

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL
DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER: (2) 3-8-007:102

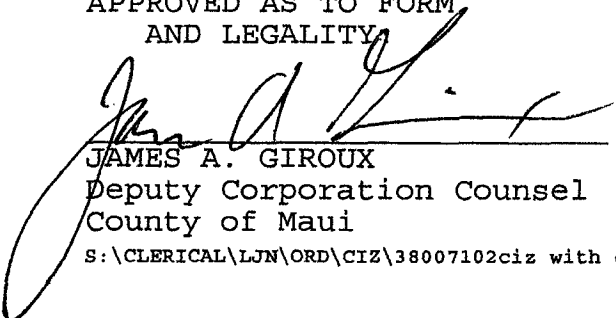
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.24 and 19.510, Maui County Code, a change in zoning from Agricultural District to M-1 Light Industrial District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 3-8-007:102, comprising approximately 31.2 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-425, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. 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 for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

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

APPROVED AS TO FORM
AND LEGALITY,



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

S:\CLERICAL\LJN\ORD\CIZ\38007102ciz with cond.doc

EXHIBIT "A"

All of that certain parcel of land (being portion of the land described in and covered by Royal Patent Grant 3152 to Henry Cornwell) situata, lying and being at Waikapu, District of Waialuku, Island and County of Maui, State of Hawaii, being Lot 1-C of the "KOPAA SUBDIVISION NO. 2", being a portion of Lot 1 of the Kopaa Subdivision, and thus bounded and described as per survey dated July 7, 2009, to-wit:

Beginning at a pipe at the southeast corner of this lot, on the northerly side of Waiko Road, said pipe being also the southeasterly corner of Lot 2 of the Kopaa Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 11,195.10 feet south and 3,147.97 feet east and running by azimuths measured clockwise from true South:

1. 191° 45' 904.78 feet along Lot 2 of the Kopaa Subdivisiion to a pipe;
2. 101° 45' 1,200.00 feet along same to a pipe;
3. 11° 45' 824.50 feet along same to a pipe;
4. 98° 30' 169.65 feet along the northerly side of Waiko Road to a pipe;
5. Thence along same on a curve to the left with a radius of 2,780.00 feet, the chord azimuth and distance being:
 96° 00' 242.52 feet to a pipe;
6. Thence along same on a curve to the right with a radius of 670.00 feet, the chord azimuth and distance being:
 105° 45' 284.32 feet to a pipe;
7. 118° 00' 196.34 feet along the northerly side of Waiko Road to a pipe;
8. 208° 00' 346.45 feet along the remainder of Grant 3152 to Henry Cornwell (being along T.M.K. (2) 3-8-07:71) to a pipe;
9. 147° 14' 41" 465.24 feet along same to a pipe;
10. 237° 14' 41" 4.58 feet along Lot 1-B of the Kopaa Subdivision No. 2 to a pipe;

- | | | | | |
|-----|--|---------|----------|---|
| 11. | 142° | 07' | 271.76 | feet along same to a pipe; |
| 12. | 281° | 45' | 2,615.78 | feet along Lot 12-A of the Maui Lani Subdivision to a pipe; |
| 13. | 11° | 45' | 462.02 | feet along Lot 3 of the Kopaa Subdivision to a pipe; |
| 14. | 287° | 45' | 722.49 | feet along same to a pipe; |
| 15. | 27° | 48' 30" | 466.78 | feet along the westerly side of Kuihelani Highway (F.A.S.P. No. S-0380 (4)) to a pipe; |
| 16. | 297° | 48' 30" | 20.00 | feet along same to a pipe; |
| 17. | 27° | 48' 30" | 22.02 | feet along same to a pipe; |
| 18. | Thence along the northerly side of Waiko Road on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being: | | | |
| | 66° | 27' 45" | 37.48 | feet to a pipe; |
| 19. | Thence along same on a curve to the right with a radius of 890.00 feet, the chord azimuth and distance being: | | | |
| | 106° | 26' | 40.90 | feet to a pipe; |
| 20. | 107° | 45' | 634.67 | feet along the northerly side of Waiko Road to the point of beginning and containing an area of 31.222 acres, more or less. |

Being the parcel of land acquired by Grantor herein by the following:

1. Limited Warranty Deed with Reservation of Easements, Covenants, Reservations and Restrictions of Alexander & Baldwin, Inc. dated July 16, 2009, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2009-111117; and
2. Correction Deed of Alexander & Baldwin, Inc. dated August 7, 2009, recorded in said Bureau of Conveyances as Document No. 2009-126864.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Designation of Easement "C" for roadway purposes as shown on Subdivision Map prepared by Ichiro Toba, Land Surveyor, dated July 22, 1975.

