

ORDINANCE NO. \_\_\_\_\_

BILL NO. 127 (2022)

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 WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-  
5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES

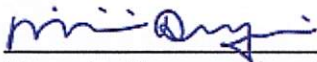
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

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 the Agricultural District to the Urban District (Conditional Boundary Amendment) for that certain land situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Nos. (2) 3-5-002:003 (por.), containing a total of 14.97 acres, and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in the proposed District Boundary Amendment Map, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and made a part hereof, and in the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D", which shall be executed and recorded in the Bureau of Conveyances of the State of Hawaii.

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

APPROVED AS TO FORM  
AND LEGALITY:



Deputy Corporation Counsel

County of Maui

2019-2060

2020-07-08 Ordinance DBA

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Charles R. Lee", is written over a horizontal line.

Upon the request of the Mayor.

# Exhibit "A"

## A PORTION OF LOT 4-A

Of the Wailuku Heights Subdivision  
(Subdivision No. 3.2099)

Being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2007, Apana 3 to J. Richardson, Royal Patent Number 5926, Land Commission Award Number 8875 to Kanaina, Royal Patent Number 2004, Land Commission Award Number 920, Apana 2 to John Richardson & Co., Royal Patent Grant Number 2070 to John Richardson, Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys, and Royal Patent Number 4529-B and 4549, Land Commission Award Number 71 to Michael J. Nowlein

at  
Wailuku & Waikapu, Maui, Hawaii

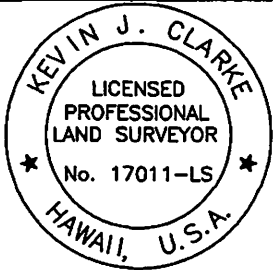
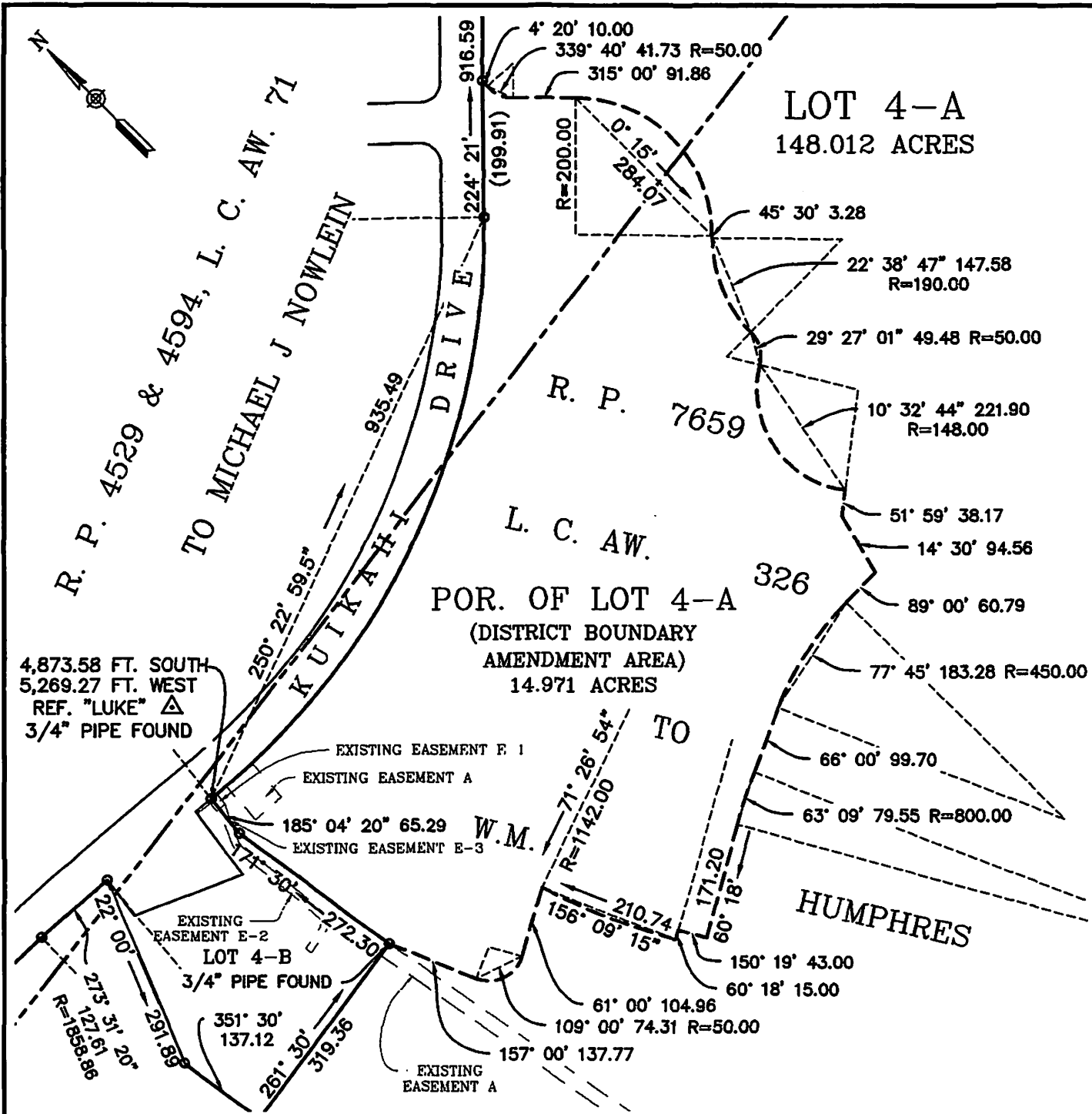
Beginning at the Northwestern corner of this parcel. Also, being the Northeastern corner of being Lot 4-B, Of the Wailuku Heights Subdivision (Subdivision No. 3.2099), being a portion of Royal Patent 7659, Land Commission Award 326, to W. M. Humphreys. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,873.58 feet South and 5,269.27 feet West and running by azimuths measured clockwise from true South:

