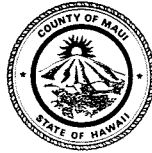


KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

May 25, 2021

Honorable Keani Rawlins-Fernandez, Chair
Budget, Finance, and Economic Development Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Rawlins-Fernandez:

Pursuant to the adoption of Committee Report No. 19-29 on May 21, 2021, a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NOS. (2) 4-6-011:011 AND (2) 4-6-011:028, SITUATED IN LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$650,000" was referred to your Committee.

Respectfully yours,

A handwritten signature in black ink that reads "Kathy L. Kaohu". The signature is written in a cursive style with a large, stylized 'K'.

KATHY L. KAOHU
County Clerk

/jym

Enclosure

cc: Director of Council Services

RECEIVED
MAY 25 2021
OFFICE OF THE
COUNTY CLERK

Resolution

No. _____

AUTHORIZING THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS
TAX MAP KEY NOS.

(2) 4-6-011:011 AND (2) 4-6-011:028, SITUATED IN LAHAINA, MAUI,
HAWAII, FOR AN AMOUNT NOT
TO EXCEED \$650,000

WHEREAS, the Christopher & Katherine Ondatje Family Trust and the Marshall Kerr 2012 Trust (Collectively, "Owner"), are the owners in fee simple of that certain real property located at Lahaina, Maui, Hawaii identified for real property tax purposes as tax map key numbers (2) 4-6-011:011 and (2) 4-6-011:028, ("Properties"), which Properties are more particularly described in the Status Report, attached hereto as Exhibit "A," and depicted in Exhibit "B" attached hereto, both of which are incorporated herein by reference; and

WHEREAS, the County of Maui and the aforementioned Owner desire to enter into an agreement for the purchase and sale of the Properties; and

WHEREAS, a preliminary title report for the Properties was prepared by Title Guaranty of Hawaii, Inc., as described in Schedule C of the aforementioned Exhibit "A," and

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

WHEREAS, the County desires to purchase and the Owners desire to sell the Properties for the amount of SIX HUNDRED AND FIFTY THOUSAND DOLLARS AND NO/100 (\$650,000); 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; 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 SIX HUNDRED AND FIFTY THOUSAND DOLLARS AND NO/100 (\$650,000), 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 the Director of Housing and Human Concerns.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2021-0233

2021-02-24 Reso Ondatje & Kerr Trust Purchase

STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, LLC's responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500 or two times the amount paid for this Report.

SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

CHRISTOPHER ONDATJE,
Trustee and
KATHERINE ONDATJE,
Trustee of the Christopher and
Katherine Ondatje Family Trust
dated July 16, 2007,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 50% interest,
and
MARSHALL KERR,
Trustee of the
Marshall Kerr 2012 Trust,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 50% interest,
as Tenants in Common,
as Fee Owner

SCHEDULE A CONTINUED

This report is subject to the Conditions and Stipulations set forth in Schedule D and is dated as of September 21, 2020 at 8:00 a.m.

Inquiries concerning this report should be directed to:
Title Officer - Residential Title Services; Office: (808) 533-5874
Email: rtscustomerservice@tghawaii.com
Please reference Title Order No. 202041673.

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.
Tax Key: (2) 4-6-011-011 Area Assessed: 9,097 sq. ft.
Tax Classification: NON-OWNER-OCCUPIED/RESIDENTIAL
Street Address: 266 DICKENSON STREET, LAHAINA, HAWAII 96761
2. Mineral and water rights of any nature.
3. Any claim or boundary dispute which may exist or arise by reason of the failure of the WATERLINE EASEMENT dated August 3, 2006, recorded as Document No. 2006-145805 referred to in Schedule C to locate with certainty the boundaries of the a non-exclusive easement for utility purposes described in said instrument.
4. Any and all matters not shown in the Indices described in Schedule A.

