

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

May 26, 2015

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 March 20, 2015, makes reference to County Communication 15-63, from the Planning Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I, TAX MAP KEY NUMBER (2) 5-2-015:001 (por.), FOR THE MOLOKA`I HIGH SCHOOL" ("Community Plan Amendment bill").

The purpose of the proposed bill is to grant a request from the State Department of Education ("DOE") for a Community Plan Amendment from Agriculture to Public/Quasi-Public for 4.410 acres located adjacent to Farrington Avenue, Hoolehua, Molokai, Hawaii, TMK: (2) 5-2-015:001 (por.), to facilitate development of upgrades to Molokai High School, including construction of science facilities ("project").

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I" ("District Boundary Amendment bill").

The purpose of the proposed bill is to grant a request from the DOE for a District Boundary Amendment from Agricultural to Urban for 5.766 acres located adjacent to

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Farrington Avenue, Hoolehua, Molokai, Hawaii, TMK: (2) 5-2-015:001 (por.), to facilitate development of the project.

3. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 18.009 ACRES, FROM AGRICULTURAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES, AND INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 11.802 ACRES FOR PROPERTY SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I, FOR THE MOLOKA`I HIGH SCHOOL" ("Change in Zoning bill").

The purpose of the proposed bill is to grant a request from the DOE for a Change in Zoning from Interim District to Public/Quasi-Public District for 18.009 acres (TMK: (2) 5-2-015:001 (por.)), from Agricultural District to Public/Quasi-Public District for 4.410 acres (TMK: (2) 5-2-015:001 (por.)), and from Interim District to Public/Quasi-Public District for 11.802 acres (TMK: (2) 5-2-007:001), all located adjacent to Farrington Avenue, Hoolehua, Molokai, Hawaii, to facilitate development of the project.

According to the Final Environmental Assessment ("FEA") for the project, received from the Planning Director, the parcels upon which Molokai High School is situated are owned by the State of Hawaii. The DOE has control of the parcels by Executive Order.

Your Committee also notes Molokai High School is the only high school on the island. According to the FEA, the classrooms currently used for science instruction were designed as standard classrooms and, therefore, do not meet DOE standards for science lab classrooms. Not only are they too small, but they also lack the proper layout and equipment to meet basic science instruction standards. As a result, many lab procedures cannot be conducted; and, in some instances, students must watch virtual lab procedures or experiments on their computers.

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The DOE proposes to construct a 4,500-square-foot structure containing two science classroom labs and space for storage and teacher preparation. The DOE also proposes incorporating a rainwater harvest tank and catchment basin at the school.

Your Committee notes the proposed project would implement the following General Plan goals and policies:

- “Promote development of neighborhood schools and educational centers.” (Countywide Policy Plan, page 52.)
- “Support coordination between land use and school-facility planning agencies.” (Countywide Policy Plan, page 52.)
- “Encourage the upgrade and ongoing maintenance of public-school facilities.” (Countywide Policy Plan, page 52.)
- “Develop and maintain an educational system and facilities which will offer the youth and adults of the region opportunities and choices for self- and community-improvement.” (Molokai Community Plan, page 30.)

Your Committee notes the existing school classrooms are on a portion of TMK: (2) 5-2-015:001. The school’s athletic fields are located across Farrington Avenue, on TMK: (2) 5-2-007:001. The athletic fields consists of 11.802 acres and are designated Single-Family in the Molokai Community Plan, while a 1.355-acre portion of TMK: (2) 5-2-015:001 is designated Park. The proposed school expansion project is not dependent on use of either the athletic fields or the 1.355-acre portion.

Your Committee also notes that, although the athletic fields and the 1.355-acre portion were included in the Change in Zoning bill, they were not included in the Community Plan Amendment bill. Therefore, they would remain designated Single-Family and Park, respectively, in the Molokai Community Plan.