3. Designation of Easement (25 feet wide) for powerline purposes, as shown on Subdivision Map prepared by Ichiro Toba, Land Surveyor, dated July 22, 1975.

4. Setback (20 feet wide) for building purposes along Waiko Road, as shown on Subdivision Map prepared by Ichiro Toba, Land Surveyor, dated July 22, 1975.

5. Setback (30 feet wide) for building purposes along Kuihelani Highway, as shown on Subdivision Map prepared by Ichiro Toba, Land Surveyor, dated July 22, 1975.

6. Restriction of Vehicle Access Rights along Kuihelani Highway, as shown on Subdivision Map prepared by Ichiro Toba, Land Surveyor, dated July 22, 1975.

7. Grant to County of Maui, a political subdivision of the State of Hawaii, dated April 30, 1991, recorded in said Bureau of Conveyances as Document No. 92-134141, granting a perpetual nonexclusive easement from Waikapu Road, also known as Waiko Road, to property owned by the County of Maui known as the Waikapu Landfill site, over and across "Easement Area" (being Easements "C" and "D"), for ingress and egress purposes, said Easement Areas being more particularly described therein.

8. The terms and provisions contained in (Unrecorded) License Agreement dated October 12, 2000, but effective June 1, 2000, between Alexander & Baldwin, Inc., a Hawaii corporation, and Consolidated Baseyards LLC, a Hawaii limited liability company. A Memorandum of License is dated October 12, 2000, recorded in said Bureau of Conveyances as Document No. 2000-154600.

9. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Hawaiian Telcom, Inc., a Hawaii corporation, dated December 15, 2003, recorded in said Bureau of Conveyances as Document No. 2006-147438, granting a perpetual right and easement for utility purposes, being more particularly described therein.

10. The terms and provisions contained in Limited Warranty Deed with Reservation of Easements, Covenants, Reservations and Restrictions dated July 16, 2009, recorded in said Bureau of Conveyances as Document No. 2009-111117.

The foregoing includes, but is not limited to, matters relating to 80-foot and 100-foot right-of-way access and roadway easements.

