

Resolution

No. 23-147

AUTHORIZING THE ACQUISITION OF REAL PROPERTY
CONSISTING OF 16,255 SQUARE FEET IDENTIFIED AS TAX MAP KEY
NO. (2) 3-4-006:027 SITUATED AT WAILUKU, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$3,800,000.00 AND ACCEPTING
THE DEDICATION OF TWO PARCELS OF APPROXIMATELY 2,229
SQUARE FEET IDENTIFIED AS TAX MAP KEY NOS. (2) 3-4-006:028
AND (2) 3-4-006:032 SITUATED AT WAILUKU, MAUI, HAWAII

WHEREAS, Hawaii Government Employees Association, Local 152, American Federation of State, County and Municipal Employees, AFL-CIO (HGEA/AFSCME LOCAL 152), a Hawaii nonprofit corporation (hereinafter "Owner" or "HGEA"), is the owner in fee simple of a certain real property and the building located thereon, located at 2145 Kaohu Street, Wailuku, Maui, Hawaii, consisting of approximately 16,255 square feet, identified for real property tax purposes as tax map key number (2) 3-4-006:027 (the "Property"), which Property is more particularly described in Exhibit "A" as "Lot A" and depicted in Exhibit "B" attached hereto, both of which are incorporated herein by reference; and

WHEREAS, Owner expressed a desire to sell the Property to the County of Maui and the parties intend to enter into a Real Property Purchase and Sale Agreement at the agreed to price of THREE MILLION EIGHT HUNDRED THOUSAND DOLLARS AND NO/100 DOLLARS (\$3,800,000.00) pending approval of the agreement of sale by Owner's board of directors on May 22, 2023, plus customary expenses; and

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

WHEREAS, portions of the Property are currently occupied by Owner and under leases to the County of Maui and a private law firm; and

WHEREAS, pursuant to the terms of the negotiated purchase agreement, it is the parties' intention to enter into an agreement allowing Owner to continue to occupy a portion of the Property rent free for no more than two years after the date of closing; and

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WHEREAS, Owner also desires to dedicate the two parcels adjacent to the Property consisting of 981 square feet identified for real property tax purposes as tax map key number (2) 3-4-006:028 ("Lot B") and 1248 square feet identified for real property purposes as tax map key number (2) 3-4-006:032 ("Lot C"), as more fully described in the aforementioned Exhibit "A" and depicted in Exhibit "B";

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 \$250,000.00; and

WHEREAS, Section 3.40.180(A), Maui County Code, the Director of Finance may award contracts to lease, rent or let property without calling for public bid when real property and/or improvements have been acquired by the county by negotiated purchase for a period not to exceed one year and any extension shall require the approval of Council; and

WHEREAS, pursuant to Section 3.44.015(D), Maui County Code, the County Council may accept any interest in real property by the passage of a resolution approved by a majority of its members; now therefore,

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

1. That the Council finds the acquisition of the Property to be in the public interest; and
2. That the Council finds the acceptance of the dedication of Lot B and Lot C to be in the public interest; and
3. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed THREE MILLION EIGHT HUNDRED THOUSAND DOLLARS AND NO/100 DOLLARS (\$3,800,000.00), exclusive of closing costs and expenses; and
4. That pursuant to Section 3.40.180(A), Maui County Code, the Council authorizes the lease, rent or let of the portions of the Property currently occupied by Owner for up to two years, rent free; and
5. That pursuant to Section 3.44.015(D), Maui County Code, the Council accepts Lot B and Lot C to be dedicated by the Owner to the County of Maui; and

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6. That it does hereby authorize the Mayor or the Mayor's duly authorized representative, to execute all necessary documents in connection with the acquisition of the Property and acceptance of said dedication; and
7. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Public Works and the Owner, HGEA.

APPROVED AS TO FORM
AND LEGALITY:



KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui
2022-0524
2023-05-16 Reso 2145 Kaohu St.

EXHIBIT "A"

-PARCEL FIRST (LOT A):-

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Commission Award Number 504 to Kolii) situate, lying and being at Kunaheana, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT A of the "KAAWA TRACT", as referenced on Subdivision map prepared by Ralph M. Nagamine, Land Surveyor with Engineering Consultants, Inc., dated March 12, 1979, revised May 24, 1979 and approved by the County of Maui on June 13, 1979, Subdivision Number 3.1024, and thus bounded and described as per Survey dated June 26, 1979, to-wit:

Beginning at a 3/4 inch pipe (set) at the easterly corner of this parcel of land, the record coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

1,392.54 feet north
2,435.17 feet west

and running by azimuths measured clockwise from true South:

1. 53° 53' 00" 102.28 feet along Lot 6 of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a nail on top of a wooden post (set);
2. 100° 52' 00" 77.00 feet along Lot 2 of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a 3/4 inch pipe (set);
3. 190° 52' 00" 133.44 feet along Lot B of the Kaawa of being also the remainder of L. C. Aw. 504 to Kolii and along the easterly side of Kiele Street to a 3/4 inch pipe (set);