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The Chair of your Committee transmitted a revised Change in Zoning bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 16.654 ACRES AND FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I, FOR THE MOLOKA`I HIGH SCHOOL". The revised Change in Zoning bill reduces the acreage being rezoned to 21.064 acres, removing the athletic fields and the 1.355-acre portion, and corrects the name of the P-1 Public/Quasi-Public District.

The Chair of your Committee also transmitted a revised District Boundary Amendment bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKAI HIGH SCHOOL". The revised District Boundary Amendment bill corrected a reference to the size of the subject parcel.

The Chair of your Committee also transmitted a revised Community Plan Amendment bill, entitled "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HO`OLEHUA, MOLOKA`I, HAWAI`I, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKA`I HIGH SCHOOL", incorporating nonsubstantive revisions.

The Planning Director advised your Committee he would initiate amendments to the Molokai Community Plan to designate as Public/Quasi-Public the athletic fields and the 1.355-acre portion of TMK: (2) 5-2-015:001. He said he will initiate a corresponding Change in Zoning bill to designate the properties as P-1 Public/Quasi-Public District.

Your Committee voted 6-0 to recommend passage of the revised proposed bills on first reading and filing of the communication.

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Committee Chair Carroll, Vice-Chair Victorino, and members Baisa, Cochran, Crivello, and Guzman voted “aye”. Committee member Couch was excused.

Your Committee is in receipt of a further revised Community Plan Amendment bill, a further revised District Boundary Amendment bill, and a further revised Change in Zoning bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee is also in receipt of revised Land Zoning Maps L-2901 and L-2902, a revised District Boundary Amendment Map DB-108, and a revised Community Plan Amendment Map CP-114. Your Committee notes Land Zoning Map L-2903, transmitted as part of County Communication 15-63, is no longer needed because the athletic fields are not currently being rezoned.

Your Committee is also in receipt of an agreement entitled “Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment,” executed by the DOE, and approved as to form and legality by the Department of the Corporation Counsel.

Your Land Use Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKAI HIGH SCHOOL”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN (CONDITIONAL BOUNDARY

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AMENDMENT) FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKAI HIGH SCHOOL”, be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill _____ (2015), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 16.654 ACRES AND FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, FOR THE MOLOKAI HIGH SCHOOL”, be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the unilateral agreement; and
5. That County Communication 15-63 be FILED.

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



ROBERT CARROLL, Chair

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI
COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE
TO PUBLIC/QUASI-PUBLIC FOR PROPERTY
SITUATED AT HOOLEHUA, MOLOKAI, HAWAII,
TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.),
FOR THE MOLOKAI HIGH SCHOOL

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Molokai Community Plan and Land Use Map is hereby amended from Agriculture to Public/Quasi-Public for property situated at Hoolehua, Molokai, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 5-2-015:001 (por.), comprising approximately 4.410 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map No. CP-114, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

lu:misc:005acpabill

DESCRIPTION

**MOLOKAI HIGH AND INTERMEDIATE SCHOOL
Agricultural (A) to Public/Quasi-Public (P/QP)
(for Community Plan Purposes)
Portion of Parcel 1**

Being portions of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau situated in Hoolehua, Island of Molokai, County of Maui, State of Hawaii.

Beginning at the South corner of this parcel on the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLELEUWE" being:

2,712.95 feet South

4,330.96 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] on a curve to the left with a radius of 11,499.16 feet, the radial azimuth from the radius point to the beginning of the curve being: 201° 50' 36"; the radial azimuth from the radius point to the end of the curve being: 200° 22' 20"; and the chord azimuth and distance being: 111° 06' 28" 295.24 feet;
2. 200° 22' 20" 135.63 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
3. 129° 00' 20" 141.78 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
4. 109° 00' 20" 46.68 feet along the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
5. 199° 00' 20" 33.64 feet along same;
6. Thence along same on a curve to the left with a radius of 380.00 feet, the chord azimuth and distance being: 194° 32' 50" 59.08 feet;
7. 190° 05' 20" 250.00 feet along same;

8. Thence along same on a curve to the left with a radius of 120.00 feet, the radial azimuth from the radius point to the end of the curve being: 277° 14' 04"; and the chord azimuth and distance being: 188° 39' 42" 5.98 feet;
9. 251° 20' 74.27 feet along same;
10. 319° 11' 340.20 feet along the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
11. 317° 53' 205.09 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
12. 21° 58' 316.07 feet along same to the point of beginning and containing an area of 4.410 Acres.

