

COUNCIL OF THE COUNTY OF MAUI
BUDGET, FINANCE, AND ECONOMIC
DEVELOPMENT COMMITTEE

October 22, 2021

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget, Finance, and Economic Development Committee, having met on September 15, 2021, and October 5, 2021, makes reference to County Communication 21-248, from the Budget Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION)."

The purpose of the proposed bill is to amend the Fiscal Year ("FY") 2021 general obligation bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Other Projects, for a project entitled "Wai'ale Land Acquisition," in the amount of \$10,000,000, under the Department of Finance.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAIALE LAND ACQUISITION."

The purpose of the proposed bill is to amend the FY 2021 Budget, Appendix C, Capital Improvement Projects, by amending the project description for the Wai'ale Land

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Acquisition for the Wailuku-Kahului Community Plan Area
under the Department of Finance.

By correspondence dated May 26, 2021, the Budget Director transmitted a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 443.393 ACRES IDENTIFIED AS TAX MAP KEY NOS. (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178 AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAI'ALE SOUTH AND WAI'ALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,000,000.00."

The purpose of the proposed resolution is to authorize the acquisition of 443.393 acres located at Waikapū, Wailuku, Maui, Hawai'i, referred to as "Wai'ale South" and "Wai'ale North," for an amount not to exceed \$10,000,000.

By correspondence dated June 9, 2021, the County Clerk transmitted correspondence informing the Chair of your Committee that the Council, at its meeting of June 4, 2021, discharged the Budget, Finance, and Economic Development Committee from further consideration of a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAI'ALE LAND ACQUISITION," and passed Bill 56 (2021) on first reading.

By correspondence dated September 29, 2021, the Budget Director transmitted the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER

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PROJECTS, BOND FUND, WAIALE LAND ACQUISITION;
TOTAL CAPITAL IMPROVEMENTS PROJECT
APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING
AND CAPITAL IMPROVEMENT PROJECTS).”

The purpose of the proposed bill is to amend the FY 2022 Budget, by: 1) increasing Bond/Lapsed Bond by \$500,000; 2) amending Section 4.B., Department of Finance, by adding Wailuku-Kahului Community Plan Area, Other Projects, Bond Fund, a project entitled “Wai‘ale Land Acquisition” in the amount of \$500,000; and 3) adjusting the totals accordingly.

2. A proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIALE LAND ACQUISITION.”

The purpose of the proposed bill is to amend the FY 2022 Budget, Appendix C, Capital Improvement Projects, by adding Wailuku-Kahului Community Plan Area, a project entitled “Wai‘ale Land Acquisition” and project description, under the Department of Finance, in the amount of \$500,000.

3. A proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION).”

The purpose of the proposed bill is to amend the FY 2022 general obligation bond authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area,

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Other Projects, a project entitled “Wai‘ale Land Acquisition,” in the amount of \$500,000, under the Department of Finance.

4. A proposed resolution entitled “ACCEPTING THE DONATION OF THREE PARCELS TOTALING APPROXIMATELY 55.318 ACRES, INCLUDING APPROXIMATELY 42.454 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:176, APPROXIMATELY 5.554 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:177 AND APPROXIMATELY 7.310 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:180, PURSUANT TO CONDITION SEVEN OF ORDINANCE 3559 (2008).”

The purpose of the proposed resolution is to authorize the acceptance of a donation of 55.318 acres located at Waikapū, Wailuku, Maui, Hawai‘i, in accordance with Condition Seven of Ordinance 3559.

Your Committee discussed the history of these parcels and the conditions placed on Alexander & Baldwin, LLC (“A&B”) by the State Land Use Commission and the County Council.

The State Land Use Commission (“LUC”) required that 10 acres of the property be allocated for affordable housing, but a study conducted by A&B showed a need for an additional 13 acres, for a total of 23 acres. The County Council further required an additional 17 acres for affordable housing, bringing the amount of land reserved for affordable housing up to 40 acres. The Council also required approximately 7 acres for a Kahului community multi-purpose center, and approximately 3 acres for park purposes.

Your Committee heard from members of the community about the importance of the Wai‘ale land, including the need to preserve and protect iwi kūpuna from further desecration by commercial or residential development, and expressed support of the acquisition and dedication.

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Your Committee confirmed with representatives of Mālama Kakanilua that they are developing a plan to honor and mālama iwi kūpuna and steward the parcels.

Along with the initial acquisition of 493 acres, and the dedication of an additional 50 acres, all for cultural preservation, your Committee discussed A&B's donation of an additional 23 acres in Kahului off of Hansen Road that would satisfy the State LUC's condition for affordable housing.

Your Committee agreed to amend the proposed resolution to acquire the property and increase the amount from \$10,000,000 to \$10,500,000 to account for a change in the purchase price that occurred during negotiations between A&B and the Department of Finance.

Your Committee expressed its strong support for the cultural preservation of the Wai'ale land, and voted 7-0 to recommend passage of the proposed bills on first reading, adoption of the proposed donation resolution, adoption of the revised proposed acquisition resolution, and filing of the communication. Committee Chair Rawlins-Fernandez, Vice-Chair Paltin, and members Johnson, Lee, Molina, Sinenci, and Sugimura voted "ae." Committee members Kama and King were excused.

Your Committee is in receipt of a revised proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF 443.393 ACRES IDENTIFIED AS TAX MAP KEYS (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179, SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS WAIALE SOUTH AND WAIALE NORTH, FOR AN AMOUNT NOT TO EXCEED \$10,500,000," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

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Your Budget, Finance, and Economic Development Committee
RECOMMENDS the following:

1. That Bill _____ (2021), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2021), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, BOND FUND, WAIALE LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill _____ (2021), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIALE LAND ACQUISITION," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill _____ (2021), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS

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(DEPARTMENT OF FINANCE - WAIALE LAND ACQUISITION),”
be PASSED ON FIRST READING and be ORDERED TO PRINT;

5. That Resolution _____, attached hereto, entitled
“AUTHORIZING THE ACQUISITION OF 443.393 ACRES
IDENTIFIED AS TAX MAP KEYS (2) 3-8-005:037,
(2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172,
(2) 3-8-007:173, (2) 3-8-007:178, AND (2) 3-8-007:179,
SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII, BEING
MORE PARTICULARLY DESCRIBED AS WAIALE SOUTH AND
WAIALE NORTH, FOR AN AMOUNT NOT TO EXCEED
\$10,500,000,” be ADOPTED;

6. That Resolution _____, attached hereto, entitled
“ACCEPTING THE DONATION OF THREE PARCELS
TOTALING APPROXIMATELY 55.318 ACRES, INCLUDING
APPROXIMATELY 42.454 ACRES IDENTIFIED AS TAX MAP
KEY NO. (2) 3-8-007:176, APPROXIMATELY 5.554 ACRES
IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:177 AND
APPROXIMATELY 7.310 ACRES IDENTIFIED AS TAX MAP
KEY NO. (2) 3-8-007:180, PURSUANT TO CONDITION SEVEN
OF ORDINANCE 3559 (2008),” be ADOPTED; and

7. That County Communication 21-248 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of
the Council.



KEANI N.W. RAWLINS-FERNANDEZ, Chair

ORDINANCE NO. _____

BILL NO. ____ (2021)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE – WAIALE LAND ACQUISITION)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5101, Bill No. 66 (2020), is amended by
amending Section 1 to read as follows:

“SECTION 1. Authorization of General Obligation Bonds. Pursuant to Chapter 47, Hawaii Revised Statutes, as amended, and particularly Part I thereof, there are hereby authorized to be issued and sold from time to time general obligation bonds of the County of Maui, State of Hawaii (the "County") in an aggregate principal amount not to exceed [~~\$87,880,321~~] \$97,880,321 (the "Bonds"), the proceeds derived from the sale of which shall be used to pay all or part of the cost of appropriations for the public improvements of the County described in Section 2 hereof.”

SECTION 2. Ordinance No. 5101, Bill No. 66 (2020), is amended by
amending Section 2 to read as follows:

“SECTION 2. Disposition of Bond Proceeds. All or any portion of the proceeds derived from the sale of the Bonds or any notes issued in anticipation of the Bonds shall be used to pay all or part of the cost of any of the public improvements listed below in accordance with appropriations contained in the Fiscal Year 2021 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2021 (the "Fiscal Year 2021 Budget"); provided, however, that pursuant to Section 47-5, Hawaii Revised Statutes, the part of such proceeds which is in excess of the amounts required for the purposes for which the Bonds are initially issued from time to time, or which may not be applied to such purposes, or which the Council deems should not be applied to such purposes, may be applied to finance such other public

improvements of the County as the Council shall, by ordinance approved by an affirmative vote of two-thirds of all of its members, determine; and provided further that the actual use and application of the proceeds of Bonds issued pursuant to this ordinance shall not in any way affect the validity or legality of such Bonds. No proceeds of the Bonds shall be applied to any public improvement listed in this section unless and until there shall be a valid appropriation of general obligation bond proceeds in effect for such public improvement. The public improvements provided for or to be provided for in the Fiscal Year 2021 Budget, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:

Estimated Project Cost

| <u>PROJECT TITLE</u> | <u>APPROPRIATION</u> |
|---|----------------------|
| A. Department of Environmental Management | |
| 1. Countywide | |
| a. Sewer | |
| (1) Countywide Environmental Protection Agency (EPA) Compliance Wastewater Reclamation Facility Renovation Projects | |
| Kihei WWRF Central Lab Trailer | 1,000,000 |
| WWRF Renovations – Dewatering Technologies | 150,000 |
| Kihei WWRF Storage/Maintenance Facilities | 300,000 |
| WWRF Renovations – Aeration Basin | 550,000 |
| 2. Hana Community Plan Area | |
| a. Sanitation | |
| (1) Hana Landfill Office Trailer and PV Expansion | 275,000 |
| 3. Kihei-Makena Community Plan Area | |
| a. Sewer | |
| (1) Kihei In Plant/Effluent Pump Station Upgrades | 1,500,000 |
| (2) Kihei-Makena Sewer Expansion | 3,600,000 |
| (3) Liloa Drive Recycled Water Line | 1,000,000 |
| (4) Kihei No. 4 Force Main Replacement | 300,000 |
| (5) Kihei Land Application System | 1,000,000 |
| 4. Molokai Community Plan Area | |
| a. Sanitation | |
| (1) Molokai Landfill Phase V Expansion | 5,000,000 |

| | | |
|--|--|------------|
| 5. Paia-Haiku Community Plan Area | | |
| a. Sewer | | |
| (1) Kuau No. 1 Force Main Replacement | | 500,000 |
| (2) Kuau No. 2 Force Main Replacement | | 500,000 |
| (3) Sprecklesville Force Main Replacement | | 360,000 |
| 6. Wailuku-Kahului Community Plan Area | | |
| a. Sanitation | | |
| (1) Central Maui Landfill (CML) Phase V-B Extension | | 2,150,000 |
| (2) Central Maui Landfill Phases IV & V Final Closure | | 325,000 |
| (3) CML Operations Facilities | | 400,000 |
| (4) Central Maui Landfill Expansion | | 250,000 |
| (5) CML Customer Drop-Off Area Improvements | | 250,000 |
| (6) Central Maui Landfill Entrance Facility Traffic Improvements | | 150,000 |
| b. Sewer | | |
| (1) Central Maui Regional WWRf (Waikapu) | | 2,000,000 |
| (2) Wailuku-Kahului Environmental Protection Agency (EPA) Compliance Sewer Rehabilitation | | 2,000,000 |
| (3) Waiko Road Subdivision Sewer System | | 500,000 |
| (4) Wailuku-Kahului Recycled Water Force Main | | 750,000 |
| 7. West Maui Community Plan Area | | |
| a. Sewer | | |
| (1) West Maui Recycled Water System Expansion | | 10,000,000 |
| (2) West Maui Environmental Protection Agency (EPA) Compliance Sewer Rehabilitation | | 200,000 |
| (3) Napili No. 2 Force Main Replacement | | 150,000 |
| (4) Napili Nos. 5 and 6 Force Main Replacements | | 1,000,000 |
| (5) Napili Wastewater Pump Station No. 2 Modifications | | 400,000 |

B. Department of Finance

1. Countywide

 a. Other Projects

| | | |
|--------------------------|--|-----------|
| (1) Countywide Equipment | | 7,685,000 |
|--------------------------|--|-----------|

2. Wailuku-Kahului Community Plan Area

 a. Government Facilities

| | | |
|---|--|-----------|
| (1) Acquisition of 60 South Church Street Building and Property | | 3,800,000 |
| (2) Acquisition of 100 Mahalani Street Building and Property | | 9,850,000 |

b. Other Projects

(1) Waiale Land Acquisition 10,000,000

C. Department of Fire and Public Safety

1. Wailuku-Kahului Community Plan Area

a. Government Facilities

(1) Kahului Fire Station Apparatus Shelter 325,000

D. Department of Management

1. Wailuku-Kahului Community Plan Area

a. Government Facilities

(1) New County Service Center 2,422,321

(2) 60 North Church Street Building Renovations 260,000

E. Department of Parks and Recreation

1. Hana Community Plan Area

a. Parks and Recreation

(1) Old Hana School Improvements 1,850,000

2. Kihei Makena Community Plan Area

a. Parks and Recreation

(1) South Maui Beach Parks Parking Lots Improvements 500,000

(2) Kalama Park Skate Park Improvements 400,000

3. Lanai Community Plan Area

a. Parks and Recreation

(1) Lanai Gym Re-roofing and Improvements 1,100,000

4. Makawao-Pukalani-Kula Community Plan Area

a. Parks and Recreation

(1) Waiakoa Gym Improvements 430,000

5. Wailuku-Kahului Community Plan Area

a. Parks and Recreation

(1) War Memorial Gym Building Improvements 1,000,000

(2) Velma McWayne Santos Center Improvements 250,000

(3) Ichiro "Iron" Maehara Baseball Stadium Improvements 525,000

6. West Maui Community Plan Area

a. Parks and Recreation

(1) Lahaina Aquatic Center Retention Basin Restoration 800,000

| | |
|---|------------|
| F. Department of Police | |
| 1. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) Wailuku Police Station Fuel Tank Replacement | 501,000 |
| G. Department of the Prosecuting Attorney | |
| 1. Wailuku-Kahului Community Plan Area | |
| b. Government Facilities | |
| (1) Children's Peace Center | 1,500,000 |
| H. Department of Public Works | |
| 1. Countywide | |
| a. Government Facilities | |
| (1) Countywide Facility Maintenance Program Prosecutor's Basement Remodel | 200,000 |
| b. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Countywide Federal Aid Program | 11,032,000 |
| (2) Countywide Road Resurfacing and Pavement Preservation Keomoku Road Maintenance | 250,000 |
| 2. Hana Community Plan Area | |
| a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Piilani Highway Slope Stabilization at Nuanualoa Gulch | 1,350,000 |
| (2) Kalepa Revetment and Seawall Repairs | 440,000 |
| 3. Lanai Community Plan Area | |
| a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Sixth Street and Lanai Avenue Intersection Safety Improvements | 150,000 |
| 4. Wailuku-Kahului Community Plan Area | |

| | |
|--|-----------|
| a. Drainage | |
| (1) Central Maui Drainline Repairs | 1,500,000 |
| b. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including: | |
| (1) Waiale Road Extension | 500,000 |
| I. Department of Transportation | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Bus Stops and Shelters | 400,000 |
| 2. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) Central Maui Transit Hub | 2,300,000 |

The cost of issuance of the Bonds or any series thereof, including without limitation, the initial fee of paying agents and registrars, the fees of financial consultants and bond counsel, the cost of preparation of any Official Statement relating to the Bonds, any notices of sale and forms of bid and the definitive Bonds, and the costs of publication of any notices of sale, may be paid from the proceeds of the Bonds or any series thereof and such costs shall be allocated pro rata to each of the foregoing projects financed from such proceeds.”

SECTION 3. Material to be repealed is bracketed. New material is underscored.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/Kristina C. Toshikiyo

KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui
2020-0931
2021-05-13 Ord Bond Waiale Land Acquisition
(BD-BA 21-74)

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
OTHER PROJECTS, BOND FUND,
WAIALE LAND ACQUISITION;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5217, Bill No. 46 (2021), Draft 1, as amended, "Fiscal Year 2022 Budget", is hereby amended as it pertains to Section 2, Estimated Revenues, by increasing Bond/Lapsed Bond in the amount of \$500,000; and by increasing the Total Estimated Revenues in the amount of \$500,000, to read as follows:

"ESTIMATED REVENUES

FROM TAXES, FEES AND ASSESSMENTS:

| | | |
|------------------------------|--|-------------|
| Real Property Taxes | | 385,460,429 |
| Circuit Breaker Adjustment | | (490,677) |
| Charges for Current Services | | 151,362,496 |
| Public Service Company Tax | | 7,500,000 |
| Licenses/Permits/Others | | 41,555,596 |
| Fuel and Franchise Taxes | | 23,500,000 |
| Special Assessments | | 7,415,000 |
| Other Intergovernmental | | 17,200,000 |

FROM OTHER SOURCES:

| | | |
|--|--------------|-------------------|
| Interfund Transfers | | 37,212,827 |
| Bond/Lapsed Bond | [88,277,900] | <u>88,777,900</u> |
| Carryover/Savings: | | |
| General Fund | | 56,738,319 |
| Sewer Fund | | 5,521,340 |
| Highway Fund | | 1,574,122 |
| Solid Waste Management Fund | | -451,073 |
| Environmental Protection and Sustainability Fund | | 898,082 |
| Liquor Fund | | 674,182 |
| Water Fund | | 19,535,117 |

TOTAL ESTIMATED REVENUES

[843,483,660] 843,983,660"

SECTION 2. Fiscal Year 2022 Budget is hereby amended as it pertains to Section 4.B., Department of Finance, by adding Wailuku-Kahului Community Plan Area, Other Projects, Bond Fund, and a project entitled "Waiale Land Acquisition" in the amount of \$500,000, to read as follows:

- "B. Department of Finance
 - 1. Countywide
 - a. Other Projects
 - (1) Bond Fund
 - (i) Countywide Equipment 4,785,000
 - (a) Up to \$2,455,000 must be for: one dozer for the Hana Landfill; one mini manual refuse truck for West Maui; one loader backhoe, one roll-off truck, and one Sitework GPS System for the Central Maui Landfill; and one dump truck, one wheel loader and one manual rear loader for the Molokai Landfill.
 - (b) Up to \$2,330,000 must be for two 1500-GPM pumper trucks, at the Kula Fire Station and Lanai Fire Station.
2. Wailuku-Kahului Community Plan Area
 - a. Other Projects
 - (1) Bond Fund
 - (i) Waiale Land Acquisition 500,000

SECTION 3. Fiscal Year 2022 Budget is hereby amended as it pertains to the Total Capital Improvement Project Appropriations to reflect an increase of \$500,000, to read as follows:

"TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS [160,282,600] 160,782,600"

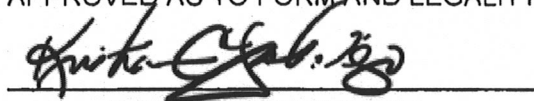
SECTION 4. Fiscal Year 2022 Budget is hereby amended as it pertains to the Total Appropriations (Operating and Capital Improvement Projects) to reflect an increase of \$500,000, to read as follows:

"TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS) [843,483,660] 843,983,660"

SECTION 5. Material to be repealed is bracketed. New material is underscored.

