

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: February 3, 2016
From: Robert Carroll, Chair
Land Use Committee

2016 FEB -4 AM 10: 25

TRANSMITTAL

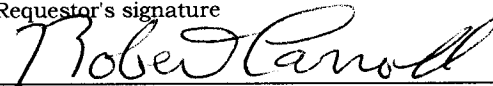
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Jeffrey Ueoka, Esq.

Subject: KAIWAHINE VILLAGE PROJECT (KIHEI) (LU-2(2))

Background Data: The Department of Housing and Human Concerns has recommended revising the extension period from the requested five years down to two. The attached revised resolution has been drafted accordingly. A revised resolution showing the track changes is also attached for your reference.

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

RECEIVED
OFFICE OF THE
COUNTY CLERK
2016 FEB -5 11:11:15

Requestor's signature  Robert Carroll	Contact Person <u>Scott Jensen</u> (Telephone Extension: <u>7662</u>)
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Tuesday, February 9, 2016
REASON: For posting on the February 17, 2016 Land Use Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>STU</u>	ASSIGNMENT NO. <u>2014-3084</u>	BY:
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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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 2/9/16

By 

(Rev. 7/03)

lu:ltr:002(2)acc01

Attachments

Resolution

No. _____

APPROVING A TIME EXTENSION OF THE CONSTRUCTION INITIATION DATE FOR THE KAIWAHINE VILLAGE 201H PROJECT

WHEREAS, on March 18, 2011, the Council adopted Resolution 11-23, approving the Kaiwahine Village 201H project with ten Modifications, attached as Exhibit "1" to the Resolution; and

WHEREAS, Modification 4 provides that, "Construction of the project shall begin within 5 years of the adoption of this resolution and be completed within ten years"; and

WHEREAS, Modification 4 also requires the Council to consider a request for a time extension to the construction initiation date if the request is received at least ninety days prior to the expiration of the start date, or by December 19, 2015; and

WHEREAS, by correspondence dated October 30, 2015, the Director of Housing and Human Concerns transmitted a request for a time extension on behalf of Royal Main Properties, LLC (the developer of the Kaiwahine Village 201H Project), which was timely received by the Council on November 3, 2015; and

WHEREAS, although Royal Main Properties, LLC has requested a five-year time extension to the construction initiation date, the Department of Housing and Human Concerns has recommended a two-year time extension; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves a two-year time extension to the construction initiation date imposed by Modification 4 of Resolution 11-23; and
2. That construction of the project shall begin by March 18, 2018, and be completed by March 18, 2021; and

3. That certified copies of this resolution be transmitted to the Director of Housing and Human Concerns, and Royal Main Properties, LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

lu:misc:002(2)areso01