

REQUEST FOR LEGAL SERVICES

RECEIVED CORPORATION COUNSEL

Date: January 22, 2017
From: Robert Carroll, Chair
Land Use Committee

2018 JAN 22 PM 2:42

TRANSMITTAL

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

Subject: DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR SEABURY HALL (MAKAWAO) LU-51

Background Data: Please review and, if appropriate, approve as to form and legality the attached revised proposed District Boundary Amendment, Change in Zoning, and Community Plan Amendment bills, incorporating revisions and revised maps as attachments to the proposed bills. An approved hard copy of the bills is required with your response.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[] OTHER:

Form with signature of Robert Carroll and contact person Alec Wagner or Carla Nakata.

- [] ROUTINE (WITHIN 15 WORKING DAYS)
>[] RUSH (WITHIN 5 WORKING DAYS)
>[] PRIORITY (WITHIN 10 WORKING DAYS)
>[] URGENT (WITHIN 3 WORKING DAYS)

[X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): January 30, 2018, 10 a.m.
REASON: For consideration at the January 31, 2018 Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

Assigned to: DACI, Assignment No. 2017-0095, By: [Signature]

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

MICHAEL J. HOPPER

Date JAN 23 2018

By (Rev. 7/03)

lu:ltr:51acc01:ajw/cmn

Attachments

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT
CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT
FOR PROPERTIES SITUATED AT MAKAWAO, MAUI, HAWAII,
TAX MAP KEY (2) 2-4-008:041 AND
A PORTION OF TAX MAP KEY (2) 2-4-008:001

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural District to Urban District for property situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-008:041 and a portion of tax map key (2) 2-4-008:001, collectively comprising approximately 14.95 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Use District Boundary Amendment Map No. DB-631, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
lu:misc:051adbabill01

Description of Tax Map Key (2) 2-4-08:41 and Portion of 01

Land situated on the westerly side of Olinda Road, the northerly side of Hanamu Road and the easterly side of Meha Road at Maluhia, Makawao, Maui, Hawaii.

Being portions of Grant 327 to Aneru and Grant 102 to Uwe

Beginning at a point at the southwesterly corner of this land, being also southeasterly corner of Lot 1B of Seabury Hall Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being: 5,022.97 feet South and 5,784.03 feet West and running by azimuths measured clockwise from True South:

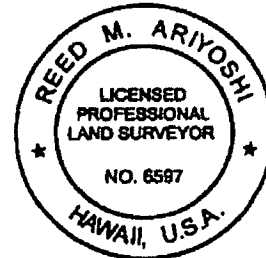
1. 224° 52' 265.96 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
2. 140° 00' 320.00 feet along Lot 1B of Seabury Hall Subdivision being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
3. 127° 15' 30" 320.00 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
4. 90° 30' 125.00 feet along same to a point;
5. 34° 51' 118.17 feet along same to a point;
6. 124° 51' 176.14 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
7. 214° 51' 123.52 feet along Lot B of Marciel Subdivision, being also along Grant 322 to Keakaikawai to a point;

8. 270° 30' 389.10 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
9. 307° 15' 30" 503.42 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 327 to Aneru and Grant 102 to Uwe to a point;
10. 206° 02' 113.96 feet along remainder of Lot 1A of Seabury Hall Subdivision and along Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
11. 178° 08' 285.66 feet along Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
12. 298° 25' 29.47 feet along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
13. Thence along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainders of Grant 327 to Aneru and Grant 102 to Uwe on a curve to the left, having a radius of 187.50 feet, the chord azimuth and distance being:
270° 23' 176.24 feet to a point;
14. 242° 21' 169.25 feet along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;

15. Thence along Lot 6-A-4 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
281° 20' 30" 37.75 feet to a point;
16. 320° 20' 97.36 feet along same to a point;
17. 46° 00' 378.91 feet along Lot 7-A of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
18. 314° 50' 247.59 feet along same to a point;
19. 236° 00' 154.03 feet along same to a point;
20. 217° 00' 206.38 feet along same to a point;
21. 320° 20' 178.07 feet along Lot 6-A-5 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
22. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
1° 31' 30" 39.51 feet to a point;
23. 42° 43' 401.21 feet along same to a point;
24. 126° 07' 50" 1.52 feet along the remainder of Grant 102 to Uwe to a point;
25. 43° 05' 586.04 feet along Lot 1C of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
26. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
88° 58' 30" 43.08 feet to a point;

27. 134° 52'

413.72 feet along same to the point of beginning and containing an Area of 14.950 Acres.

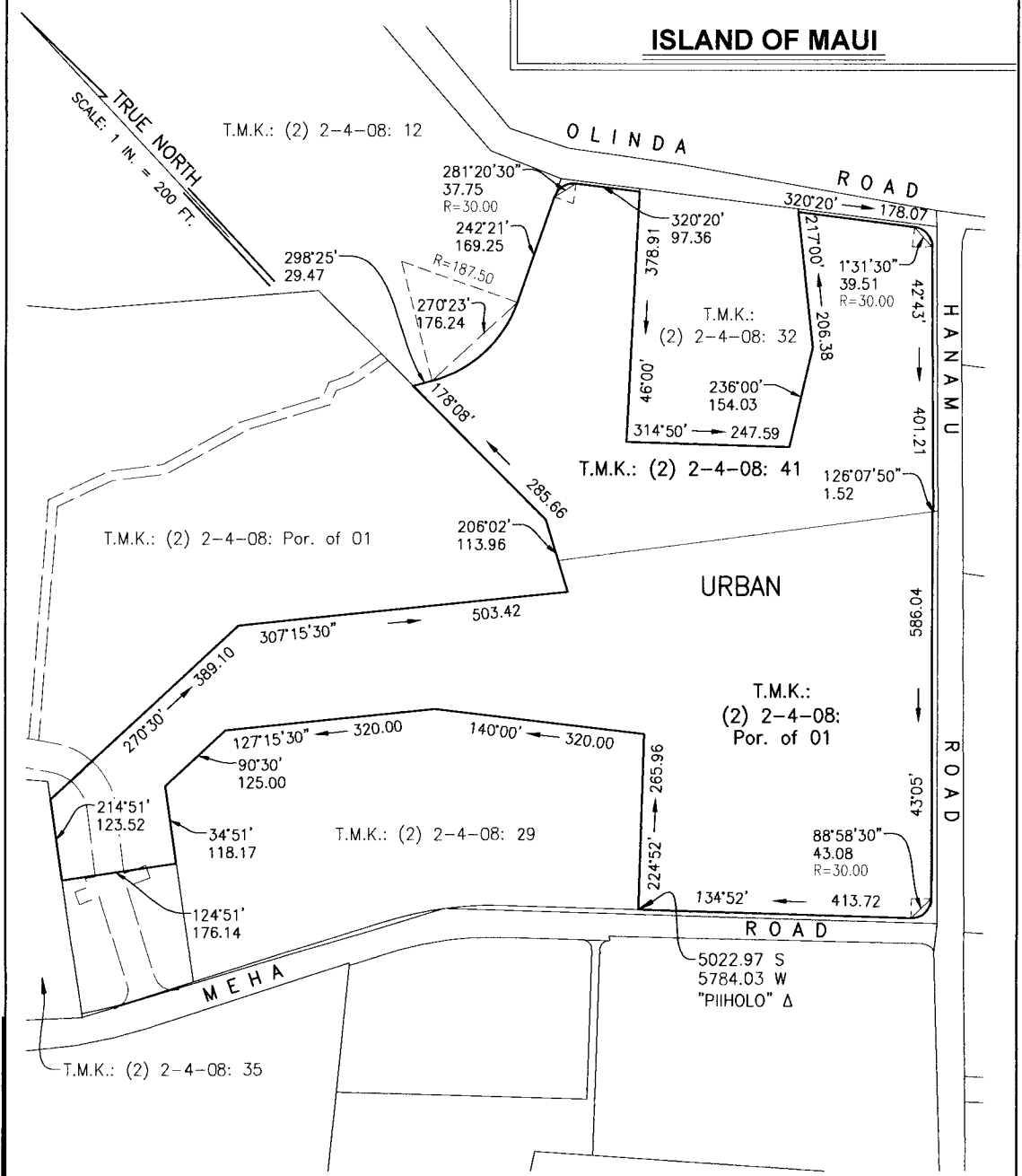
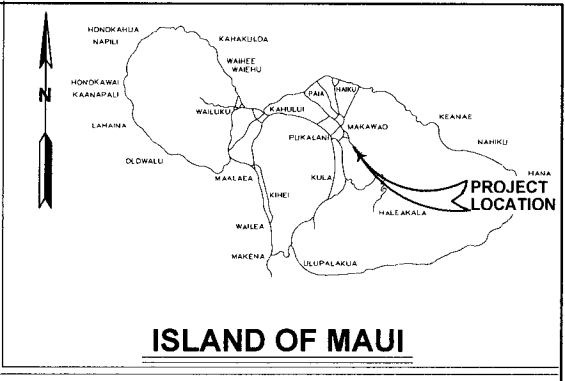


WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
October 20, 2016

BY: Reed M. Ariyoshi 04/30/18 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for change in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only.

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LAND: T.M.K.: (2) 2-4-08 : 41 & POR. OF 01 AREA: TOTAL AREA: 14.950 ACRES

LAND USE DISTRICT BOUNDARY
 AMENDMENT MAP NO. DB-631
 MAKAWAO, MAUI, HAWAII
 FROM: AGRICULTURAL DISRTICT
 TO: URBAN DISTRICT

EXHIBIT "B"

V:\Projdata\16063\proj\16063.dwg\maps\LAND USE-00.dwg

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA
COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO
PUBLIC/QUASI-PUBLIC FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI,
HAWAII, TAX MAP KEY (2) 2-4-008:041 AND
A PORTION OF TAX MAP KEY (2) 2-4-008:001

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Makawao-Pukalani-Kula Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for property situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-008:041 and a portion of tax map key (2) 2-4-008:001, collectively comprising approximately 14.95 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Community Plan Map CP-617, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
lu:misc:051acpabill01

Description of Tax Map Key (2) 2-4-08:41 and Portion of 01

Land situated on the westerly side of Olinda Road, the northerly side of Hanamu Road and the easterly side of Meha Road at Maluhia, Makawao, Maui, Hawaii.

Being portions of Grant 327 to Aneru and Grant 102 to Uwe

Beginning at a point at the southwesterly corner of this land, being also southeasterly corner of Lot 1B of Seabury Hall Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being: 5,022.97 feet South and 5,784.03 feet West and running by azimuths measured clockwise from True South:

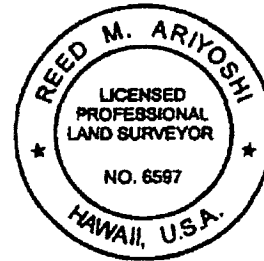
1. 224° 52' 265.96 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
2. 140° 00' 320.00 feet along Lot 1B of Seabury Hall Subdivision being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
3. 127° 15' 30" 320.00 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
4. 90° 30' 125.00 feet along same to a point;
5. 34° 51' 118.17 feet along same to a point;
6. 124° 51' 176.14 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
7. 214° 51' 123.52 feet along Lot B of Marciel Subdivision, being also along Grant 322 to Keakaikawai to a point;

8. 270° 30' 389.10 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
9. 307° 15' 30" 503.42 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 327 to Aneru and Grant 102 to Uwe to a point;
10. 206° 02' 113.96 feet along remainder of Lot 1A of Seabury Hall Subdivision and along Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
11. 178° 08' 285.66 feet along Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
12. 298° 25' 29.47 feet along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
13. Thence along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainders of Grant 327 to Aneru and Grant 102 to Uwe on a curve to the left, having a radius of 187.50 feet, the chord azimuth and distance being:
270° 23' 176.24 feet to a point;
14. 242° 21' 169.25 feet along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;

15. Thence along Lot 6-A-4 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
281° 20' 30" 37.75 feet to a point;
16. 320° 20' 97.36 feet along same to a point;
17. 46° 00' 378.91 feet along Lot 7-A of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
18. 314° 50' 247.59 feet along same to a point;
19. 236° 00' 154.03 feet along same to a point;
20. 217° 00' 206.38 feet along same to a point;
21. 320° 20' 178.07 feet along Lot 6-A-5 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
22. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
1° 31' 30" 39.51 feet to a point;
23. 42° 43' 401.21 feet along same to a point;
24. 126° 07' 50" 1.52 feet along the remainder of Grant 102 to Uwe to a point;
25. 43° 05' 586.04 feet along Lot 1C of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
26. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
88° 58' 30" 43.08 feet to a point;

27. 134° 52'

413.72 feet along same to the point of
beginning and containing an
Area of 14.950 Acres.

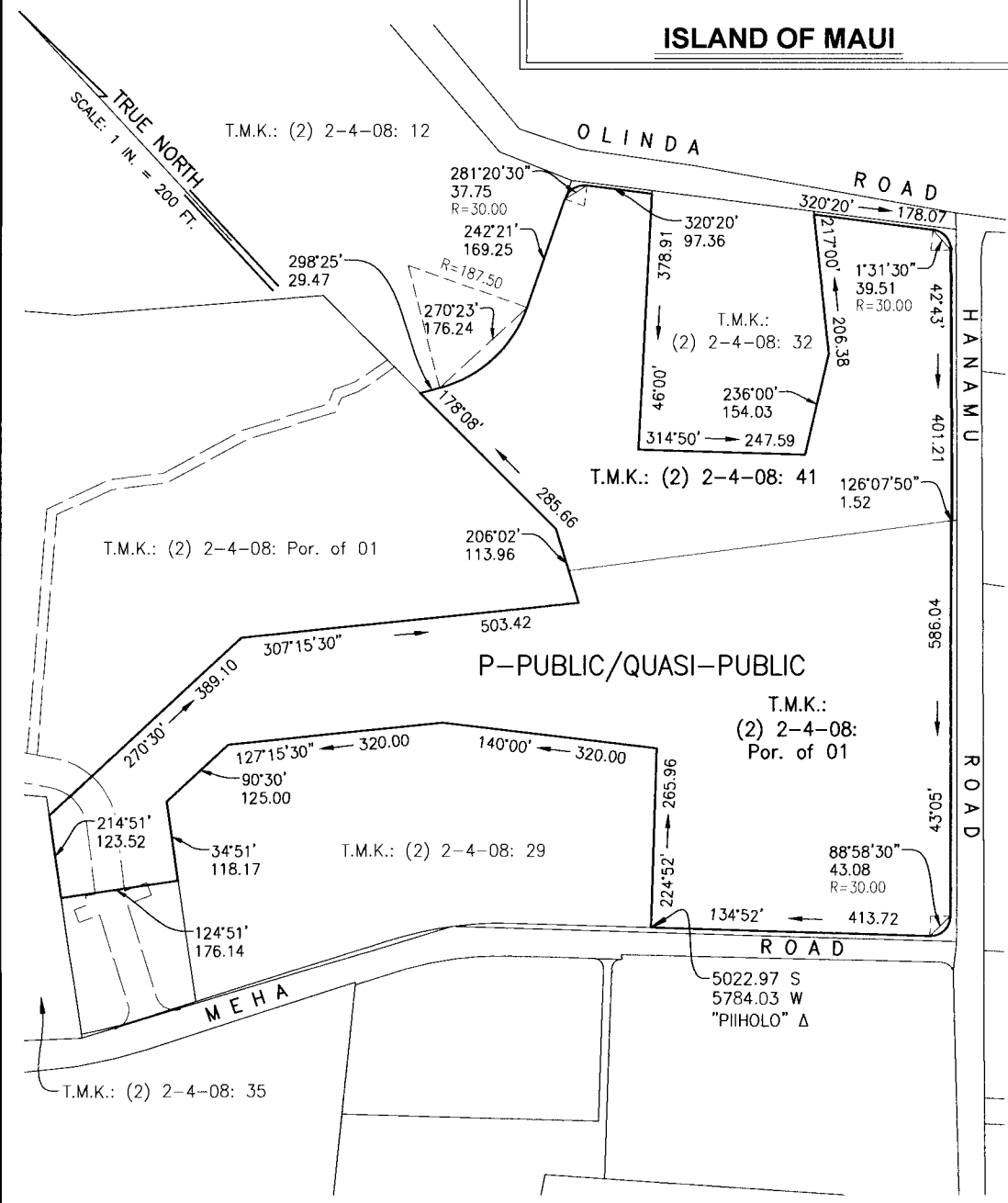
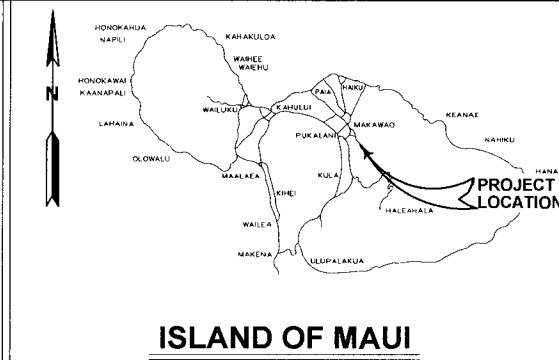


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Note: This metes and bounds description has been prepared for change
in Zoning, Land Use District Boundary Amendment and Community Plan
Amendment purposes only.

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LAND: T.M.K.: (2) 2-4-08 : 41 & POR. OF 01 AREA: TOTAL AREA: 14.950 ACRES

COMMUNITY PLAN MAP NO. CP-617
 COMMUNITY PLAN AMENDMENT - MAKAWAO, MAUI, HAWAII
 FROM AGRICULTURE TO P-PUBLIC/QUASI-PUBLIC

EXHIBIT "B"

V:\Proj\data\16proj\16063\dwg\maps\COMMUNITY PLAN-00.dwg

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT
FOR 14.95 ACRES SITUATED AT MAKAWAO, MAUI, HAWAII,
TAX MAP KEY (2) 2-4-008:041 AND
A PORTION OF TAX MAP KEY (2) 2-4-008:001

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 Agricultural District to P-1 Public/Quasi-Public District is hereby granted for property situated at Makawao, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 2-4-008:041 and a portion of tax map key (2) 2-4-008:001, collectively comprising approximately 14.95 acres, and more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map L-1090, 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:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
lu:misc:051acizbill01

Description of Tax Map Key (2) 2-4-08:41 and Portion of 01

Land situated on the westerly side of Olinda Road, the northerly side of Hanamu Road and the easterly side of Meha Road at Maluhia, Makawao, Maui, Hawaii.

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Beginning at a point at the southwesterly corner of this land, being also southeasterly corner of Lot 1B of Seabury Hall Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PIIHOLO" being: 5,022.97 feet South and 5,784.03 feet West and running by azimuths measured clockwise from True South:

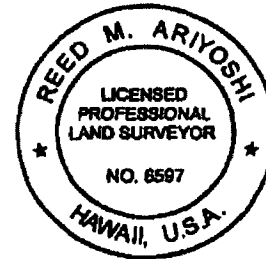
1. 224° 52' 265.96 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
2. 140° 00' 320.00 feet along Lot 1B of Seabury Hall Subdivision being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
3. 127° 15' 30" 320.00 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
4. 90° 30' 125.00 feet along same to a point;
5. 34° 51' 118.17 feet along same to a point;
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7. 214° 51' 123.52 feet along Lot B of Marciel Subdivision, being also along Grant 322 to Keakaikawai to a point;