SECTION 6. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Kristina C. Toshikiyo", is written over a solid horizontal line.

KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE, WAILUKU-KAHULUI COMMUNITY PLAN AREA,
WAIALE LAND ACQUISITION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5217, Bill No. 46 (2021), Draft 1, as amended, "Fiscal Year 2022 Budget", Appendix C – Capital Improvement Projects, is hereby amended as it pertains to the Department of Finance, by adding Wailuku-Kahului Community Plan Area, a project entitled "Waiale Land Acquisition" and project description, in the amount of \$500,000, to read as follows:

| "APPENDIX C - Capital Improvement Projects | | |
|--|---|----------------------|
| Capital improvement project funding may not be used for any purpose other than as described in this appendix. The total amount appropriated for a project may be used for the work phases provided in the project description. A budget amendment shall be requested if the total amount appropriated will be insufficient to complete all work phases set forth in the project description or if the project description does not clearly represent the work to be performed. | | |
| CBS NO. | PROJECT TITLE/DESCRIPTION | APPROPRIATION |
| | <u>Department of Finance</u> | |
| | <u>1. Countywide</u> | |
| CBS-1218 | a. Countywide Equipment | 4,785,000 |
| | Equipment purchase for the Department of Environmental Management, Solid Waste Management Program, \$2,455,000: (1) dozer for the Hana Landfill; (1) wheel loader, (1) dump truck, and (1) manual rear loader for the Molokai Landfill; (1) mini manual refuse truck for West Maui; (1) Sitework GPS System, (1) Roll-off truck and (1) loader backhoe for the Central Maui Landfill. Equipment purchase for the Department of Fire and Public Safety, \$2,330,000: (1) 1500 Gallons-Per-Minute (GPM) Pumper for the Kula Fire Station; and (1) 1500 GPM Pumper for the Lanai Fire Station. | |
| | <u>2. Wailuku-Kahului Community Plan Area</u> | |
| CBS-xxxx | a. Waiale Land Acquisition | 500,000 |
| | <u>Land acquisition of approximately 495 acres consisting of Waiale North (354 acres) and Waiale South (141 acres). The administration will form an advisory committee, which will include members of Mālama Kakanilua, to advise on the use of this property.</u> | |

SECTION 2. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel

ORDINANCE NO. _____

BILL NO. ____ (2021)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219,
BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE – WAIALE LAND ACQUISITION)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 5219, Bill No. 48 (2021), is amended by
amending Section 1 to read as follows:

“SECTION 1. Authorization of General Obligation Bonds. Pursuant to Chapter 47, Hawaii Revised Statutes, as amended, and particularly Part I thereof, there are hereby authorized to be issued and sold from time to time general obligation bonds of the County of Maui, State of Hawaii (the "County") in an aggregate principal amount not to exceed [~~\$86,405,900~~] \$86,905,900 (the "Bonds"), the proceeds derived from the sale of which shall be used to pay all or part of the cost of appropriations for the public improvements of the County described in Section 2 hereof.”

SECTION 2. Ordinance No. 5219, Bill No. 48 (2021), is amended by
amending Section 2 to read as follows:

“SECTION 2. Disposition of Bond Proceeds. All or any portion of the proceeds derived from the sale of the Bonds or any notes issued in anticipation of the Bonds shall be used to pay all or part of the cost of any of the public improvements listed below in accordance with appropriations contained in the Fiscal Year 2022 Budget, including amendments and supplements thereto, duly approved by the Council of the County (the "Council") for the fiscal year ending June 30, 2022 (the "Fiscal Year 2022 Budget"); provided, however, that pursuant to Section 47-5, Hawaii Revised Statutes, the part of such proceeds which is in excess of the amounts required for the purposes for which the Bonds are initially issued from time to time, or which may not be applied to such purposes, or which the Council deems should not be applied to such purposes, may be applied to finance such other public improvements of the County as the Council shall, by ordinance

approved by an affirmative vote of two-thirds of all of its members, determine; and provided further that the actual use and application of the proceeds of Bonds issued pursuant to this ordinance shall not in any way affect the validity or legality of such Bonds. No proceeds of the Bonds shall be applied to any public improvement listed in this section unless and until there shall be a valid appropriation of general obligation bond proceeds in effect for such public improvement. The public improvements provided for or to be provided for in the Fiscal Year 2022 Budget, to be financed with proceeds from the sale of the Bonds, are as follows:

Public Improvements:

Estimated Project Cost

| <u>PROJECT TITLE</u> | <u>APPROPRIATION</u> |
|---|----------------------|
| A. Department of Environmental Management | |
| 1. Kihei-Makena Community Plan Area | |
| a. Sewer | |
| (1) Kihei Wastewater Pump Station No. 7 Relocation | 800,000 |
| (2) Kihei Wastewater Pump Station No. 9 Modification/Upgrade | 2,300,000 |
| 2. Wailuku-Kahului Community Plan Area | |
| a. Sanitation | |
| (1) Central Maui Landfill Phase II/III Interface Development | 850,000 |
| (2) Central Maui Landfill Phase III-B Lateral Expansion | 250,000 |
| 3. West Maui Community Plan Area | |
| a. Sewer | |
| (1) Lahaina Wastewater Reclamation Facility R-1 Process Expansion | 10,500,000 |
| (2) Napili No. 1 Force Main Replacement | 300,000 |
| (3) Napili Wastewater Pump Station No. 1 Modifications | 550,000 |
| (4) West Maui Recycled Water System Expansion | 6,000,000 |
| B. Department of Finance | |
| 1. Countywide | |
| a. Other Projects | |
| (1) Countywide Equipment | 4,785,000 |
| 2. <u>Wailuku-Kahului Community Plan Area</u> | |
| a. <u>Other Projects</u> | |
| (1) <u>Waiale Land Acquisition</u> | <u>500,000</u> |

| | |
|---|------------|
| C. Department of Fire and Public Safety | |
| 1. Lanai Community Plan Area | |
| a. Government Facilities | |
| (1) Lanai Fire Station Improvements | 2,600,000 |
| 2. Makawao-Pukulani-Kula Community Plan Area | |
| a. Government Facilities | |
| (1) Makawao Fire Station Renovation/Addition | 770,000 |
| 3. Molokai Community Place Area | |
| a. Government Facilities | |
| (1) Puko`o Fire Station Relocation | 325,000 |
| (2) Puko`o Fire Station Renovation | 500,000 |
| 4. Paia-Haiku Community Plan Area | |
| a. Government Facilities | |
| (1) Haiku Fire Station | 800,000 |
| D. Department of Management | |
| 1. Wailuku-Kahului Community Plan Area | |
| a. Government Facilities | |
| (1) 60 North Church Street Building Renovations | 628,000 |
| (2) 100 Mahalani Street Buildings Renovations | 2,000,000 |
| E. Department of Parks and Recreation | |
| 1. Hana Community Plan Area | |
| a. Government Facilities | |
| (1) Old Hana School Improvements | 3,000,000 |
| b. Parks and Recreation | |
| (1) Helene Hall Improvements | 1,300,000 |
| 2. Lanai Community Plan Area | |
| a. Parks and Recreation | |
| (1) Lanai Youth Center and Skate Park | 4,000,000 |
| 3. Wailuku-Kahului Community Plan Area | |
| a. Parks and Recreation | |
| (1) Velma McWayne Santos Center Improvements | 2,125,000 |
| (2) War Memorial Gym Building Improvements | 15,000,000 |

F. Department of Public Works

1. Countywide

a. Countywide

- (1) Countywide Bridge and Drainage Program 1,200,000
- (2) Countywide Drainline Replacement Program 3,700,000

b. Government Facilities

- (1) Countywide Facilities Maintenance 500,000

c. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including:

- (1) Countywide Federal Aid Program 4,307,900
- (2) Countywide Road Resurfacing and Pavement Preservation 3,550,000

2. Hana Community Plan Area

a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including:

- (1) Kalepa Rockfall Repairs 4,250,000

3. Kihei-Makena Community Plan Area

a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including:

- (1) North South Collector Road (Waipuilani Street to Kaonoulu Street) 515,000

4. Lanai Community Plan Area

a. Government Facilities

- (1) Lanai Baseyard Improvements 900,000

5. Paia-Haiku Community Plan Area

a. Road Improvements (and related improvements, beautification, sidewalks, bike paths, drainage, bridge repairs, and maintenance safety and utilities, accessibility for persons with disabilities) including:

- (1) Haiku Road Slope Stability Improvements 7,500,000

G. Department of Transportation

1. Countywide

a. Other Projects

(1) Bus Stops and Shelters

600,000

The cost of issuance of the Bonds or any series thereof, including without limitation, the initial fee of paying agents and registrars, the fees of financial consultants and bond counsel, the cost of preparation of any Official Statement relating to the Bonds, any notices of sale and forms of bid and the definitive Bonds, and the costs of publication of any notices of sale, may be paid from the proceeds of the Bonds or any series thereof and such costs shall be allocated pro rata to each of the foregoing projects financed from such proceeds.”