Thence along Lot C of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii and along an arc of a curve to the right with a radius of 20.00 feet and a central angle of 104° 30' 00", the chord azimuth and distance being:

4. 243° 07' 00" 31.63 feet to a 3/4 inch pipe (set);

SCHEDULE C CONTINUED

5. 295° 22' 00" 3.43 feet along Lot C of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a 3/4 inch pipe (set);

Thence along Lot C of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii and along an arc of a curve to the left with a radius of 693.69 feet and a central angle of 3° 58' 12", the chord azimuth and distance being:

6. 293° 22' 54" 48.06 feet to a 3/4 inch pipe (set);

7. 323° 53' 00" 97.84 feet along Lot C of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to the point of beginning and containing an area of 16,255 square feet, more or less.

-PARCEL SECOND (LOT B):-

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Commission Award Number 504 to Kolii) situate, lying and being at Kunaheana, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT B of the "KAAWA TRACT", as referenced on Subdivision map prepared by Ralph M. Nagamine, Land Surveyor with Engineering Consultants, Inc., dated March 12, 1979, revised May 24, 1979 and approved by the County of Maui on June 13, 1979, Subdivision Number 3.1024, and thus bounded and described as per Survey dated June 26, 1979, to-wit:

Beginning at a 3/4 inch pipe (set) at the southwesterly corner of this parcel of land on the easterly side of Kiele Street, the record coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

1,349.03 feet north
2,605.20 feet west

and running by azimuths measured clockwise from true South:

1. 190° 52' 00" 81.76 feet along the easterly side of Kiele Street to a 3/4 inch pipe (set);

2. 280° 52' 00" 12.00 feet along the easterly side of Kiele Street to a spike (set);

SCHEDULE C CONTINUED

3. 10° 52' 00" 81.76 feet along Lot A of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a 3/4 inch pipe (set);
4. 100° 52' 00" 12.00 feet along Lot 2 of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to the point of beginning and containing an area of 981 square feet, more or less.

-PARCEL THIRD (LOT C):-

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Commission Award Number 504 to Kolii) situate, lying and being at Kunaheana, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT C of the "KAAWA TRACT", as referenced on Subdivision map prepared by Ralph M. Nagamine, Land Surveyor with Engineering Consultants, Inc., dated March 12, 1979, revised May 24, 1979 and approved by the County of Maui on June 13, 1979, Subdivision Number 3.1024, and thus bounded and described as per Survey dated June 26, 1979, to-wit:

Beginning at a 3/4 inch pipe (set) at the southwesterly corner of this parcel of land, the record coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

1,392.54 feet north
2,435.17 feet west

and running by azimuths measured clockwise from true South:

1. 143° 53' 00" 97.84 feet along Lot A of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a 3/4 inch pipe (set);

Thence along Lot A of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii and along an arc of a curve to the right with a radius of 693.69 feet and a central angle of 3° 58' 12", the chord azimuth and distance being:

2. 113° 22' 54" 48.06 feet to a 3/4 inch pipe (set);

SCHEDULE C CONTINUED

3. 115° 22' 00" 3.43 feet along Lot A of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to a 3/4 inch pipe (set);

Thence along Lot A of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii and along an arc of a curve to the left with a radius of 20.00 feet and a central angle of 104° 30' 00", the chord azimuth and distance being:

4. 63° 07' 00" 31.64 feet to a 3/4 inch pipe (set);

5. 190° 52' 00" 7.23 feet along the easterly side of Kiele Street to a 3/4 inch pipe (set);

Thence along the easterly side of Kiele Street and along an arc of a curve to the right with a radius of 20.00 feet and a central angle of 104° 30' 00", the chord azimuth and distance being:

6. 243° 07' 00" 31.63 feet to a "+" on wall (found);

7. 295° 22' 00" 5.24 feet along the southerly side of Kaohu Street to a spike (set);

Thence along the southerly side of Kaohu Street and along an arc of a curve to the left with a radius of 686.69 feet and a central angle of 4° 08' 40", the chord azimuth and distance being:

8. 293° 17' 40" 49.66 feet to a spike (set);

9. 323° 53' 00" 99.86 feet along the westerly side of Kalua Road to a spike (set);

10. 53° 53' 00" 7.00 feet along Lot 6 of the Kaawa Tract being also the remainder of L. C. Aw. 504 to Kolii to the point of beginning and containing an area of 1,248 square feet, more or less.

FILE PLAN 277

CONSOLIDATION OF LOTS 3, 4-A, AND 5
AND
SUBMISSION INTO LOTS A, B, AND C

Being a portion of L. C. Aw. 504 to Kalli

KUNAHEANA, WAILUKU, MAUI, HAWAII

Scale: 1 inch = 20 feet

Date: 12 March 1979
Revised: 24 May 1979

prepared for owners:

paired:

H.G.E.A.
2145 Kachua Street
Wailuku, Maui, Hawaii

This work was prepared by me
or under my direct supervision.



