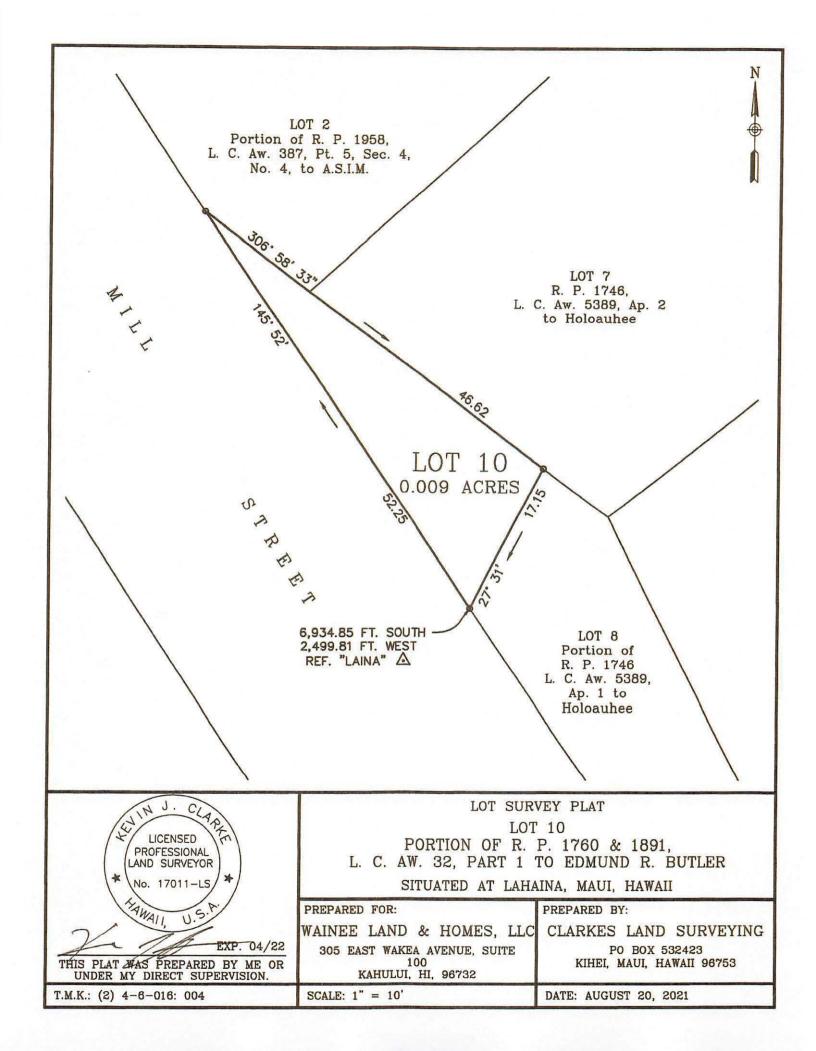


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STREET







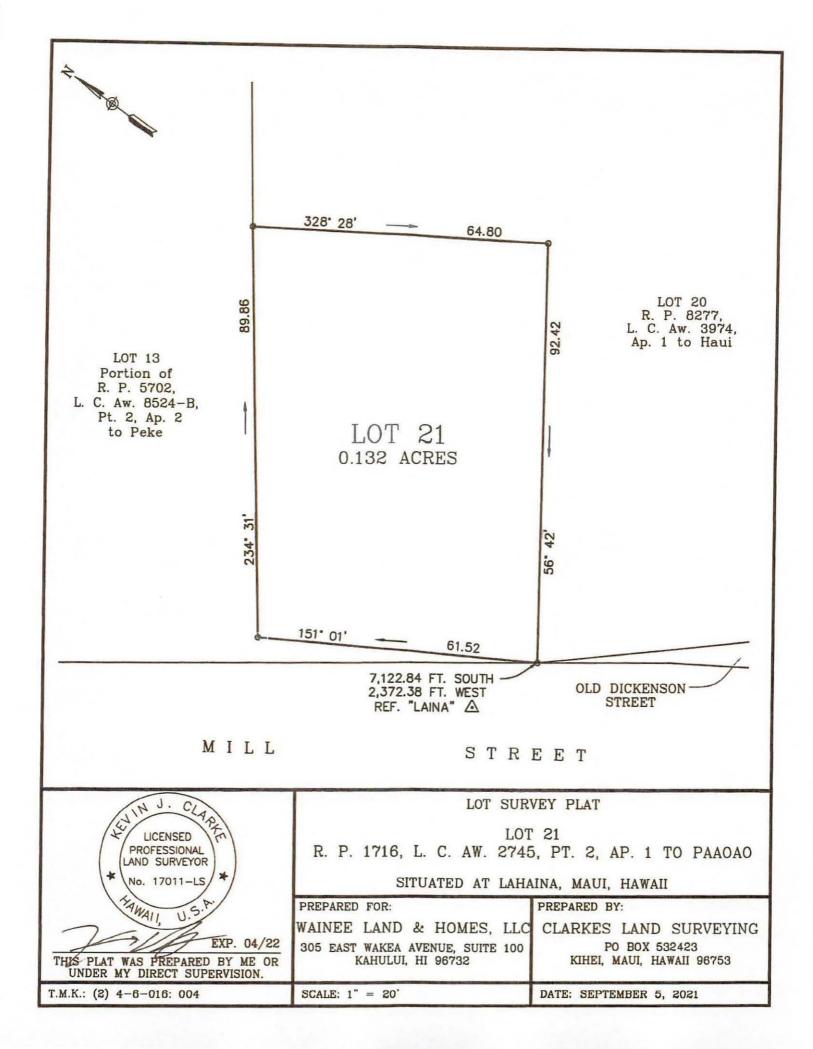


EXHIBIT "C" Legal Descriptions Lots 6, 8, 13, 20, and 24

Being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 3, to Holoauhee

at Lahaina, Maui, Hawaii

Beginning at the Northern corner of this parcel. Also, being the Western corner of Royal Patent 5702, Land Commission 8524-B, Apana 5, part 2 to Peke. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 6,694.22 feet South and 2,334.79 feet West and running by azimuths measured clockwise from true South:

1.	322° 01'	56.70 feet	along Royal Patent 5702, Land Commission 8524-B, Apana 5 part 2, to Peke;
2.	51° 31'	79.54 feet	along Lot 9, being Royal Patent 5574, Land Commission Award 2866, Apana 3 to Kamiki;
3.	41° 46'	58.02 feet	along the same;
4.	128° 01'	45.04 feet	along Lot 9, being Royal Patent 5574 Land Commission Award 2866, Apana 3 to Kamiki and Lot 2, a portion of Royal Patent 1958, Land Commission Award 387, Part 5, Section 4, No. 4 to American Sandwich Island Mission;
