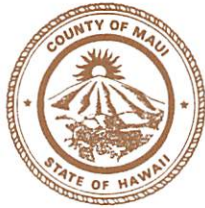


39265

ALAN M. ARAKAWA
MAYOR



KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

March 12, 2018

RECEIVED
2018 MAR 12 AM 10:43
OFFICE OF THE
COUNTY CLERK

Honorable Michael White, Chair
And Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair White and Members:

SUBJECT: AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2

Transmitted herewith please find the resolution for the disposition of the a portion of Tax Map Key (2) 4-7-001:030 for the Honoapiilani Highway Realignment, Phase 1B-2.

Thank you for your attention in this matter.

Sincerely,

ALAN M. ARAKAWA
Mayor, County of Maui

Enclosures:

COUNTY COMMUNICATION NO. 18-114

Resolution

No. _____

AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2

WHEREAS, the COUNTY OF MAUI (hereinafter the "County") is the owner of the real property identified for real property tax purposes as tax map key number (2) 4-7-001:030 (por.) (the "Property"), more particularly described in Exhibit "A" to Exhibit "1", and depicted in Exhibit "2", attached hereto and incorporated by reference herein; and

WHEREAS, the State of Hawaii, Department of Transportation, desires to obtain title to the Property for the Honoapiilani Highway Realignment, Phase 1B-2 (the "Lahaina Bypass"); and

WHEREAS, the Property was acquired by the County pursuant to Resolution No. 13-151, which included an appraisal reflecting a negotiated price adjustment in consideration of the future transfer of the right of way for the Lahaina Bypass project; and

WHEREAS, Section 13-14 of the Charter provides for cooperation with the State of Hawaii; and


WHEREAS, pursuant to Sections 3.44.020, 3.44.030, 3.44.050, and 3.44.070, Maui County Code, the Council may authorize the disposition of County real property in fee simple by resolution upon finding that it is in the public interest to do so, and may waive public auction, public hearing, and appraisal, provided that such resolution is approved by two-thirds of its members; now, therefore,

Resolution No. _____

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

1. That the Council hereby finds that it is in the public interest to grant the Property to the State of Hawaii, Department of Transportation, and waives public hearing, public auction, and an appraisal of the Property; and
2. That pursuant to Section 3.44.020, Maui County Code, the Council hereby approves the disposition of the Property pursuant to the Quitclaim Deed attached hereto as Exhibit "1"; and
3. That it does hereby authorize the Mayor of the County of Maui, or the Mayor's duly authorized representative, to execute all necessary documents in connection with the disposition of the Property; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works, the Director, Department of Parks and Recreation, and the State of Hawaii, Department of Transportation.

APPROVED AS TO FORM
AND LEGALITY:



JERRIE L. SHEPPARD
Deputy Corporation Counsel
County of Maui

LF 2018-0229
2018-03-08 Resolution

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:

THIS DOCUMENT CONTAINS _____ PAGES
(including this page)

Tax Map Key: (2) 4-7-01: 30

QUITCLAIM DEED

GRANTOR: COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii 96793

GRANTEE: STATE OF HAWAII
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

EXHIBIT " 1 "

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose business address is 200 South High Street, Wailuku, Hawaii 96793, hereinafter referred to as the "GRANTOR," in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), paid by the STATE OF HAWAII, by its Department of Transportation, whose office address is 869 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter called the "GRANTEE", the receipt and sufficiency of which are hereby acknowledged, does hereby remise, release and forever quitclaim unto the GRANTEE, its successors and assigns, forever:

ALL of the GRANTOR'S right, title, interest, claim and demand, if any, in and to that certain parcel of land identified as Parcel 1 (Revision 2), as shown on the on the Right-of-Way Map of Honoapiilani Highway Realignment, Phase 1B-2, Hokiokio Place to Vicinity of Olowalu, Federal Aid Project No. NH-030-1(051), situated at Launiupoko, Lahaina, Maui, Hawaii, filed in the Highways Division, Department of Transportation, State of Hawaii, and more particularly described in Exhibit A attached hereto and made a part hereof (hereafter the "Property").