SECTION 3. Material to be repealed is bracketed. New material is underscored.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/Kristina C. Toshikiyo

KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui

2021-0374
2021-09-28 Ord Bond Amd Waiale Land Acquisition

Resolution

No. _____

AUTHORIZING THE ACQUISITION OF 443.393
ACRES IDENTIFIED AS TAX MAP KEYS
(2) 3-8-005:037, (2) 3-8-005:040,
(2) 3-8-007:101, (2) 3-8-007:172,
(2) 3-8-007:173, (2) 3-8-007:178, AND
(2) 3-8-007:179, SITUATED AT WAIKAPU,
WAILUKU, MAUI, HAWAII, BEING MORE
PARTICULARLY DESCRIBED AS WAIALE
SOUTH AND WAIALE NORTH, FOR AN AMOUNT
NOT TO EXCEED \$10,500,000

WHEREAS, Alexander & Baldwin, LLC, a Delaware limited liability company ("Owner"), is the owner in fee simple of real property located at Waikapu, Wailuku, Maui, Hawaii, consisting of 443.393 acres, being more particularly described as Waiale South and Waiale North, and identified for real property tax purposes as tax map keys (2) 3-8-005:037, (2) 3-8-005:040, (2) 3-8-007:101, (2) 3-8-007:172, (2) 3-8-007:173, (2) 3-8-007:178, and (2) 3-8-007:179 ("Properties"), which Properties are described in Exhibit "A" and depicted in the Subdivision File Maps attached as Exhibit "B," both of which are incorporated by reference; and

WHEREAS, the County of Maui and the Owner desire to enter into an agreement for the purchase and sale of the Properties; and

WHEREAS, the Director of Finance has negotiated the proposed purchase of the Properties; and

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

WHEREAS, the County desires to purchase and the Owner desires to sell the Properties for the amount of \$10,500,000; 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 \$250,000; now, therefore,

Resolution No. _____

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

1. That the Council finds the acquisition of the Properties to be in the public interest;
2. That in accordance with Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Properties for an amount not to exceed \$10,500,000, exclusive of closing costs and expenses;
3. That it authorizes the Mayor or the Mayor's duly authorized representative to execute all necessary documents in connection with the acquisition of the Properties; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and Owner.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Deputy Corporation Counsel
County of Maui

bfed:misc:037areso01:ljcm

TAX MAP KEY NUMBERS

(2) 3-8-005:037

(2) 3-8-005:040

(2) 3-8-007:101

(2) 3-8-007:172

(2) 3-8-007:173

(2) 3-8-007:178

(2) 3-8-007:179

EXHIBIT "A"

TAX MAP KEY (2) 3-8-005:037

LAND DESCRIPTION

LOT 3

WALTER K. SCHENK SUBDIVISION

All that certain parcel of land being Lot 3 of the Walter K. Schenk Subdivision, being a portion of Grant 3152 to Henry Cornwell. Situated at Waikapu, Maui, Hawaii and being more particularly described as follows:

BEGINNING at the south corner of this parcel of land at a point on the westerly Right-of-Way of Kuihelani Highway (F.A.S.P. No. S-0380(4)), said point being also the most easterly corner of Lot 4-B of the Walter K. Schenk Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

12,139.59 feet South
3,427.96 feet East

and running by azimuths measured clockwise from True South:

1. 116° 11' 317.80 feet along said Lot 4-B;
2. 120° 24' 115.00 feet along same;
3. 124° 20' 121.88 feet along same;
4. 197° 45' 647.62 feet along same;
5. 287° 45' 623.31 feet along the south side of Waiko Road (60 feet wide);
6. thence along same on a curve to the left, having a radius of 950.00 feet and a central angle of 1° 03' 28", the chord azimuth and distance being:
287° 13' 16" 17.54 feet;
7. thence along same on a reverse curve to the right, having a radius of 30.00 feet and a central angle of 101° 06' 58", the chord azimuth and distance being:
337° 15' 01" 46.34 feet;

8. 27° 48' 30" 730.35 feet along the westerly Right-of-Way of said Kuihelani Highway to the **POINT OF BEGINNING** and containing an area of 10.000 acres, more or less.

PREPARED BY:
A&B Properties Hawaii, LLC

Date: December 9, 2020

This work was prepared by me or under my direct supervision



A handwritten signature in black ink, appearing to read "Justin R. Shaw", written over a horizontal line.

Justin R. Shaw
Licensed Professional Land Surveyor
Certificate No. LS-15959
Expiration Date: April 30, 2022

LAND DESCRIPTION

LOT 4-A

WALTER K. SCHENK SUBDIVISION

All that certain parcel of land being Lot 4-A of the Walter K. Schenk Subdivision, being a portion of Grant 3152 to Henry Cornwell. Situated at Waikapu, Maui, Hawaii and being more particularly described as follows:

BEGINNING at the most easterly corner of this parcel of land at a point on the westerly Right-of-Way of Kuihelani Highway (F.A.S.P. No. S-0380(4)), being also the south corner of Lot 3 of the Walter K. Schenk Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

12,139.59 feet South
3,427.96 feet East

and running by azimuths measured clockwise from True South:

- | | | | |
|-----|--------------|--------------|--|
| 1. | 27° 48' 30" | 625.00 feet | along said westerly Right-of-way of Kuihelani Highway; |
| 2. | 117° 48' 30" | 5.00 feet | along same; |
| 3. | 27° 48' 30" | 200.00 feet | along same; |
| 4. | 297° 48' 30" | 5.00 feet | along same; |
| 5. | 27° 48' 30" | 1100.00 feet | along same; |
| 6. | 117° 48' 30" | 10.00 feet | along same; |
| 7. | 27° 48' 30" | 300.00 feet | along same; |
| 8. | 297° 48' 30" | 5.00 feet | along same; |
| 9. | 27° 48' 30" | 593.39 feet | along same; |
| 10. | 139° 19' | 68.35 feet | along Lot 4-B of the Walter K. Schenk Subdivision; |
| 11. | 126° 20' | 86.70 feet | along same; |
| 12. | 140° 13' | 66.80 feet | along same; |
| 13. | 162° 55' | 69.26 feet | along same; |

| | | | | | |
|-----|------|-----|--------|------|-------------|
| 14. | 179° | 45' | 981.63 | feet | along same; |
| 15. | 164° | 47' | 133.33 | feet | along same; |
| 16. | 149° | 18' | 65.49 | feet | along same; |
| 17. | 123° | 25' | 69.43 | feet | along same; |
| 18. | 152° | 39' | 282.05 | feet | along same; |
| 19. | 130° | 31' | 293.31 | feet | along same; |
| 20. | 165° | 56' | 78.61 | feet | along same; |
| 21. | 179° | 35' | 140.82 | feet | along same; |
| 22. | 147° | 33' | 217.73 | feet | along same; |
| 23. | 156° | 01' | 247.96 | feet | along same; |
| 24. | 140° | 05' | 234.24 | feet | along same; |
| 25. | 147° | 51' | 243.64 | feet | along same; |
| 26. | 155° | 03' | 320.48 | feet | along same; |
| 27. | 134° | 24' | 117.03 | feet | along same; |
| 28. | 113° | 45' | 93.35 | feet | along same; |
| 29. | 129° | 10' | 44.94 | feet | along same; |
| 30. | 145° | 22' | 52.66 | feet | along same; |
| 31. | 157° | 20' | 58.21 | feet | along same; |
| 32. | 159° | 33' | 103.25 | feet | along same; |
| 33. | 132° | 49' | 34.90 | feet | along same; |
| 34. | 104° | 37' | 96.08 | feet | along same; |
| 35. | 113° | 23' | 102.59 | feet | along same; |
| 36. | 135° | 12' | 157.23 | feet | along same; |
| 37. | 157° | 26' | 122.67 | feet | along same; |
| 38. | 166° | 06' | 82.89 | feet | along same; |
| 39. | 145° | 27' | 176.16 | feet | along same; |
| 40. | 119° | 09' | 72.42 | feet | along same; |

41. 174° 36' 138.00 feet along Lot 2 of the Waiale Park Large Lot
Subdivision;
42. 216° 26' 44.79 feet along same;
43. 289° 00' 20.09 feet along the southerly side of Waiko Road (60
feet wide);
44. thence along same on a curve to the left, having a radius of 730.00 feet and a central angle of
12° 30', the chord azimuth and distance
being:
282° 45' 158.95 feet;
45. 276° 30' 340.00 feet along same;
46. thence along same on a curve to the right, having a radius of 1020.00 feet and a central angle
of 21° 30', the chord azimuth and distance
being:
287° 15' 380.51 feet;
47. 298° 00' 498.99 feet along same;
48. thence along same on a curve to the left, having a radius of 730.00 feet and a central angle of
24° 30', the chord azimuth and distance
being:
285° 45' 309.78 feet;
49. thence along same on a reverse curve to the right, having a radius of 2720.00 feet and a central
angle of 5° 00', the chord azimuth and
distance being:
276° 00' 237.29 feet;
50. 278° 30' 469.65 feet along same;
51. thence along same on a curve to the right, having a radius of 1350.00 feet and a central angle
of 13° 15', the chord azimuth and distance
being:
285° 07' 30" 311.50 feet;
52. 291° 45' 253.29 feet along same;
53. 287° 45' 343.59 feet along same;
54. 17° 45' 647.62 feet along said Lot 3;
55. 304° 20' 121.88 feet along same;

56. 300° 24'

115.00 feet along same;

57. 296° 11'

317.80 feet along same to the **POINT OF BEGINNING** and containing an area of 131.496 acres, more or less.

PREPARED BY:
A&B Properties Hawaii, LLC

Date: December 9, 2020

This work was prepared by me or under my direct supervision



A handwritten signature in black ink, appearing to read "Justin R. Shaw", written over a horizontal line.