END OF SCHEDULE B

SCHEDULE C

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 26 to V. Kamamalu and Royal Patent Number 5702, Land Commission Award Number 8542-B, Apana 1 to Peke) situate, lying and being at Lahaina, Island and County of Maui, State of Hawaii, being LOT A and thus bounded and described:

Beginning at a pipe on the westerly corner of this parcel of land on the southeasterly side of Dickenson Street, the coordinates of the said point of beginning referred to the U. S. C. & G. S. Triangulation Station "LAINA" being:

7,486.10 feet south
2,571.86 feet west

and running by azimuths measured clockwise from true South being:

- | | | | |
|----|----------|--------|---|
| 1. | 226° 15' | 93.14 | feet along the southeasterly side of Dickenson Street to a 3/4 inch pipe; |
| 2. | 316° 59' | 100.00 | feet along Pioneer Mill Company's land to a 3/4 inch pipe; |
| 3. | 46° 15' | 87.53 | feet along same to a pipe; |
| 4. | 136° 15' | 27.77 | feet along same to a pipe; |
| 5. | 45° 32' | 3.43 | feet along same to a cross on concrete walk; |
| 6. | 135° 32' | 72.27 | feet to the point of beginning and containing an area of 9,097 square feet, more or less. |

Together with a non-exclusive waterline easement for utility purposes, as granted by WATERLINE EASEMENT, dated August 3, 2006, recorded as Document No. 2006-145805, more particularly described therein; and subject to the terms and provisions contained therein.

SCHEDULE C CONTINUED

-Note:- No Joinder by MARY A. PANGILINAN, Trustee under that certain unrecorded Revocable Trust of Mary A. Pangilinan dated March 19, 1991, ADRIANO CRUZ ARCANGEL, ROSE MARIE ARCANGEL, THE HEIRS OR DEVISEES OF THE ESTATE OF LEONARDO C. ARCANGEL, DECEASED, JHONELYN ARCANGEL, JOSEPH C. ARCANGEL, JR., ESTHER ENAD, and ROSE MARY ARCANGEL.

SCHEDULE C CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : MARY A. PANGILINAN, Trustee under that certain unrecorded Revocable Trust of Mary A. Pangilinan dated March 19, 1991, JULIAN ARCANGEL and ERLINDA ARCANGEL, husband and wife, ADRIANO CRUZ ARCANGEL and ROSE MARIE ARCANGEL, husband and wife, LOLITA ARCANGEL LANGINBELIK, Personal Representative of the Estate of Leonard C. Arcangel, Deceased, JHONELYN ARCANGEL TOMITA, wife of Erwin Tomita, JOSEPH C. ARCANGEL, JR., married, ESTHER ENAD, married, ROSMARIE ARCANGEL BASA, also known as Rose Marie Arcangel, wife of Vincent Bellena Basa III

GRANTEE : CHRISTOPHER ONDATJE, Trustee and KATHERINE ONDATJE, Trustee of the Christopher and Katherine Ondatje Family Trust dated July 16, 2007, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 50% interest, and MARSHALL KERR, Trustee of the Marshall Kerr 2012 Trust, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 50% interest, as Tenants in Common

