

REQUEST FOR LEGAL SERVICES

Date: February 15, 2024
From: Tasha Kama, Chair
Housing and Land Use Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristina Toshikiyo, Esq.

Subject: DISTRICT BOUNDARY AMENDMENT AND CHANGE IN ZONING FOR MOLOKAI EDUCATION CENTER (KAUNAKAKAI) (HLU-11)

Background Data: Please see attached CD1 version of the bill. Please submit a response to hlu.committee@mauicounty.us with a reference to HLU-11.

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

Requestor's signature  Tasha Kama	Contact Person <u>Ana Lillis or Paige Greco</u> (Telephone Extension: <u>7659 or 7660, respectively</u>)
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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 20, 2024
REASON: For HLU February 21, 2024, agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

hlu:ltr:011acc01:alkl

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2024)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEYS (2) 5-3-003:013 AND (2) 5-3-003:014

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

SECTION 1. Under Section 205-3.1, Hawai'i Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from Agricultural District to Urban District (Conditional Boundary Amendment) for lands situated at Kaunakakai, Molokai, Hawai'i, and identified for real property tax purposes as tax map keys (2) 5-3-003:013 and (2) 5-3-003:014, together comprising 5.27 acres, attached as Exhibit "A", and in District Boundary Amendment Map 109, attached as Exhibit "B".

SECTION 2. Under Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions in Exhibit "C", as attached, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment in Exhibit "D", as attached.

SECTION 3. This Ordinance takes effect on approval.

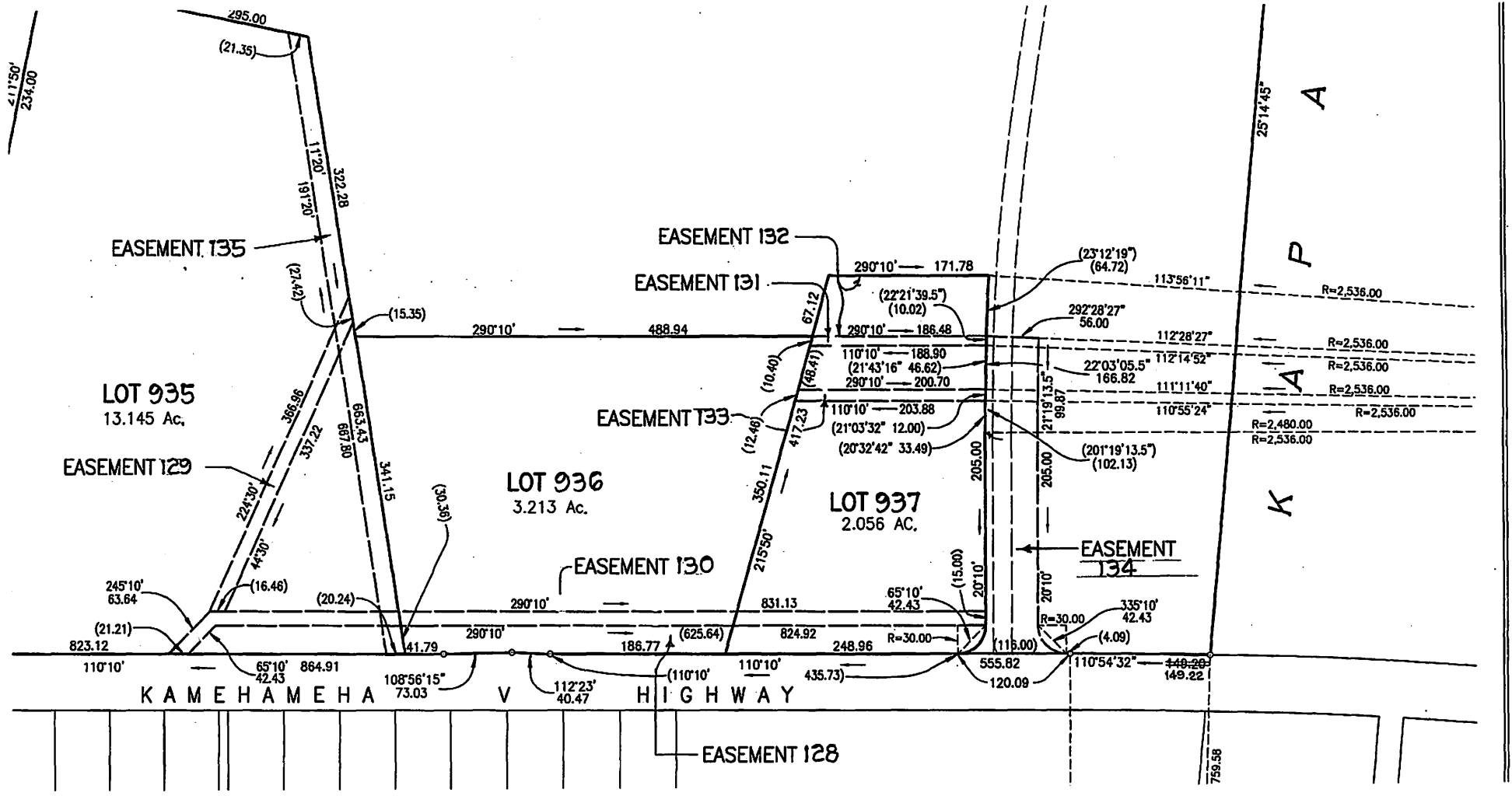
APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui

hlu:misc:011abil01:alkl

EXHIBIT "A"

Legal Meets and Bounds Lot 936 and Lot 937



LAND COURT APPLICATION 632
 (MAP 98)

LOT 936

Being Lot 936 as shown on Map 98 of Land Court Application 632.

Land situated at Kaunakakai, Molokai, Hawaii

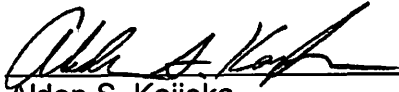
Beginning at the Southwest corner of this piece of land, being also the Southeast corner of Lot 935 as shown on Map 98 of Land Court Application 632, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 15,688.66 feet South and 648.84 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|-------------|--|
| 1. | 191° 20' | 341.15 feet | along Lot 935 as shown on Map 98 of Land Court Application 632; |
| 2. | 290° 10' | 488.94 feet | along Lot 938-A as shown on Map 104 of Land Court Application 632; |
| 3. | 395° 50' | 350.11 feet | along Lot 937 as shown on Map 98 of Land Court Application 632; |
| 4. | 110° 10' | 186.77 feet | along the North side of Kamehameha V Highway; |
| 5. | 112° 23' | 40.47 feet | along the same; |
| 6. | 108° 56' 15" | 73.03 feet | along the same; |
| 7. | 110° 10' | 41.79 feet | along same, to the point of beginning and containing an area of 3.213 acres. |

Subject, however, to Easements 128 and 130, as shown on Map 98 of Land Court Application 632.

March 22, 2019
Honolulu, Hawaii




Alden S. Kajioka
Licensed Professional Land Surveyor
Certificate Number 6605
Land Court certificate No. 248
License Expires April 30, 2020

Tax Map Key: (2) 5-3-003: 013

LOT 937

Being Lot 937 as shown on Map 98 of Land Court Application 632.

Land situated at Kaunakakai, Molokai, Hawaii


Beginning at the Southwest corner of this piece of land, being also the Southeast corner of Lot 936 as shown on Map 98 of Land Court Application 632, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 15,806.57 feet South and 327.80 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|---|-------------|--|
| 1. | 215° 50' | 417.23 feet | along Lot 936 and 938 as shown on Map 98 of Land Court Application 632; |
| 2. | 290° 10' | 171.78 feet | along the same; |
| 3. | Thence, along Westerly side of Alanui' Kaimile Street, on a curve to the left with a radius of 2,536.00 feet, the chord azimuth and distance being: | | |
| | | | 22° 03' 05.5" 166.82 feet; |
| 4. | 20° 10' | 205.00 feet | along the same; |
| 5. | Thence, along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: | | |
| | | | 65° 10' 42.43 feet; |
| 6. | 110° 10' | 248.96 feet | along the North side of Kamehameha V Highway, to the point of beginning and containing an area of 2.056 acres. |

Subject, however, to Easements 128, 130, 131, 132 and 133 as shown on Map 98 of Land Court Application 632.