Justin R. Shaw
Licensed Professional Land Surveyor
Certificate No. LS-15959
Expiration Date: April 30, 2022

TAX MAP KEY (2) 3-8-007:101

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 12-A-1-A, same being a portion of Lot 12-A-1 MAUI LANI SUBDIVISION, as shown on Subdivision Map File No. 3.2327, approved by the County of Maui on September 12, 2017 and thus bounded and described as per survey dated November 19, 2014, revised July 29, 2016:

Beginning at the southeast corner of parcel of land, being also the southwest corner of Lot 12-A-4 of the Maui Lani Subdivision (Subdivision File No. 3.2226) at a point on the northerly boundary line of Lot 1-C of the Kopaa Subdivision No. 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

10923.32 feet South
3973.36 feet East

and running by azimuths measured clockwise from true South:

1. 107° 45' 656.47 feet along said Lot 1-C;
2. 191° 45' 462.02 feet along same;
3. 101° 45' 2615.78 feet along same;
4. 322° 07' 271.76 feet along same;
5. 57° 14' 41" 4.58 feet along same;
6. 327° 14' 41" 465.24 feet along same;
7. 28° 00' 346.45 feet along same to the northerly right-of-way of Waiko Road (60 feet wide);
8. 118° 00' 199.99 feet along the northerly right-of-way of Waiko Road (60 feet wide) to Lot 1-A of Kopaa Subdivision No. 2;

9. 147° 14' 41" 1104.44 feet along said Lot 1-A to Lot 12-A-2 of the Maui Lani Subdivision (Subdivision File No. 3.2226);
10. 281° 45' 131.88 feet along said Lot 12-A-2;
11. 178° 00' 574.77 feet along same;
12. Thence along same on a non-tangent curve to the right having a radius of 1784.00 feet, the chord azimuth and distance being:
 - 171° 04' 30" 746.40 feet;
13. 183° 09' 450.00 feet along same;
14. Thence along same on a curve to the left having a radius of 1200.00 feet, the chord azimuth and distance being:
 - 183° 04' 42" 3.02 feet to a point of cusp on the westerly boundary of Lot 12-A-1-B of the Maui Lani Subdivision (Subdivision File No. 3.2327);
15. Thence from said point of cusp along said Lot 12-A-1-B on a non-tangent curve to the left having a radius of 603.00 feet, the chord azimuth and distance being:
 - 347° 35' 02" 243.54 feet;
16. 335° 56' 153.47 feet along same;
17. 245° 56' 56.00 feet along same;
18. 155° 56' 55.87 feet along same;
19. 215° 20' 894.55 feet along same;
20. 196° 20' 394.03 feet along same;
21. 245° 57' 102.49 feet along same;

| | | | | |
|-----|------|-----|--------|--|
| 22. | 253° | 19' | 72.53 | feet along same; |
| 23. | 254° | 11' | 108.30 | feet along same; |
| 24. | 241° | 56' | 59.05 | feet along same; |
| 25. | 189° | 06' | 43.95 | feet along same; |
| 26. | 164° | 03' | 50.55 | feet along same; |
| 27. | 135° | 47' | 69.00 | feet along same; |
| 28. | 131° | 00' | 71.39 | feet along same; |
| 29. | 113° | 00' | 42.47 | feet along same; |
| 30. | 171° | 55' | 40.92 | feet along same; |
| 31. | 151° | 22' | 47.69 | feet along same; |
| 32. | 174° | 08' | 68.05 | feet along same; |
| 33. | 195° | 02' | 166.92 | feet along same; |
| 34. | 169° | 41' | 229.45 | feet along same; |
| 35. | 229° | 11' | 130.45 | feet along same; |
| 36. | 277° | 50' | 322.27 | feet along same and along Lot 12-A-1-E of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 37. | 280° | 42' | 213.92 | feet along Lot 12-A-1-E; |
| 38. | 308° | 01' | 139.98 | feet along same; |
| 39. | 352° | 45' | 78.14 | feet along same; |
| 40. | 38° | 25' | 167.15 | feet along same; |
| 41. | 4° | 51' | 146.31 | feet along same; |
| 42. | 341° | 33' | 117.22 | feet along same; |
| 43. | 21° | 37' | 66.00 | feet along same; |

| | | | |
|-----|--|--------|--|
| 44. | 09° 28' | 87.12 | feet along same; |
| 45. | 16° 14' | 209.73 | feet along same; |
| 46. | 30° 03' | 13.19 | feet along same; |
| 47. | 48° 32' | 203.19 | feet along same and along Lot 12-A-1-C of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 48. | 34° 53' | 78.59 | feet along said Lot 12-A-1-C; |
| 49. | 22° 16' | 92.85 | feet along same; |
| 50. | 14° 26' | 70.60 | feet along same; |
| 51. | 5° 50' | 74.07 | feet along same; |
| 52. | 284° 37' | 324.86 | feet along same; |
| 53. | 283° 41' | 80.12 | feet along same; |
| 54. | 190° 39' | 349.03 | feet along same; |
| 55. | 192° 18' | 463.14 | feet along same to Lot 12-A-1-F of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 56. | 286° 15' 30" | 284.10 | feet along said Lot 12-A-1-F; |
| 57. | 255° 28' | 507.42 | feet along same; |
| 58. | 286° 11' | 143.56 | feet along same to Lot 12-A-3 of the Maui Lani Subdivision (Subdivision File No. 3.2226); |
| 59. | 336° 57' 40" | 436.57 | feet along said Lot 12-A-3; |
| 60. | Thence along same on a curve to the left having a radius of 503.22 feet, the chord azimuth and distance being: | | |
| | 330° 30' 50" | 113.01 | feet; |
| 61. | 324° 04' | 840.97 | feet along same; |

62. Thence along same on a non-tangent curve to the right having a radius of 2380.87 feet, the chord azimuth and distance being:
- 296° 18' 522.53 feet;
63. 302° 36' 1065.80 feet along same;
64. Thence along same on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being:
- 301° 39' 45" 1.64 feet to the northwesterly corner of said Lot 12-A-4;
65. Thence along said Lot 12-A-4 on a curve to the left having a radius of 11624.16 feet, the chord azimuth and distance being:
- 29° 12' 18" 566.66 feet;
66. 27° 48' 30" 317.40 feet along said Lot 12-A-4;
67. 117° 48' 30" 20.00 feet along same;
68. 27° 48' 30" 300.00 feet along same;
69. 297° 48' 30" 5.00 feet along same;
70. 27° 48' 30" 700.00 feet along same;
71. 117° 48' 30" 35.00 feet along same;
72. 27° 48' 30" 494.75 feet along same to the point of beginning and containing an area of 281.426 acres, more or less.

Said above described parcel of land having been acquired by ALEXANDER & BALDWIN, INC., a Hawaii corporation by the following Deeds:

1. By DEED of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, a California corporation, dated December 31, 1926, recorded in Liber 865 Page 8; and
2. By DEED of ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated March 30, 1989, recorded in Liber 23006 at Page 583.

Together with nonexclusive easements over, under and across Easement "2A" for (a) landscaping and irrigation purposes, (b) installing, maintaining and replacing signs, including a sign wall and signage lighting, (c) pedestrian and vehicular access purposes, (d) drainage purposes, and (e) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF LANDSCAPING, SIGNAGE, ACCESS, DRAINAGE, AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900481, said Easement "2A" being shown on the map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2B" for (a) drainage purposes, (b) landscaping and irrigation purposes, (b) construction, development, and site preparation work, and (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900482, said Easement "2B" being shown on map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2C" for (a) drainage purposes, (b) landscaping and irrigation purposes, (c) construction, development, and site preparation work, (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, and (e) pedestrian and vehicular access purposes as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900483, said Easement "2C" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3A" for pedestrian and vehicular access purposes, said Easement "3A" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No A-52900484, said Easement "3A" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3B" for (a) drainage purposes, and (b) pedestrian and vehicular access purposes, said Easement "3B" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900485, said Easement "3B" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "4" and Easement "5" for drainage and access purposes, said Easement "4" and Easement "5" being granted by GRANT OF DRAINAGE BASIN AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900486, said Easement "4" and Easement "5" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "W-2" for the installation, use, operations, maintenance, repair, and replacement of underground water lines. Said Easement "W-2" being granted by GRANT OF WATER LINE EASEMENT dated June 26, 2014, recorded as Document No. A-52900487, said Easement "W-2" being described therein, and subject to the terms and provisions contained therein.

Together with a non-exclusive easement over, under and across Easement "B-1" for access and utility purposes. Said Easement "B-1" being granted by GRANT OF ACCESS AND UTILITY EASEMENT WITH OPTION TO SUBDIVIDE AND DEDICATE dated June 8, 2018, recorded as Document No. A-67440717, said Easement "B-1" being described therein, and subject to the terms and provisions contained therein.

Together with a non-exclusive easement over, under and across Easement "B-2" for access and utility purposes. Said Easement "B-1" being granted by ACCESS AND UTILITY EASEMENT dated June 29, 2018, recorded as Document No. A-67640536, said Easement "B-2" being described therein, and subject to the terms and provisions contained therein.

Together with a non-exclusive easement over, under and across Easement "C-1) for access and utility purposes. Said Easement "C-1" being granted by ACCESS EASEMENT dated August 14, 2018, recorded as Document No. A-68060859, said Easement "C-1" being described therein, and subject to the terms and provisions contained therein.

TAX MAP KEY (2) 3-8-007:172

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Wailuku Commons, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT 12-A-4 of the "MAUI LANI SUBDIVISION" bearing Tax Key designation (2) 3-8-007-172, and containing an area of 2.817 acres, more or less.

Said above described parcel of land having been acquired by ALEXANDER & BALDWIN, INC., a Hawaii corporation by the following Deeds:

1. By DEED of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, a California corporation, dated December 31, 1926, recorded in Liber 865 Page 8; and
2. By DEED of ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated March 30, 1989, recorded in Liber 23006 at Page 583.

TAX MAP KEY (2) 3-8-007:173

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Waikapu and Wailuku Commons, Wailuku, Island and County of Maui, State of Hawaii, being LOT 12-A-5 of "MAUI LANI SUBDIVISION" bearing Tax Key designation (2) 3-8-007-173, and containing an area of 1.097 acres, more or less.

