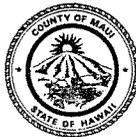


Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
Michael P. Victorino

Councilmembers
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Stacy Crivello
Riki Hokama



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

August 23, 2016

Mr. David Goode, Director
Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Goode:

SUBJECT: **ACQUISITION OF FOUR PARCELS TOTALING 267.7
ACRES AT KUIAHA, HAMAKUALOA, MAUI (BF-91)**

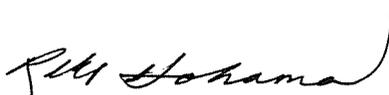
At its meeting of August 16, 2016, the Budget and Finance Committee discussed the above-referenced acquisition. Please provide a response to the following concern and question relating to the Agreement For Allocation Of Future Subdivision Potential (Agreement), which is attached for your ease of reference.

Please describe the general purpose of the Agreement and its application to the above-referenced acquisition. What impact will the Agreement have on the county if the county acquires the four parcels?

Please provide your response no later than **August 30, 2016**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Michele Yoshimura at ext. 7663, Traci Fujita at ext. 7687 or Yvette Bouthillier at ext. 7758).

Sincerely,


RIKI HOKAMA, Chair
Budget and Finance Committee

bf:ltr:091apw01:tntf

Attachment

cc: Mayor Alan M. Arakawa

XGM
C



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

October 09, 2014 8:02 AM

Doc No(s) A-53950753



1 1/1 TAW
B-32532539

/s/ NICKI ANN THOMPSON
REGISTRAR

W

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ()

Development Services Administration
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

S:\CLERICAL\LJMPWDSA FORMS MASTERS\Agmt Allocat Future Subd (rev 6-11).doc

TMK NO. (2) 2-7-004:001 (Por), (2) 2-7-007:004 (Por) & 005 Total Number of Pages: 15

Subdivision File No.: 23199

AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

THIS AGREEMENT is made and entered into this 16 day of June, 2014, by and between ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, KARY M. HISASHIMA, unmarried, KARLEE C. HISASHIMA, unmarried, and JUDY Y. HISASHIMA, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981

whose mailing address is Collectively, 833 Bishop Street, Honolulu, Hawaii 96813

_____, (hereinafter "Subdivider"), and the COUNTY OF MAUI, through its Department of Public Works, a political subdivision of the State of Hawaii, whose principal place of business and mailing address is 200 South High Street, Wailuku, Hawaii 96793 (hereinafter "County").

The maximum number of future lots for each lot as set forth in Exhibit "A" may be reallocated or transferred among the newly created lots within the Subject Subdivision after review by the Director of Public Works for compliance with Section 19.30A.040, MCC, by executing and recording an Amended Agreement for Allocation of Future Subdivision Potential.

The maximum number of future lots, as established in Exhibit "A", shall be set forth as a covenant in the deed, agreement of sale or other conveyance document to each lot created by the Subject Subdivision.

The provisions of this Agreement shall be a covenant running with the land and shall be binding on all present and future owners, lessees and occupants and anyone claiming under said owners, their heirs, personal representatives, successors and assigns; provided that any of the foregoing may petition for the termination of this Agreement as it applies to a lot that is no longer zoned agricultural district.

This Agreement shall be recorded by the Subdivider with the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, prior to the granting of any permit or approval sought by the Subdivider, with all fees to be paid by the Subdivider.

This Agreement may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all parties hereto, notwithstanding all parties are not signatory to the original or the same counterparts.

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed on the day and year first indicated above.

SUBDIVIDER:

For Individual Use Only

Signature: Kary M. Hisashima
Print Name: KARY M. HISASHIMA

Signature: _____
Print Name: KARLEE C. HISASHIMA

OR

For Trust/Corporation/
Partnership/Company Use
only

ALEXANDER & BALDWIN, LLC
(Print Name of Trust/Corporation/Partnership/Company)

By _____
(Signature)

Print Name: _____

Its _____
(Title)

Declaration of Revocable Trust of Judy Y. Hisashima dated
September 28, 1981

By _____
(Signature)

Print Name: JUDY Y. HISASHIMA

Its Trustee
(Title)

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed on the day and year first indicated above.