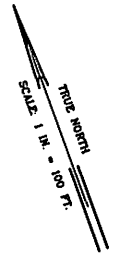
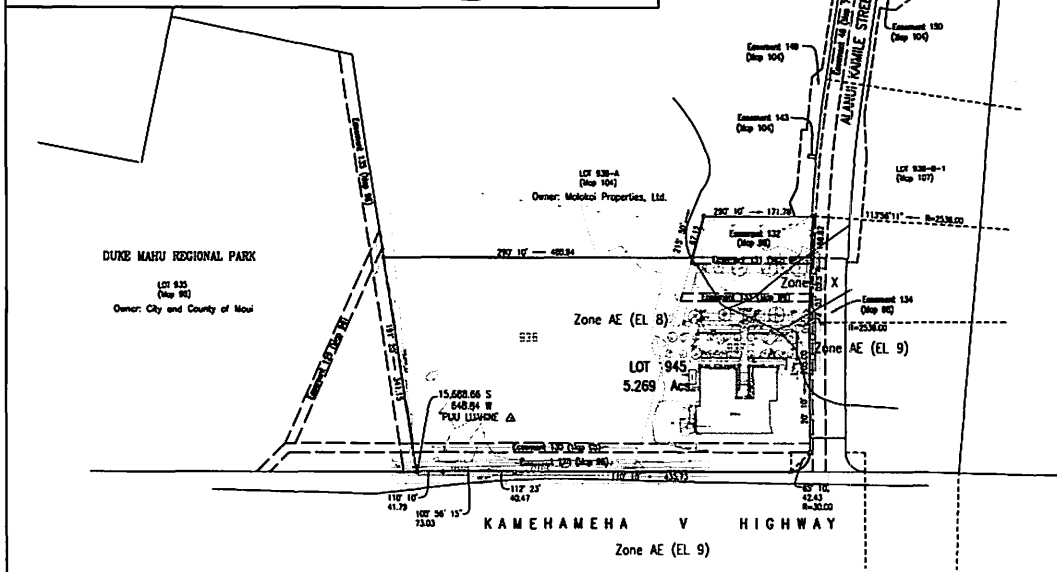
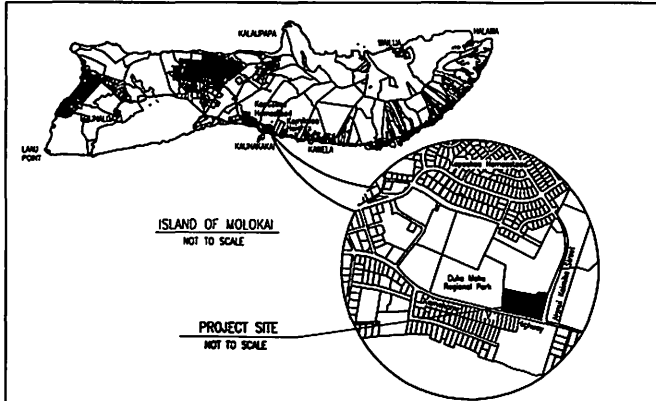


March 22, 2019
Honolulu, Hawaii


Alden S. Kajioka
Licensed Professional Land Surveyor
Certificate Number 6605
Land Court Certificate No. 248
License Expires April 30, 2020

Tax Map Key: (2) 5-3-003: 014

Legal Metes and Bounds Consolidated Map



PRELIMINARY
 LAND COURT
 STATE OF HAWAII
 LAND COURT APPLICATION 632
 CONSOLIDATION OF LOTS 936 AND 937 AS SHOWN ON MAP 58
 INTO LOT 945
 AT KAHUNOHU, MOLOKAI, HAWAII



CONTROLPOINT SURVEYING, INC.
 ALEX S. RAJOVIC
 Licensed Professional Land Surveyor
 Certificate Number 6625
 Land Court Certificate No. 248
 License Expires April 30, 2026

815 PINE STREET
 SUITE 700
 HONOLULU, HAWAII
 MARCH 1, 2019

OWNER: UNIVERSITY OF HAWAII
 TRANSFER CERTIFICATE OF TITLE: 1,046,482 (LOT 936)
 556,244 (LOT 937)

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
 OF THE LAND COURT DATED _____
 BY ORDER OF THE COURT.