Vehicle access will not be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Course 1 of the above-described portion of Parcel 1.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Watanabe

Sharon Y. Watanabe
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/16

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 5, 2015

CDSI01

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR.), FOR THE MOLOKAI HIGH SCHOOL

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 Urban District (Conditional Boundary Amendment) for that certain property situated at Hoolehua, Molokai, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 5-2-015:001 (por.), comprising approximately 5.766 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB-108, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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 "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "C".

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

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

DESCRIPTION

**MOLOKAI HIGH AND INTERMEDIATE SCHOOL
Agricultural (A) to Urban (U)
(for State Zoning Purposes)
Portion of Parcel 1**

Being portions of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau situated in Hoolehua, Island of Molokai, County of Maui, State of Hawaii.

Beginning at the South corner of this parcel on the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLELEUWE" being:

2,712.95 feet South

4,330.96 feet West

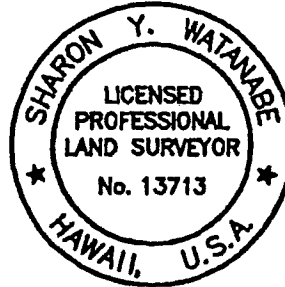
and running by azimuths measured clockwise from True South:

1. Thence along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] on a curve to the left with a radius of 11,499.16 feet, the radial azimuth from the radius point to the beginning of the curve being: 201° 50' 36"; the radial azimuth from the radius point to the end of the curve being: 200° 22' 20"; and the chord azimuth and distance being: 111° 06' 28" 295.24 feet;
2. 200° 22' 20" 135.63 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
3. 129° 00' 20" 141.78 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
4. 109° 00' 20" 46.68 feet along the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
5. 199° 00' 20" 33.64 feet along same;
6. Thence along same on a curve to the left with a radius of 380.00 feet, the chord azimuth and distance being: 194° 32' 50" 59.08 feet;
7. 190° 05' 20" 250.00 feet along same;

8. Thence along same on a curve to the left with a radius of 120.00 feet, the radial azimuth from the radius point to the end of the curve being: 277° 14' 04";
and the chord azimuth and distance being:
188° 39' 42" 5.98 feet;
9. 164° 22' 274.60 feet along same;
10. 254° 48' 220.37 feet along Lot 17, Lot 16, and Lot 7 of Hoolehua Residence Lots, Unit 2 (File Plan 2189), being also the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
11. 344° 22' 261.25 feet along Lot 7, Lot 5, and Lot 4 of Hoolehua Residence Lots, Unit 2 (File Plan 2189), being also the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
12. 71° 20' 146.40 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
13. 319° 11' 340.20 feet along the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
14. 317° 53' 205.09 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
15. 21° 58' 316.07 feet along same to the point of beginning and containing an area of 5.766 Acres.

Vehicle access will not be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Course 1 of the above-described portion of Parcel 1.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Watanabe

Sharon Y. Watanabe
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/16

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 5, 2015

CDS101

EXHIBIT "B"

CONDITIONS

1. That there shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to TMK: (2) 5-2-015:001; 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.
2. That 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 land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures 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 South High Street
Wailuku, Hawai'i 96793

Total Number of Pages: 9

Affects Tax Map Key (Maui) (2)5-2-015:001 (por.)