SUBDIVIDER:

For Individual Use Only

Signature: _____

Print Name: KARY M. HISASHIMA

Signature: *Karlee C Hisashima*

Print Name: KARLEE C. HISASHIMA

OR

**For Trust/Corporation/
Partnership/Company Use
only**

ALEXANDER & BALDWIN, LLC

(Print Name of Trust/Corporation/Partnership/Company)

By _____
(Signature)

Print Name: _____

Its _____
(Title)

Declaration of Revocable Trust of Judy Y. Hisashima dated
September 28, 1981

By _____
(Signature)

Print Name: JUDY Y. HISASHIMA

Its Trustee
(Title)

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed on the day and year first indicated above.

SUBDIVIDER:

For Individual Use Only

Signature: _____

Print Name: KARY M. HISASHIMA

Signature: _____

Print Name: KARLEE C. HISASHIMA

OR

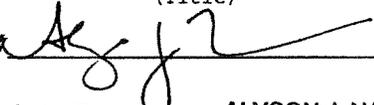
**For Trust/Corporation/
Partnership/Company Use
only**

ALEXANDER & BALDWIN, LLC
(Print Name of Trust/Corporation/Partnership/Company)

By 
(Signature)

Print Name: NELSON N.S. CHUN

Its SENIOR VICE PRESIDENT
(Title)

By 
Print Name: ALYSON J. NAKAMURA

Its SECRETARY

Declaration of Revocable Trust of Judy Y. Hisashima dated
September 28, 1981

By _____
(Signature)

Print Name: JUDY Y. HISASHIMA

Its Trustee
(Title)

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed on the day and year first indicated above.

SUBDIVIDER:

For Individual Use Only

Signature: _____

Print Name: KARY M. HISASHIMA

Signature: _____

Print Name: KARLEE C. HISASHIMA

OR

**For Trust/Corporation/
Partnership/Company Use
only**

ALEXANDER & BALDWIN, LLC

(Print Name of Trust/Corporation/Partnership/Company)

By _____
(Signature)

Print Name: _____

Its _____
(Title)

Declaration of Revocable Trust of Judy Y. Hisashima dated
September 28, 1981

By Judy Y. Hisashima
(Signature)

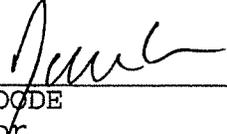
Print Name: JUDY Y. HISASHIMA

Its Trustee
(Title)

COUNTY OF MAUI:

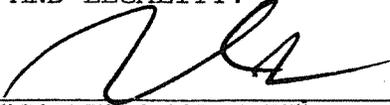
DEPARTMENT OF PUBLIC WORKS

By



DAVID C. GOODE
Its Director

APPROVED AS TO FORM
AND LEGALITY:



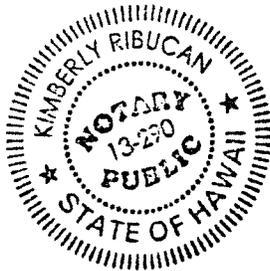
MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF Mau)

On this 16 day of June, 2014, before me personally appeared KARY M. HISASHIMA, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

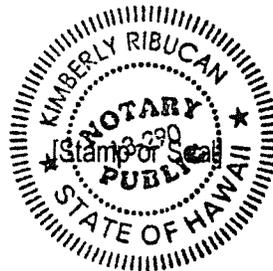
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]



Kimberly Ribucan
NOTARY PUBLIC, State of Hawaii
Print Name: Kimberly Ribucan
My commission expires: 08/11/2017

