COUNTY OF HAWAI'I **STATE OF HAWAI'I**

BILL NO. 159
Draft 2

ORDINANCE NO. 04 1

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-66 FOR THE COUNTY OF HAWAI'I, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT KEAAU, PUNA, HAWAI'I, COVERED BY TAX MAP KEY 1-6-3:POR. 99.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. The State Land Use Boundaries Map, H-66 for the County of Hawai'i, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Keaau, Puna, Hawai'i, shall be Urban:

Beginning at the northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA" being 11,305.27 feet North and 8,061.53 feet East and running by azimuths measured clockwise from True South:

1.	262°	22'		464.04	feet along Lot 2;
2.	172°	22'		40.00	feet along Lot 2;
3.	227°	58'		140.26	feet along Lot 2;
4.	172°	40'		145.13	feet along Lot 2;
5.	262°	31'		149.55	feet along Lot 1;
6.	343°	15'	40"	275.27	feet Lot 34-E, Land Court Application 1053, and Lot 3-A, Land Court Application 1689;

THIS WILL VERIFY THAT TWO-THIRDS
OF THE MEMBERSHIP OF THE HAWAII COUNTY COUNCIL
VOTED TO OVERRIDE THE MAYOR'S VETO ON BILL 159, DRAFT 2.

COUNCIL CHAIR

7.	Thence along Lot 3-A, Land Court Application 1689, along a curve to the left having a radius of 530.00 feet, the chord azimuth and distance being:			
				338° 34' 20" 86.65 feet;
8.	333°	53'	130.00	feet along Lot 3-A, Land Court Application 1689;
9.	77°	44'	240.00	feet;
10.	12°	16'	136.69	feet;
11.	77°	44'	175.83	feet;
12.	347°	44'	840.00	feet;
13.	39°	48'	170.13	feet along the north side of Milo Street Extension;
14.	48°	09'	239.90	feet along the north side of Milo Street Extension;
15.	167°	44'	1469.43	feet to the point of be ginning and containing an area of 14.901 acres.

SUBJECT, However to Easements A-2 (Being a Portion of Easement A) and B to install, maintain, operate, repair, remove and replace any and all pipes of other structures in, over, and across the said easements in favor of the Water Commission of the County of Hawaii as shown on map dated May 9, 1990 prepared by Mr. Nobuchika Santo, Land Surveyor No. 1360.

ALSO, Subject, However to Easements G and 4, a perpetual, non-exclusive easement appurtenant to the Power Plant Site for purposes of access to ingress and egress, over and along the said easement in favor of Hawaii Electric Light Company, Inc. as shown on map dated May 9, 1990 prepared by Mr. Nobuchika Santo, Land Surveyor No. 1360.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

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

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

Kona, Hawaii
Date of Introduction: November 19, 2003
Date of 1st Reading: November 19, 2003
Date of 2nd Reading: December 3, 2003
Effective Date: January 7, 2004

REFERENCE: Comm. 370.1

OFFICE OF THE COUNTY CLERK
County of Hawaii
Kona, Hawaii
(DRAFT 2)

Introduced By: James Y. Arakaki
Date Introduced: November 19, 2003
First Reading: November 19, 2003
Published: N/A

REMARKS:

ROLL CALL VOTE	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Reynolds	X			
Safarik	X			
Tulang	X			
Tyler		X		
	7	2	0	0

RECEIVED
03 DEC 19 PM 2
COUNTY OF HAWAII

Second Reading: December 3, 2003
To Mayor: December 9, 2003
Returned: December 19, 2003
Effective: January 7, 2004
Published: N/A

REMARKS:
Mayor veto - December 17, 2003

ROLL CALL VOTE	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Reynolds	X			
Safarik			X	
Tulang	X			
Tyler		X		
	6	2	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

COUNCIL CHAIRMAN

COUNTY CLERK

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date DEC 1 0 2003

Bill No.: 159 (Draft 2)
Reference: C-370.1/PC-60
Ord. No.:

Approved/Disapproved this 19th *day*
of December, 20 03.

MAYOR, COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By:
Date Introduced:
First Reading:
Published:

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki				
Chung				
Elarionoff				
Holschuh				
Jacobson				
Reynolds				
Safarik				
Tulang				
Tyler				

Override vote:
~~Second Reading~~: January 7, 2004
To Mayor: N/A
Returned: December 19, 2003
Effective: January 7, 2004
Published: January 22, 2004

REMARKS:
Reconsidered - 1/7/04

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Holschuh	X			
Jacobson		X		
Reynolds	X			
Safarik	X			
Tulang	X			
Tyler		X		
	7	2	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date

COUNCIL CHAIRMAN

COUNTY CLERK

Bill No.: 159 (Draft 2)
Reference: C-370.1/PC-60
Ord. No.: 04 1

Approved/Disapproved this _____ *day*

of _____, *20* _____.

MAYOR, COUNTY OF HAWAII