TO HAVE AND TO HOLD the said Property, together with all buildings, improvements, rights, tenements, easements, hereditaments, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said GRANTEE, its successors and assigns, according to the tenancy hereinabove set forth forever.

SUBJECT, HOWEVER, TO THE FOLLOWING TERMS, CONDITIONS, COVENANTS AND ENCUMBRANCES:

1. Lease in favor of MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN TELCOM, INC., dated October 13, 1967, and recorded on December 8, 1967 in the Bureau of Conveyances, State of Hawaii in Liber 5893, Page 226.

2. Easement in favor of MAUI ELECTRIC COMPANY LIMITED and VERIZON HAWAII INC., dated April 8, 2002, and recorded on April 29, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-073483.
3. Declaration of Easement for Access and Utility Purposes, dated November 2, 2007, and recorded on November 8, 2007 in the Bureau of Conveyances, State of Hawaii, as Document No. 2007-196434.
4. Declaration of Non-Exclusive Easements for Roadway Use (Makila Ranches Phases 1, 2 and 3), dated January 31, 2008, and recorded on February 6, 2008 in the Bureau of Conveyances, State of Hawaii as Document No. 2008-017410.
5. Non-Exclusive Perpetual Easement for Roadway Purposes for Makila Ranches (Phases 1, 2 and 3), dated January 31, 2008, and recorded on February 6, 2008 in the Bureau of Conveyances, State of Hawaii as Document No. 2008-017411.
6. Utility Easement in favor of MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN TELCOM, INC., dated March 14, 2008, and recorded on April 2, 2008 in the Bureau of Conveyances, State of Hawaii as Document No. 2008-050836.
7. Declaration of Grant of Easement Over Cane Haul, dated February 18, 2014, and recorded on February 24, 2014 in the Bureau of Conveyances, State of Hawaii as Document No. A-51680337.
8. Covenants, Conditions, Restrictions, Reservations, Agreements, Obligations, Easements and other Provisions, set forth in Limited Warranty Deed and Reservations of Rights, dated and recorded on January 16, 2001 in the Bureau of Conveyances, State of Hawaii as Document No. 2001-006058, now in favor of MAKILA LAND CO., LLC, by Assignment and Assumption Agreement, dated and recorded on January 16, 2001 in the Bureau of Conveyances, State of Hawaii as Document No 2001-0060061.

9. Unilateral Agreement and Declaration for Construction of a Farm Dwelling on Lands Zoned County Agricultural District or Designated State Agricultural District, dated May 12, 2005, and recorded on April 26, 2006 in the Bureau of Conveyances, State of Hawaii as Document No. 2006-077871.
10. Subdivision Agreement (Agricultural Use) with the COUNTY OF MAUI, recorded in the Bureau of Conveyances, State of Hawaii as Document Nos. 92-103494, 2002-042693, 2002-226524, 2002-229575 and 2008-053915.
11. Private Water System Agreement with the DEPARTMENT OF WATER SUPPLY of the County of Maui, dated September 29, 1992, and recorded on October 9, 1992 in the Bureau of Conveyances, State of Hawaii as Document No. 92-164418.
12. Notice of Change of Agricultural Use to Dedication, dated April 3, 2000, and recorded on April 6, 2000 in the Bureau of Conveyances, State of Hawaii as Document No. 2000-046048.
13. Kauaula Water System Agreement with MAKILA LAND CO., LLC, dated and recorded on January 16, 2001 in the Bureau of Conveyances, State of Hawaii as Document No. 2001-006060.
14. Agreement of Allocation of Future Subdivision Potential with the COUNTY OF MAUI, recorded in the Bureau of Conveyances, State of Hawaii as Document Nos. 2002-042691, 2002-226525, as amended and restated by Document No. 2003-227640, as amended by Document Nos. 2006-107565 and 2007-169136.
15. Memo of First Amendment to License Agreement, dated and recorded on May 1, 2013 in the Bureau of Conveyances, State of Hawaii as Document No. A-48690974.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized officers as of the ___ day of _____, 20__.

