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By Dept. of the Corporation Counsel at 8:36 am, May 07, 2020

REQUEST FOR LEGAL SERVICES

Date: May 6, 2020
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

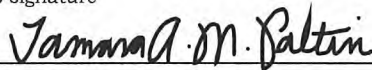
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper, Esq.

Subject: DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR THE PROPOSED PAIA COURTYARD PROJECT AT 120 BALDWIN AVENUE (PAIA) (PSLU-8)

Background Data: Please amend the attached bill by including a zoning condition to require the property owner to offer land identified as "AREA B" in LAND ZONING MAP NO. 1527 to the County of Maui, and update the bill title to reflect a conditional change in zoning.

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

Requestor's signature  Tamara Paltin	Contact Person <u>Richard Mitchell or Ana Lillis</u> (Telephone: 270- 7662 or 270-7660, respectively)
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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): May 11, 2020
REASON: For posting on the May 20 PS LU Committee meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH	ASSIGNMENT NO. 2019-0101	BY: maa
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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):
See attached revised bill.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 05/11/2020

By /s/Michael J. Hopper

(Rev. 7/03)

pslu:ltr:08acc01:alkl

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO CHANGE ZONING
FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT
AND TO PUBLIC/QUASI-PUBLIC (CONDITIONAL ZONING) FOR PROPERTY
SITUATED AT PAIA, MAUI, HAWAII, TAX MAP KEY (2) 2-5-005:063 (POR.)

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

SECTION 1. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to B-CT Country Town Business District (conditional zoning) is hereby granted for the certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, containing an area of 1.10 acres, more or less, and more particularly described as “Area A” in Exhibit “A”, attached hereto and made a part hereof, and on Land Zoning Map No. L-1527, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof, and subject to the Conditions set forth in Exhibit “B”.

SECTION 2. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim District to Public/Quasi-Public (Conditional Zoning) is hereby granted for that certain real property situated at Paia, Maui, Hawaii, and identified for real property tax purposes as a portion of tax map key (2) 2-5-005:063, containing an area of 2.93 acres, more or less, and more particularly described as “Area B” in Exhibit “A”, attached hereto and made a

part hereof, and on Land Zoning Map No. L-1527, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 3. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit “B”, attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditional Zoning attached hereto and made a part hereof as Exhibit “C”.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Michael J. Hopper
MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2019-0101/2020-0328
PSLU-8 2020-05-08 Ord Paia Courtyard CIZ

EXHBIT "A"

AREA A

LOT A-1-A

PAIA POST OFFICE SUBDIVISION

AT HAMAKUAPOKO AND HALIIMAILE, MAKAWAO, MAUI, HAWAII

BEING A PORTION OF THE LAND DEEDED BY THE

BOARD OF EDUCATION TO THE TRUSTEES OF OAHU COLLEGE,

DATED: JANUARY 30, 1860 RECORDED IN LIBER 12,

PAGE 403 AND ROYAL PATENT 7512

Beginning at the West corner of this Area, being also the West corner of Lot A-1-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE 2" being 5,493.68 feet North and 5,823.42 feet East and running by azimuths measured clockwise from True South:

1. 65° 48' 113.00 feet along Lot A-2;
2. 155° 47' 50" 461.90 feet along Area B;
3. 274° 29' 104.85 feet along Area D;
4. Thence, along Baldwin Avenue on a curve to the right with a
 radius of 327.10 feet, the radial
 azimuth to the point of curve
 being 225° 08' 50" and the radial
 azimuth to the point of tangent
 being 245° 47' 50", the chord
 azimuth and distance being:

 325° 28' 20" 117.25 feet;

5. 335° 47' 50" 296.22 feet along Lot A-1-D (Roadway Widening Lot) to the point of beginning and containing an area of 1.102 Acre.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

License Expires: April 30, 2018
871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

February 14, 2017

AREA B

LOT A-1-A

PAIA POST OFFICE SUBDIVISION

AT HAMAKUAPOKO AND HALIIMAILE, MAKAWAO, MAUI, HAWAII

BEING A PORTION OF THE LAND DEEDED BY THE

BOARD OF EDUCATION TO THE TRUSTEES OF OAHU COLLEGE,

DATED: JANUARY 30, 1860 RECORDED IN LIBER 12,

PAGE 403 AND ROYAL PATENT 7512

Beginning at the Northwest corner of this Area, being also the Northeast corner of Area C, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE 2" being 5,926.58 feet North and 5,307.35 feet East and running by azimuths measured clockwise from True South:

1. 276° 00' 116.65 feet along Lots 35 and 36, Tavares Tract;
2. 287° 00' 81.77 feet along Lot 36, Tavares Tract and Area D;
3. 37° 25' 23.18 feet along Area D;
4. 274° 29' 43.64 feet along Area D;
5. 335° 47' 50" 461.90 feet along Area A;
6. 65° 48' 277.21 feet along Lot A-2 and Area C;

7. 164° 53'

614.10 feet along Area C to the point of
beginning and containing an area
of 2.933 Acre.