REGISTRAR OF THE LAND COURT

- NOTES:
1. Owners of adjoining lands, as shown on plan, are from records filed in the Real Property Mapping Branch.
 2. All azimuths and record coordinates, refers to Government Survey Translocation Station "PUU LUUHCHE".
 3. Base flood elevation referenced to the Mean Sea Level Vertical Datum of 1929. Benchmark BM 3194, Top of Brass Disk, Elev.=8309 FT. M.S.L.
 4. Flood zones as shown on map are obtained from Flood Insurance Rate Map prepared by Federal Emergency Management Agency, Panel No. 150003 0183F and 1500030 0189F, dated: Nov. 04, 2015.

- EXISTING EASEMENTS:
- Existing Easement 128 (Map 98) is in favor of Molokai Properties, Ltd. for drainage purposes.
 - Existing Easement 129 (Map 98) is in favor of Lot 936-A for sewerline purposes.
 - Existing Easement 130 (Map 98) is in favor of Lots 936, 937 and 938-A for sewerline purposes.
 - Existing Easement 131 (Map 98) is in favor of Lot 836 for water line purposes.
 - Existing Easement 132 (Map 98) is in favor of 938-A for open space purposes.
 - Existing Easement 133 (Map 98) is in favor of Lot 836 for access purposes.
 - Existing Easement 134 (Map 98) for access purposes.
 - Existing Easement 135 (Map 98) is in favor of Lots 936 and 938-A for drainage purposes.
 - Existing Easement 145 (Map 104) for slope purposes affecting Lot 938-A.

LOT 945

Being Lots 936 and 937 as shown on Map 98 of Land Court Application 632.

Land situated at Kaunakakai, Molokai, Hawaii

Beginning at the Southwest corner of this piece of land, being also the Southeast corner of Lot 935 as shown on Map 98 of Land Court Application 632, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 15,688.66 feet South and 648.84 feet West and running by azimuths measured clockwise from true South:

1. 191° 20' 341.15 feet along Lot 935 as shown on Map 98 of Land Court Application 632;
2. 290° 10' 488.94 feet along Lot 938-A as shown on Map 104 of Land Court Application 632;
3. 215° 50' 67.12 feet along the same;
4. 290° 10' 171.78 feet along the same;
5. Thence, along Westerly side of Alanui' Kaimile Street, on a curve to the left with a radius of 2,536.00 feet, the chord azimuth and distance being:
22° 03' 05.5" 166.82 feet;
6. 20° 10' 205.00 feet along the same;
7. Thence, along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
65° 10' 42.43 feet;
8. 110° 10' 435.73 feet along the North side of Kamehameha V Highway;
9. 112° 23' 40.47 feet along the same;
10. 108° 56' 15" 73.03 feet along the same;

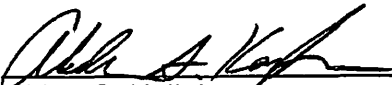
11. 110° 10'

41.79 feet along same, to the point of beginning
and containing an area of 5.269
acres.

Subject, however, to Easements 128, 130, 131, 132 and 133 as shown on Map 98 of
Land Court Application 632.