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

THIS INDENTURE, made this ___ day of _____, by the State of Hawaii, through the Department of Education, whose principal place of business is located in Honolulu, Oahu, Hawaii, and whose mailing address is P. O. Box 2360, Honolulu, Hawaii, 96804, hereinafter referred to as "DECLARANT", and who, by Executive Order No. 4411, has control and management of that certain state parcel located at Hoolehua and Palaau, Moloka'i, Hawai'i, comprised of approximately 5.766 acres and identified for real property tax purposes by Tax Map Key No. (2) 5-2-015:001 (por.), hereinafter referred to as "PARCEL" (or "PROPERTY").

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawai'i, hereinafter referred to as "Council", is considering the Declarant's Petition ("Petition") for a State Land Use District Boundary Amendment for the Parcel, comprising approximately 5.766 acres, more or less, which is more particularly described in Exhibit "1", which is attached hereto

and made a part hereof, and which is more particularly identified in Land Use District Boundary Amendment Map No. DB - 108, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Land Use Committee Report No. _____, that said State Land Use District Boundary Amendment for the Parcel 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 Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which shall be effective as to and shall run with the land as to the Parcel, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawai'i, 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 Parcel 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 Parcel 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 Urban State Land Use District Boundary Amendment and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawai'i;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", 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; and

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 the 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.

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signature page follows:)

IN WITNESS WHEREOF, the undersigned has executed this Declaration effective as of the day and year first written above.

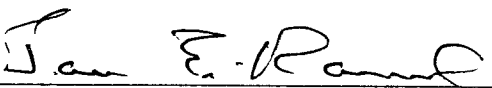
DECLARANT:

DEPARTMENT OF EDUCATION

By  _____

Kathryn S. Matayoshi
Superintendent

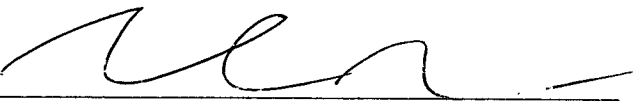
APPROVED AS TO FORM:



4-27-15

Deputy Attorney General

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER

Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF HONOLULU)

On this 29th day of April, 2015, before me personally appeared Kathryn S. Matayoshi, to me personally known who being by me duly sworn, did say that he is the Superintendent of the **DEPARTMENT OF EDUCATION** and that said instrument was signed and sealed on behalf of said organization/corporation or by authority of its Board of Directors, and the said Office acknowledged said instrument to be the free act and deed of said organization/corporation.

Sharon K.M. Tong LS.
Print Name: Sharon K.M. Tong
Notary Public, State of Hawaii

My Commission expires: November 27, 2018

Doc. Date: <u>Undated @ Notary</u>	# of Pages: <u>9</u>
Notary name: <u>Sharon K.M. Tong</u>	
<u>1st</u> Circuit	
Doc. Description:	
<u>Unilateral Agreement w/ Maui County for a State</u>	LS. (Stamp or Seal)
<u>Land Use District Boundary Amendment with</u>	
<u>Conditions @ Molokai HS</u>	
<u>Sharon K.M. Tong</u>	<u>4-29-2015</u>
Notary Signature	Date
NOTARY CERTIFICATION	

EXHIBIT 1

DESCRIPTION

**MOLOKAI HIGH AND INTERMEDIATE SCHOOL
Agricultural (A) to Urban (U)
(for State Zoning Purposes)
Portion of Parcel 1**

Being portions of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau situated in Hoolehua, Island of Molokai, County of Maui, State of Hawaii.

Beginning at the South corner of this parcel on the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLELEUWE" being:

2,712.95 feet South

4,330.96 feet West

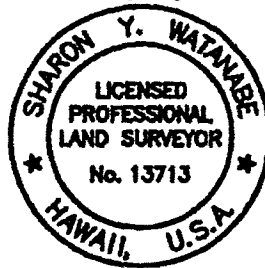
and running by azimuths measured clockwise from True South:

1. Thence along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] on a curve to the left with a radius of 11,499.16 feet, the radial azimuth from the radius point to the beginning of the curve being: 201° 50' 36"; the radial azimuth from the radius point to the end of the curve being: 200° 22' 20"; and the chord azimuth and distance being: 111° 06' 28" 295.24 feet;
2. 200° 22' 20" 135.63 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
3. 129° 00' 20" 141.78 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
4. 109° 00' 20" 46.68 feet along the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
5. 199° 00' 20" 33.64 feet along same;
6. Thence along same on a curve to the left with a radius of 380.00 feet, the chord azimuth and distance being: 194° 32' 50" 59.08 feet;
7. 190° 05' 20" 250.00 feet along same;

8. Thence along same on a curve to the left with a radius of 120.00 feet, the radial azimuth from the radius point to the end of the curve being: 277° 14' 04"; and the chord azimuth and distance being: 188° 39' 42" 5.98 feet;
9. 164° 22' 274.60 feet along same;
10. 254° 48' 220.37 feet along Lot 17, Lot 16, and Lot 7 of Hoolehua Residence Lots, Unit 2 (File Plan 2189), being also the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
11. 344° 22' 261.25 feet along Lot 7, Lot 5, and Lot 4 of Hoolehua Residence Lots, Unit 2 (File Plan 2189), being also the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
12. 71° 20' 146.40 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
13. 319° 11' 340.20 feet along the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
14. 317° 53' 205.09 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
15. 21° 58' 316.07 feet along same to the point of beginning and containing an area of 5.766 Acres.

Vehicle access will not be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Course 1 of the above-described portion of Parcel 1.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Watanabe

Sharon Y. Watanabe
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/16

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 5, 2015

CDSW01

EXHIBIT "2"

CONDITIONS

1. That there shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to TMK: (2) 5-2-015:001; 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.
2. That 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 land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 16.654 ACRES AND FROM AGRICULTURAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES SITUATED AT HOOLEHUA, MOLOKAI, HAWAII, FOR THE MOLOKAI HIGH SCHOOL

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

SECTION 1. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Interim District to P-1 Public/Quasi-Public District is hereby granted for that certain property situated at Hoolehua, Molokai, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 5-2-015:001 (por.), comprising approximately 16.654 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-2901, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Chapters 19.31 and 19.510, Maui County Code, a change in zoning from Agricultural District to P-1 Public/Quasi-Public District is hereby granted for that certain property situated at Hoolehua, Molokai, Hawaii, and identified for real property tax purposes by Tax Map Key Number (2) 5-2-015:001 (por.), comprising approximately 4.410 acres, and more particularly described in Exhibit "B", attached hereto and made a part hereof, and in Land Zoning Map No. L-2902, which is on file at the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

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

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

DESCRIPTION

**MOLOKAI HIGH AND INTERMEDIATE SCHOOL
Interim (I) to Public/Quasi-Public (P/QP)
(for Zoning Purposes)
Parcel A**

Being portions of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau situated in Hoolehua, Palaau, Island of Molokai, County of Maui, State of Hawaii.

Beginning at the Northerly corner of this parcel on the Southwesterly side of Lihi Pali Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLELEUWE" being:

1,949.03 feet South

3,892.24 feet West

and running by azimuths measured clockwise from True South:

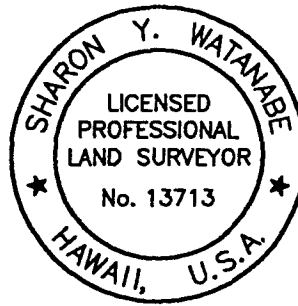
1. 317° 03' 230.74 feet along the Southwesterly side of Lihi Pali Avenue;
2. 47° 03' 5.00 feet along a jog on the Southwesterly side of Lihi Pali Avenue;
3. 317° 03' 200.00 feet along the Southwesterly side of Lihi Pali Avenue;
4. 227° 03' 5.00 feet along a jog on the Southwesterly side of Lihi Pali Avenue;
5. 317° 03' 248.00 feet along the Southwesterly side of Lihi Pali Avenue;
6. Thence along Lihi Pali Avenue on a curve to the right with a radius of 320.78 feet, the radial azimuth from the radius point to the end of the curve being: 5° 11' 58";
 and the chord azimuth and distance being:
 26° 07' 29" 599.25 feet;
7. 112° 13' 20" 244.34 feet along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)];
8. 112° 13' 20" 40.00 feet along same;
9. 112° 13' 20" 215.00 feet along same;

