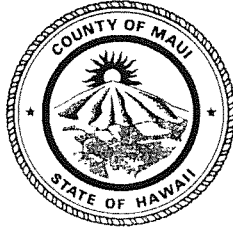


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

RECEIVED
2018 NOV 21 AM 10:31
OFFICE OF THE
COUNTY COUNCIL

November 21, 2018

MEMORANDUM

TO: Riki Hokama, Chair
Budget and Finance Committee

FROM: Jerrie L. Sheppard, Deputy Corporation Counsel

SUBJECT: **HONOAPIHLANI HIGHWAY REALIGNMENT, PHASE 1B-2**

Attached please find the Revised Resolution with Exhibit "1".

Enclosure:
Revised Resolution

APPROVED FOR TRANSMITTAL:



JERRIE SHEPPARD
Deputy Corporation Counsel

LF 2018-0229
2018-11-21 Revised Resolution

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 depicted in Exhibit “A” and described in Exhibit “B” to Exhibit “1”, 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, the State of Hawaii has agreed to pay the County the sum of \$1,251,798; 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

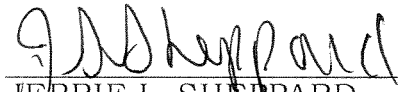
2. That pursuant to Section 3.44.020, Maui County Code, the Council hereby approves the disposition of the Property pursuant to the Quitclaim Deed attached hereto as Exhibit "1"; conditioned upon the County's receipt of payment by the State of Hawaii in the amount of \$1,251,798 for the additional area used for the Lahaina Bypass; and

3. That the proceeds shall be deposited to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund; and

4. 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

5. 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

2018-11-21 Revised Resolution

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:

THIS DOCUMENT CONTAINS _____ PAGES
(including this page)

Tax Map Key: (2) 4-7-001: 030

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 those certain abutter's rights of access into and from Kai Hele Ku Street, over and across Boundary 5, 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, which sheet is attached hereto as Exhibit A and incorporated herein by reference, and as more particularly described in Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the same, 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. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
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 for 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. Memorandum 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:

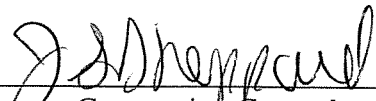
COUNTY OF MAUI

By _____
ALAN M. ARAKAWA
Its Mayor

APPROVAL RECOMMENDED

Name: _____

APPROVED AS TO FORM AND LEGALITY:




Deputy Corporation Counsel
Name: J L Sheppard
Dated: 11/21/2018

GRANTEE:

STATE OF HAWAII

By _____
JADE T. BUTAY
Its Director of Transportation

APPROVED AS TO LEGALITY, FORM EXCEPTIONS, AND RESERVATIONS:



Name: REUGLS. TOYAMA
Deputy Attorney General
Dated: 9/14/18

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.

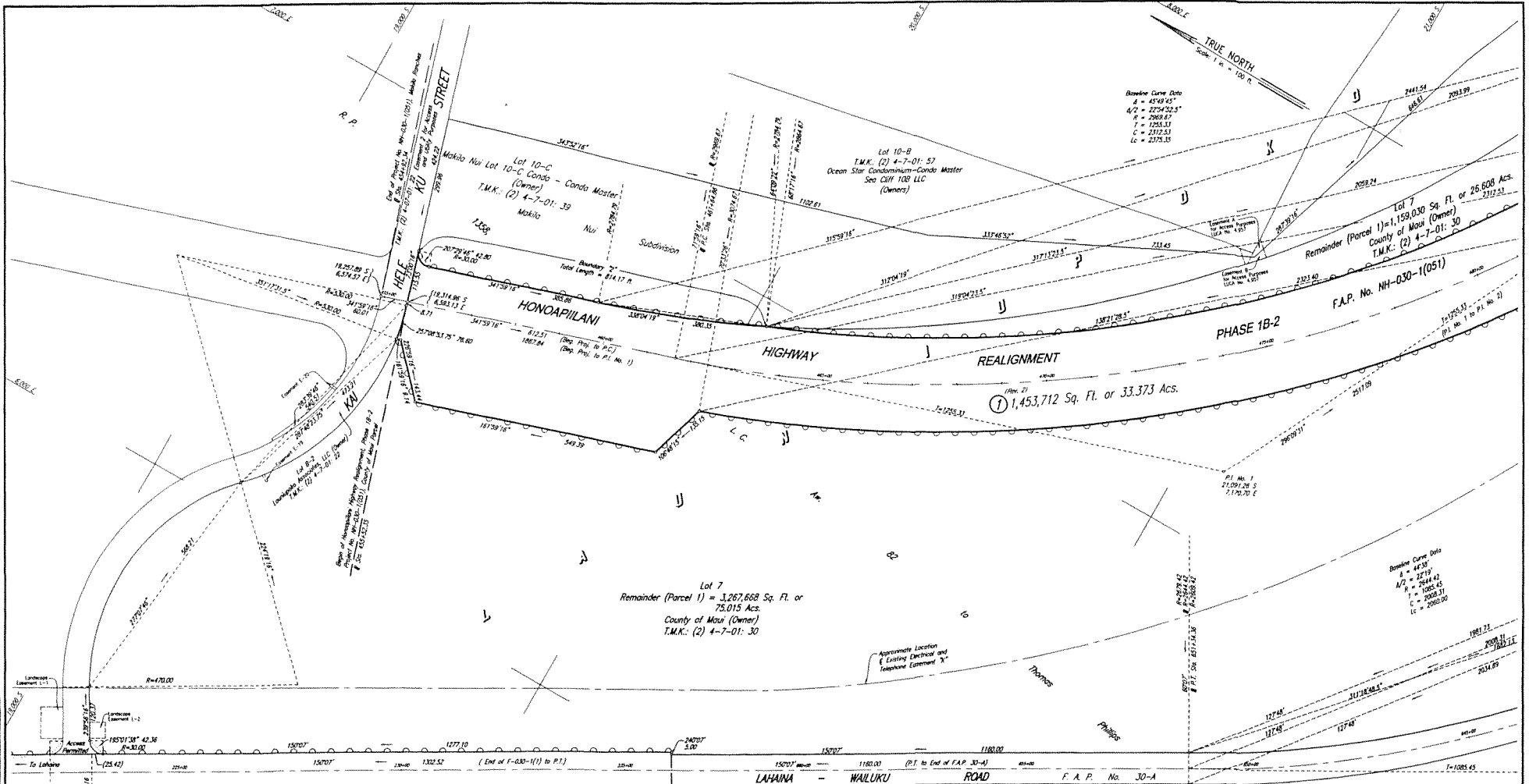
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Print Name _____
Notary Public, State of Hawaii