5	222° 46'	149.47 feet	along Lot 2, being a portion of, Land Commission Award 7713, Apana 262, to V. Kamamalu. to the point of beginning and containing an area of 0.157 acres.



Kevin J. Clarke

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09/05/2021

SLD 71 WML (Lot 6) 20-0517

Being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 1 to Holoauhee Lahaina, Maui, Hawaii

Beginning at the Western corner of this parcel. Also, being the Southern corner of Lot 10, being a portion of Royal Patent 1760 & 1891, Land Commission Award 32, Apana 1 to Edmund R. P. Butler. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being South 6,934.85 feet and 2,499.81 feet West and running by azimuths measured clockwise from true South:

1.	207° 31'	17.15 feet	along Lot 10, being a portion of Royal Patent 1760 & 1891, Land Commission Award 32, Apana 1 to Edmund R. P. Butler;
2.	306° 58'33″	8.89 feet	along Lot 7, being a portion of Royal Patent 1746, Land Commission Award 5389, Apana 2 to Holoauhee;
3.	333°16'	139.55 feet	along Lot 13, being a portion of Land Commission Award 8524-B, Part 2, Apana 2 to Peke;
4.	145° 52'	138.65 feet	along the East side of Mill Street to the point of beginning and containing an area of 0.030 acres.

