

REQUEST FOR LEGAL SERVICES

D a t e: September 5, 2025
F r o m: Tasha Kama, Chair
Housing and Land Use Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Nāhulu Nunokawa, Esq.

Subject: BILL 78 (2025), CHANGE IN ZONING FROM AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 1550 NUKUNA PLACE, WAILUKU, MAUI, HAWAI'I (HLU-7)

Background Data: Please see attached Bill 78, CD1 (2025). Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-7.

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

| | |
|---|---|
| Requestor's signature  Tasha Kama, Chair | Contact Person <u>James Krueger</u> (Telephone Extension: <u>7761</u>) |
|---|---|

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): September 17, 2025
REASON: For posting on the September 26, 2025, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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:007acc01:jgk

Attachment

ORDINANCE NO. _____

BILL NO. 78, CD1 (2025)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT 1550 NUKUNA PLACE, WAILUKU, MAUI, HAWAI‘I, TAX MAP KEY (2) 3-6-007:010

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

SECTION 1. Under Chapters 19.08 and 19.510, Maui County Code, a Change in Zoning from Agricultural District to R-2 Residential District is granted for the parcel of land situated at 1550 Nukuna Place, Wailuku, Maui, Hawai‘i, identified for Real Property Tax purposes as Tax Map Key (2) 3-6-007:010, composed of 0.7099 acres, and more particularly described in the attached Exhibit "A" and in Land Zoning Map L-427, attached as Exhibit "B."

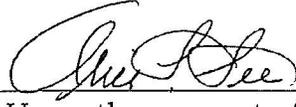
SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

NĀHULU NUNOKAWA
Department of the Corporation Counsel
County of Maui

hlu:misc:007abill01:jgk

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written above a horizontal line.

Upon the request of the Mayor.

EXHIBIT "A"

All of grantor's right, title and interest in and to that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 102, Land Commission Award Number 432, Apana 1 to A. Sylva) situate, lying and being at Lehuapueo, Waikapu, Wailuku, Island and County of Maui, State of Hawaii, being LOT 7-A and thus bounded and described as per survey of Robert T. Tanaka, Registered Professional Land Surveyor, dated June 2, 1969, to-wit:

Beginning at a pipe at the Southwest corner of this lot, being also the Northwest corner of Parcel 13-A of this Subdivision, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,156.81 feet South and 3,150.06 feet West and running by azimuth measured clockwise from true South:

1. 177° 05' 29.65 feet along Grant 1146;
2. 184° 14' 160.90 feet along the same to a "+" cut on a stone;
3. 184° 14' 39.08 feet along the land owned by Tokuichi Sakamoto Estate;
4. 288° 32' 35.67 feet along the same;
5. 2° 58' 33.60 feet along land owned by Kazuo Kamasaki and wife Shimoyo;
6. 276° 43' 38.65 feet along the same to a pipe;
7. 2° 20' 56.50 feet along the same;
8. 350° 18' 17.85 feet along the same;
9. 355° 37' 29.65 feet along the same;
10. 293° 47' 26.50 feet along the same;
11. 290° 59' 78.50 feet along the same;
12. 290° 39' 102.60 feet along the same;
13. 6° 53' 64.44 feet along Lot 6 of Waikapu Tract Subdivision;
14. 96° 53' 45.00 feet along Lehuapueo Road;
15. 6° 53' 2.72 feet along the same;

- | | | | | |
|-----|------|-----|-------|---|
| 16. | 109° | 04' | 98.92 | feet along Lot 20 of Waikapu Tract Subdivision; |
| 17. | 128° | 00' | 53.00 | feet along Parcel 13-A of this Subdivision; |
| 18. | 87° | 05' | 92.41 | feet along the same to the point of beginning and containing an area of 30,922 square feet, more or less. |

Together with the free use of the twelve (12) feet Right-of-Way, designated as Lot 20 of the Waikapu Tract Subdivision owned by Russel Newton and wife Helen and described as follows:

