

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 24, 2020

Director of Council Services
Traci N. T. Fujita, Esq.

2020 NOV 24 PM 3:57

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **CENTRAL MAUI SANITARY LANDFILL SUBDIVISION**
(EDB-115)

May I request that County Communication 20-556, from the Director of Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Keani N.W. Rawlins-Fernandez".

KEANI N.W. RAWLINS-FERNANDEZ, Chair
Economic Development and Budget
Committee

edb:ltr:115ach01:ljam

Attachment

COUNTY COMMUNICATION NO. 20-589

MICHAEL P. VICTORINO
Mayor

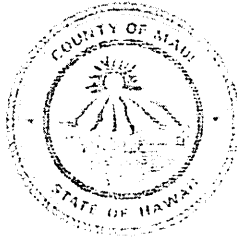
ERIC A. NAKAGAWA, P.E.
Director

SHAYNE R. AGAWA, P.E.
Deputy Director

MICHAEL P. RATTE
Solid Waste Division

SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division

TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



RECEIVED

2020 OCT 20 AM 9:44

OFFICE OF THE MAYOR

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2050 MAIN STREET, SUITE 2B
WAILUKU, MAUI, HAWAII 96793

October 6, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 S. High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 10/20/20
Mayor Date

For transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
Maui County Council
200 S. High Street
Wailuku, Hawaii 96793

**RE: PROPOSED RESOLUTION AUTHORIZING THE PURCHASE OF LOT 2-A-1-A,
CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY
OF MAUI PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE**

Dear Council Chair Lee and Members:

The Department of Environmental Management wishes to submit the attached proposed Resolution entitled:

Authorizing the purchase of lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision,
Island and County of Maui, Pursuant to Chapter 3.44, Maui County Code

Thank you for your consideration and should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Nakagawa".

ERIC A. NAKAGAWA, P.E.
Director of Environmental Management

COUNTY COMMUNICATION NO. 20-556

Resolution

No. _____

AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI
SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI,
PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE

WHEREAS, ALEXANDER & BALDWIN, LLC ("A&B"), a Delaware limited liability company, is the fee owner of real property described as Lot 2-A-1-A of the Central Maui Sanitary Landfill Subdivision identified for real property tax purposes as tax map key number (2) 3-8-003:025, and containing an area of approximately 59.307 acres, located at Puunene, Maui, as described in Exhibit A and as shown on a map attached as Exhibit B (the "Subject Property"); and

WHEREAS, the Subject Property has been identified by the County of Maui as a suitable location for expansion of the landfill and ancillary uses such as waste diversion and recycling, and Council has previously funded the acquisition of the Subject Property in the Fiscal Year 2020 Budget Ordinance; and

WHEREAS, A&B has expressed a desire to sell the Subject 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 for the Subject Property of \$1,695,000.00, plus customary expenses; and

WHEREAS, the Council finds that the acquisition of the Subject Property is in the public interest; and

WHEREAS, Maui County Code Section 3.44.015.C, provides that, in the case of real property with a purchase price that exceeds \$250,000, the County Council shall authorize the acquisition by passage of a resolution; now therefore,

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

1. That it finds that the acquisition of the Subject Property to be in the public interest; and

Resolution No. _____

2. That, pursuant to Maui County Code Section 3.44.015.C, the Council hereby approves the acquisition of the approximately 59.307 acres of real property for \$1,695,000.00 plus expenses; and
3. That certified copies of this resolution be transmitted to the Mayor, the Director of Environmental Management, and the Director of Finance.

APPROVED AS TO FORM AND
LEGALITY:

 2020.10.05
18:06:20 -10'00'

RICHELLE M. THOMSON
Department of the Corporation Counsel
County of Maui
LF2020-0819

EXHIBIT "A"

LAND DESCRIPTION

LOT 2-A-1-A

CENTRAL MAUI SANITARY LANDFILL SUBDIVISION

All that certain parcel of land, being Lot 2-A-1-A of the Central Maui Sanitary Landfill Subdivision, being also a portion of the land described in and covered by Grant 3343 to Claus Spreckels. Situated at Puunene, Wailuku, Maui, Hawaii and being more particularly described as follows:

BEGINNING at the Southwest corner of this parcel of land at a point on the Northeast side of Pulehu Road (40.00 feet wide), being also the Northwest corner of Lot 1-A-1 of the Central Maui Sanitary Landfill Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu Nene 2", being:

12,589.51 feet South

11,607.21 feet West

and running by azimuths measured clockwise from True South:

1. 134° 12' 50" 165.60 feet along the Northeasterly side of Pulehu Road (40 feet wide);
2. 133° 44' 30" 280.00 feet along same;
3. 132° 18' 40" 222.54 feet along same;
4. 199° 09' 290.73 feet along remainder of Grant 3343 to Claus Spreckels;
5. thence along same on a curve to the right having a radius of 163.00 feet and a central angle of 62°54', the chord azimuth and distance being:
230° 36' 170.09 feet;
6. 262° 03' 305.17 feet along same;
7. 306° 22' 20.00 feet along same;
8. 266° 04' 13.02 feet along same;
9. 217° 06' 20.51 feet along same;
10. 268° 04' 28.04 feet along same;

11. thence along same on a curve to the right having a radius of 260.50 feet and a central angle of $28^{\circ}24'$, the chord azimuth and distance being:
 $282^{\circ} 16'$ 127.81 feet;
12. $296^{\circ} 28'$ 628.42 feet along same;
13. thence along same on a curve to the right having a radius of 185.00 feet and a central angle of $38^{\circ}47'$, the chord azimuth and distance being:
 $315^{\circ} 51' 30''$ 122.85 feet;
14. $335^{\circ} 15'$ 161.32 feet along same;
15. thence along same on a curve to the left having a radius of 368.50 feet and a central angle of $75^{\circ}42'$, the chord azimuth and distance being:
 $297^{\circ} 24'$ 452.22 feet;
16. $259^{\circ} 33'$ 446.71 feet along same;
17. $304^{\circ} 28'$ 8.70 feet along same;
18. $259^{\circ} 33'$ 14.01 feet along same;
19. $214^{\circ} 28'$ 8.68 feet along same;
20. $259^{\circ} 33'$ 323.39 feet along same;
21. thence along same on a curve to the right having a radius of 182.00 feet and a central angle of $41^{\circ}58'$, the chord azimuth and distance being:
 $280^{\circ} 32'$ 130.35 feet;
22. $301^{\circ} 31'$ 241.19 feet along same;
23. thence along same on a curve to the left having a radius of 154.00 feet and a central angle of $58^{\circ}04'$, the chord azimuth and distance being:
 $272^{\circ} 29'$ 149.48 feet;
24. $243^{\circ} 27'$ 392.61 feet more or less, along same to the centerline of Kalialinui Stream;

Thence along the centerline of Kaliialinui Stream for the next two (2) courses, the direct azimuths and distances being:

- | | | | | |
|-----|------|---------|-------------|--|
| 25. | 356° | 43' | 155.38 feet | more or less, along Lot 1-A as shown on the Central Maui Sanitary Landfill Subdivision, Amended January 2000 (Subdivision File No. 3.1762) and approved by the Director of Public Works, dated January 20, 2000, along remainder of Grant 3343 to Claus Spreckels; |
| 26. | 7° | 05' | 245.16 feet | along same; |
| 27. | 74° | 12' 30" | 211.87 feet | along same; |
| 28. | 46° | 20' 30" | 42.62 feet | along same; |
| 29. | 46° | 28' 30" | 736.33 feet | along Lot 1-A-1 of the Central Maui Sanitary Landfill Subdivision; |
| 30. | 5° | 05' | 342.02 feet | along same; |
| 31. | 13° | 15' | 73.63 feet | along same; |
| 32. | 117° | 04' | 534.73 feet | along same; |
| 33. | 123° | 45' | 505.19 feet | along same; |
| 34. | 143° | 01' | 656.69 feet | along same; |
| 35. | 95° | 54' | 816.49 feet | along same; |
| 36. | 45° | 44' | 44.62 feet | along same to the POINT OF BEGINNING and containing an area of 59.307 Acres, more or less. |

SUBJECT, HOWEVER to the following:

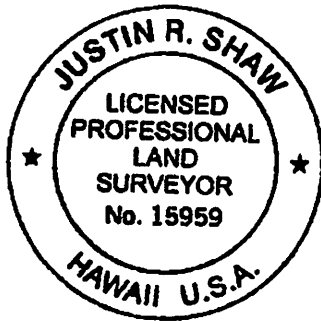
- a. Mineral and water rights of any nature.
- b. Easement 7 for electrical transmission line purposes per final order of condemnation in favor of Maui Electric Company, Limited, recorded as Document No. 96-170196, dated November 26, 1996.
- c. Grant of Easement for ingress and egress and utility purposes in favor of Maui Electric Company, Limited and Hawaiian Telcom, Inc., recorded in Liber 23097, Page 74, dated March 8, 1989.