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Kevin J. Clarke

Licensed Professional Land Surveyor

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71 \A/\A/\ /Lot 8

09/05/2021

SLD 71 WML (Lot 8) 20-0517

Being Portion of Royal Patent 5702 Land Commission Award 8524-B, Part 2, Apana 2 to Peke

at Lahaina, Maui, Hawaii

Beginning at the Southern corner of this parcel. Also, being the Southern corner of Lot 21, being Royal Patent 1716 Land Commission Award 2745, Apana 3 to Paaoao the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,122.84 feet South and 2,372.38 feet West and running by azimuths measured clockwise from true South:

1.	145° 52'	88.46 feet	along the East side of Mill Street;
2.	153° 16'	139.55 feet	along Lot 8, being Royal Patent 1746, Land commission Award 5389, Apana 1 to Holoauhee;
3.	232° 01'	145.20 feet	along Lot 7, being Royal Patent 1746, Land commission Award 5389, Apana 2 to Holoauhee and Lot 9, being Royal Patent 5574, Land Commission Award 2866, Apana 3 to Kamiki;
4.	325° 46'	171.60 feet	along Lot 9, being Royal Patent 5574, Land Commission Award 2866, Apana 3 to Kamiki, Lot 12, being Royal Patent 1716, Land Commission Award 2745, Part 2, Apana 2 to Paaoao and Lot 15, being Royal Patent 5702 Land Commission Award 8524-B, Part 2, Apana 3 to Peke;
5.	54° 31'	157.67 feet	along Lot 19, being Royal Patent 5702 Land Commission Award 8524-B, Part 2, Apana 4 to Peke, Lot 20, being Royal Patent 8277, Land Commission Award 3974, Apana 1 to Haui and Lot 21, being Royal Patent 1716, Land Commission Award 2745, Part 2, Apana 1 to Paaoao;
6.	331° 01'	61.52 feet	along Lot 21, being Royal Patent 1716, Land Commission Award 2745, Part 2, Apana 1 to Paaoao to the point of beginning and containing an area of 0.604 acres.



Kevin J. Clarke

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09/05/2021

SLD 71 WML (Lot 13) 20-0517

Being Royal Patent 8277, Land Commission Award 3974, Apana 1 to Haui

at Lahaina, Maui, Hawaii

Beginning at the Southwestern corner of this parcel. Also, being the Southern corner of Lot 21, being Royal Patent 1716, Land Commission Award 2745, Apana 1 to Paaoao. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,122.84 feet South and 2,372.38 feet West and running by azimuths measured clockwise from true South:

1.	236° 42'	92.42 feet	along Lot 21, being Royal Patent 1716, Land Commission Award 2745, Apana 1 to Paaoao;
2.	148° 28'	64.80 feet	along the same;
3.	234° 31'	33.42 feet	along Lot 13, being Royal Patent 5702, Land Commission Award 8524-b, Part 2, Apana 2 to Peke;
4.	322° 41' 38"	34.42 feet	along Lot 16, being Royal Patent 5574, Land Commission Award 2866, Apana 1 to Kamiki;
5.	238° 26' 38"'	36.30 feet	along the same;
6.	328° 41' 38"	55.44 feet	along the same;
7.	39° 31'	61.85 feet	along Lot 22, being Royal Patent 1672, Land Commission Award 393, Apana 1 to Kekuelike;
8.	313° 16'	16.61 feet	along the same
9.	50° 31'	102.02 street	along the North side of Old Dickenson Street
10.	140° 16'	70.76 feet	along the same and to the point of beginning and containing an area of 0.279 acres.



