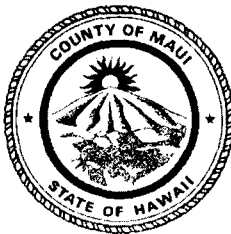


ALAN M. ARAKAWA
Mayor




PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

MEMO TO: Robert Carroll, Chair
Land Use Committee

FROM: David A. Galazin 
Deputy Corporation Counsel

DATE: September 5, 2018

SUBJECT: **COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
FOR THE KAHANA SUNSET CONDOMINIUM AT 4909
LOWER HONOAPIILANI ROAD (LAHAINA) (LU-19)**

This correspondence is in response to your letter dated August 31, 2018 regarding the Community Plan Amendment and Change in Zoning for the Kahana Sunset Condominium at 4909 Lower Honoapiilani Road (Lahaina). Specifically, you ask whether the attached corporate resolution meets the Department of the Corporation Counsel's needs in identifying the representatives who would be authorized to execute a Unilateral Agreement and Declaration for Conditional Zoning on behalf of the AOA, should the Committee recommend conditions of zoning be imposed.

In brief, yes, based on the information you provided, the corporate resolution dated August 17, 2018, is sufficient to indicate who would be authorized to bind the AOA to the Unilateral Agreement. Should this matter not pass out of Committee in a timely fashion, however, it would be prudent to require production of a more current corporate resolution immediately prior to execution and recordation of the Unilateral Agreement and Declaration of Conditional Zoning.

Attachment

DAG:maa
LF 2017-0095
LU-19 2018-09-05 Memo to Chair

RECEIVED AT LU MEETING ON 9/5/18
Committee Vice-Chair Hokama

RECEIVED
2018 SEP -5 PM 12:33
OFFICE OF THE
CORPORATION COUNSEL

CORPORATE RESOLUTION

I, Craig Peterson, President of
ASSOCIATION OF APARTMENT OWNERS OF KAHANA SUNSET, a Hawaii
nonprofit corporation, do hereby certify that the following is a full, true and correct copy
of a resolution duly adopted by the members/owners and Board of Directors of said
Corporation, at its meeting duly called and held at the office of the Corporation, Lahaina,
Maui, Hawaii, on May 3, 2018, at which time a quorum was present and
acting throughout; and that said resolution has not been modified, amended or
rescinded and continues in full force and effect.

RESOLVED, that the corporation apply for the change in zoning from
Residential District to H-M Hotel District for its parcel located at Lahaina, Maui,
Hawaii, T.M.K. (2) 4-3-003:015, that any two (2) officers being the President,
Vice President, Secretary or Treasurer, be, and each of them hereby is,
authorized to execute on behalf of the Corporation all documents necessary for
the change in zoning, including the Unilateral Agreement And Declaration For
Conditional Zoning.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate
seal of said Corporation, on August 17, 2018.

By Craig Peterson
(Signature)

Craig Peterson
(Print Name)

Its President
(Title)

OFFICE

President

Vice President

Secretary

Treasurer

NAME

2 Craig Peterson

3 Nick Yushmanov

4 Jeffry Lochner

5 Jeffry Lochner

2017-0095

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

Director of Council Services
Maria P. Zielinski
RECEIVED
CORPORATION COUNSEL

2018 AUG 31 AM 10:24

August 31, 2018

MEMO TO: Patrick K. Wong
Corporation Counsel

F R O M: Robert Carroll, Chair
Land Use Committee

A handwritten signature in dark ink, appearing to read "me f w", is written over the "F R O M" line.

SUBJECT: **COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE KAHANA SUNSET CONDOMINIUM AT 4909 LOWER HONOAPIILANI ROAD (LAHAINA)** (LU-19)

The Land Use Committee is in receipt of the attached correspondence dated August 30, 2018, from The Ing Law Firm, attorneys for the Association of Apartment Owners of Kahana Sunset ("AOAO"), transmitting a corporate resolution dated August 17, 2018.

May I please request you review the attached and advise whether this will meet your Department's needs in identifying representatives authorized to execute a Unilateral Agreement and Declaration for Conditional Zoning on behalf of the AOAO, should the Committee recommend conditions of zoning be imposed.

Because I intend to schedule this matter on September 5, 2018, I would appreciate receiving a response by that date, if feasible. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, James Krueger at ext. 7761, or Rayna Yap at ext. 8007).

lu:ltr:019acc02:cmn
Attachment

cc: David Galazin, Deputy Corporation Counsel
Lawrence N. C. Ing, The Ing Law Firm
Raymond Cabebe, Chris Hart & Partners, Inc.

LAWRENCE N. C. ING
BRADFORD R. ING

2145 WELLS STREET, SUITE 204
WELLS STREET PROFESSIONAL CENTER
WAILUKU, MAUI, HI 96793-2225
(808) 242-4555 • FAX (808) 244-6964
office@theinglawfirm.com

44-19

THE ING LAW FIRM

LETTER OF TRANSMITTAL

August 30, 2018

TO: ROBERT CARROLL CHAIR
LAND USE COMMITTEE

RE: AOA Kahana Sunset Rezoning Application

ENCLOSED ARE THE FOLLOWING:

Corporate Resolution dated August 17, 2018

RECEIVED
2018 AUG 30 AM 10:35
OFFICE OF THE
COUNTY CLERK

THESE ARE TRANSMITTED as checked below:

- | | |
|---|---|
| <input type="checkbox"/> For your information & file | <input type="checkbox"/> For your use |
| <input checked="" type="checkbox"/> As requested | <input type="checkbox"/> Returned |
| <input type="checkbox"/> For your review - call/write us with your comments | <input type="checkbox"/> Sign where indicated |
| <input type="checkbox"/> For your review & action | & return to us for |
| <input type="checkbox"/> Signature in <u>black</u> ink where indicated before a
notary public & <u>return</u> to us for further processing | further processing |
| <input type="checkbox"/> Other: | |

IF ENCLOSURES ARE NOT AS NOTED, NOTIFY US IMMEDIATELY.

REMARKS:

THE ING LAW FIRM
LAWRENCE N. C. ING

By

Michelle N. H. Eldridge

☐ Via Mail
☐ Via Fax

☒ Via Hand Delivery
☐ Via Court Jacket

☐ For Pickup
☐ Confirmation of faxed copy sent

☐ Via E-Mail

CORPORATE RESOLUTION

I, Craig Peterson, President of
ASSOCIATION OF APARTMENT OWNERS OF KAHANA SUNSET, a Hawaii
nonprofit corporation, do hereby certify that the following is a full, true and correct copy
of a resolution duly adopted by the members/owners and Board of Directors of said
Corporation, at its meeting duly called and held at the office of the Corporation, Lahaina,
Maui, Hawaii, on May 3, 2018, at which time a quorum was present and
acting throughout; and that said resolution has not been modified, amended or
rescinded and continues in full force and effect.

RESOLVED, that the corporation apply for the change in zoning from
Residential District to H-M Hotel District for its parcel located at Lahaina, Maui,
Hawaii, T.M.K. (2) 4-3-003:015, that any two (2) officers being the President,
Vice President, Secretary or Treasurer, be, and each of them hereby is,
authorized to execute on behalf of the Corporation all documents necessary for
the change in zoning, including the Unilateral Agreement And Declaration For
Conditional Zoning.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate
seal of said Corporation, on August 17, 2018.

By Craig Peterson
(Signature)

Craig Peterson
(Print Name)

Its President
(Title)

OFFICE

President

Vice President

Secretary

Treasurer

NAME

2 Craig Peterson

3 Nick Yushmanov

4 Jeffrey Lochner

5 Jeffrey Lochner