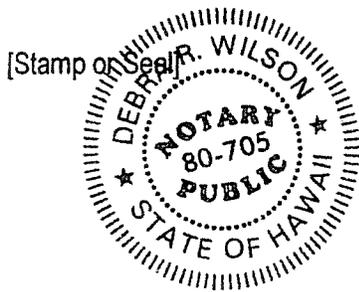
NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>06/16/14</u>	# Pages: <u>12</u>
Notary Name: <u>Kimberly Ribucan</u>	Judicial Circuit: <u>Second</u>
Doc. Description: <u>Agreement For Allocation</u> <u>of Future Subdivision Potential</u>	
Notary Signature: <u>Kimberly Ribucan</u>	
Date: <u>06/16/14</u>	



STATE OF HAWAII)
) SS.
COUNTY OF Honolulu)

On this 24 day of June, 2014, before me personally appeared KARLEE C. HISASHIMA, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

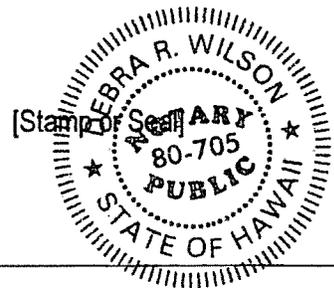
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Debra R. Wilson

NOTARY PUBLIC, State of Hawaii
Print Name: DEBRA R. WILSON
My commission expires: 09-25-2016

NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>not dated</u>	# Pages: <u>12</u>
Notary Name: <u>DEBRA R. WILSON</u>	Judicial Circuit: <u>1st</u>
Doc. Description: <u>Agreement for Allocation</u> <u>of future Subdivision Potential</u>	
Notary Signature: <u><i>Debra R. Wilson</i></u>	
Date: <u>06-24-14</u>	



STATE OF HAWAII)
) SS:
CITY & COUNTY OF HONOLULU)

On this 10th day of September, 2014, before me appeared Nelson N. S. Chun and Alyson J. Nakamura, to me personally known, who, being by me duly sworn or affirmed, did say that such persons executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Suzanne K. McGuigan
Printed Name: Suzanne K. McGuigan

Notary Public, State of Hawaii,
My Commission Expires: 5/18/17

NOTARY CERTIFICATION STATEMENT

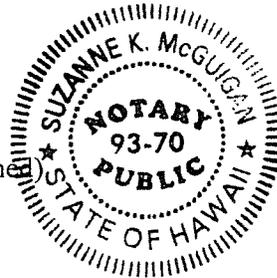
Document Identification: Agreement for Allocation of Future Subdivision Potential

Doc. Date: Undated at notarization

No. of Pages: 10 + Exhibit

Jurisdiction: First Circuit
(In which notarial act is performed)

Suzanne K. McGuigan 9/10/14
Signature of Notary Date of Notarization and
Certification Statement



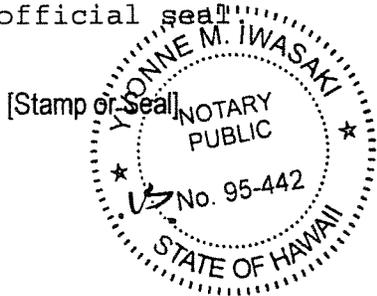
Suzanne K. McGuigan

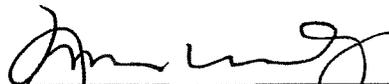
(Official Stamp or Seal)

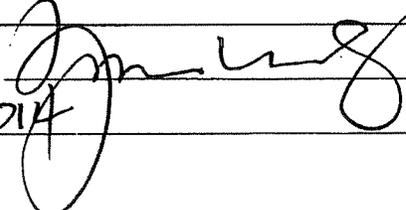
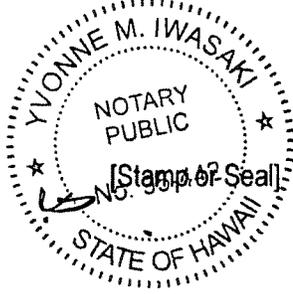
STATE OF HAWAII)
COUNTY OF Maui) SS.

