

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI PUBLIC DISTRICT
(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI,
HAWAII, TAX MAP KEY NUMBER (2) 2-2-002:081,
FOR THE PROPOSED KIHEI HIGH SCHOOL


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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Agricultural District to P-1 Public/Quasi Public District (Conditional Zoning) is hereby granted for that certain parcel of land situated at Kihei, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 2-2-002:081, comprising approximately 77.182 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-5119, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof; and

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

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DESCRIPTION

**KIHEI HIGH SCHOOL CONSOLIDATION
LOT 1**

Being portions of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56), Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole, and Grant 9325, Apana 1 to Haleakala Ranch Company situated at Kaonoulu, Koheo 1 & 2, Waiohuli, Makawao, Kihei, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe at the Northwest corner of this lot and the Easterly side of Piilani Highway [Federal Aid Project No. RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

12,012.21 feet North

21,807.61 feet West

and running by azimuths measured clockwise from True South:

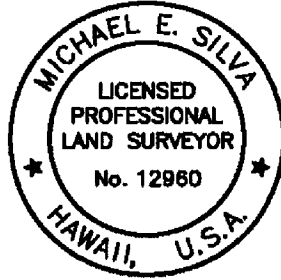
1. 256° 48' 615.00 feet along Lot 1-A-2 of the Kaonoulu Ranch-Water Tank Subdivision (Subdivision File No. 2.3124), being also the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, (Certificate of Boundaries No. 56) to a 1/2-inch pipe;
2. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being:
265° 18' 295.62 feet to a PK nail;
3. 273° 48' 1330.50 feet along same to a 1/2-inch pipe;
4. 0° 00' 1712.42 feet along Lot 1-A-2 of the Kaonoulu Ranch-Water Tank Subdivision (Subdivision File No. 2.3124), and Lot 2-B of the Anawio Subdivision (Subdivision File No. 2.3129), being also the remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56), Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole and Grant 9325, Apana 1 to Haleakala Ranch Company to a PK nail;
5. 102° 30' 804.53 feet along Lot 2-B of the Anawio Subdivision (Subdivision File No. 2.3129), being also the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company to a 1/2-inch pipe;
6. 86° 30' 200.00 feet along same to a 1/2-inch pipe;

7. 70° 42' 02" 739.62 feet along same to a 1/2-inch pipe;
8. 160° 42' 02" 791.42 feet along the Easterly side of Piilani Highway [Federal Aid Project No. RF-031-1(5)] to a 1/2-inch pipe;
9. 250° 42' 02" 20.00 feet along same to a 1/2-inch pipe;
10. 160° 42' 02" 120.53 feet along same to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
161° 23' 31.5" 167.04 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
162° 24' 54" 80.05 feet to a 1/2-inch pipe;
13. Thence along same on a curve to the right with a radius of 6,920.19 feet, the chord azimuth and distance being:
162° 47' 07.5" 9.43 feet to a 1/2-inch pipe;
14. 72° 49' 28" 15.00 feet along same to a 1/2-inch pipe;
15. Thence along same on a curve to the right with a radius of 6,935.19 feet, the chord azimuth and distance being:
164° 48' 44" 481.11 feet to a 1/2-inch pipe;
16. 166° 48' 151.65 feet along same to the point of beginning and containing an area of 77.182 Acres.

Vehicle access will not be permitted into and from Piilani Highway, Federal Aid Project No. [RF-031-1(5)] over and across courses 8, 9, 10, 11, 13, 14, 15 and 16 of the above described Lot 1.

Vehicle access will be permitted into and from Piilani Highway, Federal Aid Project No. [RF-031-1(5)] over and across 12 of the above described Lot 1.

This work was prepared by me
or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/2014

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
July 5, 2013

GR7002

EXHIBIT "B"

CONDITIONS OF ZONING

1. That the State Department of Education (DOE) shall submit to the Department of Public Works for review and comment any Traffic Impact Analysis Reports, pedestrian route studies and/or any related reports or studies at the same time they are submitted to the State Department of Transportation.
2. That, within six months of the DOE's initiation of the design process for Phase 1 of the Kihei High School or the State's execution of a contract with a designer-builder for the school, whichever occurs earlier, the DOE and/or its designer-builder, as appropriate, shall begin to work with the County of Maui Department of Planning on the design of the following improvements to the Kihei High School campus, which shall subsequently be implemented to the satisfaction of the Department of Planning during the permitting process in accordance with Condition Number 16 of the Decision and Order by the State Land Use Commission granting the DOE's Petition for a Land Use District boundary Amendment (Land Use Commission Docket No. A11-794):
 - a. Pedestrian and bicycle access to and from the school campus to connect to current and future pedestrian and bicycle networks in the vicinity of the campus;
 - b. Bicycle-friendly improvements on the school campus and, if requested by the County of Maui Department of Transportation, an area for public transit access to the school campus;
 - c. Overflow parking and lighting to accommodate special events to be held on the school campus;
 - d. Consideration of best practices in Crime Prevention through Environmental Design (CPTED) elements in campus design; and
 - e. To the extent not inconsistent with the provision of a drainage detention basis, overflow parking and CPTED design elements, a landscaped buffer on the campus fronting Pi'ilani Highway.