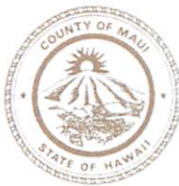


MICHAEL P. VICTORINO
Mayor

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

January 7, 2021

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OFFICE OF THE
COUNTY CLERK

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino
Mayor
1/8/21
Date

For Transmittal to:

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

Dear Chair Lee and Members:

**SUBJECT: AUTHORIZING THE ACQUISITION OF
APPROXIMATELY 273,382 SQUARE FEET
IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011
SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN
AMOUNT NOT TO EXCEED \$9,800,000**

I am transmitting the attached proposed resolution for the purpose of authorizing the acquisition of approximately 273,382 square feet identified as tax map key (2) 3-8-046:011 located at 100 Mahalani Street, Wailuku, Hawaii.

I respectfully request this matter be referred to the appropriate Council Committee for review and action. Thank you for your attention in this matter. Should you have any questions, please contact me at ext. 7474.

Sincerely,

Scott K. Teruya
SCOTT K. TERUYA
Director of Finance

Attachment

COUNTY COMMUNICATION NO. 21-26

Resolution

No. _____

**AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382
SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011
SITUATED AT WAILUKU, MAUI, HAWAII,
FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00**

WHEREAS, Maui Island Holdings, LLC, a Delaware limited liability company ("Owner"), is the owner in fee simple of that certain real property located at Wailuku, Maui, Hawaii, consisting of approximately 273,382 square feet, and identified for real property tax purposes as tax map key number (2) 3-8-046:011, ("Property"), which Property is more particularly described in Exhibit "A," and depicted in Exhibit "B" attached hereto, both of which are incorporated herein by reference; and

WHEREAS, the Property has been identified as a suitable location for County of Maui government offices; and

WHEREAS, Maui Island Holdings, LLC 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 NINE MILLION EIGHT HUNDRED DOLLARS AND NO/100 DOLLARS (\$9,800,000.00) plus customary expenses; and

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

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

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

1. That the Council finds the acquisition of the Properties to be in the public interest; and

Resolution No. _____

2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Properties for an amount not to exceed NINE MILLION EIGHT HUNDRED DOLLARS AND NO/100 DOLLARS (\$9,800,000.00), exclusive of closing costs and expenses; and

3. 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 Properties; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and Maui Island Holdings, LLC.

**APPROVED AS TO FORM
AND LEGALITY:**

/s/Kristina C. Toshikiyo

KRISTINA C. TOSHIKIYO
Deputy Corporation Counsel
County of Maui

2021-0003

2021-01-07 Reso 100 Mahalani Street

EXHIBIT "A"

-ITEM I:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4475, Land Commission Award Number 7713, Apana 23 to V. Kamamalu) situate, lying and being at Kalua, Wailuku, Island and County of Maui, State of Hawaii, being LOT 2 of the "MAUI PUBLISHING SUBDIVISION", and thus bounded and described:

Beginning at the southeasterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,091.72 feet north and 3,470.70 feet east, and running thence by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|---|
| 1. | 90° 00' 15" | 429.09 | feet along Lots 7-7 and 7-8 of Seventh Increment, Kahului Town Development (File Plan 766) and along the Maui Detention Home Lot; |
| 2. | 180° 00' 15" | 298.45 | feet along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu; |
| 3. | 270° 00' | 100.09 | feet along Lot 1 of Maui Publishing Subdivision; |
| 4. | 225° 00' | 212.13 | feet along same; |
| 5. | 180° 00' | 307.00 | feet along same; |
| 6. | 270° 00' | 478.00 | feet along the remainder of R. P. 447, L. C. Aw. 7713, Ap. 23 to V. Kamamalu; |
| 7. | 0° 00' | 147.91 | feet along Lot 3 of Maui Publishing Subdivision; |
| 8. | 44° 03' | 430.05 | feet along same; |
| 9. | 0° 00' | 209.48 | feet along Lot 3 of Maui Publishing Subdivision to the point of beginning and containing an area of 6.276 acres, more or less. |