Kevin J. Clarke

Licensed Professional Land Surveyor

Certificate No. 17011-LS Exp. 04/2022

06/17/2021

SLD 71 WML (Lot 20) 20-0517

Being a portion of Royal patent 3582, Land commission award 7711, Apana 1 to Kaiheekai

at Lahaina, Maui, Hawaii

Beginning at the Southern corner of this parcel. Also, being the Eastern corner of Royal Patent 3536, Land Commission Award 494, Apana 1 to Lono. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,188.49 feet South and 2,105.09 feet West and running by azimuths measured clockwise from true South:

1.	142° 33'	121.12 feet	along Royal Patent 3536, Land Commission Award 494, Apana 1 to Lono;
2.	225° 23'	82.89 feet	along the South side of Old Dickenson Road;
3.	331° 33'	124.16 feet	along Royal Patent 3536, Land Commission Award 494, Apana 2 to Lono;
4.	44° 33'	63.44 feet	along Lot 31, being a portion of Grant 309 to Kekauai, to the point of beginning and containing an area of 0.201 acres.



Cevin J. Clarke

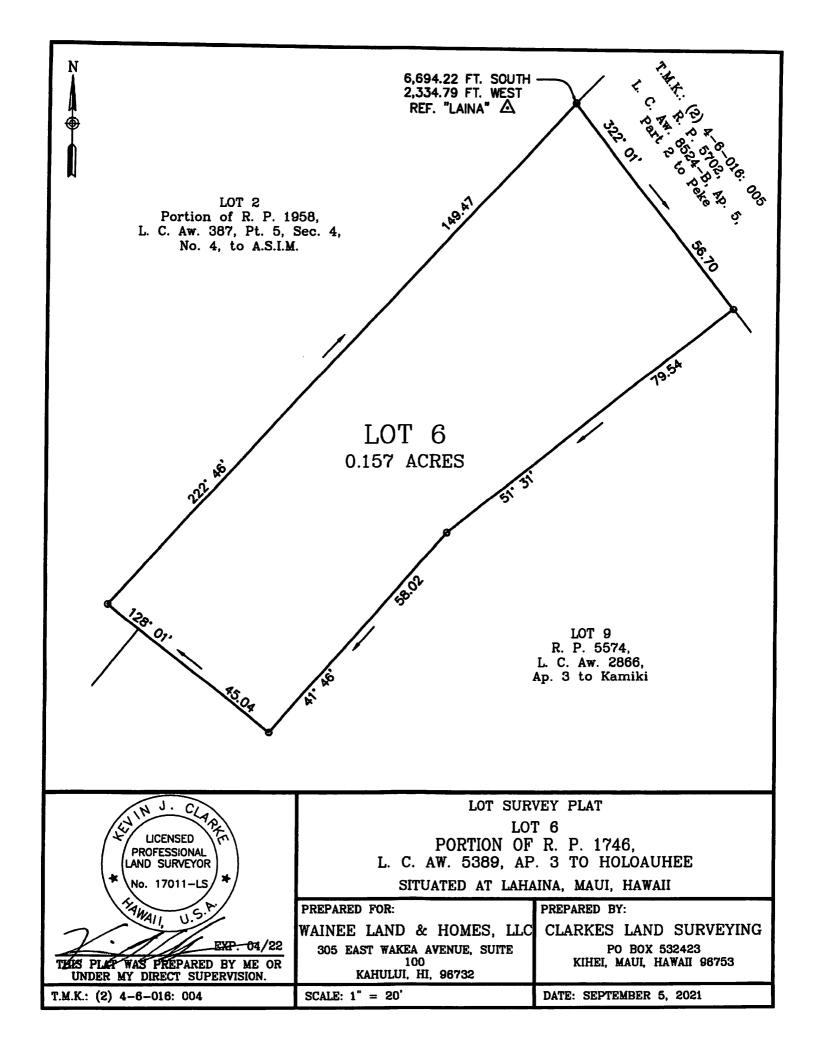
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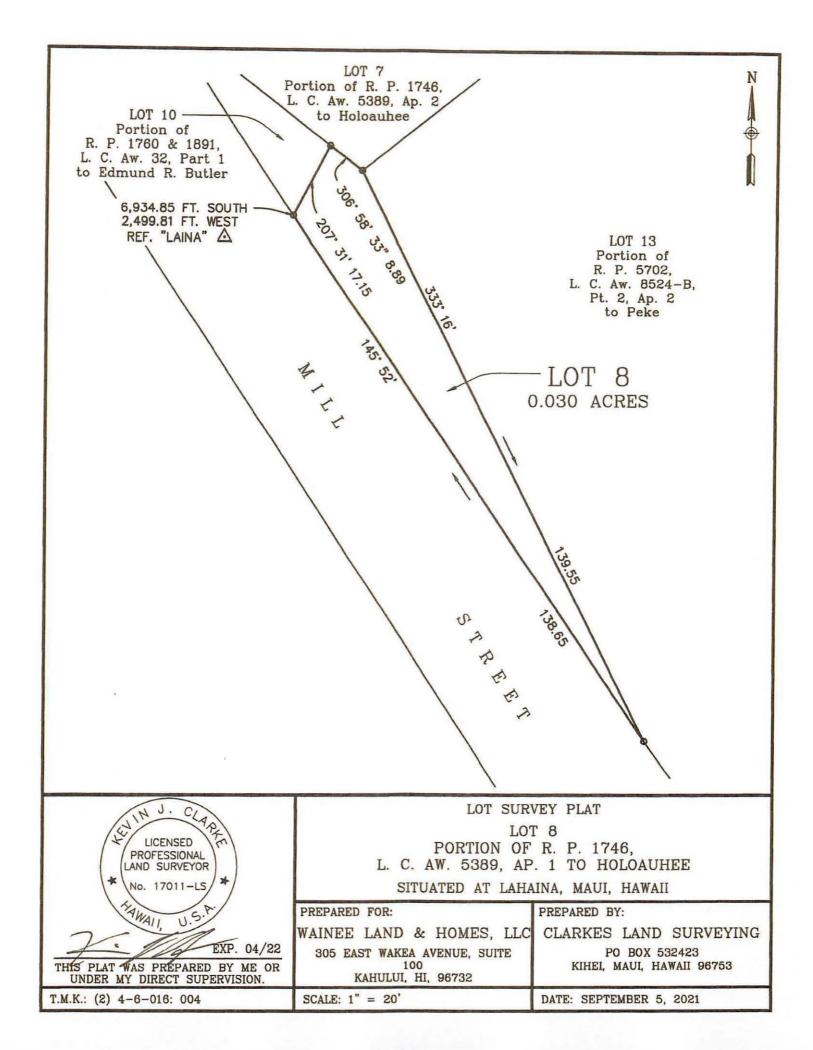
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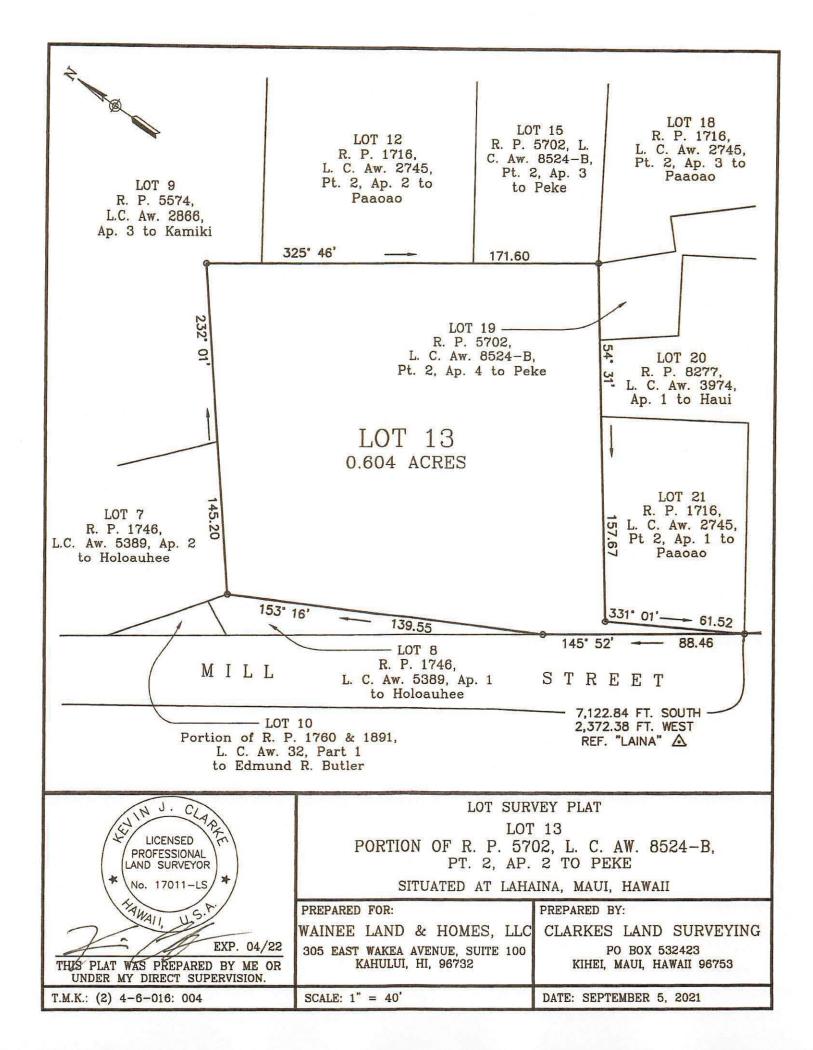
Exp. 04/2022