On this 19th day of June, 2014, before me personally appeared JUDY Y. HISASHIMA, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal




NOTARY PUBLIC, State of Hawaii
Print Name: YVONNE M. IWASAKI
My commission expires: 01/16/2015

NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>undated</u>	# Pages: <u>12</u>
Notary Name: <u>YVONNE M. IWASAKI</u>	Judicial Circuit: <u>2nd</u>
Doc. Description: <u>Agreement for Allocation of Future Subdivision Potential</u>	
Notary Signature: 	
Date: <u>01/19/2014</u>	

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 26th day of September, 2014, before me personally appeared DAVID C. GOODE, to me personally known, who being by me duly sworn, did say that he is the Director of Public Works of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Title 18 of the Maui County Code, the Subdivision Ordinance, and the said DAVID C. GOODE acknowledged the said instrument to be the free act and deed of the said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]



Jill Anne S. Ono

NOTARY PUBLIC, State of Hawaii

Print Name: _____

My commission expires: 11/30/14

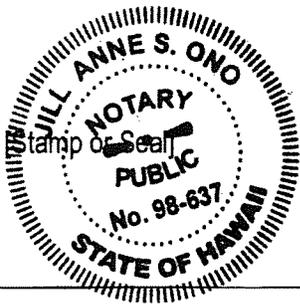
NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>June 16, 2014</u>	# Pages: <u>15</u>
Notary Name: _____	Judicial Circuit: <u>Second</u>
Doc. Description: <u>Agreement for Allocation of Future Subdivision Potential</u>	
Notary Signature: <u><i>Jill Anne S. Ono</i></u>	
Date: <u>9/26/14</u>	

EXHIBIT "A"

TMK PARCEL'S AGRICULTURAL AREA = 749.241 ACRES (This Area is the total of three TMK's acreage that is zoned agriculture by the County of Maui Tax Records as follows:

1. TMK (2) 2-7-007-004 : 558.071 Acres.
2. TMK (2) 2-7-007-005: 37.60 Acres.
3. TMK (2) 2-7-004-001: 153.570 Acres.

MINIMUM LOT SIZE	NUMBER OF LOTS ALLOWED PURSUANT TO MCC §19.30A.030(g)
2 ACRES	34
15 ACRES	12
25 ACRES	6
40 ACRES	2

ALLOCATION OF LOTS

MINIMUM LOT SIZE	LOT <u>1</u>	LOT <u>2</u>	LOT <u>3</u>	LOT <u>4</u>	LOT <u>5</u>	LOT <u>6</u>	LOT <u>O-1</u>	LOT <u>O-2</u>	LOT <u>O-3</u>	LOT <u>O-4</u>	LOT <u>O-5</u>	LOT <u>O-6</u>	LOT <u> </u>
2 ACRES	5	1	1	1	2	7	5	1	4	1	1	5	
15 ACRES	3	2	1	1	0	0	5	0	0	0	0	0	
25 ACRES	3	0	0	0	0	0	3	0	0	0	0	0	
40 ACRES	1	0	0	0	0	0	1	0	0	0	0	0	
* TOTAL LOT ALLOCATION	12	3	2	2	2	7	14	1	4	1	1	5	

* A TOTAL LOT ALLOCATION OF ONE (1) INDICATES NO FURTHER SUBDIVISION POTENTIAL.

- Note:
- Lot Numbers 1 through 6 make up the subject subdivision, being all of TMK (2) 2-7-007-005, and a portion of TMK's (2) 2-7-007-004 and (2) 2-7-004-001.
 - Lot Numbers O-1 through O-6 are **OUTSIDE OF THE SUBJECT SUBDIVISION**, but also make up a portion of TMK's (2) 2-7-004-001 and (2) 2-7-007-004, and are therefore also included in this Agreement For Allocation of Future Subdivision Potential.
 - All lot numbers are shown on the attached Exhibit "B".

