

MICHAEL P. VICTORINO
Mayor

SCOTT K. TERUYA
Director

MAY-ANNE A. ALIBIN
Deputy Director



DEPARTMENT OF FINANCE
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

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OFFICE OF THE MAYOR

December 3, 2019

Honorable Michael Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 12/4/19

Mayor Date

For Transmittal to:

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

Dear Chair King and Maui County Council Members:

**SUBJECT: PORTION OF ROYAL PATENT 4475
LAND COMMISSION AWARD 7713
APANA 23 TO V. KAMAMALU
TMK: (2) 3-4-003:019**

Pursuant to Section 3.44.015 H. of the Maui County Code, this letter shall serve as notice that the County of Maui has accepted a Warranty Deed for a Roadway Lot by the Department of Public Works – Engineering Division. The parcel is identified by the subject Tax Map Key Number.

Please refer to enclosed Exhibit A for the Legal Description and Exhibit B for the location of the Road Widening Lot.

In addition, the Department of Public Works has provided additional information pursuant to Section 3.44.015, F.4 of the Maui County Code.

- 1) **County Funds**: No County Funds were used
- 2) **Purpose**: Waiale Road, Roadway Lot

COUNTY COMMUNICATION NO. 19-503

- 3) **Standards:** The roadway lot was constructed to county standards and provides the necessary right-of-way width to service the surrounding area for general access purposes.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at Ext. 7474.

Sincerely,



SCOTT K. TERUYA
Director of Finance

Enclosures

Cc: Rowena Dagdag-Andaya, Public Works Director

SKT/gmh

EXHIBIT "A"

PORTION OF ROYAL PATENT 4475, LAND COMMISSION AWARD 7713, APANA 23 TO V. KAMAMALU

Situated at Wailuku, Maui, Hawaii.

Beginning at the South corner of this parcel of land, being also a point on the East side of Waiale Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 192.98 feet South and 928.58 feet West thence running by azimuths measured clockwise from true South:

1. 188° 52' 382.46 feet along the East side of Waiale Road.
2. 183° 05' 30" 437.05 feet along same;
3. 268° 56' 30.08 feet along remainder of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu;
4. 3° 05' 30" 440.74 feet along Lot 41 of File Plan 413, the West Side of Nakoa Drive, Lot 42 of File Plan 413 and Lot A of File Plan 916, also along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu;
5. 8° 52' 393.70 feet along Lots A and C of File Plan 916, the West Side of Waiinu Road and Lot 8 of the Maui Lani Subdivision, also along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu;
6. 116° 50' 31.54 feet along the widened portion of Waiale Road, to the point of beginning and containing an area of 0.570 acres.



501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS
1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

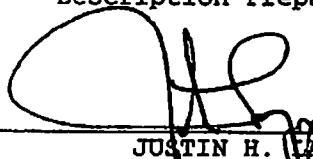
100 PALAHI STREET, SUITE 207
HILO, HAWAII 96720

Subject, however, to the following Easements and Encumbrances:

1. Easement 1 for electrical purposes in favor of Maui Electric Co., Ltd., Liber 9921, Page 1.
2. Easement I for waterline purposes in favor of the County of Maui, Liber 4043, Page 134.
3. Approximate Easement 1 for sewerline purposes in favor of the County of Maui.
4. 15' Wide Easement for drainage purposes in favor of Koa Venture, Ltd, Liber 11307, Page 278.
5. Approximate Maui Electric Easements for utility purposes, in favor of Maui Electric Co., Ltd, Liber 20331, Page 23.
6. Spreckels Ditch Right-of-Way.



Description Prepared By:

 exp 04/20

JUSTIN H. LAPP
Licensed Professional Land Surveyor
Certificate No. 12964

Wailuku, Hawaii
May 22, 2019
TMK: (2) 3-4-003: 019

-2-



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

301 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILU PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALAH STREET, SUITE 213
HILO, HAWAII 96720

SUBJECT, HOWEVER, to the following

1. Mineral and water rights of any nature.
2. Grant to County of Maui, a political subdivision of the State of Hawaii, dated March 30, 1961, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 4043 on Page 134, granting an easement to construct, reconstruct, maintain, operate, repair and remove a water pipe line or pipe lines, etc.