GRANTOR:

COUNTY OF MAUI

By _____
ALAN M. ARAKAWA
Its Mayor

APPROVAL RECOMMENDED

Alan Arakawa
Name: 3/9/18

APPROVED AS TO FORM AND LEGALITY:

J. L. Sheppard
Deputy Corporation Counsel
Name: Jerrie L. Sheppard
Dated: 3/10/2018

GRANTEE:

STATE OF HAWAII

By _____
JADE T. BUTAY
Its Interim Director of Transportation

APPROVED AS TO LEGALITY, FORM EXCEPTIONS, AND RESERVATIONS:

Deputy Attorney General
Dated: _____

STATE OF HAWAII)
) SS:
COUNTY OF MAUI)

On this ___ day of _____, 20__ before me personally appeared ALAN M. ARAKAWA, to me personally known, who being by me duly sworn did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Charter, and the said ALAN M. ARAKAWA acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Print Name _____
Notary Public, State of Hawaii

My commission expires: _____

Document Date : _____	# Pages : _____
Notary Name : _____	_____ Circuit
Doc. Description : _____	

Notary Signature _____	Date _____

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Hokiokio Place to Vicinity of Olowalu
Federal Aid Project No. NH-030-1(051)

PARCEL 1 (Revision 2)

Being a portion of Royal Patent 1358, Land Commission Award
82 to Thomas Phillips

Being also a portion of Lot 7 of the Launiupoko (Large-Lot)
Subdivision No. 2 (LUCA File No. 4.837).

Land Situated at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this piece of land, on
the Northeast side of Honoapiilani Highway Realignment,
Phase 1B-2, Hokiokio Place to Vicinity of Olowalu, Federal Aid
Project No. NH-030-1(051) and on the South side of Kai Hele Ku
Street (Lot B-2) Mahanalua Subdivision, the coordinates of said
point of beginning referred to Government Survey Triangulation
Station "Laina" being 19,281.19 feet South and 6,703.63 feet
East, thence running by azimuths measured clockwise from true
South:

1. Along the Northeast side of Honoapiilani Highway
Realignment, Phase 1B-2, Project
No. NH-030-1(051), along Lot 10-C
of the Makila Nui Subdivision on a
curve to the left with a radius of
30.00 feet, the chord azimuth and
distance being:
207° 29' 46" 42.80 feet;
2. 341° 59' 16" 385.86 feet along the Northeast side of
Honoapiilani Highway Realignment,
Phase 1B-2, Project No.
NH-030-1(051), along Lot 10-C of
the Makila Nui Subdivision;
3. Thence along same on a curve to the left with a radius of
2,784.79 feet, the chord azimuth
and distance being:
338° 04' 19" 390.35 feet;

EXHIBIT A

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

4. Thence along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. HN-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2 on a curve to the left with a radius of 2,864.67 feet, the chord azimuth and distance being:

317° 13' 23.5" 2,059.24 feet;
5. 296° 09' 31" 679.32 feet along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
6. Thence along same on a curve to the right with a radius of 1,805.00 feet, the chord azimuth and distance being:

315° 04' 14.5" 1,170.06 feet;
7. 333° 58' 58" 410.36 feet along the Northeast side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
8. 243° 58' 58" 75.00 feet along same;
9. 330° 35' 13" 728.99 feet along same;
10. 42° 41' 30" 55.00 feet along same;
11. 312° 41' 30" 166.21 feet along same;
12. 42° 41' 30" 15.00 feet along same;
13. 132° 41' 30" 90.90 feet along the Northeast side of Lahaina-Wailuku Road, F.A.P. No. 30-A;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

14. 42° 41' 30" 10.00 feet along same;
15. 132° 41' 30" 716.47 feet along same;
16. Thence along same on a curve to the left with a radius of 2,183.59 feet, the chord azimuth and distance being:
129° 35' 15" 236.49 feet;
17. 216° 29' 00" 5.00 feet along the Northeast side of Lahaina-Wailuku Road, F.A.P. No. 30-A;
18. 243° 58' 58" 72.42 feet along the Southwest side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
19. 153° 58' 58" 191.69 feet along same;
20. 63° 58' 58" 30.00 feet along same;
21. 153° 58' 58" 160.34 feet along same;
22. Thence along same on a curve to the left with a radius of 1,565.00 feet, the chord azimuth and distance being:
135° 04' 14.5" 1,014.49 feet;
23. 116° 19' 31" 45.54 feet along the Southwest side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
24. 16° 09' 31" 188.44 feet along the East side of South Connector Road, along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;

HONOAIIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

34. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:
257° 15' 09" 667.37 feet;
35. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:
220° 15' 25" 35.06 feet;
36. Thence along same on a curve to the left with a radius of 578.05 feet, the chord azimuth and distance being:
212° 20' 20" 124.46 feet;
37. 206° 09' 31" 188.44 feet along the West side of South Connector Road, along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
38. 116° 09' 31" 134.75 feet along the Southwest side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
39. 206° 09' 31" 30.00 feet along same;
40. 116° 09' 31" 361.03 feet along same;
41. Thence along same on a curve to the right with a radius of 3,074.67 feet, the chord azimuth and distance being:
138° 21' 28.5" 2,323.40 feet;

HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
Federal Aid Project No. NH-030-1(051)
Parcel 1

42. 106° 48' 15" 135.15 feet along the Southwest side of Honoapiilani Highway Realignment, Phase 1B-2, Project No. NH-030-1(051), along the remainder of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2;
43. 161° 59' 16" 549.39 feet along same;
44. 226° 59' 16" 143.44 feet along same;
45. 161° 59' 16" 9.14 feet along same;
46. Thence along the South side of Kai Hele Ku Street (Lot B-2) Mahanalua Subdivision on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being:
257° 08' 53.75" 76.60 feet;
47. 253° 00' 16" 8.71 feet along same;
48. 253° 00' 16" 115.55 feet along same, to the point of beginning and containing an area of 1,453,712 square feet or 33.373 acres.

Together with any and all abutter's rights of vehicle access appurtenant to the remainder of the land of which Parcel 1 is a part, into and from Honoapiilani Highway Realignment, Phase 1B-2, Federal Aid Project No. NH-030-1(051). Hokiokio Place to Vicinity of Olowalu, over and across Courses 4-12 (inclusive), 18 to 27 (inclusive), 29, 30, 33, 34, 36 to 45 (inclusive) of the above described Parcel 1.

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
Highways Division

January 30, 2018
Honolulu, Hawaii
Tax Map Key: (2)4-7-01:030

By 
J.M. Cadastrel Engineer

LEGEND

- Proposed Right-of-Way
- Landscape or Shrubbery
- Link-of-Slope Line
- Center-of-Arrest Line (Unless conditions are noted on Map)
- Draped Boundary—Obtain from L.C. No. 14 (3) Approval
- Project Lines—File plans, Submittals, Existing R/W
- Easement Lines
- Water feature
- Other fence
- Curb and gutter
- Stone wall
- Tie wall
- Mud
- Edge of cut-and-fill area
- Palm trees
- Trees
- Stream
- Building
- Wedge marker
- Transportation marker
- Natural slope
- Cut slope
- Roadway
- Sand
- Existing roadbed
- Street marker
- Fire hydrant
- Water main
- Culvert line
- Concrete
- Boundary post markers, landscape post, utility post, gate post, sewer manhole, telephone manhole, water meter, water valve or valve
- Wedge marker
- Regulation mark
- Right of way parcel designation



STATE OF HAWAII



DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

HONOLULU, HAWAII

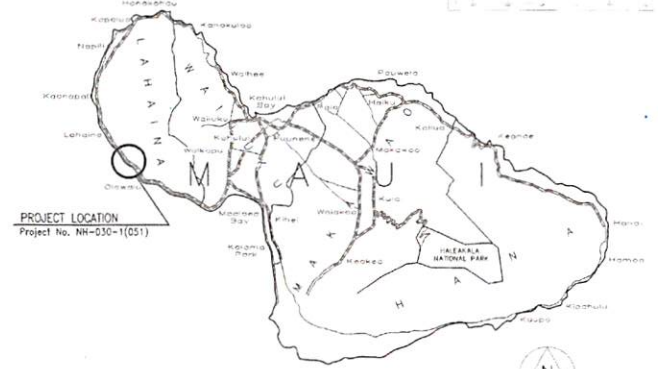
RIGHT OF WAY MAP

HONOAPILANI HIGHWAY REALIGNMENT, PHASE 1B-2
HOKIOKIO PLACE TO VICINITY OF OLOWALU

Federal Aid Project No. NH-030-1(051)

