

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

June 16, 2017

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on May 31, 2017, and reconvened on June 2, 2017, makes reference to County Communication 17-218, from the Director of Housing and Human Concerns, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES."

The purpose of the proposed bill is to grant a request from Makila Kai LLC ("Developer") for a State Land Use District Boundary Amendment from Agricultural District to Rural District for approximately 14.594 acres located along Haniu Street, Polanui, Launiupoko, Lahaina, Maui, Hawaii, identified for real property tax purposes as portions of tax map keys (2) 4-7-013:004 and (2) 4-7-013:005, to facilitate the development of a Chapter 201H, Hawaii Revised Statutes ("HRS"), affordable housing project.

Your Committee notes the proposed Makila Kai project ("Chapter 201H project") was separately submitted to the Council pursuant to Section 201H-38, HRS, by correspondence dated May 8, 2017, from the Director of Housing and Human Concerns. Your Committee considered the proposed project on May 17, 2017, May 31, 2017, and June 2, 2017.

The proposed project would provide 25 residential workforce housing units on lots of approximately one-half acre in size for individuals and families with annual incomes from 80 percent to 140 percent of Maui's median income. It would also provide 24 market-rate agricultural lots ranging from approximately 1.5 acres to slightly less than 2 acres in size.

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**LAND USE COMMITTEE**

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**Report No. \_\_\_\_\_**

The proposed District Boundary Amendment applies to the 14.594-acre portion of the project site that will be used for only affordable housing. The overall project site is comprised of 79.5 acres, identified for real property tax purposes as tax map keys (2) 4-7-013:003, 004, and 005, in the area of Launiupoko, Lahaina, Maui, Hawaii, and located mauka of the Honoapiilani Highway and the Lahaina Bypass Highway corridor.

Your Committee also notes that, pursuant to Section 201H-38, HRS, the Developer sought various exemptions for the proposed project from certain requirements of the HRS, Maui County Code, and Revised Charter of the County of Maui (1983), as amended ("Charter"), relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units. As it relates to the proposed District Boundary Amendment, the Developer proposed, and your Committee separately recommended approval of, an exemption from Sections 19.68.020 and 19.68.030, Maui County Code, relating to District Boundary Amendment applications and procedures, respectively, and Charter Section 8-8.4, to exempt the project from certain procedural requirements.

As originally submitted, the proposed bill included three conditions. The first condition made the ordinance conditional upon the Council's passage of a resolution approving the Chapter 201H project ("201H resolution"). The second condition required the property to be developed entirely as a workforce housing project in accordance with the 201H resolution. The third condition required the property to be developed in substantial compliance with the representations made to the Council in obtaining the District Boundary Amendment.

The Developer suggested adding two conditions to the proposed bill. The first would terminate the District Boundary Amendment ordinance concurrently with an expiration of the 201H resolution caused by the Developer's failure to start physical construction on the property by the deadline established in the resolution. The second would require the Developer to act in good faith to complete the 25 residential workforce housing units on the property with all related infrastructure within five

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

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**Committee**  
**Report No. \_\_\_\_\_**

years of the effective date of the resolution. Your Committee recommended both conditions be incorporated.

The Developer also suggested the reference to the property being developed as a "100%" workforce housing project be deleted from exhibits to the proposed resolution, as the reference was confusing when considered in the context of the overall project. Your Committee also incorporated this revision.

Your Committee revised the condition requiring the project be developed in "substantial" compliance with representations made to the Council to instead require it be developed in "strict" compliance. Finally, your Committee recommended that two conditions relating to the Hawaii Right to Farm Act be added, as required by Section 205-3.5, HRS, when approving a District Boundary Amendment where lands are contiguous or adjacent to land in the Agricultural District.

These conditions are incorporated in Exhibit "C" and in Exhibit "3" to Exhibit "D" of the proposed bill.

Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading, recordation of the unilateral agreement, and filing of the communication. Committee Chair Carroll, Vice-Chair Hokama, and members Atay, Cochran, Guzman, King, Sugimura, and White voted "aye." Committee member Crivello was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Committee is also in receipt of a revised District Boundary Amendment map, numbered DB-818, from the Developer.

Your Committee is further in receipt of an agreement entitled "Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment," executed by the property owner, and

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

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**Committee**  
**Report No. \_\_\_\_\_**

approved as to form and legality by the Department of the Corporation Counsel.

Your Land Use Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2017), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That the County Clerk RECORD the unilateral agreement; and
3. That County Communication 17-218 be FILED.

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

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**Committee**  
**Report No.** \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.



