

ORDINANCE NO. 05 112

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-7 AND H-8 FOR THE COUNTY OF HAWAI'I, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT PUAPUA'AIKI 1<sup>ST</sup> AND PUAPUA'ANUI 1<sup>ST</sup>, NORTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 7-5-017:019.

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

SECTION 1. The State Land Use Boundaries Map, H-7 and H-8 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 Puapua'aiki 1<sup>st</sup> and Puapua'anui 1st, North Kona, Hawai'i, shall be Urban:

Beginning at the Northwesterly corner of this parcel of land, being also along the Easterly side of Kuakini Highway (F.A.S.P. No. S-229(1)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 578.53 North and 2,877.36 East and running by azimuths measured clockwise from True South:

- 1. 251° 54' 00" 134.10 feet along Lot 2, being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
- 2. 252° 05' 06" 43.12 feet along Lot 2, being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
- 3. 249° 53' 15" 23.07 feet along Lot 2, being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
- 4. 260° 35' 20" 31.24 feet along Lot 2, being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;

5.	266°	51'	30"	57.70	feet along Lot 2, being also Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
6.	254°	52'	40"	36.98	feet along the middle of an ancient stonewall, being also along Lot 2, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
7.	245°	28'	45"	28.89	feet along the middle of an ancient stonewall, being also along Lot 2, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
8.	262°	11'	50"	47.31	feet along the middle of an ancient stonewall, being also along Lot 2, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
9.	249°	23'	45"	64.25	feet along the middle of an ancient stonewall, being also along Lot 1, being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
10.	263°	42'	30"	41.92	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
11.	254°	13'	40"	21.70	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
12.	263°	10'	50"	28.26	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;

13.	248°	21'	30"	34.17	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
14.	233°	38'	00"	12.37	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
15.	258°	01'	40"	84.72	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
16.	272°	37'	30"	20.53	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
17.	254°	40'	45"	22.28	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
18.	258°	37'	30"	37.35	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
19.	270°	13'	50"	31.59	feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;

20. 241° 05' 50" 17.06 feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
21. 235° 29' 45" 30.26 feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
22. 252° 15' 50" 11.93 feet along the middle of an ancient stonewall, being also along Lot 1, same being also along Royal Patent 1669, Land Commission Award 8516-B, Apana 3 to Kamaikui;
23. 5° 25' 00" 181.16 feet along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;
24. 278° 26' 30" 37.85 feet along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;

Thence, along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the right with a radius of 1669.00 feet, the chord azimuth and distance being:

25. 291° 23' 00" 747.57 feet;

Thence, along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the left with a radius of 56.00 feet, the chord azimuth and distance being:

26. 274° 15' 20.5" 56.12 feet;

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|-----|------|-----|-----|--------|--|
| 27. | 244° | 11' | 11" | 123.00 | feet along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;  |
| 28. | 334° | 11' | 11" | 98.00  | feet along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;  |
| 29. | 64°  | 11' | 11" | 285.00 | feet along Lot 2 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;  |
| 30. | 334° | 11' | 11" | 246.47 | feet along Lot 2 of Pualani Makai, being also along the remainders of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams, and Royal Patent 7819, Land Commission Award 8559-B, Apana 8 to William C. Lunalilo, (Certificate of Boundaries No. 159); |

Thence, along Lot 3 of Pualani Makai, being also along the remainders of Royal Patent 7819, Land Commission Award 8559-B, Apana 8 to William C. Lunalilo, (Certificate of Boundaries No. 159), and Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the right with a radius of 300.00 feet, the chord azimuth and distance being:

- |     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 31. | 114° | 29' | 18" | 121.62 | feet;   |
| 32. | 126° | 11' | 00" | 60.00  | feet along Lot 3 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams; |

Thence, along the remainder of Lot 3 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the left with a radius of 300.00 feet, the chord azimuth and distance being:

33. 71° 55' 00" 487.05 feet;

Thence, along Lot 4 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the right with a radius of 3953.00 feet, the chord azimuth and distance being:

34. 134° 48' 00" 654.68 feet;

Thence, along Lot 4 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:

35. 113° 49' 00" 130.26 feet;

Thence, along Lot 4 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being:

36. 100° 08' 00" 41.75 feet;

37. 112° 11' 00" 126.00 feet along Lot 4 of Pualani Makai being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams and the Old Kailua-Keauhou Middle Road;

38. 124° 53' 00" 85.49 feet along Lot 4 of Pualani Makai, being also along the remainder of the Old Kailua-Keauhou Middle Road and Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;

39. 77° 31' 34" 143.74 feet along Lot 4 of Pualani Makai, being also along the remainder of Royal Patent 6716, Land Commission Award 4887, Apana 2 to Thomas Sams;

Thence, along the Easterly side of Kuakini Highway (F.A.S.P. No. S-229(1)) on a curve to the left with a radius of 2222.70 feet, the chord azimuth and distance being:

40. 166° 37' 32" 69.87 feet;

Thence, along the Easterly side of Kuakini Highway (F.A.S.P. No. S-229(1)) on a curve to the left with a radius of 1677.02 feet, the chord azimuth and distance being:

41. 165° 01' 28" 41.01 feet to the point of beginning and containing an area of 14.872 Acres.