Ralph M. Nagamine

Ralph M. Nagamine
Registered Professional Land Surveyor
Certificate Number- 4503
Approval number 31024
Approved for Recordation with the Bureau
of Land Management, Department of Taxation,
Hawaii.

NOTES:

c) All azimuths and coordinates refer to Government Survey Triangulation Station "LUKE".

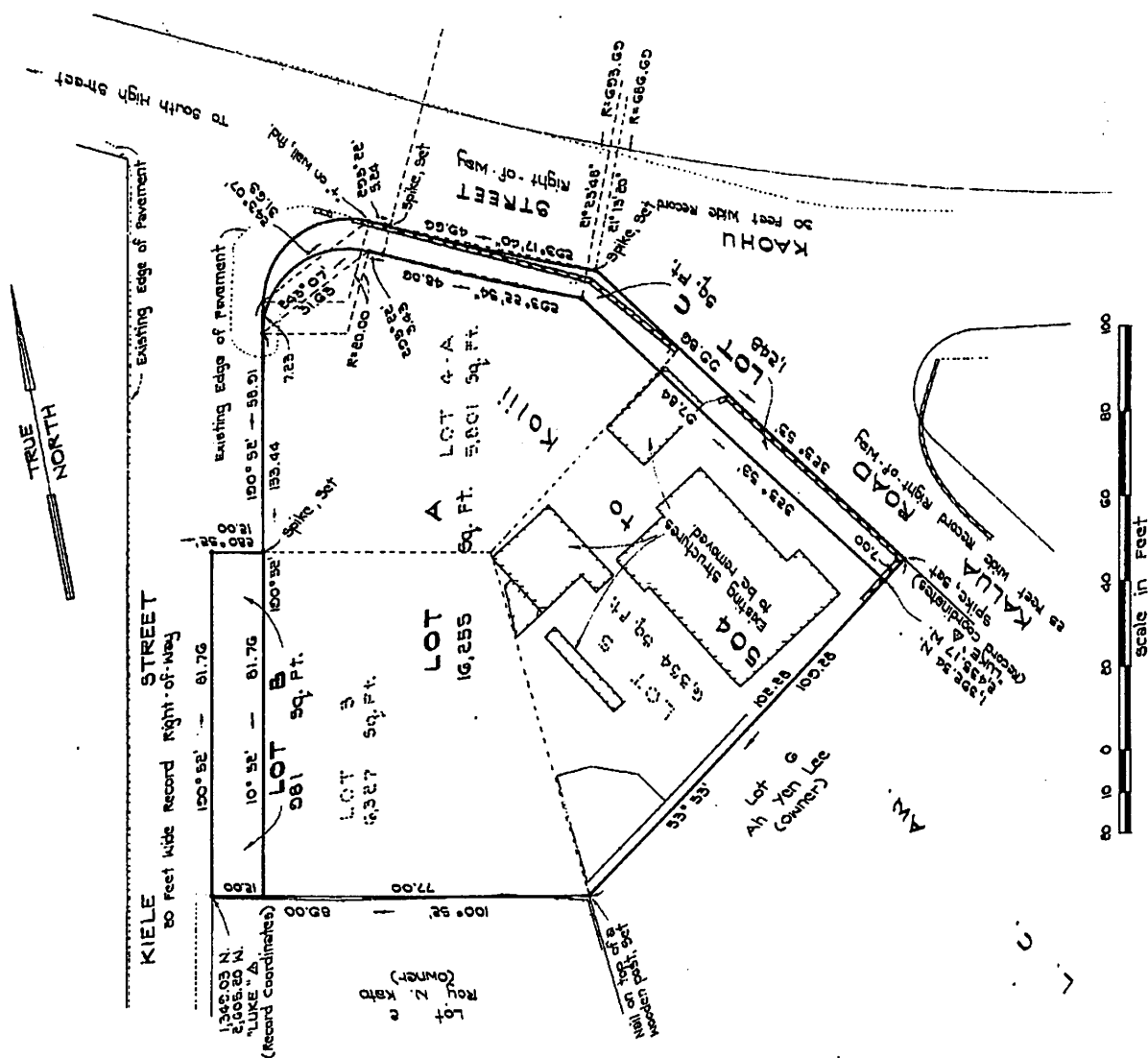
2.) Owners of land parcels shown on this map are taken from records of the Dept. of Taxation, State of Hawaii.

2) All lot corners are marked with 3/4" pipe unless otherwise designated on this map.

4) Lot B and Lot C are road widening strips to be dedicated to the County of Maui.

JUN 1 1979

Director of Public Works



Tax Map Key: 3-4-06: 27, 28, 29

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772-2

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", written over a horizontal line.

ALICE L. LEE

Upon the request of the Mayor.