COUNTY OF MAUI PARCEL

LAUNIUPOKO, LAHAINA, MAUI, HAWAII



PROJECT LOCATION
Project No. NH-030-1(051)



SCALE IN MILES



LOCATION PLAN

NOT TO SCALE

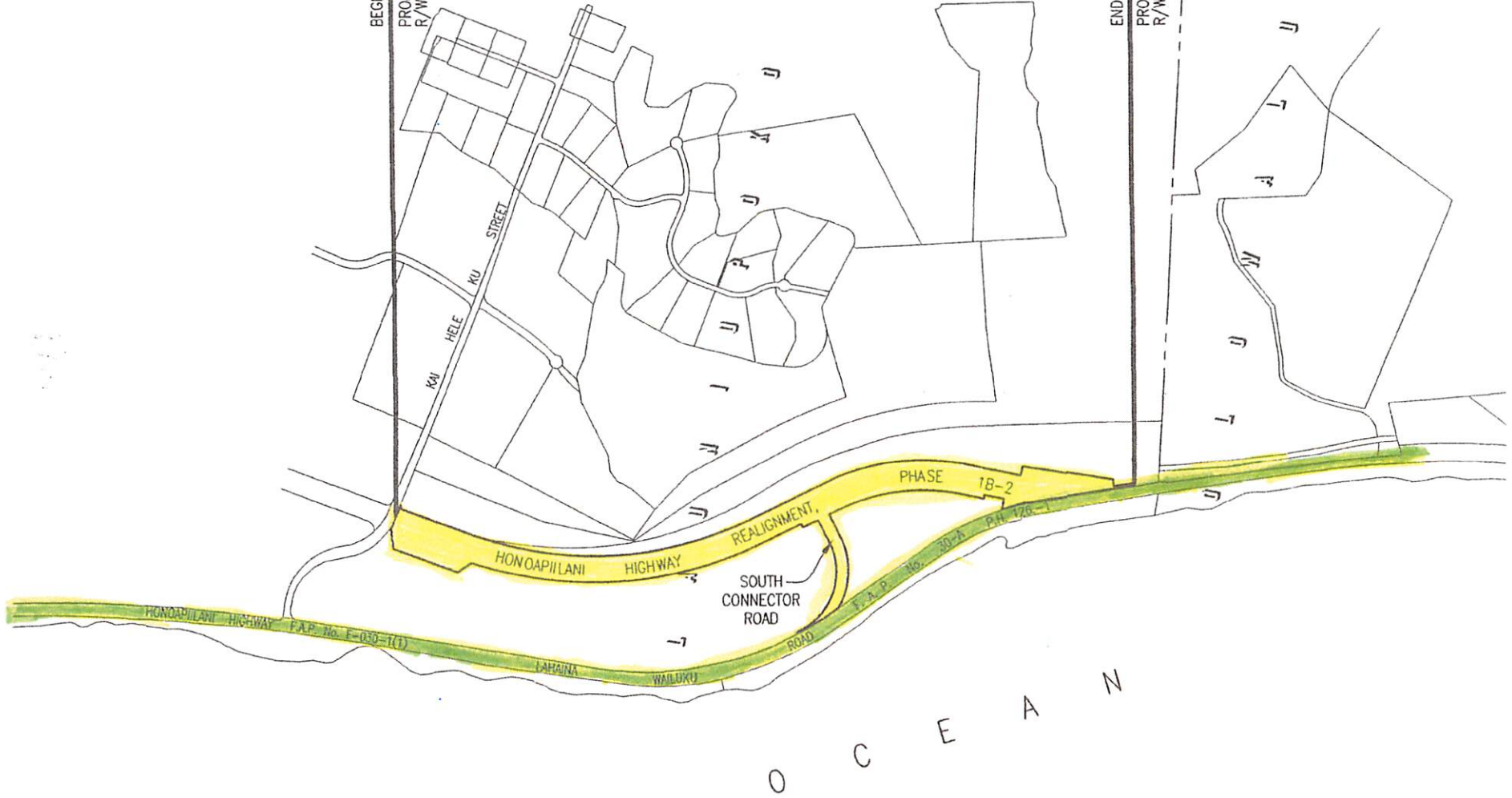
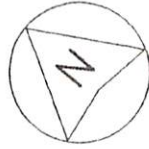
DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII
APPROVED DATE: October 18, 2017
FOR SUBMITTER REVIEW
SHEET NO. 1A OF 4 SHEETS