EASEMENT "I"

A non-exclusive easement over, under, through and across a strip of land, being a portion of R. P. 4475, L. C. Aw. 7713:23 to V. Kamamalu, situate at Wailuku, Island and County of Maui, State of Hawaii, and more particularly described as follows:

A strip of land 8 feet wide, extending for 4 feet on each side of the following described centerline:

Beginning at the east side of Waiale Road, the coordinates of said point of beginning referred to the U. S. C. & G. S. Triangulation Station "LUKE" being 78.06 feet north and 886.78 feet west, and running by azimuths measured clockwise from true South:

1. 278° 21' 51" 30.45 feet along the centerline of 8 foot wide Easement across the Wailuku Sugar Co.'s cane hauling road to a point on the West end of Waiinu Road whose coordinates are 73.63 feet north and 856.65 feet west, referred to U. S. C & G. S. Triangulation Station "LUKE".

3. Grant to Maui Electric Company, Limited, a Hawaii corporation, dated April 30, 1974, recorded in the said Bureau of Conveyances in Liber 9921 on Page 1, granting non-exclusive right and easement to build, construct, rebuild, reconstruct, repair, maintain and operate pole and wire line or lines, etc. for the transmission of electricity, etc. along, across, over, through and upon the following described parcel of land:

POWERLINE EASEMENT 1

Wailuku Sugar Co. to Maui Electric Co.

Being portions of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu and Grant 3343 to Claus Spreckels, situate at Wailuku, Maui, Hawaii.

Beginning at the northeasterly corner of this parcel of land on the southerly side of Waiinu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

49.04 feet North
861.24 feet West

and running by azimuths measured clockwise from true South:

1. 8° 52' 624.75 feet along the Wailuku Sugar Co.-
H.C. & S.Co. Compromise Boundary;
2. 3° 12' 139.30 feet along same;
3. 357° 35' 345.17 feet along same;
4. 87° 35' 17.06 feet through remainder of Grant
3343 to Claus Spreckels;
5. 181° 19' 80.17 feet through remainder of Grant
3343 to Claus Spreckels and
industrial road;
6. 178° 32' 363.12 feet through same;
7. 86° 08' 14.74 feet through same;
8. 183° 12' 5.04 feet through same;
9. 266° 08' 14.33 feet through same;
10. 178° 32' 2.76 feet through same;
11. 188° 52' 660.85 feet through remainder of Grant
3343 to Claus Spreckels, through
R. P. 4475, L. C. Aw. 7713, Apana
23 to V. Kamamalu and industrial
road;

12. 278° 52'

12.50 feet through R. P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu to the point of beginning and containing an area of 13,328 square feet.

4. Grant to Haruo Fujitomo and Daniel P. S. Fong, copartners doing business as "Koa Development Co." for and on behalf of "Koa Venture", a Hawaii limited partnership, dated March 2, 1976, recorded in the said Bureau of Conveyances in Liber 11307 on Page 278, granting non-exclusive easement to construct, reconstruct, maintain, operate, repair and remove a drainage structure or structures, including necessary appurtenant equipment as part of a drainage system, over, across, along, upon and under the following described parcel of land:

All of that certain parcel of land, being a portion of R. P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu, situate at Kalua, District of Wailuku, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a point on the northwest corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 209.24 feet South and 931.14 feet West and running by azimuths measured clockwise from true South:

1. 188° 52' 15.02 feet along Waiale Road;
2. 281° 30' 18.93 feet over and across Wailuku Sugar Company's Industrial Road;
3. 243° 15' 14.30 feet over and across same;
4. 8° 52' 18.45 feet along Spreckels Ditch right-of-way;
5. 63° 15' 8.76 feet over and across Wailuku Sugar Company's Industrial Road;
6. 101° 30' 22.90 feet over and across same to the point of beginning and containing an area of 483 square feet.

5. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Hawaiian Telephone Company, a Hawaii corporation (now known as Hawaiian Telcom, Inc.), dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a perpetual right and easement for utility purposes as shown on the map attached thereto.

6. The terms and provisions contained in the Memorandum Concerning Grant of Various Property Rights dated ----- (acknowledged August 18, 1999), recorded in the said Bureau of Conveyances as Document No. 99-189645, between Hawaii Land & Farming Company, Inc., C. Brewer and Company, Limited, Wailuku Agribusiness Co., Inc., Mauna Kea Agribusiness Co., Inc., and Kilauea Agronomics, Inc.

7. Assignment of In Gross Reservations dated --- (acknowledged October 13, 2005), recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

8. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

END OF EXHIBIT "A"

