



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
COUNTY OF MAUI

ALAN M. ARAKAWA  
Mayor

CAROL K. REIMANN  
Director

JAN SHISHIDO  
Deputy Director

RECEIVED

2018 MAY -2 AM 9:38

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OFFICE OF THE MAYOR

May 1, 2018

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Michael White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

RECEIVED  
2018 MAY -3 PM 2:34  
OFFICE OF THE  
COUNTY CLERK

APPROVED FOR TRANSMITTAL

*Alan Arakawa* 5/3/18  
Mayor Date

Dear Chair White and Members:

**SUBJECT: AUTHORIZING THE PURCHASE OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-022 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED**

**AUTHORIZING THE PURCHASE OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-046 AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-057 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED**

I am transmitting two proposed resolutions entitled "AUTHORIZING THE PURCHASE OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-022 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED" and "AUTHORIZING THE PURCHASE OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-046 AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-057 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED".

COUNTY COMMUNICATION NO. 18-180

Honorable Michael White, Chair  
and Members of the Maui County Council  
May 1, 2018  
Page 2

The purpose of the proposed resolutions is to authorize the purchase of two affordable housing units by the County under the buyback option of the Affordable Housing Agreement dated September 9, 2014, which provides a 90 day window from date of notification by owner. The County's option to purchase will expire on July 6, 2018 and July 16, 2018, respectively.

I respectfully request that this matter be referred to the appropriate Council committee for review, discussion, and expeditious action.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at Ext. 7805.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol K. Reimann', with a stylized, cursive script.

CAROL K. REIMANN  
Director of Housing and Human Concerns

Attachments

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED  
AS TAX MAP KEY NUMBER (2)3-5-036-022 PURSUANT TO THE  
BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS  
PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED

WHEREAS, the Council of the County of Maui, through Resolution 13-112,  
approved with modifications the Waikapu Gardens Phase II 201H project; and

WHEREAS, Chapter 201H, Hawaii Revised Statutes, for projects approved  
by the County of Maui, requires that for a period of ten years after purchase, if  
the purchaser desires to sell the property, the County shall have the first option  
to purchase the property; and

WHEREAS, the owner of the real property identified as Tax Map Key  
Number (2)3-5-036-022, located at 36 Ohana Hana Loop, Wailuku, Hawaii  
96793, desires to sell the property; and

WHEREAS, the residential workforce housing agreement executed for the  
Waikapu Gardens Phase II project, and any amendments thereto ("RWHA"), sets  
the County's purchase price at the sum of the original purchase price, the cost  
of any improvements, and simple interest on the purchaser's cash equity at the  
rate of four percent per year; and

WHEREAS, the County's purchase price for the real property is FOUR  
HUNDRED THIRTY FOUR THOUSAND THREE HUNDRED EIGHTY SIX AND  
42/100 DOLLARS (\$434,386.42); and

**Resolution No. \_\_\_\_\_**

WHEREAS, pursuant to the RWHA the County has ninety (90) days upon notice of owner's intent to sell to complete the purchase; and

WHEREAS, County received notice from owner on April 9, 2018, therefore the County has until July 6, 2018, to complete the purchase; and

WHEREAS, the Director of Finance did not obtain an appraisal for this acquisition as there was no negotiation in price, as purchase price was set by the terms of the RWHA; and

WHEREAS, Chapter 3.44, Maui County Code, requires Council authorization for any purchase of real property where the purchase price exceeds TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000); now, therefore,

BE IT RESOLVED by the County of Maui:

1. That it finds this acquisition of real property is in the public interest; and


2. That it authorizes the acquisition of the real property identified as Tax Map Key Number (2)3-5-036-022 for FOUR HUNDRED THIRTY FOUR THOUSAND THREE HUNDRED EIGHTY SIX AND 42/100 DOLLARS (\$434,386.42) along with any applicable closing costs; and

3. That it hereby authorizes the Mayor or the Mayor's duly authorized representative, to execute all necessary documents to effectuate the intent of this Resolution; and

**Resolution No. \_\_\_\_\_**

4. That certified copies of this Resolution be transmitted to the Mayor and the Director of the Department of Housing and Human Concerns.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFF UEOKA  
Deputy Corporation Counsel  
County of Maui  
2018-0479  
2018-04-26 Resolution

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-046 AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2)3-5-036-057 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED

WHEREAS, the Council of the County of Maui, through Resolution 13-112, approved with modifications the Waikapu Gardens Phase II 201H project; and

WHEREAS, Chapter 201H, Hawaii Revised Statutes, for projects approved by the County of Maui, requires that for a period of ten years after purchase, if the purchaser desires to sell the property, the County shall have the first option to purchase the property; and

WHEREAS, the owner of the real property identified as Tax Map Key Number (2)3-5-036-046, located at 95 Ohana Hana Loop, Wailuku, Hawaii 96793, desires to sell the property; and

WHEREAS, the owner also possesses an undivided interest in the shared driveway identified as Tax Map Key Number (2)3-5-036-057, which the County would also acquire; and

WHEREAS, the residential workforce housing agreement executed for the Waikapu Gardens Phase II project, and any amendments thereto ("RWHA"), sets the County's purchase price at the sum of the original purchase price, the cost

**Resolution No. \_\_\_\_\_**

of any improvements, and simple interest on the purchaser's cash equity at the rate of four percent per year; and

WHEREAS, the County's purchase price for the real property is FIVE HUNDRED NINETEEN THOUSAND EIGHT HUNDRED EIGHTY TWO AND 93/100 DOLLARS (\$519,882.93); and

WHEREAS, pursuant to the RWHA the County has ninety (90) days upon notice of owner's intent to sell to complete the purchase; and

WHEREAS, County received notice from owner on April 18, 2018, therefore the County has until July 17, 2018, to complete the purchase; and

WHEREAS, the Director of Finance did not obtain an appraisal for this acquisition as there was no negotiation in price, as purchase price was set by the terms of the RWHA; and

WHEREAS, Chapter 3.44, Maui County Code, requires Council authorization for any purchase of real property where the purchase price exceeds TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000); now, therefore,

BE IT RESOLVED by the County of Maui:

1. That it finds this acquisition of real property is in the public interest; and

2. That it authorizes the acquisition of the real property identified as Tax Map Key Numbers (2)3-5-036-046 and 057 for FIVE HUNDRED NINETEEN


**Resolution No. \_\_\_\_\_**

THOUSAND EIGHT HUNDRED EIGHTY TWO AND 93/100 DOLLARS  
(\$519,882.93) along with any applicable closing costs; and

3. That it hereby authorizes the Mayor or the Mayor's duly authorized representative, to execute all necessary documents to effectuate the intent of this Resolution; and

4. That certified copies of this Resolution be transmitted to the Mayor and the Director of the Department of Housing and Human Concerns.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JEFF UEKKA  
Deputy Corporation Counsel  
County of Maui  
2018-0478  
2018-04-30 Resolution