- d. Claims arising out of customary and traditional rights and practices, including without limitation, those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes

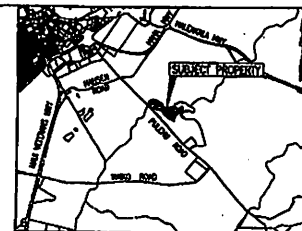
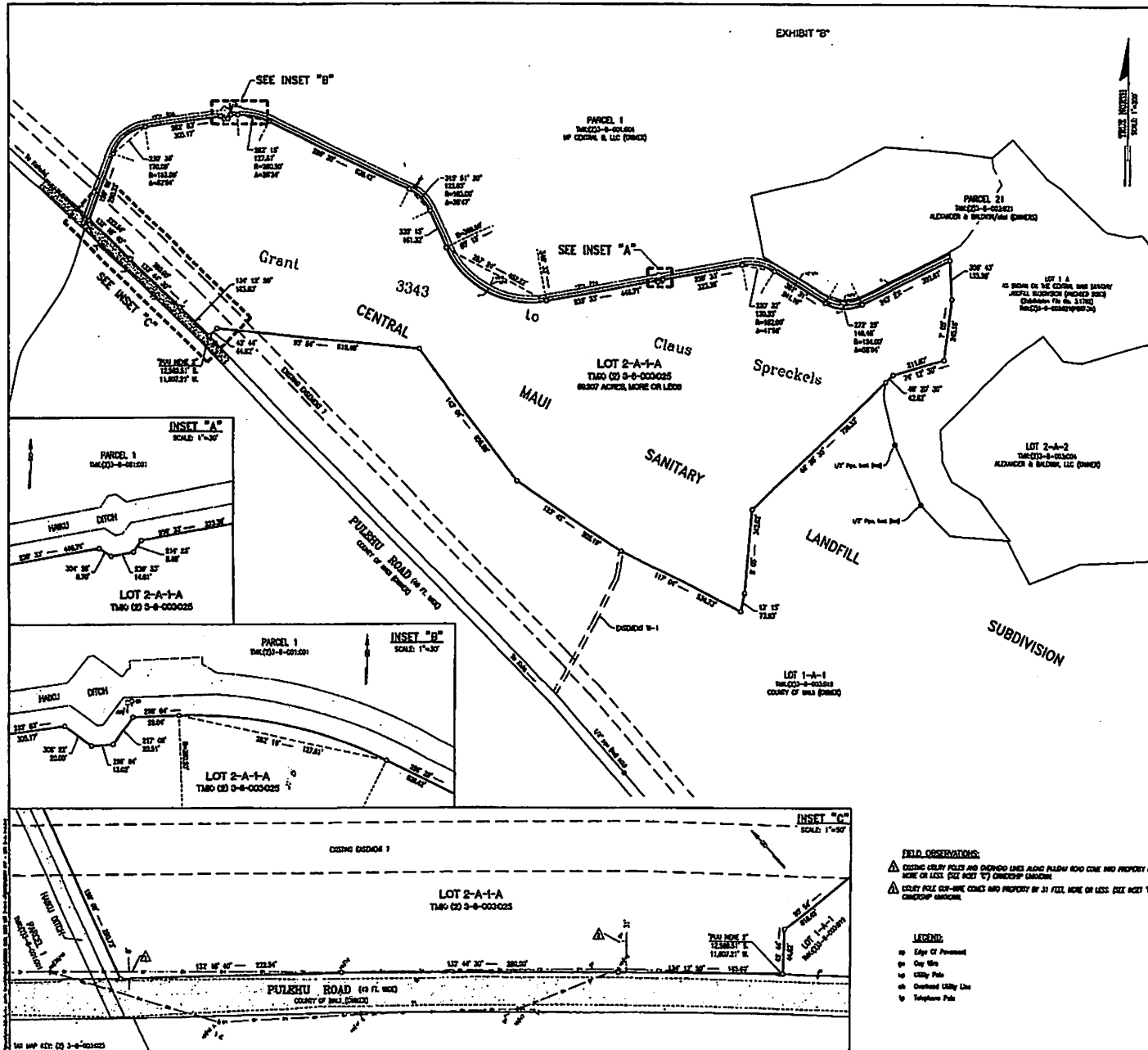
PREPARED BY:
A&B Properties Hawaii, LLC

Date: July 16, 2020

This work was prepared by me or under my
direct supervision




Justin R. Shaw Date 7/16/2020
Licensed Professional Land Surveyor
Certificate No. LS-15959
Expiration Date: April 30, 2022