\_\_\_\_\_  
ROBERT CARROLL, Chair

lu:cr:17035aa:grs

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES

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

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District Classification is reclassified from the Agricultural District to the Rural District (Conditional Boundary Amendment) for that certain land situated at Polanui, Launiupoko, Lahaina, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Nos. (2) 4-7-013:004 (por.) and (2) 4-7-013:005 (por.), containing a total of 14.594 acres, and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-818, attached hereto as Exhibit "B" and made a part hereof, which is on file in the Office of the County Clerk of the County of Maui.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C" hereto and in the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D," which shall be executed and recorded in the Bureau of Conveyances of the State of Hawaii.

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

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
Deputy Corporation Counsel  
County of Maui

lu:misc:035abill01:grs

## EXHIBIT "A"

### Makila Kai Proposed Workforce Housing Area

Land situated on the westerly side of Hāniu Street at Polanui, Launiupoko, Lahaina, Maui, Hawaii

Being portions of Lots 4 and 5 of Makila Ranches - Phase 1, being also portions of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) and Royal Patent 1358, Land Commission Award 82 to Thomas Phillips

Beginning at a point at the northeasterly corner of this land, the azimuth and distance from the northwesterly corner of Lot 4 of the Makila Ranches - Phase 1 being: 248° 58' 255.24 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUpoko" being: 5,911.65 feet North and 7,136.02 feet West and running by azimuths measured clockwise from True South:

1. 321° 30' 951.37 feet along the remainder of Lot 4 of Makila Ranches - Phase 1, being also along the remainders of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) and Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
2. Thence along the remainder of Lot 4 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips on a curve to the left, having a radius of 1,793.00 feet, the chord azimuth and distance being: 319° 00' 156.42 feet to a point;

3. 316° 30' 330.24 feet along same to a point;
4. 46° 09' 188.72 feet along same to a point;
5. 136° 01' 58.27 feet along same to a point;
6. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 290° 28' 14", and the point of tangency azimuth from the radial point being: 321° 47' 42", having a radius of 47.00 feet, the chord azimuth and distance being: 36° 07' 58" 25.38 feet to a point;
7. 316° 01' 99.51 feet along same to a point;
8. 44° 31' 190.77 feet along the remainders of Lots 4 and 5 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
9. 136° 00' 498.25 feet along the remainder of Lot 5 of of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
10. Thence along same on a curve to the right having a radius of 3,350.00 feet, the chord azimuth and distance being: 139° 45' 438.20 feet to a point;

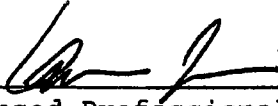


11. 143° 30' 709.97 feet along the remainder of Lot 5 of Makila Ranches - Phase 1, being also along the remainders of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips and Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunailo (Certificate of Boundaries No. 10) to a point;
12. Thence along the southerly side of Lot 12 (Punakea Street) of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunailo (Certificate of Boundaries No. 10), on a curve to the right with the point of curvature azimuth from the radial point being: 145° 01' 38", and the point of tangency azimuth from the radial point being: 158° 58', having a radius of 230.00 feet, the chord azimuth and distance being: 241° 59' 49" 55.82 feet to a point;
13. 248° 58' 360.26 feet along same to the point of beginning and containing an Area of 14.594 Acres.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
November 10, 2016

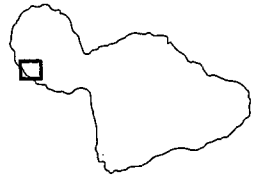
BY:  04/30/18 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

Note: This metes and bounds description has been prepared for the Makila Kai 201H Application; therefore, described courses do not necessarily reflect boundaries of existing land parcels.

V:\Projdata\16proj\16039\Survey\Desc-Workforce-Housing-Area\_rev03.wpd

# EXHIBIT "B"

## VICINITY MAP



TRUE NORTH

SCALE: 1 IN. == 400 FT.

PUNAKEA STREET

T.M.K.: (2)  
4-7-013 : 012

T.M.K.: (2)  
4-7-013 : 003

T.M.K.: (2) 4-7-013  
: 004

T.M.K.: (2)  
4-7-013 : 005

T.M.K.: (2)  
4-7-014 : 004

T.M.K.: (2)  
4-7-014 : 005

T.M.K.: (2)  
4-7-013 : 007

T.M.K.: (2)  
4-7-014 : 006

T.M.K.: (2)  
4-7-013 : 008

T.M.K.: (2)  
4-7-014 : 007

## TAX MAP KEY

T.M.K.: (2) 4-7-013 : PORTION OF 004 (10.320 ACRES)  
T.M.K.: (2) 4-7-013 : PORTION OF 005 (4.274 ACRES)

## AREA:

14.594 ACRES

# DISTRICT BOUNDARY AMENDMENT MAP NO. DB-818

DISTRICT BOUNDARY AMENDMENT – POLANUI, LAUNIUPOKO,  
LAHAINA, MAUI, HAWAII  
FROM AGRICULTURAL (A) TO RURAL (R)