-ITEM II:-

Together with the following easements, as granted in DEED dated March 10, 1983, recorded in Liber [16942](#) at Page [343](#); and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein:

- A. Non-exclusive perpetual easements solely for installation and maintenance of a radio transmitter ground mat for use in connection with the radio transmitter tower situated on adjacent premises described as follows:

- A-1. GROUND MAT EASEMENTS B and C being more particularly described as follows:

EASEMENT B

An easement 25.00 feet wide of Radio Transmitter Antennae over and across Kaahumanu Avenue, Federal Aid Project No. F-032-1 (3)

Being portions of R. P. 1996 L.C. Aw. 420 to Kuihelani and R.P. 4475 L.C. Aw. 7713 Apana 23 to V. Kamamalu (Certificate of Boundaries No. 203)

Land situated as Owa and Kalua, Wailuku, Maui, State of Hawaii.

Beginning at the southwest corner of this piece of land, on the south side of Kaahumanu Avenue, Federal Aid Project No. F-032-1 (3), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,983.23 feet north and 3,362.89 feet east, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|--|
| 1. | 180° 00' 15" | 25.00 | feet along the remainder of L.C. Aw. 420 to Kuihelani; |
| 2. | 270° 00' 15" | 290.00 | feet along the remainders of L.C. Aw. 420 to Kuihelani and L.C. Aw. 7713 Apana 23 to V. Kamamalu; |
| 3. | 0° 00' 15" | 25.00 | feet along the remainder of L.C. Aw. 7713 Apana 23 to V. Kamamalu; |
| 4. | 90° 00' 15" | 290.00 | feet along the south side of Kaahumanu Avenue, Project No. F-032-1 (3), along the remainders of L.C. Aw. 7713 Apana 23 to V. Kamamalu and L.C. Aw. 420 to Kuihelani to the point of beginning and containing an area of 7,250 square feet or 0.166 acre, more or less. |

EASEMENT C

An easement for Radio Transmitter Antennae over and across proposed Hospital Road

Being portions of R.P. 1996 L.C. Aw. 420 to Kuihelani and R.P. 4475 L.C. Aw. 7713 Apana 23 to V. Kamamalu (Certificate of Boundaries No. 203)

Land situated at Owa and Kalua, Wailuku, Maui, State of Hawaii.

Beginning at the most southerly corner of this piece of land, on the southeast side of proposed Hospital Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,781.58 feet north and 3,114.82 feet east, thence running by azimuths measured clockwise from true South:

1. 132° 00' 15" 15.00 feet along the remainder of L.C. Aw. 7713 Apana 23 to V. Kamamalu;
2. 222° 00' 15" 189.06 feet along the remainders of L.C. Aw. 7713 Apana 23 to V. Kamamalu and L.C. Aw. 420 to Kuihelani;
3. 312° 00' 15" 14.41 feet along the remainder of L.C. Aw. 420 to Kuihelani;
4. Thence along the southeast side of proposed Hospital Road, along the remainder of L.C. Aw. 420 to Kuihelani, on a curve to the right with a radius of 170.00 feet, the chord azimuth and distance being 31° 50' 25" 60.00 feet;
5. 42° 00' 15" 100.00 feet along the southeast side of proposed Hospital Road, along the remainders of L.C. Aw. 420 to Kuihelani and L.C. Aw. 7713 Apana 23 to V. Kamamalu;
6. 132° 00' 15" 10.00 feet along a jog in the southeast side of proposed Hospital Road, along the remainder of L.C. Aw. 7713 Apana 23 to V. kamamalu;
7. 42° 00' 15" 30.00 feet along the southeast side of proposed Hospital Road, along the remainder of L.C. Aw. 7713 Apana 23 to V. Kamamalu to the point of beginning and containing an area of 4,221 square feet or 0.097 acre, more or less.

