

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

BILL NO. 103 (2021)

A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND AMENDED BY ORDINANCE NOS. 2360 (1994), 2800 (1999), AND 3201 (2004) TO ALEXANDER & BALDWIN SUGAR MUSEUM, TO ALLOW FOR AN EXPANSION OF THE MUSEUM USE AND FOR A TIME EXTENSION ON APPROXIMATELY 4.166 ACRES IN THE R-1 RESIDENTIAL DISTRICT AT 3957 HANSEN ROAD, TAX MAP KEY (2) 3-8-006:004 (POR.) PUUNENE, MAUI, HAWAII

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

SECTION 1. In accordance with Chapter 19.40, Maui County Code, the conditional permit granted by Ordinance 2101 (1992) and amended by Ordinances 2360 (1994), 2800 (1999) and 3201 (2004) is expanded to include an area of 4.166 acres as described in Exhibit "A", designated on the map incorporated as Exhibit "B", and subject to the amended conditions in Section 2 of this Ordinance.

SECTION 2. This Conditional Permit is subject to the following conditions:

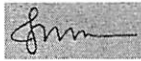
1. Full compliance with all applicable governmental requirements is required.
2. The Conditional Permit is valid until March 31, 2047, except an extension of the permit beyond the expiration date may be granted in accordance with Section 19.40.090, Maui County Code.
3. The Conditional Permit is nontransferable unless the Council approves a transfer by ordinance.
4. Alexander & Baldwin Sugar Museum, its successors and permitted assigns must exercise reasonable care as to third

parties with respect to all areas affected by the Conditional Permit and must procure at its own cost and expense, and must maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the County of Maui as an additional insured, insuring and defending the Alexander & Baldwin Sugar Museum and County of Maui against any and all claims or demands for property damage, personal injury or death arising out of this Conditional Permit, including: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Alexander & Baldwin Sugar Museum of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured must be submitted to the Department of Planning within ninety calendar days from the date of approval of this Conditional Permit, or prior to starting operations, whichever is first. The proof of insurance and all subsequent certifications of insurance coverage must be submitted directly by the insurance carrier to the Department and must include the applicable tax map key and permit numbers.

5. Alexander & Baldwin Sugar Museum must develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit in accordance with Section 19.40.080, Maui County Code.
6. Low level lighting must be used on the buildings and within the landscaped areas, and parking lot lighting must be fully shielded.
7. Fireworks and pyrotechnics displays are prohibited from the property.

SECTION 3. This Ordinance takes effect upon approval.

APPROVED AS TO FORM  
AND LEGALITY:



2021.09.03  
12:56:47  
-10'00'

for MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui  
LF 2021-0016/2020-0241  
PSLU-21 Ord Amd CP Sugar Museum  
pslu:misc:021abill01:ans

# EXHIBIT "A"

## LAND DESCRIPTION

### SUGAR MUSEUM LEASE

PORTION OF LOT 2-C-4-C-1-E

FIRST ASSEMBLY OF GOD SUBDIVISION

All that certain Parcel of land lying on the Easterly side of Puunene Avenue and the Northerly side of Hansen Road, being a portion of Lot 2-C-4-C-1-E of the First Assembly Of God Subdivision, being also a portion of Grant 3343 to Claus Spreckels. Situated at Puunene, Wailuku, Maui, Hawaii and being more particularly described as follows:

**BEGINNING** at the Northwest corner of this parcel of land at a point on the Easterly side of Puunene Avenue (90.00 feet wide), said point lying distant thereon  $149^{\circ} 25' 30''$  367.64 feet from the Southwest corner said Lot 2-C-4-C-1-E (said Southwest corner being the Westerly point of tangency of that certain curve having a radius of 50.00 feet), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being:

3,822.65 feet South  
13,663.04 feet East

and running by azimuths measured clockwise from True South:

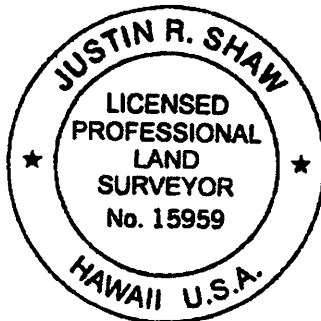
1.  $239^{\circ} 25' 30''$  432.69 feet along remainder of said Lot 2-C-4-C-1-E;
2.  $329^{\circ} 25' 30''$  419.75 feet along same;
3.  $58^{\circ} 32' 30''$  303.54 feet along the Northerly side of Hansen Road;
4.  $148^{\circ} 32' 30''$  8.00 feet along same;
5.  $58^{\circ} 32' 30''$  78.30 feet along same;
6. thence along same on a curve to the right having a radius of 50.00 feet and a central angle of  $90^{\circ} 53''$ , the chord azimuth and distance being:  
 $103^{\circ} 59' 00''$  71.25 feet;
7.  $149^{\circ} 25' 30''$  367.64 feet along the Easterly side of Puunene Avenue to the **POINT OF BEGINNING** and containing an area of 4.166 Acres.

**SUBJECT, HOWEVER TO:**


- a. Easement "S-3" for sewer purposes per Document No. A-47440538, dated December 27, 2012.
- b. Easement "S-1A" for sewer purposes per Document No. A-47440535, dated December 27, 2012.
- c. Easement "IR-1" for irrigation purposes per Document No. A-47440534, dated December 27, 2012.
- d. Any and all existing roadways, trails, easements, rights of way, flumes and irrigation ditches.
- e. Mineral and water rights of any nature.
- f. Any unrecorded leases and matters arising from or affecting the same.

**PREPARED BY:**  
A&B Properties Hawaii, LLC

**Date:** August 20, 2020



This work was prepared by me or under my direct supervision

  
Justin R. Shaw      8/20/2020  
Date  
Licensed Professional Land Surveyor  
Certificate No. LS-15959  
Expiration Date: April 30, 2022

ME  
44/02-r

To Kohuli

PUNENE AVENUE

90.00'

To Kihei

149° 25' 30" — 367.64'

"LUKE"  
3,822.65' S.  
13,663.04' E.

Ex. Easement S-1A

Ex. Easement IR-1

239° 25' 30" — 432.69'

Ex. Easement S-3

2-C-4-C-1-E

TRUE NORTH  
SCALE: 1"=100'

## LEASE AREA

4.166 Acres

TMK(2)3-8-008-004 (Portion)

LOT  
329° 25' 30" — 419.75'

103° 59'  
71.25'  
R=50.00'

148° 32' 30"  
8.00'

58° 32' 30"  
78.30'

58° 32' 30" — 303.54'

HANSEN ROAD

To Paia

40.00'

## LEASE MAP

PORTION OF LOT 2-C-4-C-1-E

FIRST ASSEMBLY OF GOD SUBDIVISION

Being a portion of Grant 3343 to Claus Spreckels

PUNENE, WAILUKU, MAUI, HAWAII

0' 100' 200'



GRAPHICAL SCALE IN FEET  
DATE: AUGUST 19, 2020

### NOTES:

1. AZIMUTHS AND COORDINATES  
REFERRED TO GOVERNMENT SURVEY  
TRIANGULATION STATION "LUKE".



THE WORK WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION

JUSTIN R. SHAW  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NUMBER LS-15959  
EXPIRATION DATE: 4/30/2022

8/20/2020

DATE

TAX MAP KEY:(2)3-8-006:004 Por.

DIGEST

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This bill proposes to amend the Conditional Permit for the Alexander & Baldwin Sugar Museum located at 3957 Hansen Road in Puunene, Maui, Hawaii, to allow for expansion of museum use and a time extension to March 31, 2047.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 103 (2021) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 17th day of September, 2021, by the following vote:

AYES: Councilmembers Gabriel Johnson, Natalie A. Kama, Kelly T. King, Michael J. Molina, Tamara A.M. Paltin, Shane M. Sinenci, Yuki Lei K. Sugimura, Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 20th of September, 2021.



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KATHY L. KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.