8. 270° 30' 389.10 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
9. 307° 15' 30" 503.42 feet along the remainder of Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 327 to Aneru and Grant 102 to Uwe to a point;
10. 206° 02' 113.96 feet along remainder of Lot 1A of Seabury Hall Subdivision and along Lot 1A of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
11. 178° 08' 285.66 feet along Lot 1A of Seabury Hall Subdivision, being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
12. 298° 25' 29.47 feet along Lot 6-A-1 of Asa F. Baldwin Subdivision, being also along the remainder of Grant 327 to Aneru to a point;
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26. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being:
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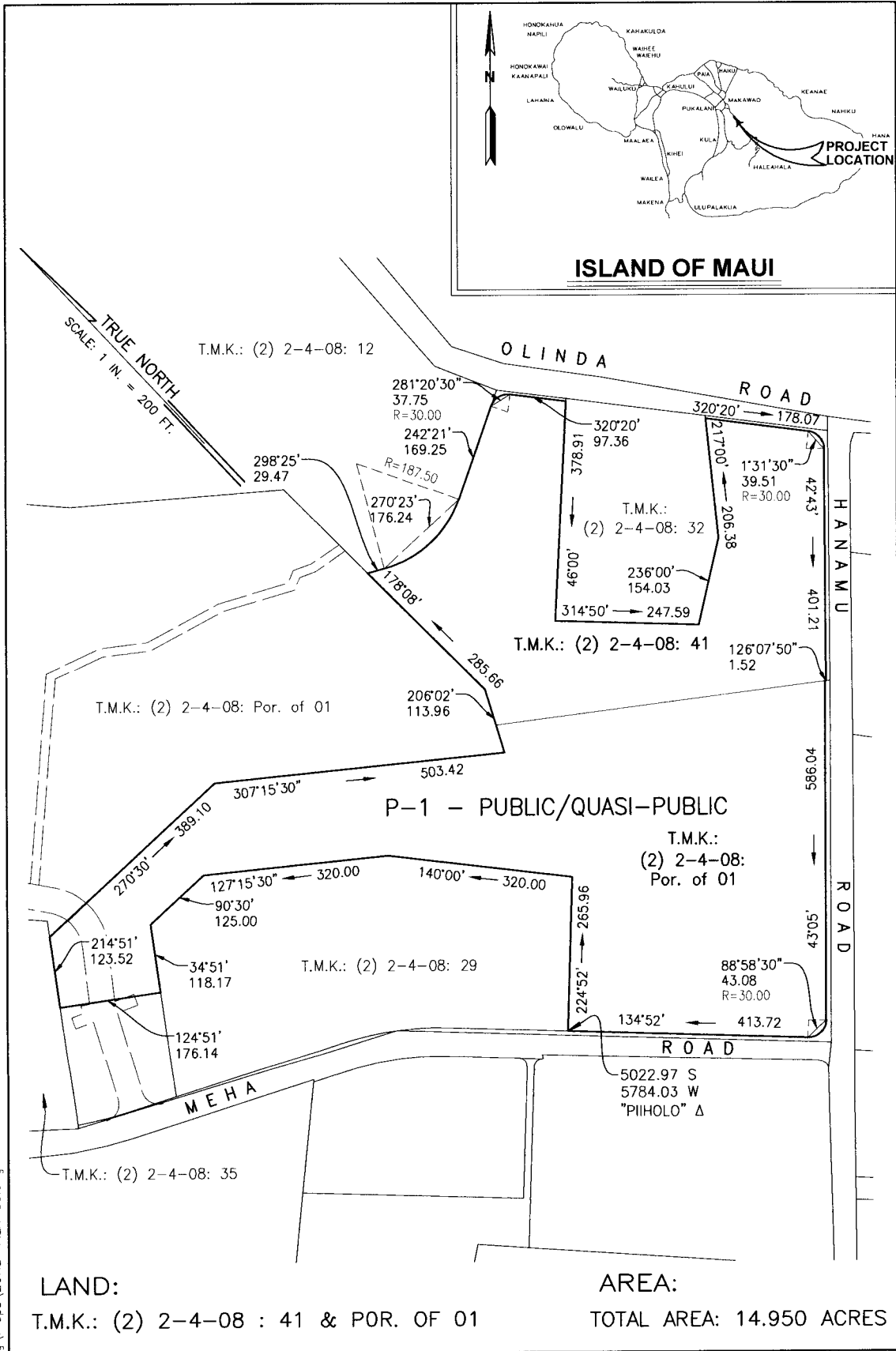
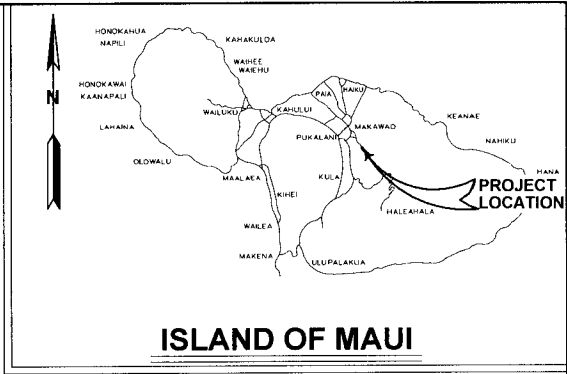


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LAND: T.M.K.: (2) 2-4-08 : 41 & POR. OF 01

AREA: TOTAL AREA: 14.950 ACRES

LAND ZONING MAP NO. L-1090

CHANGE IN ZONING - MAKAWAO, MAUI, HAWAII

FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT

EXHIBIT "B"

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