A-2. GROUND MAT EASEMENT D over a portion of Lot 1, Maui Publishing Subdivision, also being a portion of R. P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu, at Kalua, Wailuku, Island and County of Maui, State of Hawaii, said easement being a portion of Lot 1, more particularly described as follows:

Beginning at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,758.21 feet north and 3,291.70 feet east, and running thence by azimuths measured clockwise from true South:

1. 0° 00' 307.00 feet along Lot 2 of Maui Publishing Subdivision;
2. 45° 00' 212.13 feet along same;
3. 90° 00' 25.76 feet along same;
4. Thence along the remainder of Lot 1, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being: 176° 18' 29" 450.44 feet;
5. 222° 00' 15" 10.08 feet along the southeasterly side of Mahalani Street (F.A.P. F-032-1(3));
6. 270° 00' 198.02 feet along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu, to the point of beginning and containing an area of 2.151 acres, more or less.

A-3. GROUND MAT EASEMENT E over a portion of Lot 3, Maui Publishing Subdivision, also being a portion of R. P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu, at Kalua, Wailuku, Island and County of Maui, State of Hawaii, said easement being a portion of Lot 3, more particularly described as follows:

Beginning at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,092.83 feet north and 3,470.70 feet east, and running thence by azimuths measured clockwise from true South:

1. 180° 00' 208.37 feet along Lot 2, Maui Publishing Subdivision;
2. 224° 03' 430.05 feet along same;
3. 180° 00' 147.91 feet along same;
4. 270° 00' 143.08 feet along the remainder of R. P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu;
5. Thence along the remainder of Lot 3, Maui Publishing Subdivision, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:
345° 32' 57.5" 194.61 feet;
6. 29° 13' 184.35 feet along the remainder of R. P. 4475, L. C. Aw. 7713, Apana 23, to V.

- Kamamalu;
7. 9° 48' 145.50 feet along same;
 8. 25° 06' 40.11 feet along same;
 9. Thence along the remainder of Lot 3, Maui Publishing Subdivision, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:

 69° 12' 04.5" 383.90 feet, to the point of beginning and containing an area of 4.014 acres, more or less.

A-4. GROUND MAT EASEMENT over a portion of R. P. 1996, L. C. Aw. 420 to Kuihelani and R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu at Owa and Kalua, Wailuku, Island and County of Maui, State of Hawaii, said easement being a portion of R. P. 1996, more particularly described as follows:

Beginning at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,758.21 feet north and 3,912.78 feet east, and running thence by azimuths measured clockwise from true South:

1. 90° 00' 129.58 feet along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu;
2. 90° 00' 31.01 feet along same;
3. 90° 00' 460.49 feet along same;
4. 90° 00' 198.02 feet along same to a 1/2-inch pipe;
5. 222° 00' 15" 61.43 feet along the southeasterly boundary of Mahalani Street to a 1/2-inch pipe;
6. 312° 00' 15" 10.00 feet along same to a 1/2-inch pipe;
7. 222° 00' 15" 100.00 feet along same to a 1/2-inch pipe;
8. Thence along same, along a curve to the left with a radius of 170.00 feet, the chord azimuth and distance being:

 209° 53' 54" 71.30 feet;
9. Thence along the remainder of this lot, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:

- 242° 51' 58.5" 109.47 feet;
10. 270° 00' 15" 319.24 feet along the southerly boundary of Kaahumanu Avenue (F.A.P. No. F-032-1(3));
11. Thence along the remainder of this lot, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being:
- 311° 49' 21.5" 337.40 feet to the point of beginning and containing an area of 3.177 acres, more or less.

-Note:- The above easement is comprised of Easement F-1, area 2.883 acres, more or less, affecting Tax Key: 3-8-046-008, and Easement F-2, area 0.294 acre, more or less, affecting Tax Key: 3-8-046-009, as shown on the Tax Map.