EXHIBIT # 2

LIMITS OF PROJECT

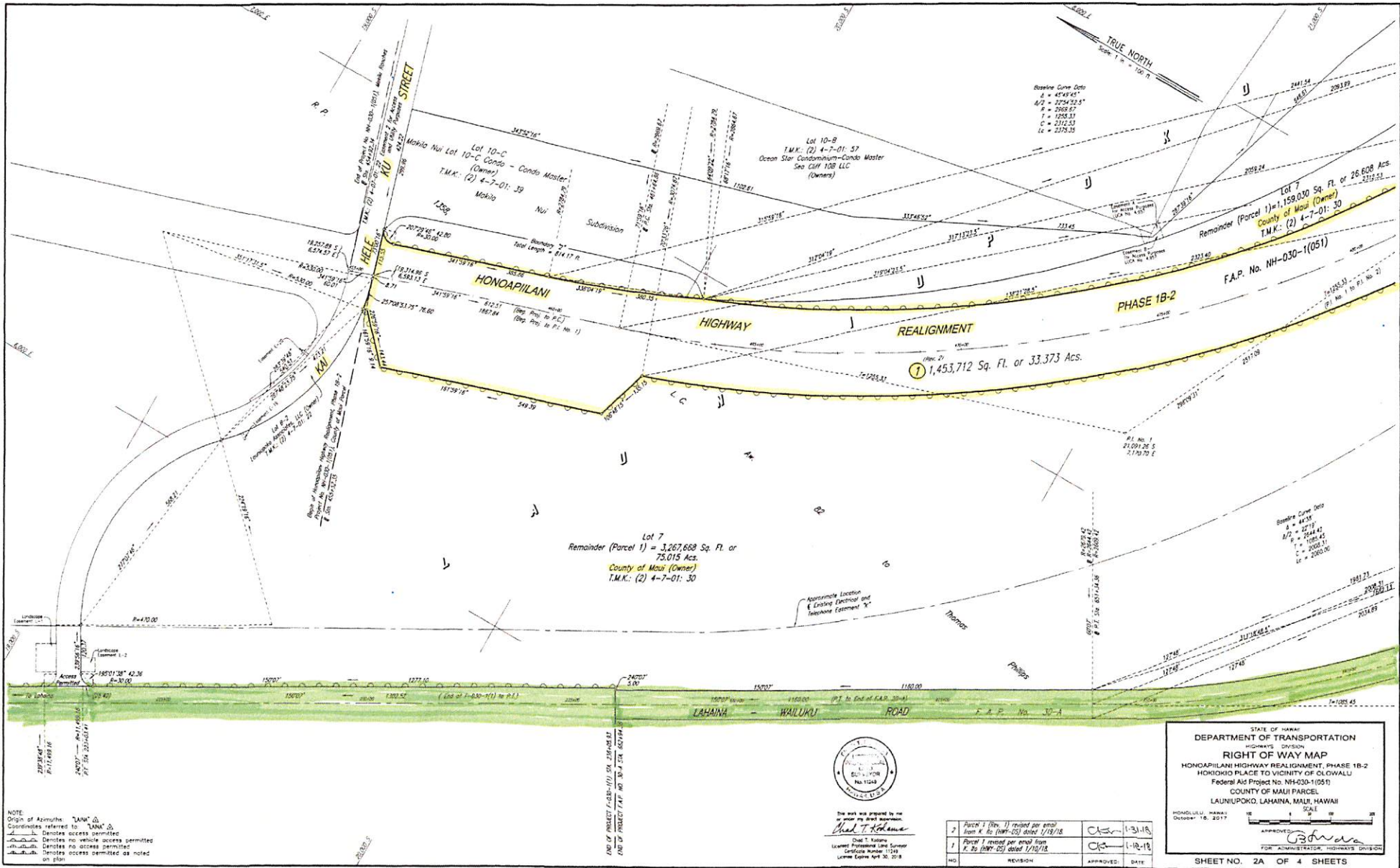
BEGIN PROJECT, County of Maui Parcel
PROJECT NO. NH-030-1(051)
R/W @ STA. 455+52.35