871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

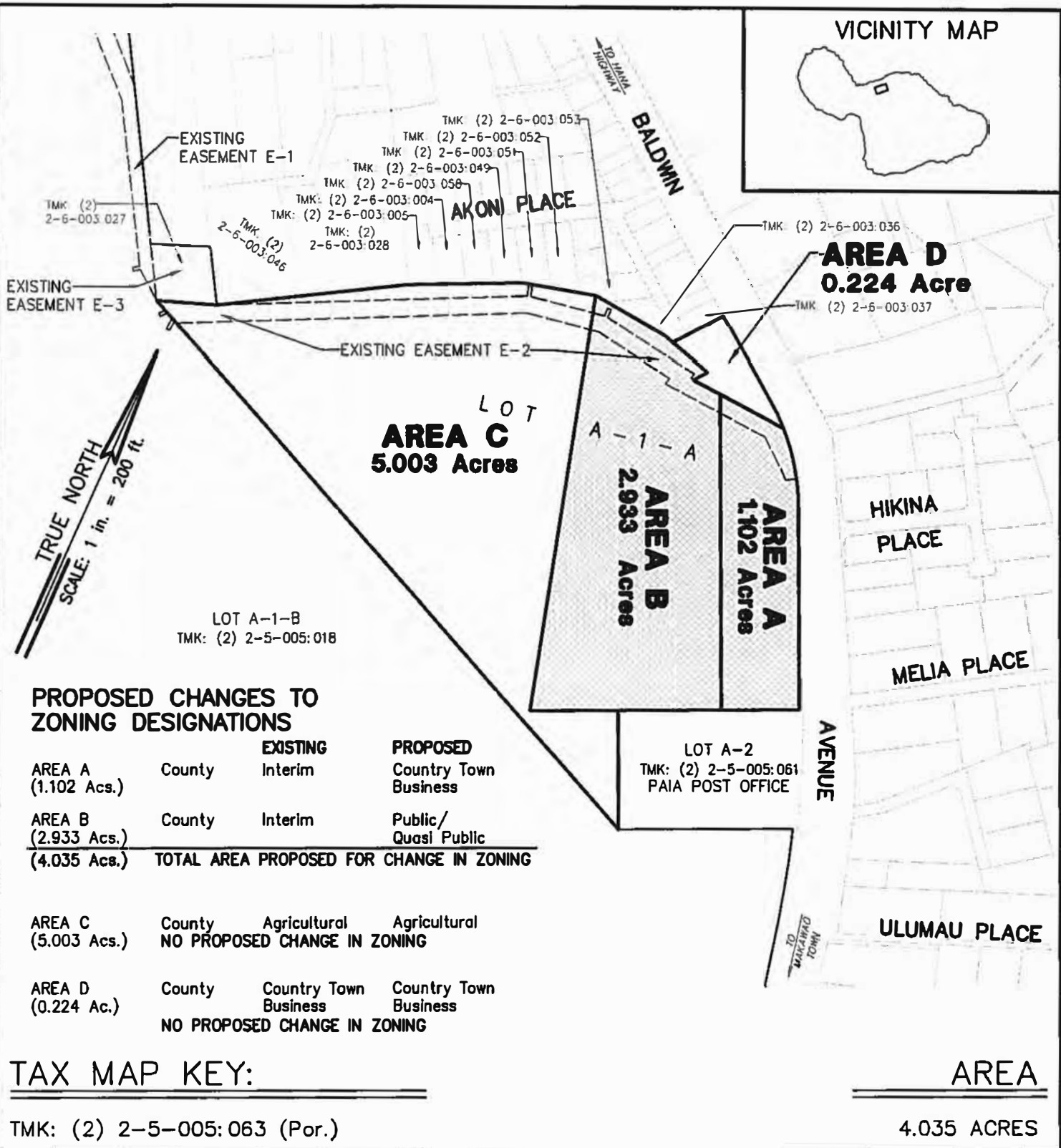
February 14, 2017

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Licensed Professional Land Surveyor
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FILE: PPOS.crd \\P01\SERVER\DEPT\1\set\Public\Documents\DRAW\2019\19-011-2019-09-19 PPOS LAND USE EXHIBITS.dwg, LANE ZONING, 9/19/2019 4:12:45 PM, Name



LAND ZONING MAP NO.1527

CHANGE IN ZONING – PAIA, MAKAWAO, MAUI, HAWAII

EXHIBIT “B”

CONDITIONS OF ZONING

1. As represented to the Maui County Council, Paia 2020, LLC and the David R. Spee Revocable Trust shall offer to dedicate the property designated as “Area B” in Exhibit “A” attached hereto to the County of Maui at no cost to the County.