DATED : October 19, 2016

RECORDED : Document No. A-61520244

END OF SCHEDULE C

GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

SCHEDULE D

CONDITIONS AND STIPULATIONS

1. This Status Report (which term shall include any revisions thereto) is a report of the record title only, based solely upon an abstract and examination of the Indices described in Schedule A as of the date of the Report. No responsibility is assumed for (a) matters which may affect the title but either were not disclosed or were incorrectly disclosed in said indices at the date hereof; or (b) matters created, suffered, assumed, or agreed to by Purchaser; or (c) matters not shown herein but actually know to Purchaser. Title Guaranty of Hawaii, Inc. (the "Company") makes no representation as to the legal effect, validity or priority of matters shown or referred to herein.
2. If the Report is incorrect in any respect, the responsibility of the Company shall be limited to the resulting actual loss, including any attorney's fees and legal costs, but in no event shall exceed the lesser of \$3,500 or two times the amount paid for the Report. Upon payment of any loss hereunder, the Company shall be subrogated to all rights the Purchaser may have against any person or property as a result of such loss.
3. If the Purchaser of this Report shall suffer an actual loss by reason of the incorrectness of the Report, the Purchaser shall promptly notify the Company in writing. After receipt of such notice, the Company shall be allowed a reasonable time in which to investigate the claim. At its sole option, the Company may litigate the validity of the claim, negotiate a settlement or pay to Purchaser the amount the Company is obligated to pay under this Report. The Company's responsibility hereunder constitutes indemnity only and nothing herein shall obligate the Company to assume the defense of the Purchaser with respect to any claim made hereunder.
4. This report is the entire contract between the Purchaser and the Company and any claim by Purchaser against the Company, arising hereunder, shall be enforceable only in accordance with the provisions herein.
5. Notice required to be given the Company shall include the Order Number of this Report and shall be addressed to Title Guaranty of Hawaii, Inc., P.O. Box 3084, Honolulu, HI 96802, Attention: Legal Department.

DATE PRINTED: 9/24/2020

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.
(2) 4 6 011 011 0000

CLASS: NON-OWNER-OCCUPIED AREA ASSESSED: 9,097 SF

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2020

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING	\$	0
EXEMPTION	\$	0
NET VALUE	\$	0
LAND	\$	494,900
EXEMPTION	\$	0
NET VALUE	\$	494,900
TOTAL NET VALUE	\$	494,900

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 2/20/2020

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2020	2	1,348.60				1,348.60	PENDING
2020	1	1,348.61				1,348.61	PENDING
2019	2	1,446.76				1,446.76	PAID
2019	1	1,446.76				1,446.76	PAID
2018	2	1,285.61				1,285.61	PAID
2018	1	1,285.61				1,285.61	PAID

Total Amount Due: 2,697.21

Penalty and Interest Computed to: 2/20/2020

The real property tax information provided is based on information furnished by the respective counties, is deemed reliable but not guaranteed, and no warranties are given express or implied. Billing and tax collection details may have changed. Please refer to the appropriate county real property tax offices for any further information or updates for the subject property.

STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, LLC's responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500 or two times the amount paid for this Report.

SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

CHRISTOPHER ONDATJE and
KATHERINE ONDATJE,
Co-Trustees of the Christopher and
Katherine Ondatje Family Trust
under trust instrument
dated July 16, 2007,
as amended by instrument
dated May 21, 2009,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 50% interest,
and
MARSHALL KERR,
Trustee of The Marshall Kerr 2012 Trust
under instrument dated October 22, 2012,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 50% interest,
as Tenants in Common,
as Fee Owner

SCHEDULE A CONTINUED

This report is subject to the Conditions and Stipulations set forth in Schedule D and is dated as of September 21, 2020 at 8:00 a.m.

Inquiries concerning this report should be directed to:
Title Officer - Residential Title Services; Office: (808) 533-5874
Email: rtscustomerservice@tghawaii.com
Please reference Title Order No. 202041674.

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (2) 4-6-011-028 Area Assessed: 1,500 sq. ft.

2. Mineral and water rights of any nature.

3. The terms and provisions contained in the following:

INSTRUMENT : WARRANTY DEED

DATED : April 1, 1982

RECORDED : Liber 16260 Page 322

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

-Note:- A current survey, with metes and bounds description, should be made of said premises.

5. Any and all matters not shown in the Indices described in Schedule A.

END OF SCHEDULE B

SCHEDULE C

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 26 to V. Kamamalu and Royal Patent Number 5702, Land Commission Award Number 8542-B, Apana 1 to Peke) situate, lying and being at Lahaina, Island and County of Maui, State of Hawaii, being LOT 3, bearing Tax Key designation (2) 4-6-011-028, and containing an area of 1,500 square feet, more or less.