My commission expires: _____

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

Notary Signature _____ Date



Boundary Curve Data
 A = 45°49'45"
 A/2 = 22°54'52.5"
 R = 2868.67'
 T = 1255.33'
 C = 2312.51'
 Lc = 2375.15'

Boundary Curve Data
 A = 44°19'
 A/2 = 22°09'
 R = 2644.42'
 T = 1065.45'
 C = 2066.31'
 Lc = 2066.00'

FILE NO.	2018-001
FILED DATE	01/31/2018
PROJECT NO.	4-7-01-030 & 039
OWNER	SEA STAR CONDOMINIUM-CONDO MASTER
DATE	01/31/2018
SCALE	1" = 100'
BY	CHUCK T. ROLAND
CHECKED	CHUCK T. ROLAND
DATE	01/31/2018

NOTE:
 Origin of Azimuths: "TANA" Δ
 Coordinates referred to: "TANA" Δ
 --- Denotes access permitted.
 --- Denotes no vehicle access permitted.
 --- Denotes no access permitted.
 --- Denotes access permitted as noted on plan.

END OF PROJECT F.A.P. NO. 30-A
 END OF PROJECT F.A.P. NO. 30-A



This work was prepared by me or under my direct supervision.
 Chuck T. Roland
 Civil Engineer
 License Professional Land Surveyor
 Certificate Number 13104
 License Expires April 30, 2018

STATE APPROVED SUBDIVISION MAP
 Allowed by Hawaii Revised Statutes §264-43
 Subdivision File No. 4.1008
 January 31, 2018

NO.	REVISION	APPROVED	DATE
1	Parcel 1 (Rev. 1) revised per email from K. Ho (NH-03) dated 1/15/18.	CH	1-31-18
2	Parcel 1 revised per email from K. Ho (NH-03) dated 1/19/18.	CH	1-19-18

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

HONOLULU, HAWAII
 OCTOBER 19, 2017

SCALE: 1" = 100'

APPROVED: [Signature]
 FOR: ADMINISTRATOR, HIGHWAYS DIVISION

SHEET NO. 2A OF 4 SHEETS

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

Boundary "5"

Being a section of Kai Hele Ku Street (Lot B-2), Mahanalua Nui Subdivision Phase 1, right-of-way boundary of Honoapiilani Highway Realignment, Phase 1B-2, Hokiokio Place to Vicinity of Olowalu, Federal Aid Project No. NH-030-1(051), running along Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2.

Situated at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southeasterly side of Kai Hele Ku Street (Lot B-2), Mahanalua Nui Subdivision Phase 1, on the North side of Lot 7 of the Launiupoko (Large - Lot) Subdivision No. 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 19,334.54 feet South and 6,510.12 feet East, thence running by azimuths measured clockwise from True South:

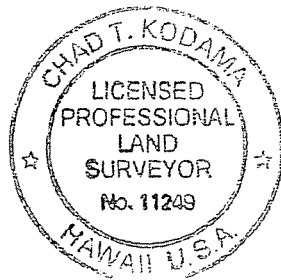
- 1 Along the North side of Lot 7 of the Launiupoko (Large - Lot) Subdivision No. 2 on a curve to the right with a radius of 530.00 feet, the chord azimuth and distance being
107° 48' 23.75" 473.21 feet;
- 2 Thence along same on a curve to the left with a radius of 470.00 feet, the chord azimuth and distance being:
99° 34' 03.5" 535.84 feet;
3. Thence along same on a curve to the left with a radius of 470.00 feet, the chord azimuth and distance being:
62° 22' 33.5" 39.99 feet;
- 4 59° 56' 16" 120.37 feet along the North side of Lot 7 of the Launiupoko (Large-Lot) Subdivision No. 2.

5 Thence along same on a curve to the left with a radius of 30 00 feet, the chord azimuth and distance being:

15° 01' 38" 42.36 feet,

to the West end of the right-of-way boundary and having a total length of 1,268.10 feet.

Vehicle access shall not be permitted into and from Kai Hele Ku Street (Lot B-2), Mahanalua Nui Subdivision Phase 1, over and across Courses 1, 2, 4 and 5 of the above described Boundary "5".



May 7, 2018
Honolulu, Hawaii
Tax Map Key: (2) 4-7-001. 030

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2020

Description Checked
[Signature]
for Cadastral Engineer
Date: 7/31/18