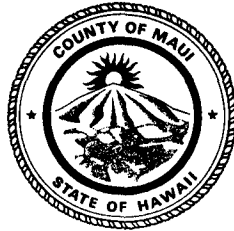


ALAN M. ARAKAWA
Mayor



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September 3, 2013

MEMORANDUM

T O: Robert Carroll, Chair
Land Use Committee

F R O M: James A. Giroux, Deputy Corporation Counsel

SUBJECT: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE
PROPOSED WAIKO BASEYARD LIGHT INDUSTRIAL 41-LOT
SUBDIVISION PROJECT LOCATED AT WAIKO ROAD (WAILUKU)
(LU-14)

In response to your memorandum of August 27, 2013, attached is the proposed bill, revised as requested, and approved as to form and legality.

If you have any questions or concerns, please do not hesitate to contact me.

JAG:ln
Enclosure

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2013 SEP 05 AM 9:24
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

ORDINANCE NO. _____

BILL NO. _____ (2013)

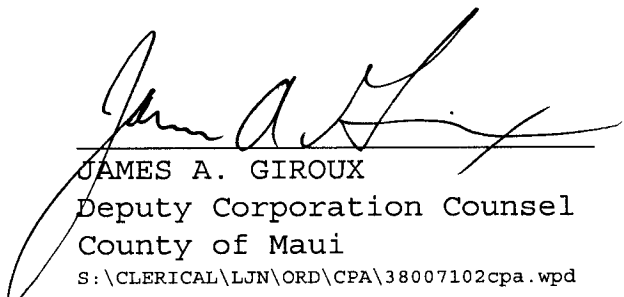
A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI
COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO
LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT WAILUKU, MAUI,
HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is hereby amended from Agriculture to Light Industrial for property 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 Community Plan Map No. CP-421, 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. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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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) situate, lying and being at Waikapu, District of Wailuku, 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 Subdivision 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' | 271.78 | 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' | 482.02 | 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.