END PROJECT, County of Maui Parcel
PROJECT NO. NH-030-1(051)
R/W @ STA. 517+02.28



LOCATION PLAN

NOT TO SCALE



Baseline Curve Data
 Δ = 474°16'1"
 Δ/2 = 237°08'0.5"
 R = 2968.67
 T = 1286.31
 C = 2112.53
 Lc = 2375.35

Baseline Curve Data
 Δ = 44°18'
 Δ/2 = 22°09'
 R = 2000.00
 T = 300.00
 C = 2000.00
 Lc = 2000.00

FIELD SYMBOL	DESCRIPTION
(Symbol)	Denotes access permitted
(Symbol)	Denotes no vehicle access permitted
(Symbol)	Denotes no access permitted
(Symbol)	Denotes access permitted as noted on plan

NOTE:
 Origin of Azimuth: "LANK"
 Coordinates referred to "LANK"
 (End of F-830-1(1) to P.1.)



This work was prepared by me or under my direct supervision.
 David T. Kubota
 Licensed Professional Land Surveyor
 Certificate Number 11249
 License Expires April 30, 2018

NO.	REVISION	APPROVED:	DATE
1	Parcel 1 revised per email from K. Re (10/18/18)	CSM	1-31-18
2	Parcel 1 revised per email from K. Re (10/18/18)	CSM	1-18-18

STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
 HIGHWAYS DIVISION
RIGHT OF WAY MAP
 HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2
 HONOKIHO PLACE TO VICINITY OF OLOWALLU
 Federal Aid Project No. NH-030-1(051)
 COUNTY OF MAUI PARCEL
 LAUNUPOKO, LAHAINA, MAUI, HAWAII