10. 112° 13' 20" 40.00 feet along same;
11. 112° 13' 20" 10.00 feet along same;
12. 202° 13' 20" 10.00 feet along a jog on the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)];
13. 112° 13' 20" 67.06 feet along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)];
14. Thence along same on a curve to the left with a radius of 11,499.16 feet, the radial azimuth from the radius point to the end of the curve being: 201° 50' 36"; and the chord azimuth and distance being: 112° 01' 58" 76.04 feet;
15. 201° 58' 316.07 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
16. 137° 53' 205.09 feet along same;
17. 139° 11' 340.20 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
18. 251° 20' 146.40 feet along the remainder of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
19. 277° 25' 25" 170.79 feet along Lot 4 of Hoolehua Residence Lots, Unit 2 (File Plan 2189), being also the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
20. 314° 57' 227.45 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
21. 227° 00' 289.00 feet along same to the point of beginning and containing an area of 16.654 Acres.

Vehicle access will not be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Courses 7, 9, and 11 of the above-described Parcel A.

Vehicle access will be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Courses 8 and 10 of the above-described Parcel A.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Watanabe

Sharon Y. Watanabe
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/16

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 5, 2015

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DESCRIPTION

**MOLOKAI HIGH AND INTERMEDIATE SCHOOL
Agricultural (A) to Public/Quasi-Public (P/QP)
(for Zoning Purposes)
Parcel B**

Being portions of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau situated in Hoolehua, Island of Molokai, County of Maui, State of Hawaii.

Beginning at the South corner of this parcel on the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLELEUWE" being:

2,712.95 feet South

4,330.96 feet West

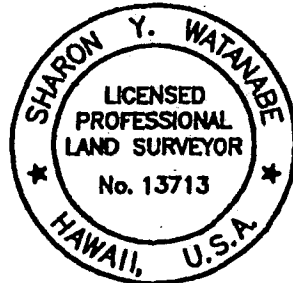
and running by azimuths measured clockwise from True South:

1. Thence along the Northerly side of Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] on a curve to the left with a radius of 11,499.16 feet, the radial azimuth from the radius point to the beginning of the curve being: 201° 50' 36"; the radial azimuth from the radius point to the end of the curve being: 200° 22' 20"; and the chord azimuth and distance being: 111° 06' 28" 295.24 feet;
2. 200° 22' 20" 135.63 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
3. 129° 00' 20" 141.78 feet along the remainders of Lot 31 and Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
4. 109° 00' 20" 46.68 feet along the remainder of Lot 32 of the Hawaiian Home Lands of Hoolehua and Palaau;
5. 199° 00' 20" 33.64 feet along same;
6. Thence along same on a curve to the left with a radius of 380.00 feet, the chord azimuth and distance being: 194° 32' 50" 59.08 feet;
7. 190° 05' 20" 250.00 feet along same;

8. Thence along same on a curve to the left with a radius of 120.00 feet, the radial azimuth from the radius point to the end of the curve being: 277° 14' 04"; and the chord azimuth and distance being: 188° 39' 42" 5.98 feet;
9. 251° 20' 74.27 feet along same;
10. 319° 11' 340.20 feet along the remainders of Lot 32 and Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
11. 317° 53' 205.09 feet along the remainder of Lot 31 of the Hawaiian Home Lands of Hoolehua and Palaau;
12. 21° 58' 316.07 feet along same to the point of beginning and containing an area of 4.410 Acres.

Vehicle access will not be permitted into and from Farrington Avenue [Federal Aid Secondary Project No. S-0480(1)] over and across Course 1 of the above-described Parcel B.

This work was prepared by me
or under my supervision.



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