1. Thence along a curve to the left with a radius of 1065.74 feet, the direct azimuth and distance being:  
  
250° 22' 59.5"                      935.49 feet    along Kuikahi Drive;
2.    224° 21'                      199.91feet    along the same;
3.    4° 20'                      10.00 feet    along a portion of Lot 4-A, being a portion of Land Commission Award Number 71 to Michael J. Nowlein;
4. Thence along a curve to the left with a radius of 50.00 feet, the direct azimuth and distance being:  
  
339° 40'                      41.73 feet    along the same;
5.    315° 00'                      91.86 feet    along the same;

6. Thence along a curve to the right with a radius of 200.00 feet, the direct azimuth and distance being:  
  
0° 15'                      284.07 feet    along a portion of Lot 4-A, being a portion of Land Commission Award Number 71 to Michael J. Nowlein and a portion of Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys;
7.    45°30'                      3.28 feet    along a portion of Lot 4-A, being a portion of Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys;
8. Thence along a curve to the left with a radius of 190.00 feet, the direct azimuth and distance being:  
  
22° 38' 47"                      147.58 feet    along the same;
9. Thence along a curve to the right with a radius of 50.00 feet, the direct azimuth and distance being:  
  
29° 27' 01"                      49.48 feet    along the same;
10. Thence along a curve to the left with a radius of 148.00 feet, the direct azimuth and distance being:  
  
10° 32' 44"                      221.90 feet    along the same;
11.    51° 59'                      38.17 feet    along the same;
12.    14° 30'                      94.56 feet    along the same;
13.    89°00'                      60.79 feet    along the same;
14. Thence along a curve to the left with a radius of 450.00 feet, the direct azimuth and distance being:  
  
77° 45'                      183.28 feet    along the same;

15. 66°00' 99.70 feet along the same;
16. Thence along a curve to the left with a radius of 800.00 feet, the direct azimuth and distance being:
- 63° 09' 79.55 feet along the same;
17. 60° 18' 171.20 feet along the same;
18. 150°19' 43.00 feet along the same;
19. 60° 18' 15.00 feet along the same;
20. Thence along a curve to the right with a radius of 1142.00 feet, the direct azimuth and distance being:
- 156° 09' 15" 210.74 feet along the same;
21. 61°00' 104.96 feet along the same;
22. Thence along a curve to the right with a radius of 50.00 feet, the direct azimuth and distance being:
- 109° 00' 74.31 feet along the same;
23. 157° 00' 137.77 feet along the same;
24. 171° 30' 272.30 feet along Lot 4-B, Of the Wailuku Heights Subdivision (Subdivision No. 3.2099), being a portion of Royal Patent 7659, Land Commission Award 326, to W. M. Humphreys;
25. 185° 04' 20" 65.29 feet along the same to the point of beginning and containing an area of 14.971 acres more or less;

# Exhibit "B"



**EXP. 04/2024**

THIS PLAT WAS PREPARED BY ME OR  
UNDER MY DIRECT SUPERVISION.

**T.M.K.: (2) 3-5-002: 003**

# LOT SURVEY PLAT

A PORTION OF LOT 4-A OF THE WAILUKU HEIGHTS  
SUBDIVISION (SUBDIVISION NO. 3.2099)

**SITUATED AT WAIKAPU & WAILUKU, MAUI, HAWAII**

**PREPARED FOR:**

**WAIHEE VALLEY  
REGENESIS LLC  
191 WAHEE VALLEY ROAD  
WAILUKU, HI, 96793**

**PREPARED BY:**

CLARKES LAND SURVEYING  
PO BOX 532423  
KIHU, MAUI, HAWAII 96753

**DATE: AUGUST 8, 2022**

**SCALE: 1" = 20'**

DWG NO. 0472LSP

JOB NO 20-0472

EXHIBIT "C"

CONDITIONS

1. This ordinance is conditional upon the Council's passage of a Resolution approving, with or without modifications, the independent development of Kuikahi Village Residential Workforce Housing project pursuant to Chapter 2.97, Maui County Code (the "2.97 Resolution").

2. The Property shall be developed as a 100% residential workforce housing project in accordance with the 2.97 Resolution.

3. The Property shall be developed in substantial compliance with the representations made to the Maui County Council in obtaining the 2.97 Resolution and the State District Boundary Amendment.

EXHIBIT "D"

[Unilateral Agreement and Declaration of Conditions]