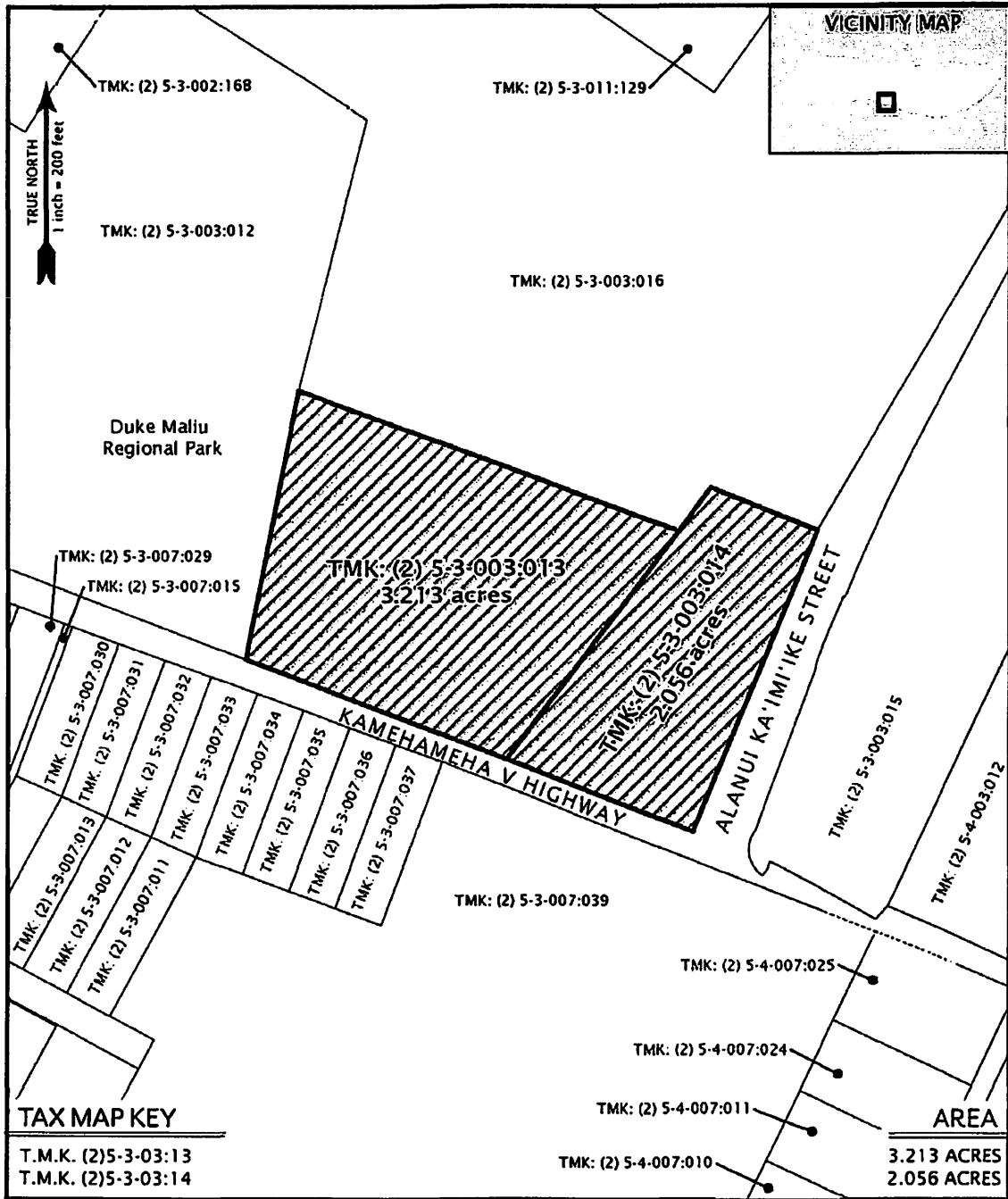


March 15, 2019
Honolulu, Hawaii


Alden S. Kajioka
Licensed Professional Land Surveyor
Certificate Number 6605
Land Court Certificate No. 248
License Expires April 30, 2020

Tax Map Key: (2) 5-3-003: 013 & 014

EXHIBIT "B"



LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 109
 KAUNAKAKAI, MOLOKA'I, HAWAI'I
 FROM: AGRICULTURAL DISTRICT
 TO: URBAN DISTRICT

Exhibit “C”

As used in these conditions, “petition area” means tax map key (2) 5-3-003:013 or (2) 5-3-003:014, or both.

1. There shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to the petition area provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of land that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.