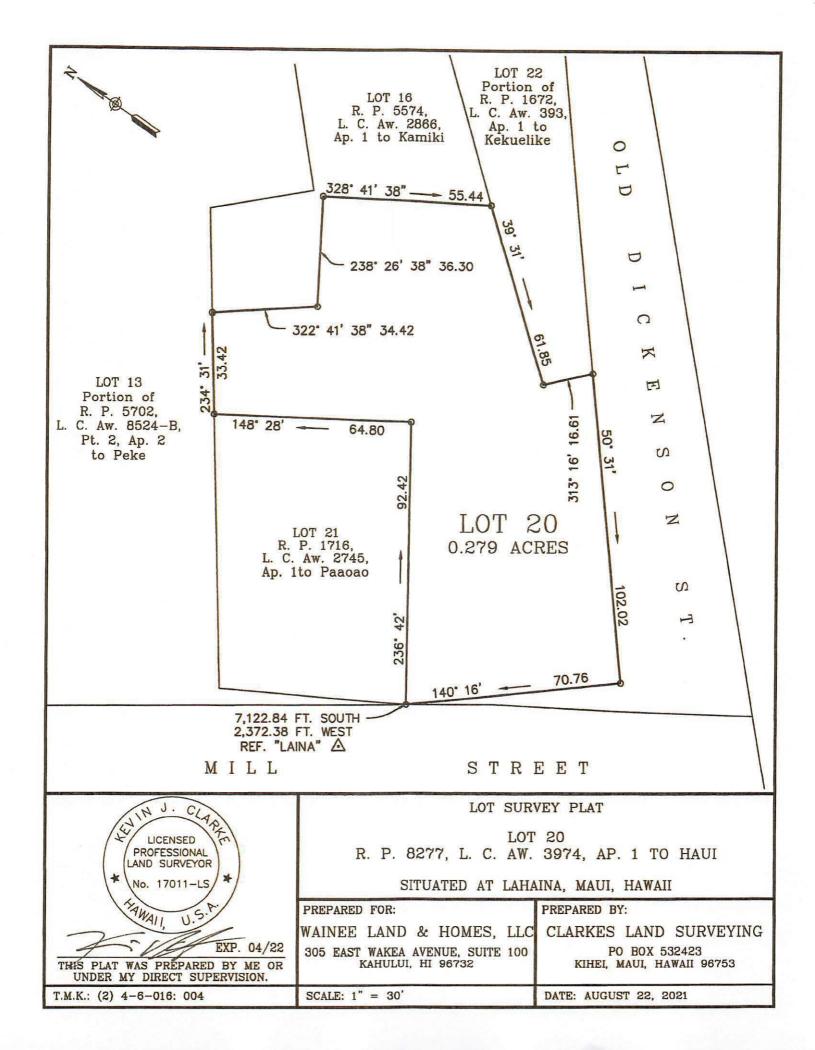
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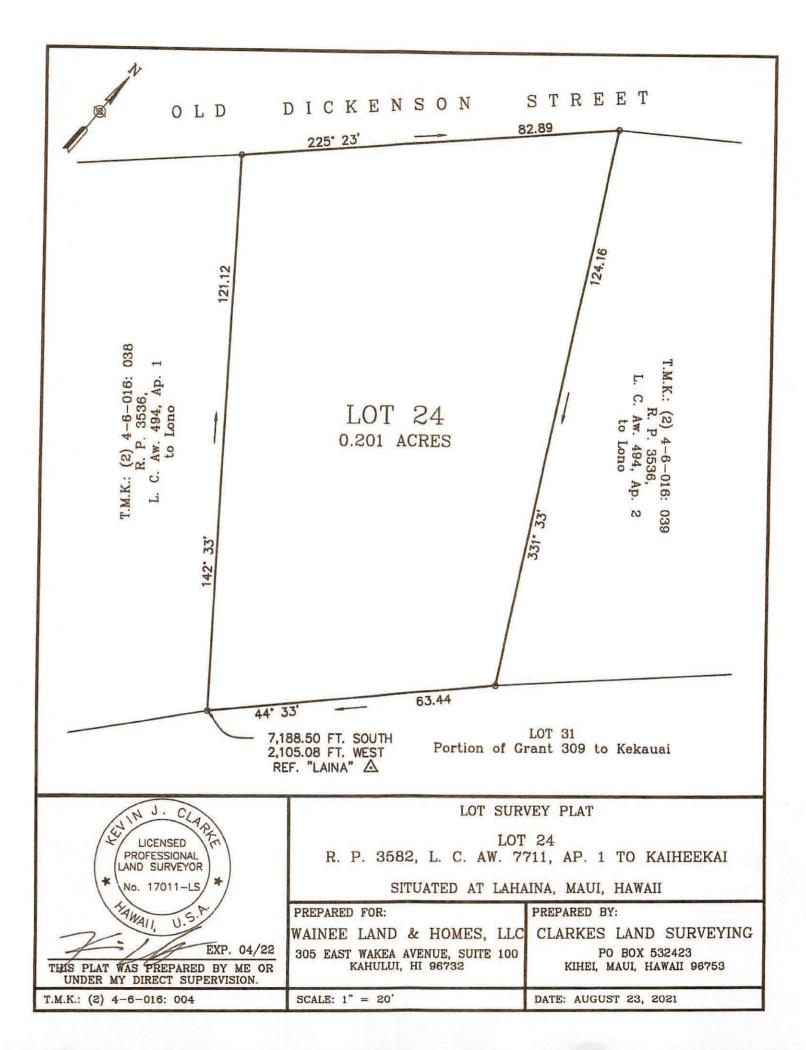
SLD 71 WML (Lot 24) 20-0517 EXHIBIT "D" Survey Maps Lots 6, 8, 13, 20, and 24











INTRODUCED BY:

Upon the request of the Mayor.