A-5. GROUND MAT EASEMENT over a portion of R.P. 4475, L.C. Aw. 7713, Apana 23 to V. Kamamalu situated at Kalua, Wailuku, Island and County of Maui, State of Hawaii, said easement being more particularly described as follows:

Beginning at the northerly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,569.76 feet north and 3,961.35 feet east, and running by azimuths measured clockwise from true South:

1. Along the remainder of R.P. 4475, L. C. Aw. 7713, Apana 23 to V. Kamamalu, along a curve to the right with a radius of 460.00 feet, the chord azimuth and distance being: 21° 08' 58.5" 365.20 feet;
2. 205° 06' 40.11 feet along Lot 3 of Maui Publishing Subdivision;
3. 189° 48' 145.50 feet along same;
4. 209° 13' 184.35 feet along same to the point of beginning and containing an area of 13,234 square feet, more or less.

B. Joint but not exclusive easements for sewer and access purposes described as follows:

B-1. ACCESS EASEMENT A (20 feet wide):

Beginning at a spike in pavement at the southeasterly corner of this easement, being also the southwesterly corner of Parcel 5-B of F.A.P. No. F-032-1 (3) and the

northwesterly corner of the Hawaii Methodist Union Lot (Ala Nani United Methodist Church), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,908.18 feet north and 3,960.87 feet east, and running thence by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-----------|---|
| 1. | 49° 50' | 232.50 | feet along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu; |
| 2. | 90° 00' | 31.01 | feet along Lot 2 of Maui Publishing Subdivision; |
| 3. | 229° 50' | 273.08 | feet along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu; |
| 4. | 0° 00' | 15" 26.17 | feet along the westerly boundary of Parcel 5-B of F.A.P. No. F-032-1 (3) to the point of beginning and containing an area of 5,056 square feet, more or less. |

-Note:- The above Access Easement A is comprised of Easement A-1, area 4,806 square feet, more or less, affecting Tax Key: 3-8-046-009 (2), and Easement A-2, area 249 square feet, more or less, affecting Tax Key 3-8-046-008 (2), as shown on the Tax Map.

B-2. ACCESS EASEMENT C

Beginning at the northeasterly corner of this easement on the northerly boundary of Lot 3 of Maui Publishing Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,758.21 feet north and 3,783.20 feet east and running thence by azimuths running clockwise from true South:

- | | | | |
|----|---------|-------|---|
| 1. | 49° 50' | 17.66 | feet along the remainder of Lot 3 of Maui Publishing Subdivision; |
| 2. | 180° | 11.39 | feet along Lot 2 of Maui Publishing Subdivision; |
| 3. | 270° | 13.49 | feet along the remainder of r. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu to the point of beginning and containing an area of 77 square feet, more or less. |

C. Joint but not exclusive Easement C for water purposes, being more particularly described as follows:

Beginning at the north end of this centerline, on the north side of the New Maui Detention Home, Lot, the tie from the end of Course 1 of the above described Detention Home Site being 90° 00' 57.00 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,091.80 feet north

and 3,274.68 feet east, thence running by azimuths measured clockwise from true South:

1. 17° 00' 85.85 feet to the south end of this centerline on the southeast side of the new Maui Detention Home Lot, the tie from the end of Course 1 of the above described New Maui Detention Home Lot being 45° 0' 15" 116.11 feet and containing an area of 859 square feet, more or less.

D. Joint but not exclusive easement for electrical and telephone purposes over, under and across Lot 1 of Maui Publishing Subdivision, also being a portion of R. P. 4475, L. C. Aw. 7713, Ap. 23 to V. Kamamalu, at Kolua, Wailuku, Island and County of Maui, State of Hawaii, provided, however, that Grantor, its successors and assigns, shall have the right to relocate said easements upon development of said Lot 1, (TMK: 3-8-046-008 (2)).

