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2ND CIRCUIT COURT
STATE OF HAWAII
WAILUKU, MAUI
FILED

1972 APR 5 PM 4 22

Helen H. Correa
CLERK

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LTD.,)	EQUITY NO. 235
)	
Petitioner,)	MOTION TO HAVE ROADWAY KNOWN AS
)	HUI ROAD "A" CONVEYED TO THE
v.)	COUNTY OF MAUI; NOTICE OF
)	HEARING ON MOTION
KAPAHU AFONG, et al.,)	
)	
Respondents.)	

MOTION TO HAVE ROADWAY KNOWN AS HUI ROAD "A"
CONVEYED TO THE COUNTY OF MAUI

The COUNTY OF MAUI, a political subdivision of the
State of Hawaii, hereby alleges as follows:

I.

That in the partition proceedings in Equity No. 235,
Baldwin Packers, Ltd., Petitioner, vs. Kapahu Afong, et al.,
Respondents, Circuit Court of the Second Circuit, State of
Hawaii, various roads were laid out, including Hui Road "A".

I hereby certify that copies of the within were served
on LYONS K. NAONE, JR., Clerk of the Second Circuit Court,
State of Hawaii; GEORGE PAI, Attorney General of the State of
Hawaii; and WILLIAM CROCKETT, Attorney for Maui Land and Pine-
apple Co., Ltd., and Honolua Plantation Land Company, Inc., by
mailing the same to them at their addresses this 3rd day of
April, 1972.

Andrew T. Johnson, Jr.
ANDREW T. JOHNSON, JR.
Assistant County Attorney
County of Maui

II.

That title to said roads was transferred to the person for the time being holding the office of Clerk of said court as Trustee, "with full power and authority in said Trustee to convey said roadways to a public body corporate charged by law with the general control of roadways but without any duty whatsoever to construct, build, maintain, or repair such roadways or any of them." That attached hereto and specifically incorporated herein by reference is a map showing Hui Road "A" and marked as Exhibit "A".

III.

That Hui Road "A" is described as follows:

A portion of L. C. A. 5524, R. P. 1663, to L. Konia, in the Ahupuaa of Alaeloa, Kaanapali, Maui, T. H.

A parcel of land 30 feet wide and 8,778.3 feet long, containing an area of 6.0456 acres, the center line of which is described as follows:

Beginning at a point on the South side of the Honolulu-Lahaina Government Road Right of Way, the coordinates of which referred to Government Triangulation Station "MALO" are

12,859.7 feet South and

10,294.2 feet West, and running thence by true azimuths:

- 1. 323° - 59' - 00", 75.13 feet, thence
- 2. on the arc of a circular curve of a radius of 325.49 feet for a central angle of 17° -28', the direct azimuth and distance being 315° - 15' - 00", 98.84 feet, thence
- 3. 306° - 31' - 00", 259.36 feet, thence

4. on the arc of a circular curve of a radius of 208.50 feet for a central angle of $41^{\circ}-59'$, the direct azimuth and distance being
 $285^{\circ} - 31' - 30''$, 149.38 feet, thence
5. $264^{\circ} - 32' - 00''$, 338.52 feet, thence
6. on the arc of a circular curve of a radius of 86.61 feet for a central angle of $57^{\circ}-21'$, the direct azimuth and distance being
 $293^{\circ} - 12' - 30''$, 83.12 feet, thence
7. $321^{\circ} - 53' - 00''$, 710.3 feet, thence
8. on the arc of a circular curve of a radius of 191.84 feet for a central angle of $29^{\circ}-13'$, the direct azimuth and distance being
 $307^{\circ} - 16' - 30''$, 96.77 feet, thence
9. $292^{\circ} - 40' - 00''$, 385.16 feet, thence
10. on the arc of a circular curve of a radius of 390.31 feet for a central angle of $14^{\circ}-36'$, the direct azimuth and distance being
 $299^{\circ} - 58' - 00''$, 99.19 feet, thence
11. $307^{\circ} - 16' - 00''$, 448.44 feet, thence
12. on the arc of a circular curve of a radius of 565.19 feet for a central angle of $10^{\circ}-06'-40''$, the direct azimuth and distance being
 $312^{\circ} - 19' - 20''$, 99.61 feet, thence
13. $317^{\circ} - 22' - 40''$, 221.30 feet, thence

- 14. on the arc of a circular curve of a radius of 418.10 feet for a central angle of 13°-38'-20", the direct azimuth and distance being
324° - 11' - 50", 99.29 feet, thence
- 15. 331° - 01' - 00", 208.92 feet, thence
- 16. on the arc of a circular curve of a radius of 139.14 feet for a central angle of 56°-39', the direct azimuth and distance being
359° - 20' - 30", 132.04 feet, thence
- 17. 27° - 40' - 00", 101.00 feet, thence
- 18. on the arc of a circular curve of a radius of 82.43 feet for a central angle of 101°-00'-00", the direct azimuth and distance being
78° - 10' - 00", 127.22 feet, thence
- 19. 128° - 40' - 00", 48.78 feet, thence
- 20. on the arc of a circular curve of a radius of 87.00 feet for a central angle of 132°-31'-30", the direct azimuth and distance being
60° - 44' - 15", 159.28 feet, thence
- 21. on the arc of a circular curve of a radius of 196.00 feet for a central angle of 42°-29'-00", the direct azimuth and distance being
333° - 14' - 00", 142.02 feet, thence
- 22. 311° - 59' - 30", 1323.60 feet, thence
- 23. 314° - 56' - 00", 221.15 feet, thence

24. on the arc of a circular curve of a radius of 338.80 feet for a central angle of $32^{\circ}-53'-20''$, the direct azimuth and distance being
 $298^{\circ} - 29' - 20''$, 191.82 feet, thence
25. $282^{\circ} - 02' - 40''$, 683.51 feet, thence
26. on the arc of a circular curve of a radius of 262.46 feet for a central angle of $21^{\circ}-34'-20''$, the direct azimuth and distance being
 $292^{\circ} - 49' - 50''$, 98.23 feet, thence
27. $303^{\circ} - 37' - 00''$, 672.58 feet, thence
28. on the arc of a circular curve of a radius of 218.51 feet for a central angle of $25^{\circ}-46'-40''$, the direct azimuth and distance being
 $290^{\circ} - 43' - 40''$, 97.48 feet, thence
29. $277^{\circ} - 50' - 20''$, 532.15 feet, thence
30. $280^{\circ} - 15' - 00''$, 101.86 feet, thence
31. on the arc of a circular curve of a radius of 407.95 feet for a central angle of $13^{\circ}-58'-30''$, the direct azimuth and distance being
 $287^{\circ} - 14' - 15''$, 99.26 feet, thence
32. $294^{\circ} - 13' - 30''$, 167.16 feet, thence
33. on the arc of a circular curve of a radius of 312.40 feet for a central angle of $35^{\circ}-30'$, the direct azimuth and distance being
 $311^{\circ} - 58' - 30''$, 190.48 feet, thence
34. $329^{\circ} - 43' - 30''$, 230.0 feet, thence

Excepting, however, from said Hui Road "A" and expressly not including in the fee simple title thereto awarded to said Trustee that portion of Allotment 6 (as said allotment is described in the petition on file in these proceedings and is hereinafter described) which is also covered by the description of said Hui Road "A", and as to such portion an easement for road purposes is awarded to said Trustee for the use and benefit of all persons having any interest in the lands partitioned by these proceedings, and the fee simple title thereto is hereby awarded to the Baldwin Packers, Limited, its successors and assigns, said Allotment 6 being more particularly described as follows, to-wit:

ALLOTMENT 6. (RAILROAD RIGHT OF WAY).

A Portion of L. C. A. 5524, R. P. 1663 to L. Konia, in the Ahupuaas of Honokeana 1 and 2, Alaeloa 1 and 2 and Mailepai, Kaanapali, Maui, T. H.

A parcel of land, forty (40) feet wide, 5205.99 feet long, containing an area of 4.781 acres, the center line of which is described as follows:

Beginning at a point, the coordinates of which referred to Government Triangulation Station "MALO" are

12,824.97 feet South,

8,132.33 feet West, and running thence by true azimuths:

1. along the arc of a circular curve having a radius of 418.35 feet, for a central angle of 21° 48', the direct azimuth and distance being
41° 34' 00" 158.87 feet, thence
2. along the arc of a circular curve having a radius of 490.31 feet, for a central angle of 53° 44', the direct azimuth and distance being

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- 79° 23' 00" 442.90 feet, thence
3. along the arc of a circular curve having a radius of 413.30 feet, for a central angle of 24° 45', the direct azimuth and distance being
- 118° 37' 30" 177.14 feet, thence
4. 131° 00' 00" 78.79 feet, thence
5. along the arc of a circular curve having a radius of 547.18 feet, for a central angle of 22° 44', the direct azimuth and distance being
- 119° 38' 00" 215.68 feet, thence
6. 108° 16' 00" 590.29 feet, thence
7. along the arc of a circular curve having a radius of 286.69 feet, for a central angle of 78° 41', the direct azimuth and distance being
- 68° 55' 30" 363.50 feet, thence
8. 29° 35' 00" 281.31 feet, thence
9. along the arc of a circular curve having a radius of 302.55 feet, for a central angle of 61° 30', the direct azimuth and distance being
- 60° 20' 00" 309.39 feet, thence
10. 91° 05' 00" 242.11 feet, thence
11. along the arc of a circular curve having a radius of 296.66 feet, for a central angle of 80° 55', the direct azimuth and distance being
- 50° 37' 30" 385.01 feet, thence
12. 10° 10' 00" 222.52 feet, thence

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- 13. along the arc of a circular curve having a radius of 306.10 feet, for a central angle of 43° 47', the direct azimuth and distance being
32° 03' 30" 228.26 feet, thence
- 14. 53° 57' 00" 377.84 feet, thence
- 15. along the arc of a circular curve having a radius of 595.01 feet, for a central angle of 42° 06', the direct azimuth and distance being
32° 54' 00" 427.44 feet, thence
- 16. 11° 51' 00" 590.00 feet to Allotment 4.

IV.

That the County of Maui is a body corporate charged by law with the general control of roadways.

V.

That Hui Road "A" is needed by the County of Maui in order to effectuate a proposed exchange of land by and between the County of Maui and Maui Land and Pineapple Company in connection with the development of the low income housing project being initiated under Act 104 of the Session Laws of Hawaii 1970 and which project is called "Napili Hau" and is situate at Napili, Maui, Hawaii, and further, said project being initiated pursuant to a joint venture agreement by and between the State of Hawaii acting by and through the Hawaii Housing Authority of the Department of Social Services and Housing and Honolulu Plantation Land Company, Inc.

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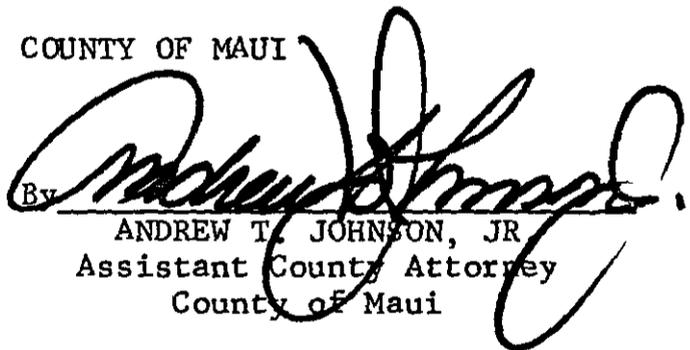
VI.

That the County of Maui will present to this Court at the hearing hereon a resolution to be adopted by the Council of the County of Maui which will authorize the County Attorney of the County of Maui to petition the Clerk of the Court of the Second Circuit to have the above-described Hui Road "A" conveyed to the County of Maui.

WHEREFORE, the COUNTY OF MAUI through its County Attorney ARTHUR T. UEOKA, by ANDREW T. JOHNSON, JR., Assistant County Attorney of the County of Maui, hereby moves that an order be made and entered herein authorizing and empowering the Clerk of this Court, LYONS K. NAONE, JR., as Trustee in the above-entitled case, to convey said Hui Road "A" to the County of Maui and to take such action as may be necessary in the premises.

DATED at Wailuku, Maui, Hawaii, this 30 day of April, 1972.

COUNTY OF MAUI

By  ANDREW T. JOHNSON, JR.
Assistant County Attorney
County of Maui

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STATE OF HAWAII

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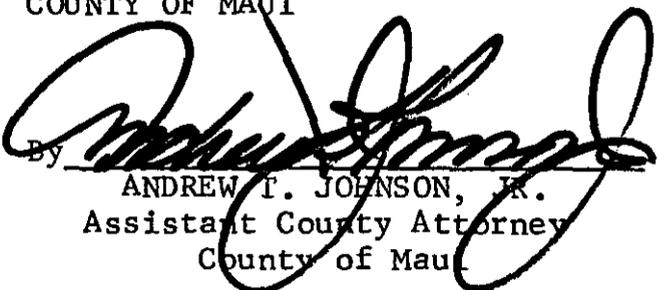
BALDWIN PACKERS, LTD.,)
)
Petitioner,)
)
v.)
)
KAPAHU AFONG, et al.,)
)
Respondents.)

NOTICE OF HEARING ON MOTION

PLEASE TAKE NOTICE that the undersigned shall bring the foregoing motion on for a hearing on Friday, the 14th day of April, 1972, at 8:30 o'clock A.M., or on such date as counsel may be heard, before the Honorable Presiding Judge of the above-entitled court, in the courtroom of the Circuit Court Building, Wailuku, County of Maui, State of Hawaii.

DATED at Wailuku, Maui, Hawaii, this 3rd day of April, 1972.

COUNTY OF MAUI

By 

ANDREW T. JOHNSON, JR.
Assistant County Attorney
County of Maui