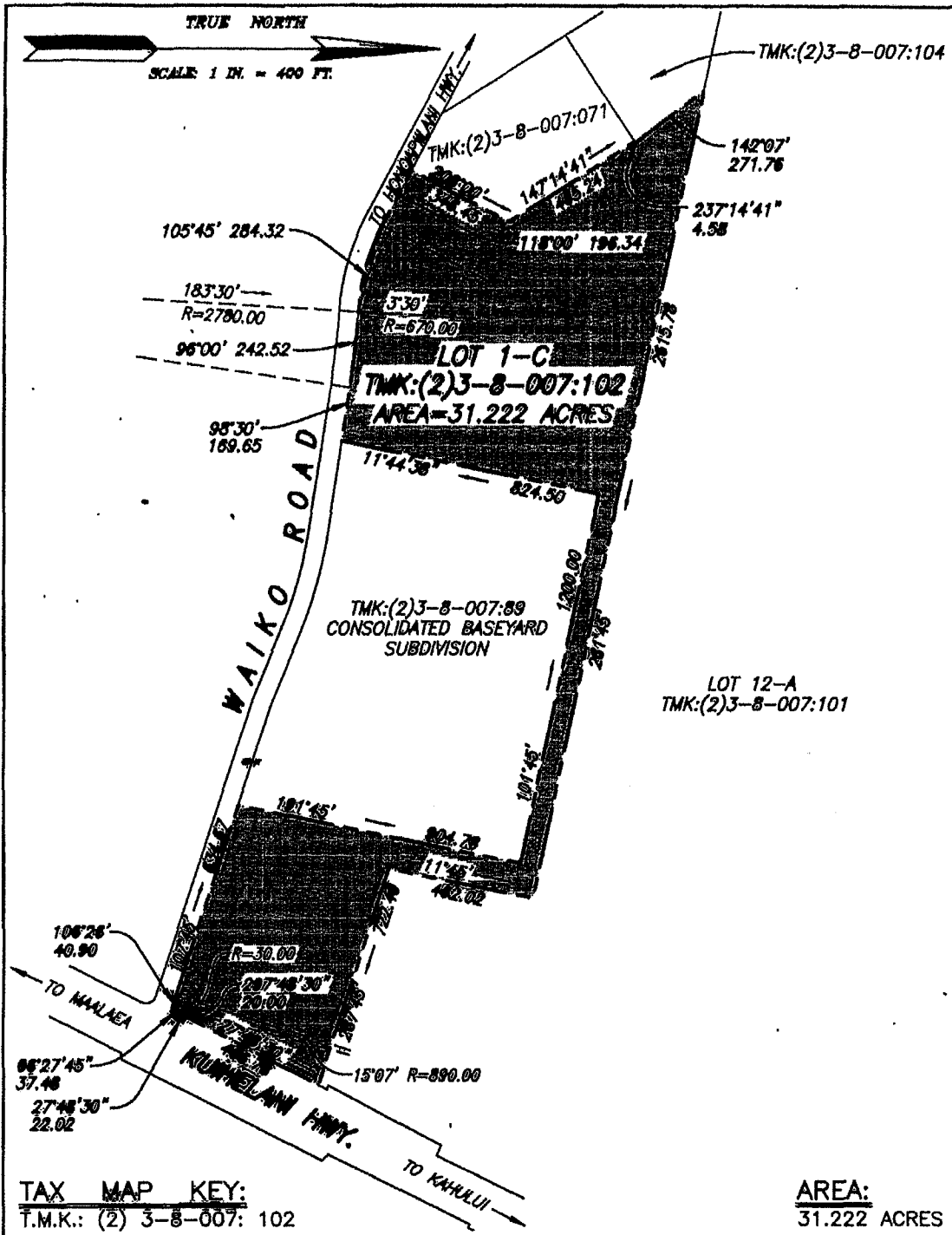
11. Encroachments or any other matters which a correct survey would disclose.

12. Any unrecorded leases and matters arising from or affecting the same.

EXHIBIT "B"

CONDITIONS OF ZONING

1. That the developer shall submit five (5) copies of a detailed preliminary report addressing the developer's compliance with these Conditions of Zoning to the Department of Planning, which shall be approved prior to final subdivision approval, and shall submit a final compliance report to the Department of Planning, which shall be submitted within ninety (90) days after completion of subdivision improvements.
2. That the project shall be in substantial compliance and use as presented to the Planning Commission on May 14, 2013.



TAX MAP KEY:
T.M.K.: (2) 3-8-007: 102

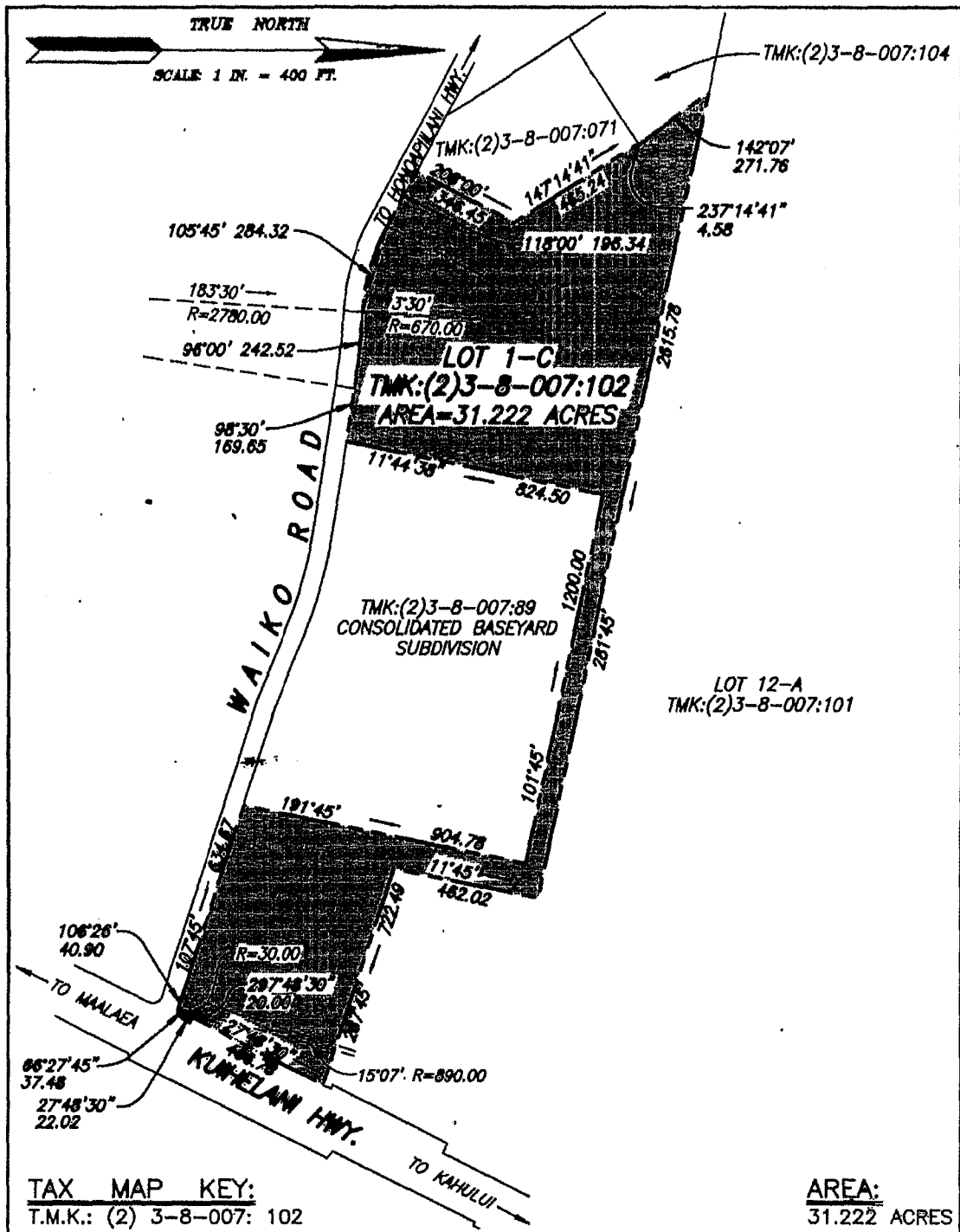
AREA:
31.222 ACRES

COMMUNITY PLAN MAP NO. CP-421
COMMUNITY PLAN AMENDMENT - WAILUKU, MAUI, HAWAII
FROM AGRICULTURE TO LIGHT INDUSTRIAL

APPROVED: _____ COUNTY CLERK	PUBLIC HEARING: 5/14/2013	
APPROVED: <i>[Signature]</i> PLANNING DIRECTOR	ADOPTED - COUNCIL:	
	ADOPTED - MAYOR:	
	ORDINANCE NO.:	
	DATE:	SCALE: 1"=400'

OFFICE OF THE COUNTY CLERK
 200 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793

CP-421



LAND ZONING MAP NO. L-425
CHANGE IN ZONING - WAILUKU, MAUI, HAWAII
FROM AGRICULTURE TO M-1 LIGHT INDUSTRIAL

APPROVED: _____ COUNTY CLERK	PUBLIC HEARING: 5/14/2019 ADOPTED - COUNCIL: ADOPTED - MAYOR: ORDINANCE NO.:
APPROVED: <i>[Signature]</i> PLANNING DIRECTOR	DATE: _____ SCALE: 1"=400'

OFFICE OF THE COUNTY CLERK
200 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793 **L-425**