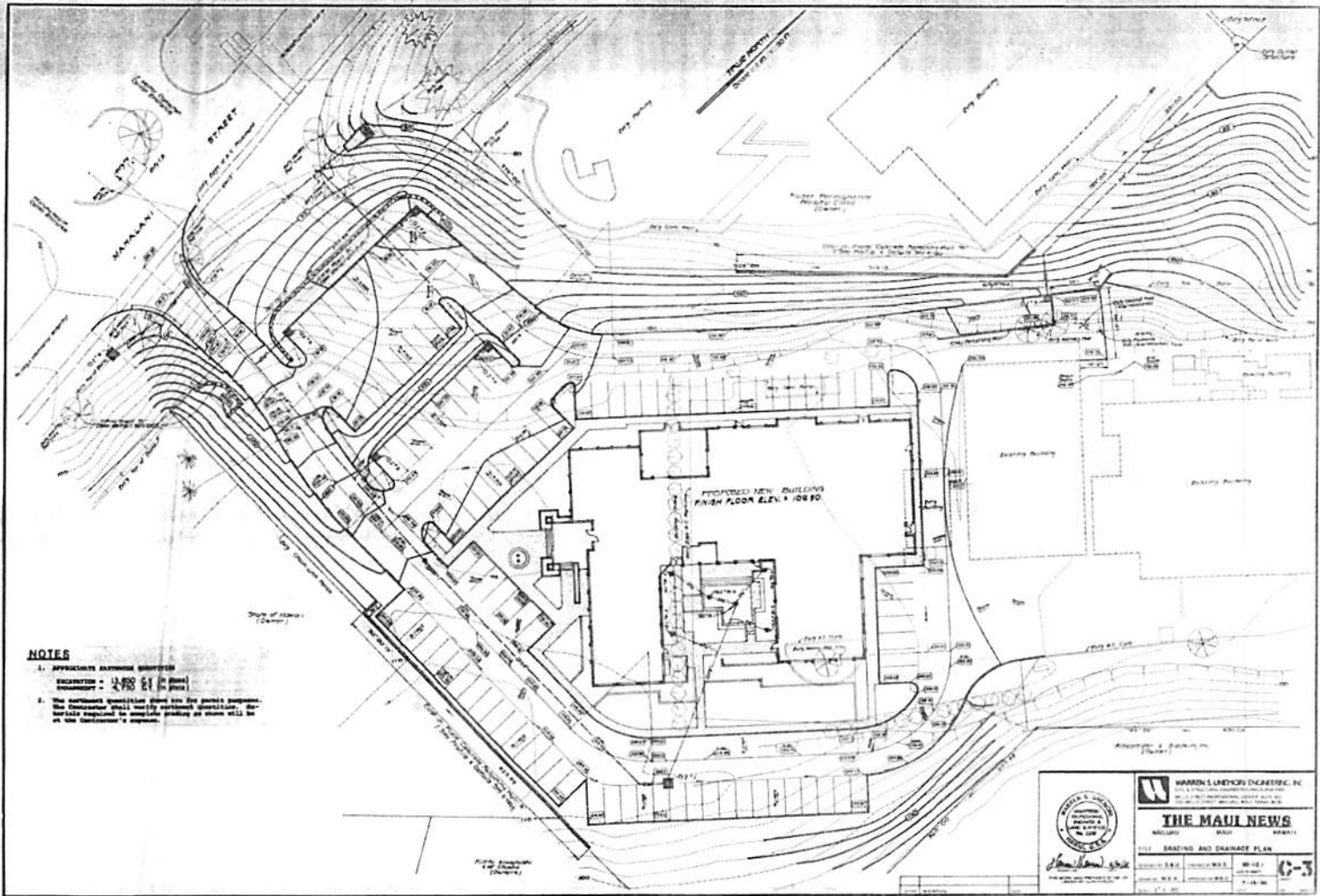


EXHIBIT "B"

100 MAHALANI STREET - (MAUI NEWS BUILDING)