BEING THE PREMISES ACQUIRED BY QUITCLAIM DEED

GRANTOR : KAA NAPALI ROADS, LLC, a Hawaii limited liability company

GRANTEE : CHRISTOPHER ONDATJE and KATHERINE ONDATJE, Co-Trustees of the Christopher and Katherine Ondatje Family Trust under Trust Instrument dated July 16, 2007, as amended by instrument dated May 21, 2009, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 50% interest, and MARSHALL KERR, Trustee of The Marshall Kerr 2012 Trust under trust instrument dated October 22, 2012, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 50% interest, as Tenants in Common

DATED : November 14, 2016

RECORDED : Document No. A-61620840

END OF SCHEDULE C

GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

SCHEDULE D

CONDITIONS AND STIPULATIONS

1. This Status Report (which term shall include any revisions thereto) is a report of the record title only, based solely upon an abstract and examination of the Indices described in Schedule A as of the date of the Report. No responsibility is assumed for (a) matters which may affect the title but either were not disclosed or were incorrectly disclosed in said indices at the date hereof; or (b) matters created, suffered, assumed, or agreed to by Purchaser; or (c) matters not shown herein but actually know to Purchaser. Title Guaranty of Hawaii, Inc. (the "Company") makes no representation as to the legal effect, validity or priority of matters shown or referred to herein.
2. If the Report is incorrect in any respect, the responsibility of the Company shall be limited to the resulting actual loss, including any attorney's fees and legal costs, but in no event shall exceed the lesser of \$3,500 or two times the amount paid for the Report. Upon payment of any loss hereunder, the Company shall be subrogated to all rights the Purchaser may have against any person or property as a result of such loss.
3. If the Purchaser of this Report shall suffer an actual loss by reason of the incorrectness of the Report, the Purchaser shall promptly notify the Company in writing. After receipt of such notice, the Company shall be allowed a reasonable time in which to investigate the claim. At its sole option, the Company may litigate the validity of the claim, negotiate a settlement or pay to Purchaser the amount the Company is obligated to pay under this Report. The Company's responsibility hereunder constitutes indemnity only and nothing herein shall obligate the Company to assume the defense of the Purchaser with respect to any claim made hereunder.
4. This report is the entire contract between the Purchaser and the Company and any claim by Purchaser against the Company, arising hereunder, shall be enforceable only in accordance with the provisions herein.
5. Notice required to be given the Company shall include the Order Number of this Report and shall be addressed to Title Guaranty of Hawaii, Inc., P.O. Box 3084, Honolulu, HI 96802, Attention: Legal Department.

DATE PRINTED: 9/25/2020

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.
(2) 4 6 011 028 0000

CLASS: NON-OWNER-OCCUPIED AREA ASSESSED: 1,500 SF

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2020

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING	\$	0
EXEMPTION	\$	0
NET VALUE	\$	0
LAND	\$	25,500
EXEMPTION	\$	0
NET VALUE	\$	25,500
TOTAL NET VALUE	\$	25,500