Beginning at a pipe at the northwest corner of this lot, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE", being 10,184.74 feet south and 3,016.01 feet west and running by azimuth measured clockwise from true South:

- | | | | | |
|----|------|-----|--------|---|
| 1. | 289° | 04' | 98.92 | feet along Lot 7-A of this Subdivision; |
| 2. | 6° | 53' | 12.28 | feet along Lehuapueo Road; |
| 3. | 109° | 04' | 105.54 | feet along Lot 8 of Waikapu Tract Subdivision; |
| 4. | 217° | 36' | 12.66 | feet along Parcel 13-A of this Subdivision to the point of beginning and containing an area of 1,227 square feet, more or less. |

Together with a Right-of-Way designated as Easement "A" upon Lot 13-A of this Subdivision and described as follows:

Beginning at a pipe at the northeast corner of this Easement, being also the northeast corner of Parcel 13-A, the coordinates of which referred to Government Survey Triangulation Station "LUKE" being 10,184.74 feet south and 3,016.01 feet west, and running by azimuth measured clockwise from true South:

- | | | | | |
|----|------|-----|-------|---|
| 1. | 37° | 36' | 12.66 | feet along Lot 20 of Waikapu Tract Subdivision; |
| 2. | 128° | 00' | 17.00 | feet; |
| 3. | 180° | 00' | 16.06 | feet; |
| 4. | 308° | 00' | 26.80 | feet along Lot 7-A of this Subdivision to the point of beginning and containing an area of 277 square feet, more or less. |

Together with a perpetual non-exclusive easement and right of access for ingress and egress purposes, over and across all of that certain parcel of land, situate at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, known as Lehuapueo Place and Nukuna Place, being LOT 18 of the Waikapu Tract Subdivision, containing an area of 20,809 square feet, and identified on the Tax Map of the Second Taxation Division as Tax Map Key 3-6-07-6, as granted by instrument dated July 29, 1992, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-154221.

Being all of the property conveyed by the following:

Limited Warranty Deed

Grantor Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Grantee Brian E. Garner and Robyn M. Garner, husband and wife, as Tenants by the Entirety

Dated May 18, 2018
Recording Date May 31, 2018
Recording No. A67250788

SUBJECT, HOWEVER, to the following:

1. Real property taxes not yet required by law to be paid.
2. Mineral and water rights of any nature in favor of the State of Hawaii
3. An agreement, upon and subject to all of the provisions contained therein.

By and Between Teruo Kamasaki and Evelyn Kamasaki, husband and wife, and County of Maui, Department of Water Supply
Dated October 28, 1985
Recording Date November 4, 1985
Recording No. Liber 19054, Page 635.

4. Lease

Lessor Cynthia Ann Mccarthy and Claire S. Kamasaki, Co-Trustees of the Evelyn M. Kamasaki 2012 Gift Trust Dated July 6, 2012, having all powers under said Trust Agreement

Lessee Evelyn N. Kamasaki, widow of Teruo Kamasaki

Dated : July 6, 2012
Recording Date July 24, 2012
Recording No. A-45881176

Said Lease was amended by Amended Lease dated September 26, 2019, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A72090773.

5. All liens, mortgage, encumbrances, assessments, easements, terms, conditions, covenants, restrictions, reservations, and/or other matters affecting title of the said property presently of record, if any.

END OF EXHIBIT "A"
TAX MAP KEY: (2) 3-6-007-010

EXHIBIT "B"



HLU Committee

From: HLU Committee
Sent: Monday, September 8, 2025 9:32 AM
To: CorpCounselRFLS@co.maui.hi.us
Cc: HLU Committee; James G. Krueger
Subject: OCS - HLU - re: BILL 78 (2025), CIZ FROM AG DISTRICT TO R-2 RESIDENTIAL DISTRICT AT 1550 NUKUNA PLACE (HLU-7)
Attachments: 007acc01_TK.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair Kama, dated 09/05/2025, regarding the above-referenced matter.

Mahalo,
HLU Committee Staff