

# REQUEST FOR LEGAL

**RECEIVED**

By Dept of the Corporation Counsel at 3:54 pm, Feb 24, 2021

**Date:** February 24, 2021  
**From:** Gabe Johnson, Chair  
Affordable Housing Committee

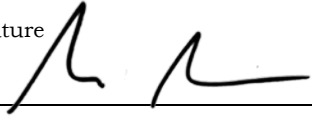
**TRANSMITTAL**

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Mimi DesJardins, Esq.

**Subject:** PROPOSED RESOLUTION AUTHORIZING THE GRANT OF REAL PROPERTY LOCATED AT 244 KOMO MAI STREET, LAHAINA, MAUI, HAWAII, TO HOUSING AND LAND ENTERPRISE OF MAUI, DBA NA HALE O MAUI (AH-03)

**Background Data:** Please see attached resolution

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☒ OTHER: PLEASE RETURN TO alison.stewart@mauicounty.us

Requestor's signature  Gabe Johnson	Contact Person <u>Alison Stewart or James Forrest</u> (Telephone Extension: 7661 or 7137)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☒ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 24, 2021  
REASON: For posting on the February March 5 Council agenda.

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2021-0011	BY: jcm
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date February 24, 2021

By /s/ Mimi Desjardins

(Rev. 7/03)

ah:misc:003acc01:ans

Attachment

# Resolution

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

AUTHORIZING THE GRANT OF REAL PROPERTY LOCATED AT 244 KOMO  
MAI STREET, LAHAINA, MAUI, HAWAII, TO  
HOUSING AND LAND ENTERPRISE OF MAUI, DBA NA HALE O MAUI

WHEREAS, the County of Maui owns the property located at 244 Komo  
Mai Street, Lahaina, Maui, Hawaii 96793, identified as Tax Map  
Key (2) 4-5-037:013 (“the Property”); and

WHEREAS, Housing and Land Enterprise of Maui, doing business as Na  
Hale O Maui, has submitted a County of Maui In-Kind Grant Application,  
attached as Exhibit “A”; and

WHEREAS, the County desires to grant the Property in fee simple to  
Na Hale O Maui; and

WHEREAS, in accordance with Section 3.44.020, Maui County Code  
 (“MCC”), the Council may authorize the disposition of real property in fee simple;  
and

WHEREAS, in accordance with Section 3.44.030, MCC, the Council may,  
if it finds that it is in the public interest, dispose of real property in a manner  
other than by public auction; and

WHEREAS, in accordance with Section 3.36.090, MCC, the Council may  
authorize the grant of real property by resolution; and

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

WHEREAS, in accordance with Section 3.44.070, MCC, the Council may waive the appraisal requirement for disposition of real property; now, therefore;

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

1. That it finds it is in the public interest to grant the Property to Housing and Land Enterprise of Maui, doing business as Na Hale O Maui;
2. That it waives the appraisal requirement;
3. That it authorizes the grant of the fee simple interest in the Property to Na Hale O Maui;
4. That it authorizes the Mayor, or the Mayor's duly authorized representative, to execute all necessary documents to further the intent of this Resolution; and
5. That certified copies of this Resolution be transmitted to the Mayor, the Finance Director, and the Director of the Department of Housing and Human Concerns.

APPROVED AS TO FORM AND LEGALITY

/s/ Mimi Desjardins

MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui