

REQUEST FOR LEGAL SERVICES

RECEIVED CORPORATION COUNSEL

Date: July 17, 2019
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

2019 JUL 19 AM 11:03 2019 JUL 17 PM 12:17

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

OFFICE OF THE COUNTY COUNCIL

Subject: **COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR ST. ANTHONY CHURCH AND SCHOOLS (WAILUKU)** (PSLU-31)

Background Data: Please review the attached proposed bills and if appropriate, approve them as to form and legality. A signed hard copy is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature <u>Tamara A. M. Paltin</u> Tamara Paltin	Contact Person <u>James Krueger or John Rapacz</u> (Telephone Extension: 7761 or 7886, respectively)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 23, 2019
REASON: For the Committee's potential consideration at its July 24, 2019 meeting.

FOR CORPORATION COUNSEL'S RESPONSE

(2019-0111)

ASSIGNED TO: <u>DAE</u>	ASSIGNMENT NO. <u>2019_0101</u>	BY: <u>MA</u>
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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):

RECEIVED
2019 JUL 19 AM 10:16
OFFICE OF THE COUNTY COUNCIL

DEPARTMENT OF THE CORPORATION COUNSEL

Date 7-18-19

By [Signature]

(Rev. 7/03)

pslu:ltr:031acc01:jgk/jsr

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2019)


A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI
COMMUNITY PLAN LAND USE MAP FROM SINGLE-FAMILY TO
PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN
STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan Land Use Map is amended from Single-Family to Public/Quasi-Public for that certain real property situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-018:106, comprised of 0.3133 acre, as more particularly described in Exhibit "A," attached hereto and made a part hereof, and depicted in Community Plan Map No. CP-425, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui
2019-0101/2019-0111
PSLU-31 2019-07-18 Ord CPA St. Anthony

LOT B

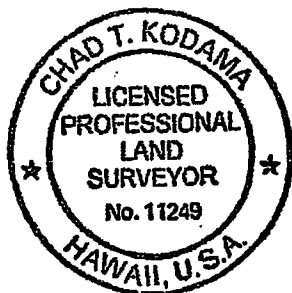
Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48.

Being a portion of the land conveyed by Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89, page 236

Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, on the Northwesterly side of Lower Main Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,618.93 feet North and 157.10 feet West and running by azimuths measured clockwise from true South:

1. 26° 58' 142.43 feet along the Northwesterly side of Lower Main Street;
2. 169° 50' 317.43 feet along Lot A of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48;
3. 326° 58' 221.27 feet along the Southwesterly side of "Saint Anthony's Premises", being also portion of Deed from Kamehameha IV to Kealakai (unrecorded) to the point of beginning and containing an area of 13,647 square feet;



Chad T. Kodama

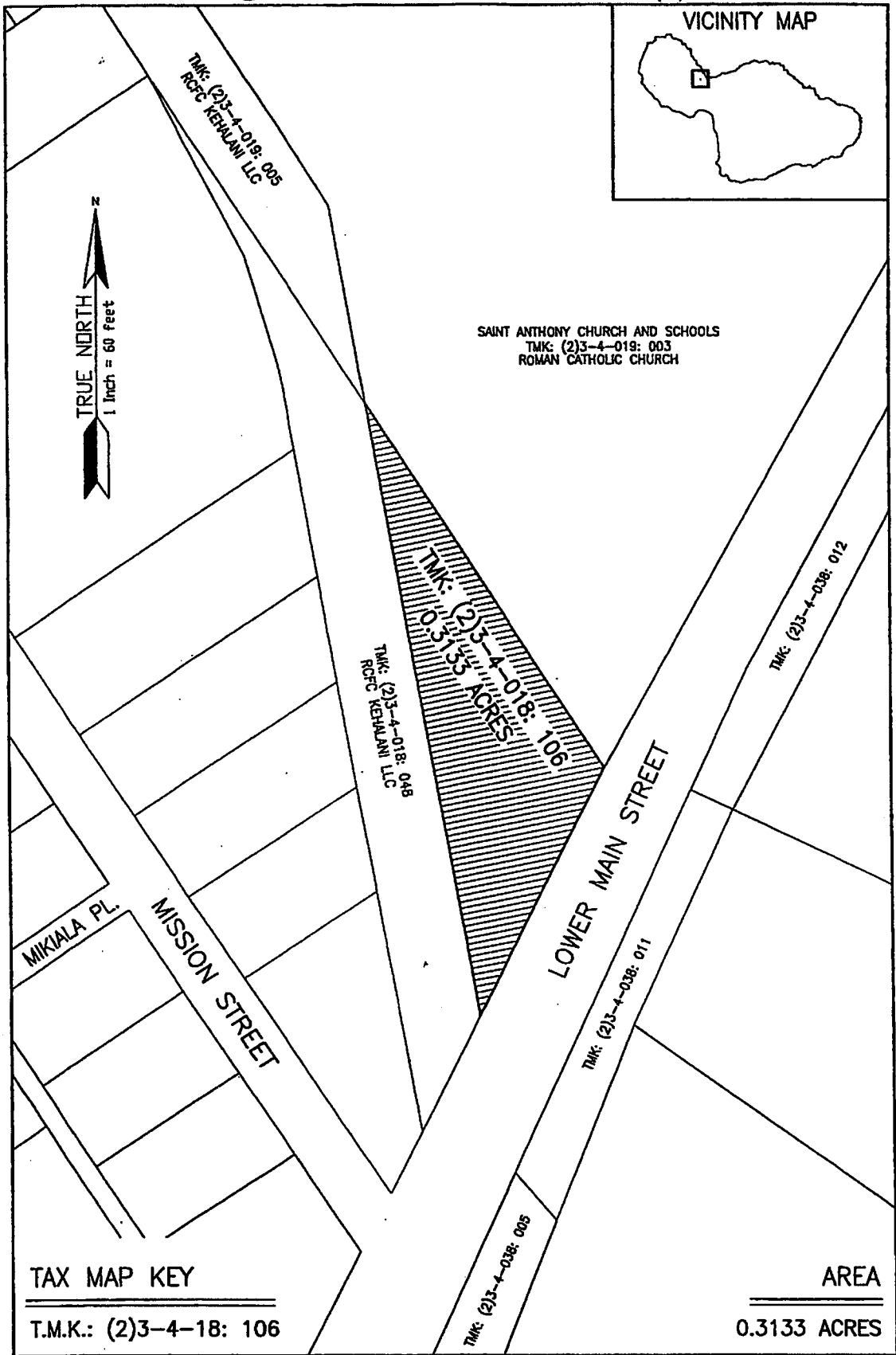
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "A"



COMMUNITY PLAN MAP NO. CP-425

COMMUNITY PLAN AMENDMENT - WAILUKU, MAUI, HAWAII
FROM SF-SINGLE FAMILY TO P-PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "B"

ORDINANCE NO. _____

BILL NO. _____ (2019)


A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from R-1 Residential District to P-2 Public/Quasi-Public District is granted for those certain real properties situated at Lower Main Street, Wailuku, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 3-4-019:003, comprised of 14.317 acres, and tax map key (2) 3-4-018:106, comprised of 0.3133 acre, as more particularly described in Exhibits "A" and "B," respectively, attached hereto and made a part hereof, and depicted in Land Zoning Map No. L-378, attached hereto as Exhibit "C" and made part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui
2019-0101/2019-0111
PSLU-31 2019-07-18 Ord CIZ St. Anthony

Saint Anthony's Premises

All of that certain parcel of land (being portions of Deed from Kamehameha IV to Kealakai (unrecorded), Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), Deed from Kamehameha IV to Louis Maigret dated January 1858, recorded in Book 904 at Page 471, Royal Patent 5531, Land Commission Award 1742, Apana 4 to Kaauwai, and portion of Grant 3343 to Claus Spreckels), situated between Mill Street and Lower Main Street at Papohaku, Wailuku, Maui, Hawaii.

Beginning at a point at the Northeast corner of this piece of land, being also the Northwest corner of State of Hawaii LOD S-20714, Executive Order No. 2129, and on the Southeasterly side of Mill Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,881.98 feet North and 68.28 feet East, and running by true azimuths measured clockwise from South:

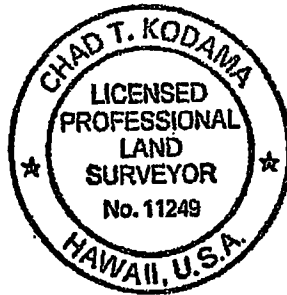
- | | | | |
|----|------|---------|--|
| 1. | 330° | 13' | 57.06 feet along State of Hawaii LOD S-20714, Executive Order No. 2129, along Hale Makua premises; |
| 2. | 330° | 35' | 56.13 feet along same; |
| 3. | 251° | 13' | 1.53 feet along same; |
| 4. | 332° | 52' 30" | 73.28 feet along same; |
| 5. | 331° | 26' | 45.00 feet along Deed from Kamehameha IV to Kawahie (unrecorded), along Hale Makua premises; |
| 6. | 58° | 33' | 47.90 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along Hale Makua premises; |

- | | | |
|-----|--|---|
| 7. | 333° 54' | 342.50 feet along remainder of Deed from Kamehameha IV to Louis Maigret dated January 1858 and recorded in Book 904 at page 471, along remainder of Deed from Kamehameha IV to Louis Maigret dated July 19, 1858 (unrecorded), along Hale Makua premises; |
| 8. | 33° 42' | 415.55 feet along the Northwesterly side of Lower Main Street; |
| 9. | 29° 31' | 439.00 feet along same; |
| 10. | 146° 58' | 221.27 feet along Lot B of Wailuku Sugar Company's Right of Way Subdivision of Parcel 48, along portion of Deed from the Commissioners of Crown Lands to Keahi dated July 2, 1874 and recorded in Book 89 at page 236; |
| 11. | 169° 50' | 102.93 feet along remainder of Deed from Kamehameha IV to Kealakai; |
| 12. | 146° 58' | 164.29 feet along same; |
| 13. | 146° 49' | 525.32 feet along same; |
| 14. | Thence along the Southeasterly side of Mill Street on a curve to the left with a radius of 1458.40 feet, the chord azimuth and distance being: | |
| | 238° 59' 57" | 324.25 feet; |
| 15. | 232° 37' | 128.86 feet along the Southeasterly side of Mill Street; |

16. Thence along same, on a curve to the right with a radius of 792.51 feet, the chord azimuth and distance being:

246° 55' 20" 391.65 feet;

to the point of beginning and containing an area of 14.317 Acres, more or less.



December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-019: 003

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires April 30, 2018

LOT B

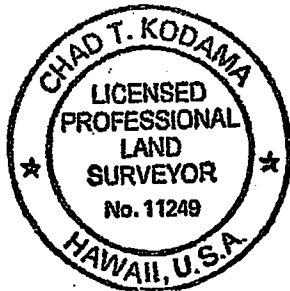
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Situated in the Ili of Kapapohaku, Wailuku, Maui, Hawaii.

