

RUSH

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: February 5, 2018
From: Robert Carroll, Chair
Land Use Committee

2018 FEB -5 PM 1:46

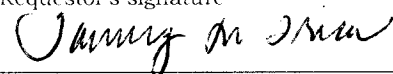
TRANSMITTAL

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 approve, if appropriate, revised proposed Change in Zoning bill, incorporating condition of zoning recommended by the Committee at its meeting of January 31, 2018. Please return an original, signed copy of the revised proposed bill with your response. (Note: Unilateral agreement and Declaration for Conditional Zoning will follow separately for your review upon receipt.)

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


Requestor's signature  Robert Carroll	Contact Person Alec Wagner or Carla Nakata (Telephone Extension: 7662 or 7659, respectively)
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for

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 7, 2018
 REASON: For posting on the February 16, 2018 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE


ASSIGNED TO: <u>DAC</u>	ASSIGNMENT NO. <u>2017-0095</u>	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 2-6-18

By  (Rev. 7/03)

lu:ltr:051acc02:ajw

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT
(CONDITIONAL ZONING) 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. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the condition set forth in Exhibit "C," attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning attached hereto and made a part hereof as Exhibit "D."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



DAVID GALAZIN
Deputy Corporation Counsel
County of Maui
lu:misc:051acizbill02

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:

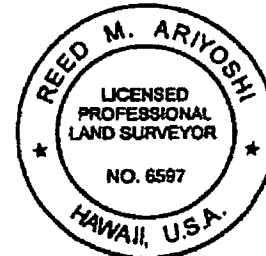
1. 224° 52' 265.96 feet along Lot 1B of Seabury Hall Subdivision, being also along the remainder of Grant 102 to Uwe to a point;
2. 140° 00' 320.00 feet along Lot 1B of Seabury Hall Subdivision being also along the remainders of Grant 102 to Uwe and Grant 327 to Aneru to a point;
3. 127° 15' 30" 320.00 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.

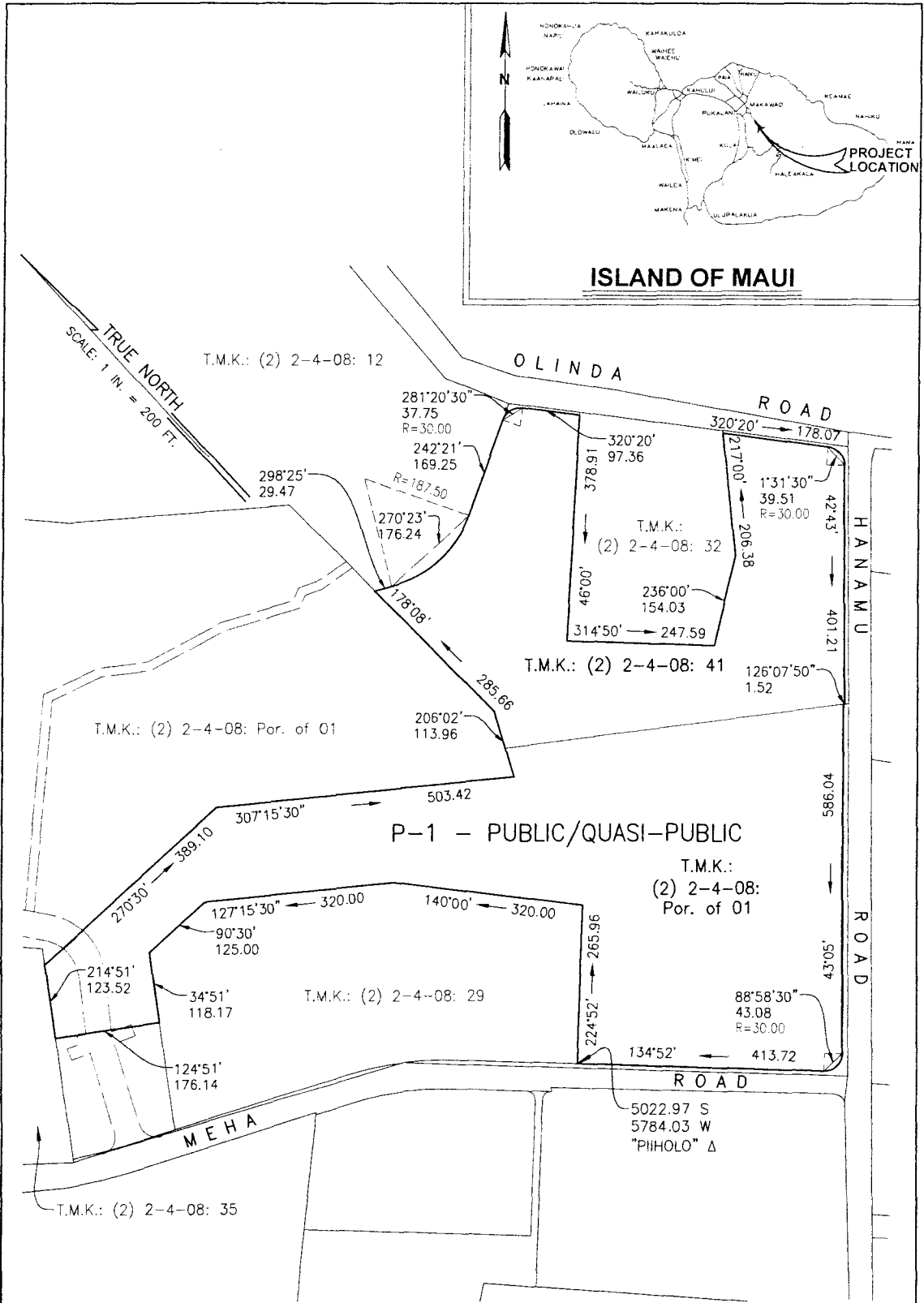
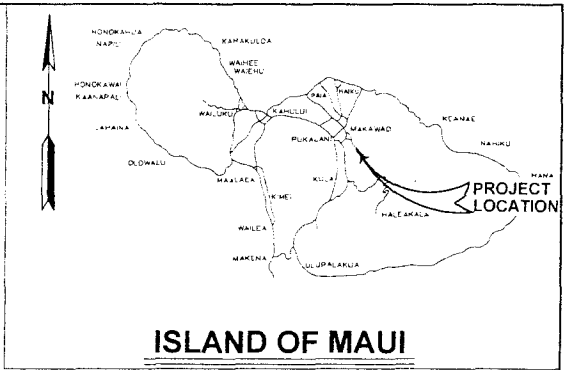


WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
October 20, 2016

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.

V:\Projdata\16proj\16063\Survey\Desc - TRK 2-4-08-41.docx



V:\Projdata\16proj\16063\dwg\maps\ZONE AREA-00.dwg

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

Exhibit "C"

Condition of Zoning

1. That Seabury Hall shall maintain a 50-foot building setback along the Meha Road boundary of the property identified for real property tax purposes as tax map key (2) 2-4-008:001.