BOUNDARY MAP

LOT 2-A-1-A

CENTRAL MAUI SANITARY LANDFILL SUBDIVISION

Being a Portion of Grant 3343 to Claus Spreckels

SITUATE

PUNENE, WAILUKU, MAUI, HAWAII



CORNER:
ALEXANDER & BALDWIN, LLC



THE HERE WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION

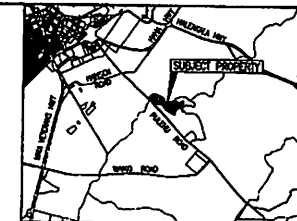
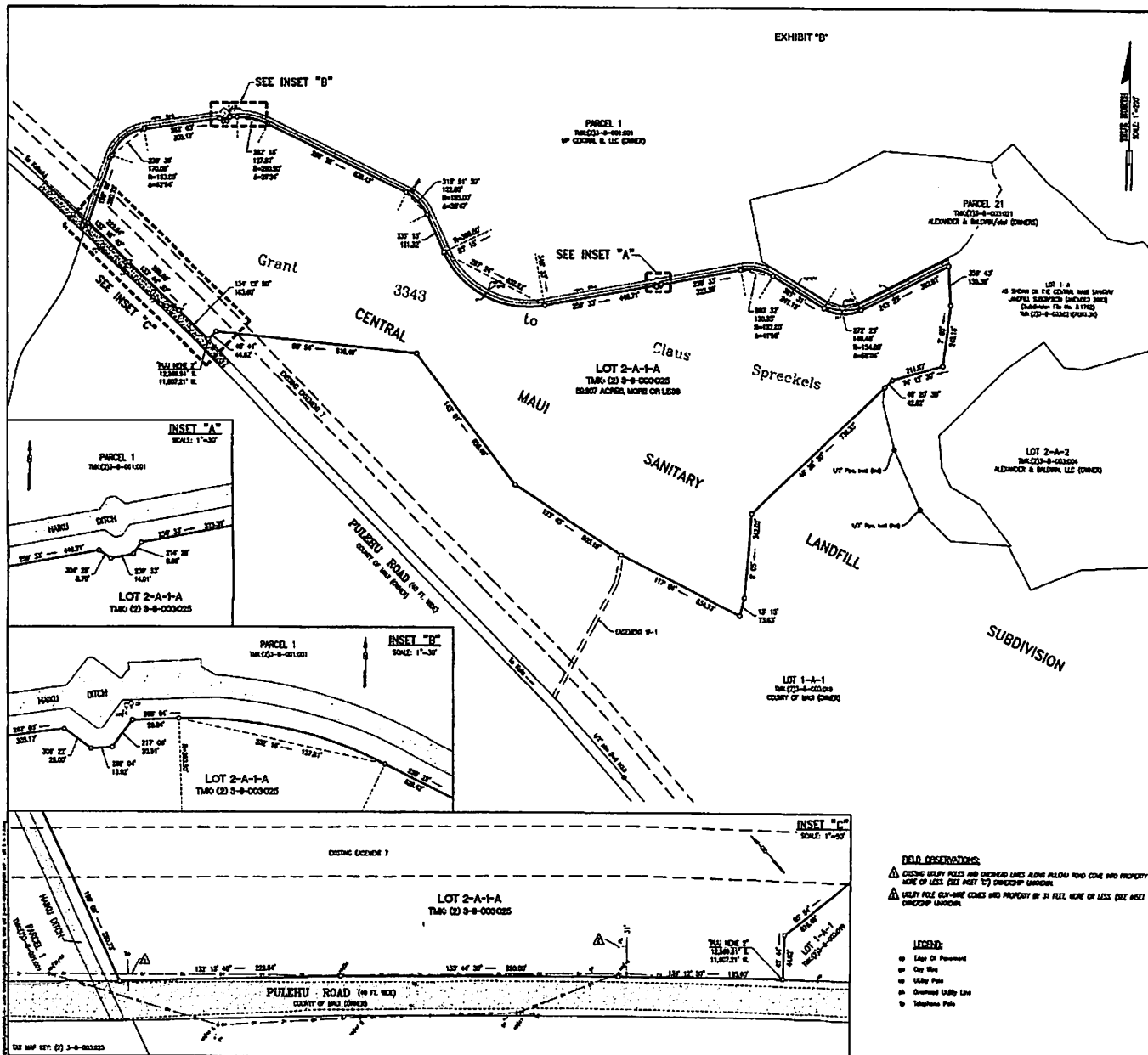
Robert E. Smith
7/14/2020
DATE
CERTIFIED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 131303
EXPIRATION DATE 4/30/2022

NOTES:

1. ADJUSTING AND CORRECTING RETURNED TO SURVEYOR SURVEY TRANSLATION ERROR "TWO MORE 1"
2. OWNERS OF ADJOINING LAND TAKEN FROM RECORDS OF THE REAL PROPERTY MAPPING DIVISION.
3. SET "B" PILE AT ALL POSSIBLE LEFT CORNER UNLESS NOTED OTHERWISE.
4. ADJUST-OF-WAY FOR PULEHU ROAD IS BASED ON THE FIELD LOCATION OF THE DISTINGUISHING CENTERLINE AND SHALL BE USED FOR THE PURPOSES OF THIS SURVEY ONLY.