Said above described parcel of land having been acquired by ALEXANDER & BALDWIN, INC., a Hawaii corporation by the following Deeds:

1. By DEED of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, a California corporation, dated December 31, 1926, recorded in Liber 865 Page 8; and
2. By DEED of ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated March 30, 1989, recorded in Liber 23006 at Page 583.

TAX MAP KEY (2) 3-8-007:178

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 12-A-1-D of the "MAUI LANI SUBDIVISION", and thus bounded and described:

Beginning at the northwest corner of this parcel of land at a point on the southerly boundary line of Lot 11-D-1-A-1-B-1-A of the Maui Lani Phase 8 (Large Lot) Subdivision (Subdivision File No. 3.2222), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

5556.07 feet South
356.25 feet East

and running by azimuths measured clockwise from true South:

1. 284° 48' 20" 48.13 feet along said Lot 11-D-1-A-1-B-1-A to the northwest corner of Lot 12-A-1-B of the Maui Lani Subdivision (Subdivision File No. 3.2327);
2. 334° 44' 30" 212.51 feet along said Lot 12-A-1-B;
3. Thence along same on a curve to the right having a radius of 509.83 feet, the chord azimuth and distance being: 351° 19' 45" 291.09 feet;
4. 7° 55' 225.01 feet along same;
5. Thence along same on a curve to the left having a radius of 4780.23 feet, the chord azimuth and distance being: 7° 01' 41" 779.72 feet;
6. 2° 21' 366.11 feet along same;
7. Thence along same on a curve to the right having a radius of 16.00 feet, the chord azimuth and distance being: 86° 54' 41" 31.36 feet;

8. Thence along same with a reverse curve to the left having a radius of 1210.00 feet, the chord azimuth and distance being: 156° 02' 38" 210.06 feet to Lot A of the Waikapu Landfill Consolidation (LUCA File No. 3.1565);
9. 237° 20' 15.76 feet along same Lot A;
10. 184° 50' 250.00 feet along same;
11. 152° 26' 309.00 feet along same;
12. 191° 33' 704.00 feet along same;
13. 185° 45' 445.47 feet along same to the point of beginning and containing an area of 7.660 acres, more or less.

Said above described parcel of land having been acquired by ALEXANDER & BALDWIN, INC., a Hawaii corporation by the following Deeds:

1. By DEED of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, a California corporation, dated December 31, 1926, recorded in Liber 865 Page 8; and
2. By DEED of ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated March 30, 1989, recorded in Liber 23006 at Page 583.

Together with a perpetual and nonexclusive easement over, under and across Easement C for vehicular and pedestrian ingress and egress, as granted by GRANT OF ACCESS EASEMENT (EASEMENT C), dated June 5, 2014, recorded as Document No. A-52770555, more particularly described therein; and subject to the terms and provisions contained therein.

CANCELLATION OF GRANT OF ACCESS EASEMENT (EASEMENT C) dated September 4, 2018, recorded as Document No. A-68420735.

Together with nonexclusive easements over, under and across Easement "2A" for (a) landscaping and irrigation purposes, (b) installing, maintaining and replacing signs, including a sign wall and signage lighting, (c) pedestrian and vehicular access purposes, (d) drainage purposes, and (e) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF LANDSCAPING, SIGNAGE, ACCESS, DRAINAGE, AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900481, said Easement "2A" being shown on the map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2B" for (a) drainage purposes, (b) landscaping and irrigation purposes, (b) construction, development, and site preparation work, and (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900482, said Easement "2B" being shown on map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2C" for (a) drainage purposes, (b) landscaping and irrigation purposes, (c) construction, development, and site preparation work, (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, and (e) pedestrian and vehicular access purposes as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900483, said Easement "2C" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3A" for pedestrian and vehicular access purposes, said Easement "3A" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No A-52900484, said Easement "3A" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3B" for (a) drainage purposes, and (b) pedestrian and vehicular access purposes, said Easement "3B" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900485, said Easement "3B" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "4" and Easement "5" for drainage and access purposes, said Easement "4" and Easement "5" being granted by GRANT OF DRAINAGE BASIN AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900486, said Easement "4" and Easement "5" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "W-2" for the installation, use, operations, maintenance, repair, and replacement of underground water lines. Said Easement "W-2" being granted by GRANT OF WATER LINE EASEMENT dated June 26, 2014, recorded as Document No. A-52900487, said Easement "W-2" being described therein, and subject to the terms and provisions contained therein.

Together with a nonexclusive easement for vehicular and pedestrian access purposes as granted by instrument dated September 19, 2017, recorded as Document No. A-64770556; subject to the terms and provisions contained therein.

Together with Easement "D-1" for access purposes as granted by instrument dated October 17, 2017, recorded as Document No. A-65000728; subject to the terms and provisions contained therein.

Together with Easement "B-1" for access and utility purposes as granted by instrument dated June 8, 2018, recorded as Document No. A-67440717; subject to the terms and provisions contained therein.

TAX MAP KEY (2) 3-8-007:179

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 12-A-1-E of the "MAUI LANI SUBDIVISION", and thus bounded and described:

Beginning at the northeast corner of this parcel of land, being also the southwest corner of Lot 11-D-1-A-2-B (Kamehameha Avenue) of the Maui Lani (Large Lot) Subdivision No. 5 (Subdivision File No. 3.2144) and the northwest corner of Lot 12-A-1-C of the Maui Lani Subdivision (Subdivision File No. 3.2327), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

6120.76 feet South
2492.64 feet East

and running by azimuths measured clockwise from true South:

1. Thence along said Lot 12-A-1 on a curve to the left having a radius of 944.70 feet, the chord azimuth and distance being: 33° 52' 10" 694.60 feet;
2. 12° 18' 622.93 feet along same;
3. 104° 29' 249.55 feet along same to Lot 12-A-1-A of the Maui Lani Subdivision (Subdivision File No. 3.2327);
4. 228° 32' 161.34 feet along said Lot 12-A-1-A;
5. 210° 03' 13.19 feet along same;
6. 196° 14' 209.73 feet along same;
7. 189° 28' 87.12 feet along same;
8. 201° 37' 66.00 feet along same;
9. 161° 33' 117.22 feet along same;
10. 184° 51' 146.31 feet along same;

- | | | | |
|-----|--------------|--------|---|
| 11. | 218° 25' | 167.15 | feet along same; |
| 12. | 172° 45' | 78.14 | feet along same; |
| 13. | 128° 01' | 139.98 | feet along same; |
| 14. | 100° 42' | 213.92 | feet along same; |
| 15. | 97° 50' | 142.32 | feet along same; |
| 16. | 197° 28' | 281.41 | feet along Lot 12-A-1-B of the Maui Lani Subdivision (Subdivision File No. 3.2327) to Lot 11-D-1-A-1-B-1-A of the Maui Lani Phase 8 (Large Lot) Subdivision (Subdivision File No. 3.2222); |
| 17. | 284° 48' 20" | 873.38 | feet along said Lot 11-D-1-A-1-B-1-A and Lot 11-D-1-A-1-A-1 of the Maui Lani (Large Lot) Subdivision No. 7 (Subdivision File No. 3.2342) to the point of beginning and containing an area of 8.897 acres, more or less. |

Said above described parcel of land having been acquired by ALEXANDER & BALDWIN, INC., a Hawaii corporation by the following Deeds:

1. By DEED of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, a California corporation, dated December 31, 1926, recorded in Liber 865 Page 8; and
2. By DEED of ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated March 30, 1989, recorded in Liber 23006 at Page 583.

Together with a perpetual and nonexclusive easement over, under and across Easement C for vehicular and pedestrian ingress and egress, as granted by GRANT OF ACCESS EASEMENT (EASEMENT C), dated June 5, 2014, recorded as Document No. A-52770555, more particularly described therein; and subject to the terms and provisions contained therein.

CANCELLATION OF GRANT OF ACCESS EASEMENT (EASEMENT C) dated September 4, 2018, recorded as Document No. A-68420735.

Together with nonexclusive easements over, under and across Easement "2A" for (a) landscaping and irrigation purposes, (b) installing, maintaining and replacing signs, including a sign wall and signage lighting, (c) pedestrian and vehicular access purposes, (d) drainage purposes, and (e) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF LANDSCAPING, SIGNAGE, ACCESS, DRAINAGE, AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900481, said Easement "2A" being shown on the map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2B" for (a) drainage purposes, (b) landscaping and irrigation purposes, (b) construction, development, and site preparation work, and (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900482, said Easement "2B" being shown on map attached thereto; and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "2C" for (a) drainage purposes, (b) landscaping and irrigation purposes, (c) construction, development, and site preparation work, (d) the installation, use, operation, maintenance, repair, and replacement of underground utility lines, and (e) pedestrian and vehicular access purposes as granted by GRANT OF DRAINAGE, LANDSCAPING, CONSTRUCTION AND UTILITY EASEMENTS dated June 26, 2014, recorded as Document No. A-52900483, said Easement "2C" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3A" for pedestrian and vehicular access purposes, said Easement "3A" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No A-52900484, said Easement "3A" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "3B" for (a) drainage purposes, and (b) pedestrian and vehicular access purposes, said Easement "3B" being granted by GRANT OF DRAINAGE AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900485, said Easement "3B" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "4" and Easement "5" for drainage and access purposes, said Easement "4" and Easement "5" being granted by GRANT OF DRAINAGE BASIN AND ACCESS EASEMENTS dated June 26, 2014, recorded as Document No. A-52900486, said Easement "4" and Easement "5" being shown on map attached thereto, and subject to the terms and provisions contained therein.