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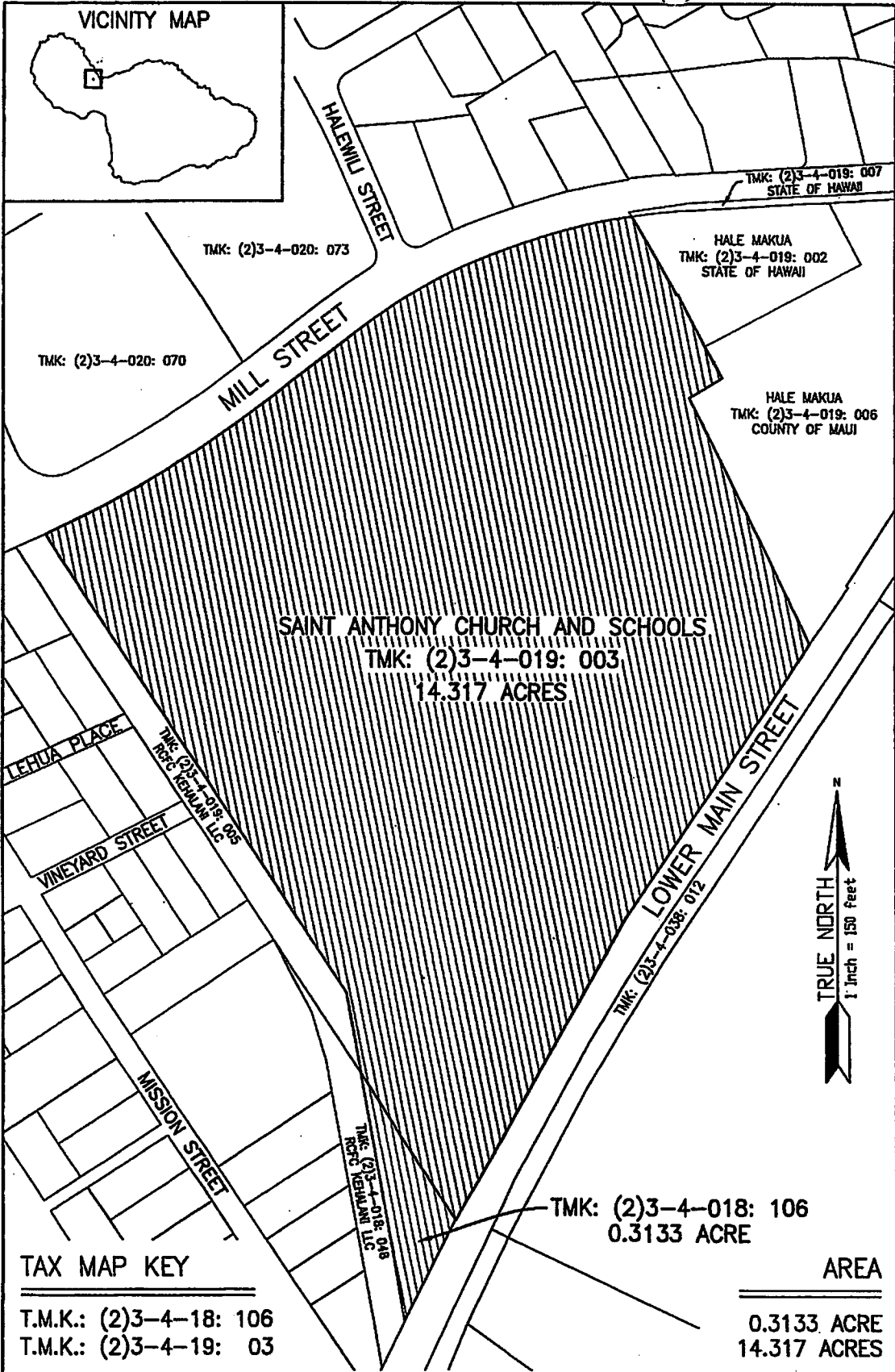
Chad T. Kodama
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December 30, 2017
Honolulu, Hawaii
Tax Map Key: (2) 3-4-018: 106

/ Easement 2

ControlPoint Surveying, Inc.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

EXHIBIT "B"



LAND ZONING MAP NO. L-378

CHANGE IN ZONING - WAILUKU, MAUI, HAWAII
FROM R-1 RESIDENTIAL TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "C"