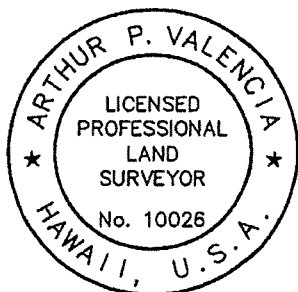
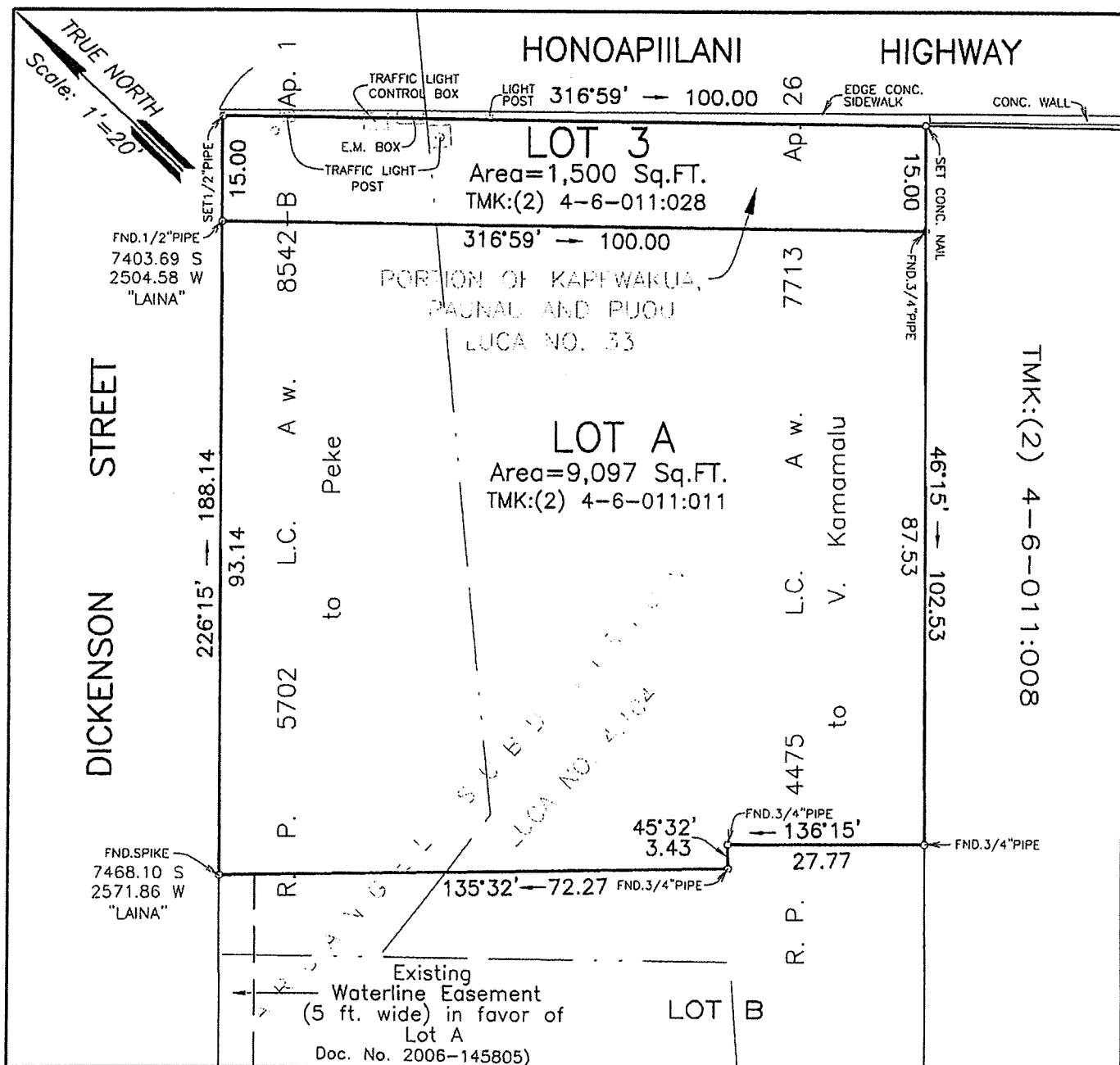
Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 2/20/2020

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2020	2	200.00				200.00	PENDING
2020	1	200.00				200.00	PENDING
2019	2	200.00				200.00	PAID
2019	1	200.00				200.00	PAID
2018	2	200.00				200.00	PAID
2018	1	200.00				200.00	PAID

Total Amount Due: 400.00

Penalty and Interest Computed to: 2/20/2020

The real property tax information provided is based on information furnished by the respective counties, is deemed reliable but not guaranteed, and no warranties are given express or implied. Billing and tax collection details may have changed. Please refer to the appropriate county real property tax offices for any further information or updates for the subject property.



Arthur P. Valencia 10/05/20

This work was prepared by me or under my direct supervision.

PLAT MAP
LOT A
ARCANGEL SUBDIVISION
LUCA NO. 4.104 AND
LOT 3
BEING PORTION OF KAPEWAKUA
PAUNAU AND PUOU
LUCA NO. 33

Lahaina, Maui, Hawaii

VALENCIA LAND SURVEYING 808-661-3257

EXHIBIT "B"