## EXHIBIT "C"

### CONDITIONS

1. This ordinance is conditional upon the Council's passage of a resolution approving, with modifications, the independent development of Makila Kai, pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").
2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.
3. Developer shall act in good faith and with its reasonable best efforts to complete all of the 25 residential workforce housing units on the Property with all related roads and infrastructure not later than the fifth anniversary of the effective date of the 201H Resolution.
4. The Property shall be developed as a residential workforce housing project in accordance with the 201H Resolution.
5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.
6. There shall be a prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.
7. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:

Office of the County Clerk  
County of Maui  
200 S. High Street  
Wailuku, Hawaii 96793

Tax Key: (2) 4-7-013:004 (por.)

Total No. of Pages: 11

Tax Key: (2) 4-7-013:005 (por.)

UNILATERAL AGREEMENT AND DECLARATION OF CONDITIONS  
FOR STATE LAND USE DISTRICT BOUNDARY AMENDMENT

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by MAKILA KAI LLC, a Hawaii limited liability company, whose principal place of business is located in Lahaina, Maui, Hawaii, and whose mailing address is P. O. Box 1060, Lahaina, Hawaii 96761, hereinafter referred to as "Declarant", and who is the owner of that certain land located at Polanui, Launiupoko, Lahaina, Maui, Hawaii, comprised of approximately 14.594 acres and identified for real property tax purposes by Tax Map Key Nos. (2) 4-7-013:004 (por.) and (2) 4-7-013:005 (por.), hereinafter referred to as the "Property".

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering the Declarant's Petition for a State land use district boundary amendment for the Property, comprised of approximately 14.594

acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and is shown on the map attached hereto as Exhibit "2"; and

WHEREAS, Declarant proposes to develop a residential workforce housing project on the Property under the name "Makila Kai"; and

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. \_\_\_\_\_, that the State Land Use District Boundary Amendment be approved for passage on first reading subject to certain conditions, pursuant to Section 19.68.040, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the State land use district boundary amendment provisions of Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.68.040, Maui County Code, relating to State land use district boundary amendments;

2. That, until written release by the County of Maui, the Property, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which are set forth on Exhibit "3" attached hereto and which shall be effective as to and shall run with the land as to the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title or interest in or with respect to the Property by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Property

the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform all of the covenants, conditions and restrictions of this Declaration;

3. That this Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the Declarant notifies the appropriate County Department that any of said covenants, conditions and restrictions are satisfied by the Declarant, and the appropriate County Department verifies the satisfaction and provides a written release of the covenant, condition or restriction;

4. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors and assigns;

5. That the Declaration shall become fully effective on the effective date of the ordinance approving the establishment of the Rural State land use district boundary amendment and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop the Property in conformance with the conditions set forth in Exhibit "3", which is attached hereto and made a part hereof and which shall be made a part of the State land use district boundary amendment ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that, until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action

at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for State land use district boundary amendments.


This Declaration may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of such party's obligations hereunder have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

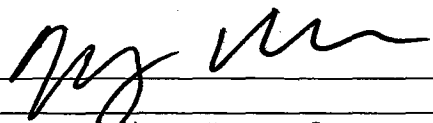
IN WITNESS WHEREOF, the undersigned has executed this Agreement the day and year first above written.

DECLARANT:

MAKILA KAI LLC

By   
Gregory E. Brown  
Its 

APPROVED AS TO FORM  
AND LEGALITY:

  
Corporation Counsel  
County of Maui



STATE OF HAWAII )

an COUNTY OF ~~MAUI~~ <sup>Hawaii</sup> ) SS.

On June 06, 2017, before me personally appeared Gregory E Brown, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed this 11-page Unilateral Agreement and Declaration of Conditions for State Land Use District ~~Second~~ <sup>Third</sup> Boundary Amendment, dated undated, in the ~~Second~~ <sup>Third</sup> Circuit of the State of Hawaii, as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).



Print Name: Robert Ragasa  
Notary Public, State of Hawaii.

My commission expires: 02/21/2020

## EXHIBIT "1"

### Makila Kai Proposed Workforce Housing Area

Land situated on the westerly side of Hāniu Street at  
Polanui, Launiupoko, Lahaina, Maui, Hawaii

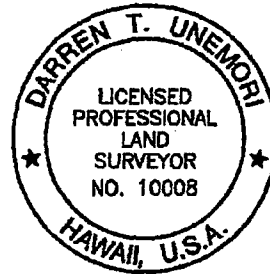
Being portions of Lots 4 and 5 of Makila Ranches -  
Phase 1, being also portions of Royal Patent 8395, Land  
Commission Award 8559-B, Apana 25 to Wm. C. Lunailo  
(Certificate of Boundaries No. 10) and Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Beginning at a point at the northeasterly corner of this  
land, the azimuth and distance from the northwesterly corner of  
Lot 4 of the Makila Ranches - Phase 1 being:  
248° 58' 255.24 feet, the coordinates of said point of beginning  
referred to Government Survey Triangulation Station "LAUNIUpoko"  
being: 5,911.65 feet North and 7,136.02 feet West and running by  
azimuths measured clockwise from True South:

1. 321° 30' 951.37 feet along the remainder of Lot 4  
of Makila Ranches - Phase 1,  
being also along the  
remainders of Royal Patent  
8395, Land Commission Award  
8559-B, Apana 25 to Wm. C.  
Lunailo (Certificate of  
Boundaries No. 10) and Royal  
Patent 1358, Land Commission  
Award 82 to Thomas Phillips  
to a point;
2. Thence along the remainder of Lot 4 of Makila Ranches -  
Phase 1, being also along  
the remainder of Royal  
Patent 1358, Land Commission  
Award 82 to Thomas Phillips  
on a curve to the left,  
having a radius of  
1,793.00 feet, the chord  
azimuth and distance being:  
319° 00' 156.42 feet to a  
point;


3. 316° 30' 330.24 feet along same to a point;
4. 46° 09' 188.72 feet along same to a point;
5. 136° 01' 58.27 feet along same to a point;
6. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 290° 28' 14", and the point of tangency azimuth from the radial point being: 321° 47' 42", having a radius of 47.00 feet, the chord azimuth and distance being: 36° 07' 58" 25.38 feet to a point;
7. 316° 01' 99.51 feet along same to a point;
8. 44° 31' 190.77 feet along the remainders of Lots 4 and 5 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
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10. Thence along same on a curve to the right having a radius of 3,350.00 feet, the chord azimuth and distance being: 139° 45' 438.20 feet to a point;

11. 143° 30' 709.97 feet along the remainder of Lot 5 of Makila Ranches - Phase 1, being also along the remainders of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips and Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;
12. Thence along the southerly side of Lot 12 (Punakea Street) of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10), on a curve to the right with the point of curvature azimuth from the radial point being: 145° 01' 38", and the point of tangency azimuth from the radial point being: 158° 58', having a radius of 230.00 feet, the chord azimuth and distance being: 241° 59' 49" 55.82 feet to a point;
13. 248° 58' 360.26 feet along same to the point of beginning and containing an Area of 14.594 Acres.



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2145 Wells Street, Suite 403  
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November 10, 2016

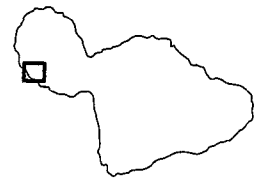
BY:  04/30/18 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

Note: This metes and bounds description has been prepared for the Makila Kai 201H Application; therefore, described courses do not necessarily reflect boundaries of existing land parcels.

V:\Projdata\16proj\16035\Survey\Desc-Workforce-Housing-Area\_rev03.wpd

# EXHIBIT "2"

## VICINITY MAP



TRUE NORTH

SCALE: 1 IN. == 400 FT.

PUNAKEA STREET

T.M.K.: (2)  
4-7-013 : 012

T.M.K.: (2)  
4-7-013 : 003

T.M.K.: (2) 4-7-013  
: 004

T.M.K.: (2)  
4-7-013 : 005

T.M.K.: (2)  
4-7-014 : 004

T.M.K.: (2)  
4-7-014 : 005

T.M.K.: (2)  
4-7-013 : 007

T.M.K.: (2)  
4-7-014 : 006

T.M.K.: (2)  
4-7-013 : 008

T.M.K.: (2)  
4-7-014 : 007

## TAX MAP KEY

T.M.K.: (2) 4-7-013 : PORTION OF 004 (10.320 ACRES)  
T.M.K.: (2) 4-7-013 : PORTION OF 005 (4.274 ACRES)

## AREA:

14.594 ACRES

## DISTRICT BOUNDARY AMENDMENT MAP NO. DB-818

DISTRICT BOUNDARY AMENDMENT – POLANUI, LAUNIUPOKO,  
LAHAINA, MAUI, HAWAII  
FROM AGRICULTURAL (A) TO RURAL (R)

EXHIBIT "3"

CONDITIONS

1. This ordinance is conditional upon the Council's passage of a resolution approving, with modifications, the independent development of Makila Kai, pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").
2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.
3. Developer shall act in good faith and with its reasonable best efforts to complete all of the 25 residential workforce housing units on the Property with all related roads and infrastructure not later than the fifth anniversary of the effective date of the 201H Resolution.
4. The Property shall be developed as a residential workforce housing project in accordance with the 201H Resolution.
5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.
6. There shall be a prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District.
7. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.