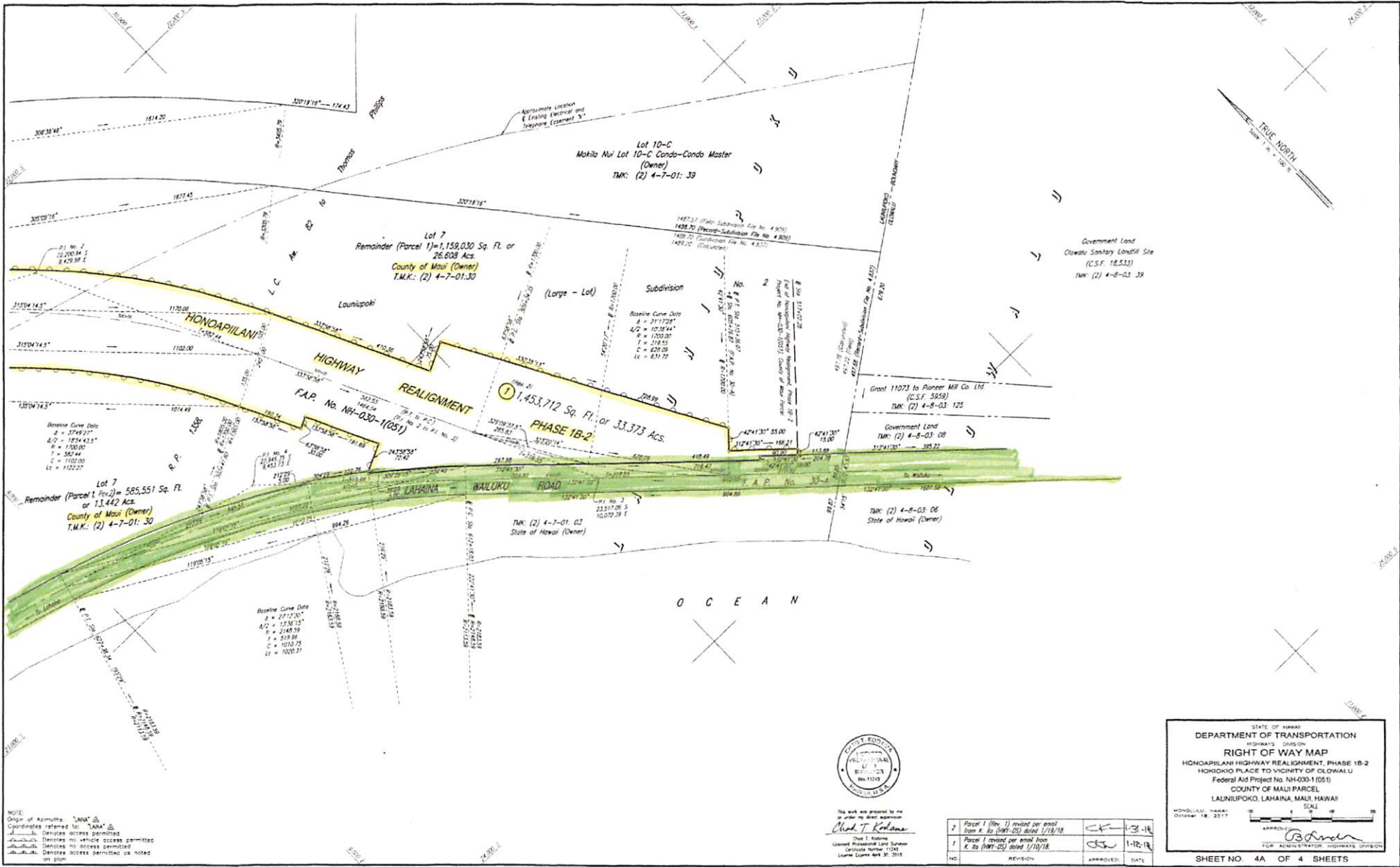
HONOLULU, HAWAII
 DIVISION 18, 2017

APPROVED: *[Signature]*
 FOR ADMINISTRATOR, HIGHWAYS DIVISION

SCALE 1" = 100.00'

SHEET NO. 2A OF 4 SHEETS

TAX MAP KEY: (2) 4-7-001, 030 & 039



FILE NO. 2017-001-001-001

DATE 1/18/18

BY [Signature]

DATE 1/18/18

BY [Signature]

NOTE:
Origin of Assumptions: "N/A"
Circumstances referred to: "N/A"
Does not access permitted
Does not access permitted
Does not access permitted
Does not access permitted



This work was prepared by me
or under my direct supervision
Chad J. Kelman
Civil Engineer
License No. 11248
License Expires April 30, 2018

NO.	REVISION	APPROVED	DATE
2	Parcel 1 (Rev. 1) revised per email from K. to [Name] dated 1/18/18	[Signature]	1-18-18
1	Parcel 1 revised per email from K. to [Name] dated 1/10/18	[Signature]	1-10-18

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
RIGHT OF WAY MAP
HONOAPIʻILANI HIGHWAY REALIGNMENT, PHASE 1B-2
HONOAPIʻILANI PLACE TO VICINITY OF OLOWALU
Federal Aid Project No. NH-00-1(051)
COUNTY OF MAUI PARCEL
LAUNILUPOKO, LAHAINA, MAUI, HAWAII

REVISIONS: 18 2017

SCALE: 1" = 100'

APPROVED: [Signature]
FOR ADMINISTRATOR, HIGHWAYS DIVISION

SHEET NO. 4A OF 4 SHEETS

TAX MAP KEY: (1) 4-7-001, 030 & 039

27' x 16' x 11.50 1/2 FT P.H. 636