

# Resolution

No. 13-33

AUTHORIZING THE ACCEPTANCE OF A DEDICATION OF REAL PROPERTY  
FROM OLD STABLE LLC TO THE COUNTY OF MAUI, PURSUANT TO  
SECTION 3.44.015(C), MAUI COUNTY CODE

WHEREAS, Old Stable LLC obtained a change in zoning from the Council of the County of Maui for its E Paepae Ka Puko`a Rural Subdivision in 2005 through Ordinance No. 3304, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, Condition 5 of that change in zoning requires "approximately 1.16 acres (Lot 17) shall be dedicated to the County of Maui or the State of Hawaii for the future expansion of Kaunoa Senior Center," see Exhibit "6" to Exhibit "A"; and

WHEREAS, a separate condition of zoning in Ordinance No. 3304 required Old Stable LLC to dedicate an existing bike path along Hana Highway to the County of Maui, see Exhibit "6" to Exhibit "A"; and

WHEREAS, due to the subsequent subdivision and anticipated dedication of a portion of the parcel for the bike path along Hana Highway, Lot 17 was renumbered as Lot 10 and its size was reduced by the amount of land to be dedicated for said bike path; and

RECEIVED AT BF MEETING ON 4-20-16  
*Received from BF Com. Chair*

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WHEREAS, Old Stable LLC desires to comply with the conditions imposed in Ordinance 3304, and has executed a warranty deed granting the parcel now known as Lot 10, consisting of 1.015 acres to the County of Maui, a copy of which is attached hereto as Exhibit "B" and by reference incorporated herein; and

WHEREAS, the granting of a 1.015 acre parcel, together with the portion to be dedicated for the bike path along Hana Highway substantially satisfy the requirement that "approximately 1.16 acres" be dedicated to the County of Maui or the State of Hawaii for the future expansion of Kaunoa Senior Center; and

WHEREAS, Old Stable LLC has recorded with the State of Hawaii Bureau of Conveyances as Document No. 2007-016218, a declaration of covenants, conditions and restrictions for the E Paepae Ka Puko`a Rural Subdivision which excludes Lot 10 from its terms and conditions; and

WHEREAS, Section 3.44.015(C), Maui County Code, authorizes the Council to accept real property on behalf of the County; now, therefore,

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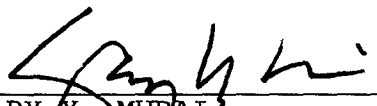
BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby expresses its appreciation and accepts the aforesaid dedication on behalf of the County of Maui, in fulfillment of Condition 5 of Ordinance 3304; and

2. 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 said dedication; and

3. That certified copies of this resolution be transmitted to the Mayor; the Director of Finance; and Henry Spencer, Old Stable LLC.

APPROVED AS TO FORM  
AND LEGALITY:

  
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GARY Y. MURAI  
Deputy Corporation Counsel  
County of Maui

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