EASEMENTS AND SERVICES:

- A. EASEMENTS TO MAINTAIN AND UNDER RIGHTS OF AND EGRESS.
- B. DISTINGUISHING EASEMENTS FOR EGRESS, TRANSMISSION LINE PURPOSES PER FINAL ORDER OF CONDEMNATION IN FAVOR OF HAWAII ELECTRIC COMPANY, LIMITED, RECORDED AS DOCUMENT NO. 85-179158, DATED NOVEMBER 25, 1984.
- C. GRANT OF EASEMENT FOR EGRESS AND UTILITY PURPOSES IN FAVOR OF HAWAII ELECTRIC COMPANY, LIMITED AND HAWAIIAN TELECOM, INC., RECORDED IN LAND COURT PAGE 74, DATED MARCH 8, 1982 (SEE SAID DOCUMENT FOR EGRESS LOCATIONS).
- D. CLAIM ARISING OUT OF EGRESS AND TRANSMISSION RIGHTS AND PRINCIPLES, INCLUDING WEIGHT LIMITATION, TRUCKS, EXCLUDED FOR SURVEILLANCE, CLIPPING, REDUCTION, ACCESS OR OTHERWISE PURPOSES, AS PERMITTED FOR IN THE HAWAII CONDEMNATION OR THE HAWAII EGRESS LOCATIONS.



BOUNDARY MAP

LOT 2-A-1-A

CENTRAL MAUI SANITARY LANDFILL SUBDIVISION

Being a Portion of Grant 3343 to Claus Spreckels

SITUATE

PUUNENE, WAILUKU, MAUI, HAWAII



OWNER:
ALEXANDER & BILDMAN, LLC



THE WORK WAS PROVIDED BY ME OR UNDER MY
DIRECT SUPERVISION

JUSTIN S. JONES
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 131918
DATE: 7/16/2020
CORRESPONDENCE: LSA-12020
EXPIRATION DATE: 4/30/2022

NOTES:

- ADJUSTING AND CORRECTING RETURNED TO GOVERNMENT SURVEY TRIANGULATION STATION SHALL BE 2".
- CORRECTIONS OF ADJUSTING LAND TAKEN FROM RECORDS OF THE REAL PROPERTY MAPPING DIVISION.
- 100' R/W PIPE AT ALL FEASIBLE LOT CORNERS UNLESS NOTED OTHERWISE.
- RIGHT-OF-WAY FOR PULUHUA ROAD IS BASED ON THE FIELD LOCATION OF THE EXISTING PAVEMENT CENTERLINE AND SHALL BE USED FOR THE PURPOSE OF THIS SURVEY ONLY.

EASEMENTS AND SERVITUDES:

- SUBJECT TO RIGHTS AND INTERESTS OF ANY NATURE.
- EXISTING LOCUS 7 FOR ELECTRICAL TRANSMISSION LINE PURPOSES FOR FINAL ORDER OF CONVEYANCE IN FAVOR OF HAWAII ELECTRIC COMPANY, LIMITED, RECORDED AS DOCUMENT NO. 16-174968, DATED NOVEMBER 24, 1998.
- GRANT OF EASEMENT FOR INTEREST AND EGRESS AND UTILITY PURPOSES IN FAVOR OF HAWAII ELECTRIC COMPANY, LIMITED AND HAWAII TELECOM, INC., RECORDED IN LHAJ 33001 PAGE 14, DATED JANUARY 8, 1998. (SEE SHD DOCUMENT FOR DETAILED LOCATION).
- CLAIMS ARISING OUT OF EGRESS AND UTILITY PURPOSES, INCLUDING VEHICULAR INTERFERENCE, SHALL BE EXCLUDED FOR PURPOSES OF THIS SURVEY, INCLUDING ACCESS OR EGRESS PURPOSES, AS PROVIDED FOR IN THE HAWAII CONVEYANCE OR THE HAWAII REVEYED SURVEY.