Together with nonexclusive easements over, under and across Easement "W-2" for the installation, use, operations, maintenance, repair, and replacement of underground water lines. Said Easement "W-2" being granted by GRANT OF WATER LINE EASEMENT dated June 26, 2014, recorded as Document No. A-52900487, said Easement "W-2" being described therein, and subject to the terms and provisions contained therein.

Together with a nonexclusive easement for vehicular and pedestrian access purposes as granted by instrument dated September 19, 2017, recorded as Document No. A-64770556; subject to the terms and provisions contained therein.

SUBDIVISION FILE MAPS

Subdivision File No. 3.2286

Subdivision File No. 3.2327

EXHIBIT "B"

Resolution

No. _____

ACCEPTING THE DONATION OF THREE PARCELS TOTALING APPROXIMATELY 55.318 ACRES, INCLUDING APPROXIMATELY 42.454 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:176, APPROXIMATELY 5.554 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:177 AND APPROXIMATELY 7.310 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-007:180, PURSUANT TO CONDITION SEVEN OF ORDINANCE 3559 (2008)

WHEREAS, Alexander & Baldwin, LLC, a Delaware limited liability company ("Owner"), is the owner in fee simple of three parcels of real property located at Waikapu, Wailuku, Maui, Hawaii, totaling approximately 55.318 acres, including approximately 42.454 acres identified as tax map key number (2) 3-8-007:176, lot 12-A-1-B of the Maui Lani Subdivision, as described in Exhibit "A" attached hereto, 5.554 acres identified as tax map key number (2) 3-8-007:177, lot 12-A-1-C of the Maui Lani Subdivision, as described in Exhibit "B" attached hereto, and 7.310 acres identified as tax map key number (2) 3-8-007:180, lot 12-A-1-F of the Maui Lani Subdivision, as described in Exhibit "C" attached hereto (collectively "Properties"), which Properties are depicted in the map attached as Exhibit "D" attached hereto; and

WHEREAS, all exhibits are incorporated herein by reference; and

WHEREAS, condition seven of Ordinance 3559 (2008) states:

"That Alexander & Baldwin, Inc. shall provide land for affordable housing, a community multi-purpose center, and park purposes at the approximate location of the terminus of Kamehameha Avenue, near the new Maui Lani Park and Pomaikai Elementary School, as follows:

- a. Approximately 40 acres for affordable housing purposes;
- b. Approximately 7 acres for a Kahului community multipurpose center; and
- c. Approximately 3 acres for park purposes.

Resolution No. _____

The precise location of these lands shall be acceptable to the Department of Housing and Human Concerns and the Department of Parks and Recreation, and Alexander & Baldwin, Inc. shall perform archaeological and topographic surveys of the land for the County's evaluation of the property's acceptability"; and

WHEREAS, the Council may accept gifts or donations of real property pursuant to Section 3.56.030, Maui County Code, now therefore,

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

1. That the Council finds the acceptance of the Properties to be in the public interest;
2. That pursuant to Section 3.56.030, Maui County Code, the Council accepts the Properties as a donation to the County of Maui, in satisfaction of condition seven of Ordinance 3559 (2008);
3. That it does hereby authorize the Mayor or the Mayor's duly authorized representative to execute all necessary documents in connection with the acceptance of the Properties; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Housing and Human Concerns, the Director of Parks and Recreation, the Director of Planning and Alexander & Baldwin, LLC.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2020-0113
2021-09-20 Waiale MBP II Dedication Reso

EXHIBIT "A"

LAND DESCRIPTION LOT 12-A-1-B

MAUI LANI SUBDIVISION

Lot 12-A-1-B of the Maui Lani Subdivision (Subdivision File No. 3.2327), being a portion of the land described and covered by Grant 3152 to Henry Cornwell and Grant 3343 to Claus Spreckels. Situated at Waikapu and Wailuku, Maui, Hawaii and being more particularly described as follows:

BEGINNING at the Northeast corner of this parcel of land at a point on the Southerly boundary line of Lot 11-D-1-A-1-B-1-A of the Maui Lani Phase 8 (Large Lot) Subdivision (Subdivision File No. 3.2222) being also the Northwest corner of Lot 12-A-1-E of the Maui Lani Subdivision (Subdivision File No. 3.2327), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

| | |
|--------------|-------|
| 5897.57 feet | South |
| 1648.26 feet | East |

and running by azimuths measured clockwise from True South:

| | | | |
|----|----------|-------------|---|
| 1. | 17° 28' | 281.41 feet | along said Lot 12-A-1-E to Lot 12-A-1-A of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 2. | 97° 50' | 179.95 feet | along Lot 12-A-1-A of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 3. | 49° 11' | 130.45 feet | along same; |
| 4. | 349° 41' | 229.45 feet | along same; |
| 5. | 15° 02' | 166.92 feet | along same; |
| 6. | 354° 08' | 68.05 feet | along same; |
| 7. | 331° 22' | 47.69 feet | along same; |
| 8. | 351° 55' | 40.92 feet | along same; |
| 9. | 293° 00' | 42.47 feet | along same; |

- | | | | | |
|-----|------|-----|-------------|-------------|
| 10. | 311° | 00' | 71.39 feet | along same; |
| 11. | 315° | 47' | 69.00 feet | along same; |
| 12. | 344° | 03' | 50.55 feet | along same; |
| 13. | 09° | 06' | 43.95 feet | along same; |
| 14. | 61° | 56' | 59.05 feet | along same; |
| 15. | 74° | 11' | 108.30 feet | along same; |
| 16. | 73° | 19' | 72.53 feet | along same; |
| 17. | 65° | 57' | 102.49 feet | along same; |
| 18. | 16° | 20' | 394.03 feet | along same; |
| 19. | 35° | 20' | 894.55 feet | along same; |
| 20. | 335° | 56' | 55.87 feet | along same; |
| 21. | 65° | 56' | 56.00 feet | along same; |
| 22. | 155° | 56' | 153.47 feet | along same; |
23. thence along same on a curve to the right having a radius of 603.00 feet, the chord azimuth and distance being:
- 167°35'02" 243.54 feet to Lot 12-A-2 of the Maui Lani Subdivision (Subdivision File No. 3.2226);
24. thence along said Lot 12-A-2 on a non-tangent curve to the left having a radius of 1210.00 feet, the chord azimuth and distance being:
- 167°14'15.5" 657.68 feet;
- | | | | | |
|-----|------|-----|------------|---|
| 25. | 237° | 20' | 56.14 feet | along Lot A of the Waikapu Landfill Consolidation (L.U.C.A. 3.1565) to Lot 12-A-1-D of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
|-----|------|-----|------------|---|

26. thence along said Lot 12-A-1-D on a non-tangent curve to the right having a radius of 1266.00 feet, the chord azimuth and distance being:
336°02'38" 210.06 feet;
27. thence along same with a reverse curve to the left having a radius of 16.00 feet, the chord azimuth and distance being:
266°54'41" 31.36 feet;
28. 182° 21' 366.11 feet along same;
29. thence along same on a curve to the right having a radius of 4780.23 feet, the chord azimuth and distance being:
187°01'41 779.72 feet;
30. 187° 55' 225.01 feet along same;
31. thence along same on a curve to the left having a radius of 509.83 feet, the chord azimuth and distance being:
171°19'45 291.09 feet;
32. 154° 44' 30" 212.51 feet along same to said Lot 11-D-1-A-1-B-1-A;
33. 284° 48' 20" 1288.25 feet along said Lot 11-D-1-A-1-B-1-A to the **POINT OF BEGINNING** and containing an area of 42.454 acres.

SUBJECT TO:

EASEMENT D-1 for access purposes in favor of Lot 12-A-1-D of the Maui Lani Subdivision and being more particularly described as follows:

BEGINNING at the northeast corner of this easement, being the southwest corner of Lot 12-A-1-D of the Maui Lani Subdivision (Subdivision File No. 3.2327), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

| | |
|--------------|-------|
| 7220.58 feet | South |
| 279.33 feet | East |

and running by azimuths measured clockwise from True South:

1. Thence on a curve to the right having a radius of 1266.00 feet and a central angle of 3°18'54" (to which beginning of said curve a radial azimuth bears 241°17'06"), the chord azimuth and distance being:

332° 56' 33" 73.24 feet along said Lot 12-A-1-D, along Lot 12-A-1-B of the Maui Lani Subdivision (Subdivision File No. 3.2327);

2. 6° 56' 30.41 feet along remainder of said Lot 12-A-1-B;

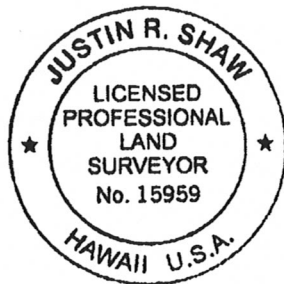
3. thence on a curve to the left having a radius of 1250.00 feet and a central angle of 4°26'32" (to which beginning of said curve a radial line bears 245°46'40"), the chord azimuth and distance being:

153° 33' 24" 96.89 feet along same to Lot A of the Waikapu Landfill Consolidation;

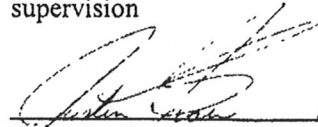
4. 237° 20' 16.04 feet along said Lot A, along said Lot 12-A-1-B to the **POINT OF BEGINNING** and containing an area of 0.031 acres.