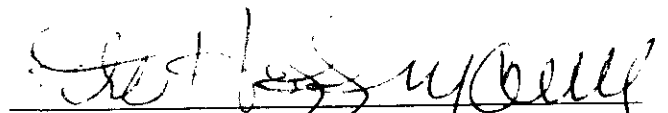
All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

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:

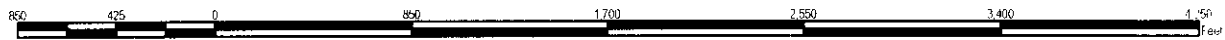
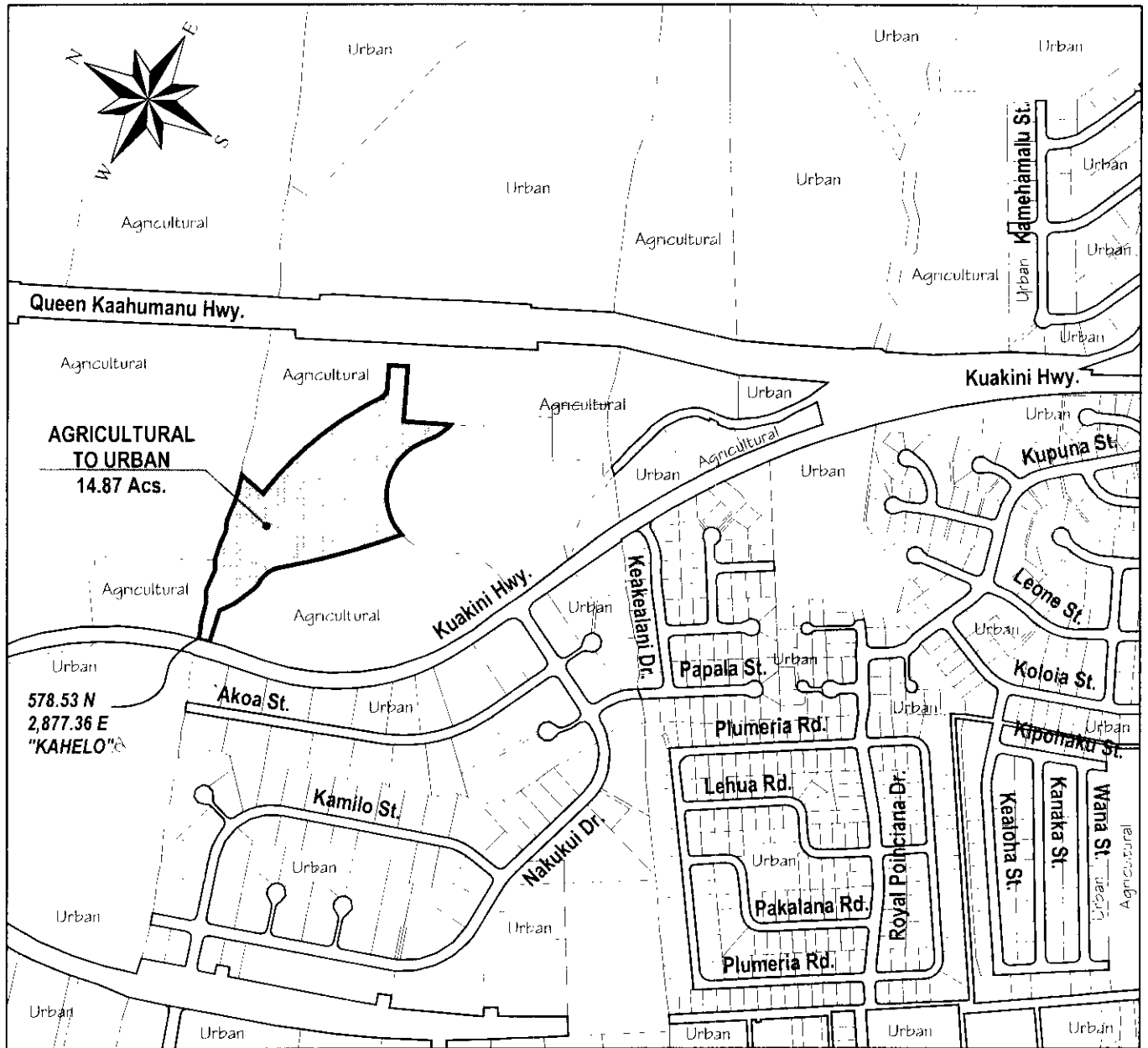
  
COUNCIL MEMBER, COUNTY OF HAWAII

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

Date of Introduction: July 7, 2005  
Date of 1st Reading: July 7, 2005  
Date of 2nd Reading: July 22, 2005  
Effective Date: August 5, 2005

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# AMENDMENT TO STATE LAND USE BOUNDARIES MAP

AMENDING THE STATE LAND USE BOUNDARIES MAP H-7 AND MAP H-8 FOR THE  
COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM  
THE AGRICULTURAL TO THE URBAN DISTRICT  
AT PUAPUA'AIKI 1st AND PUAPUA'ANUI 1st, NORTH KONA, HAWAII

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-5-017:019

Date: September 29, 2004

EXHIBIT "A"

(SUFFOLK INV., LLC:04-152)



OFFICE OF THE COUNTY CLERK  
County of Hawai'i  
Hilo, Hawai'i

Introduced By: K. Angel Pilago/P. Hoffmann  
Date Introduced: July 7, 2005  
First Reading: July 7, 2005  
Published: N/A

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Second Reading: July 22, 2005  
To Mayor: July 25, 2005  
Returned: August 5, 2005  
Effective: August 5, 2005  
Published: August 11, 2005

REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson		X		
Pilago	X			
Safarik	X			
	8	1		0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson		X		
Pilago	X			
Safarik	X			
	8	1	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:

*Richard T. Tolak*  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date July 26, 2005

Approved/Disapproved this 5<sup>th</sup> day  
of August, 2005  
*Harry Li*  
MAYOR, COUNTY OF HAWAII

*[Signature]*  
COUNCIL CHAIRMAN

*[Signature]*  
COUNTY CLERK

Bill No.: 29  
Reference: C-106/PC-24.  
Ord No.: 05 112