Prepared by: A & B Properties, Inc.
Kahului, Maui, Hawaii

Date: March 9, 2017
Revised: September 29, 2017



This work was prepared by me or under my direct supervision


Justin R. Shaw
Licensed Professional Land Surveyor
Certificate No. LS-15959
Expiration Date: April 30, 2018

10-3-2017

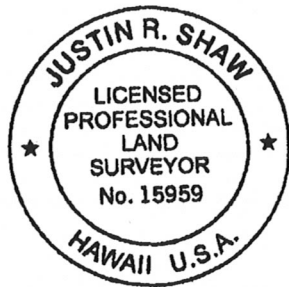
- | | | | |
|-----|----------|-------------|--------------------------|
| 5. | 103° 41' | 80.12 feet | along same; |
| 6. | 104° 37' | 324.86 feet | along same; |
| 7. | 185° 50' | 74.07 feet | along same; |
| 8. | 194° 26' | 70.60 feet | along same; |
| 9. | 202° 16' | 92.85 feet | along same; |
| 10. | 214° 53' | 78.59 feet | along same; |
| 11. | 228° 32' | 41.85 feet | along same; |
| 12. | 284° 29' | 249.55 feet | along said Lot 12-A-1-E; |
| 13. | 192° 18' | 622.93 feet | along same; |

14. thence along same on a curve to the right having a radius of 944.70 feet, the chord azimuth and distance being:

213°52'10" 694.60 feet to the
POINT OF BEGINNING and
 containing and area of 5.554 acres.

Prepared by: A & B Properties, Inc.
 Kahului, Maui, Hawaii

Date: March 9, 2017



This work was prepared by me or under my direct supervision

Justin R. Shaw
 _____ 3-10-2017
 Justin R. Shaw
 Licensed Professional Land Surveyor
 Certificate No. LS-15959
 Expiration Date: April 30, 2018

EXHIBIT "C"

LAND DESCRIPTION LOT 12-A-1-F

MAUI LANI SUBDIVISION

Lot 12-A-1-F of the Maui Lani Subdivision (Subdivision File No. 3.2327), being a portion of the land described and covered by Grant 3343 to Claus Spreckels. Situated at Wailuku, Maui, Hawaii and being more particularly described as follows:

BEGINNING at the Northeast corner of the parcel of land at a point on the Southerly boundary line of the Maui Lani Phase 7 / Increment 4 Subdivision (File Plan 2473), being also the Northwest corner of Lot 12-A-3 of the Maui Lani Subdivision (Subdivision File No. 3.2226), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

6177.64 feet South
2707.87 feet East

and running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|-------------|--|
| 1. | 16° 55' | 490.95 feet | along said Lot 12-A-3; |
| 2. | 286° 11' | 470.00 feet | along same; |
| 3. | 336° 57' 40" | 90.36 feet | along same to Lot 12-A-1-A of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 4. | 106° 11' | 143.56 feet | along said Lot 12-A-1-A; |
| 5. | 75° 28' | 507.42 feet | along same; |
| 6. | 106° 15' 30" | 284.10 feet | along same to Lot 12-A-1-C of the Maui Lani Subdivision (Subdivision File No. 3.2327); |
| 7. | 192° 18' | 158.39 feet | along said Lot 12-A-1-C; |

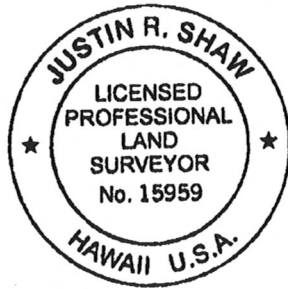
8. thence along same on a curve to the right having a radius of 864.70 feet, the chord azimuth and distance being:

216°13'47.5" 701.48 feet to the most Westerly boundary corner of the Maui Lani Phase 7 / Increment 4 Subdivision (File Plan 2473);

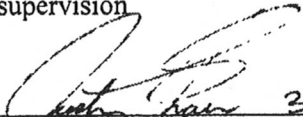
9. 284° 48' 20" 113.34 feet along the Maui Lani Phase 7 / Increment 4 Subdivision (File Plan 2473) to the **POINT OF BEGINNING** and containing an area of 7.310 acres.

Prepared by: A & B Properties, Inc.
Kahului, Maui, Hawaii

Date: March 9, 2017



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Justin R. Shaw 3-10-2017

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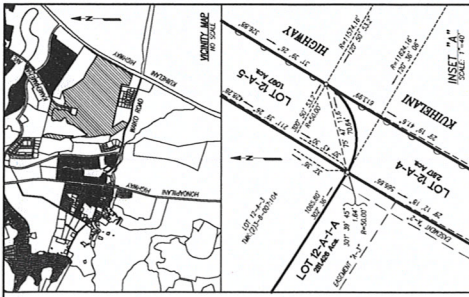
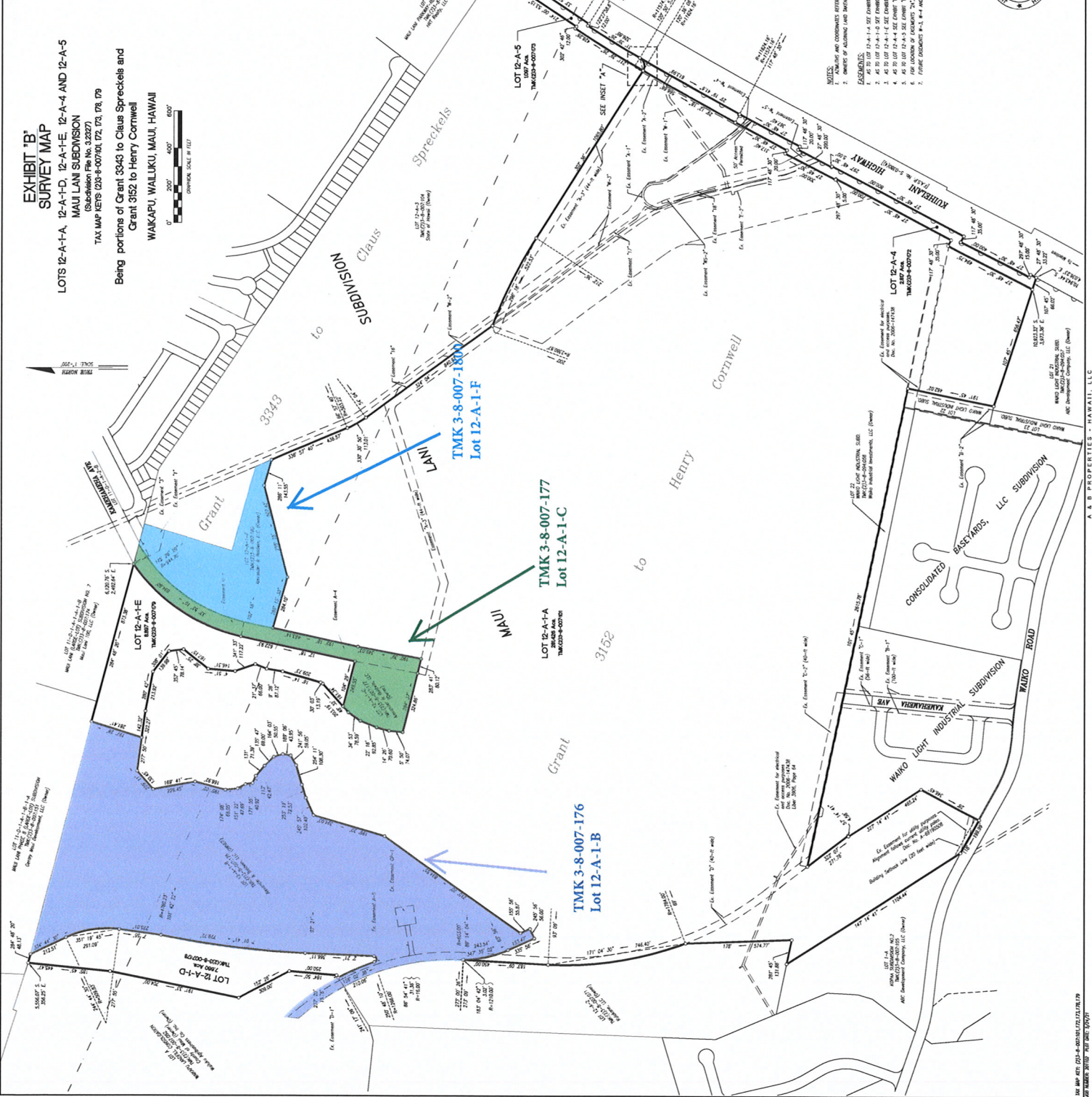


EXHIBIT "B"
SURVEY MAP
 MAUI LANI SUBDIVISION
 (Subdivision File No. 3-2327)
 TAX MAP KEYS (238-8-00701, 02, 03, 078, 079)
 Being portions of Grant 3343 to Claus Spreckels and Grant 3152 to Henry Cornwell
 WAIKAPU, WAILUKU, MAUI, HAWAII



- NOTES:**
1. ALL RIGHTS AND INTERESTS REFERRED TO IN THIS SURVEY MAP ARE SHOWN AS OF THE DATE OF THIS SURVEY MAP.
 2. OWNERS OF ADJACENT LAND SHALL BE RESPONSIBLE FOR THE SIZE, POSITION AND MARKING THEREOF.
- EASEMENTS:**
1. AS TO LOT 12-A-1-F SEE EASEMENT "A-1"
 2. AS TO LOT 12-A-1-C SEE EASEMENT "A-2"
 3. AS TO LOT 12-A-1-B SEE EASEMENT "A-3"
 4. AS TO LOT 12-A-1-E SEE EASEMENT "A-4"
 5. AS TO LOT 12-A-1-D SEE EASEMENT "A-5"
 6. AS TO LOT 12-A-1-F SEE EASEMENT "A-6"
 7. FUTURE EASEMENTS "A-1" THROUGH "A-6" FOR ACCESS AND UTILITIES PURPOSES.

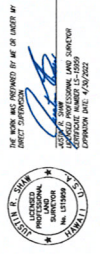


EXHIBIT "D"