

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (XX) PICKUP ()

Development Services Administration
County of Maui
110 Alaihi Street, Suite 214
Kahului, Maui, Hawaii 96732

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Tax Map Key No.: (2) _____

Total Number of Pages: _____

Subdivision File No.: _____

AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

THIS AGREEMENT is entered into by and between _____

whose mailing address is _____,

(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 Subdivider is the owner of a certain parcel of real property situate at _____,
_____,
County of Maui, State of Hawaii, Tax Map Key No. (2) _____,
containing an area of approximately _____ acres, which is the subject of
the _____, Subdivision File No. _____
(hereinafter "Subject Subdivision").

Section 19.30A.040, Maui County Code ("MCC") requires the Subdivider of land in the agricultural district to allocate the maximum number of lots that may be created when subdividing lands within the agricultural district.

The Director of Public Works, in accordance with Subsection 19.30A.040(A)(1), MCC, has determined that the maximum number of lots that may be created from the subject parcel is _____, based upon the subject parcel's gross area of _____ acres within the County agricultural district, as certified by the Department of Finance, Real Property Tax Division, in March, 1998, in accordance with Subsection 19.30A.030(G), MCC.

Pursuant to Subsection 19.30A.040(A)(2), MCC, the Subdivider hereby declares that the maximum number of future lots that may be created from each new lot created by the Subject Subdivision is as set forth in Exhibit "A", which is attached hereto and made a part hereof.

The restriction on the number of lots shall not apply to subdivisions identified in Subsections 19.30A.040(E), 19.30A.040(F), and Section 19.30A.070, MCC.

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, for every 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 of any lot created by the Subject Subdivision, and anyone claiming under said owners, their heirs, personal representatives, successors and assigns; provided, however, that any of the foregoing may petition the Director of Public Works for release of this Agreement, solely 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 County 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 as indicated along with the signatures below.

SUBDIVIDER(S):

For Individual Use Only

Signature: _____

Print Name: _____

Date: _____

Signature: _____

Print Name: _____

Date: _____

OR

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

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

By: _____
(Signature)

Print Name: _____

Its: _____
(Title)

Date: _____

By: _____
(Signature)

Print Name: _____

Its: _____
(Title)

Date: _____

COUNTY OF MAUI:

DEPARTMENT OF PUBLIC WORKS

By: _____
ROWENA M. DAGDAG-ANDAYA
Its Director

Date: _____

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this _____ day of _____, 20____, before me personally appeared _____, 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]

Notary Public, State of Hawaii

Printed Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	

Notary Signature: _____	[Stamp or Seal]
Date: _____	

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this _____ day of _____, 20____, before me personally appeared _____, 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]

Notary Public, State of Hawaii

Printed Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	

Notary Signature: _____	[Stamp or Seal]
Date: _____	

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this _____ day of _____, 20____, before me personally appeared ROWENA M. DAGDAG-ANDAYA, to me personally known, who being by me duly sworn, did say that she 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 ROWENA M. DAGDAG-ANDAYA 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]

Notary Public, State of Hawaii

Printed Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	

Notary Signature: _____	[Stamp or Seal]
Date: _____	

EXHIBIT "A"

TMK PARCEL'S AGRICULTURAL AREA = _____ ACRES

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

ALLOCATION OF LOTS

MINIMUM LOT SIZE	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT
2 ACRES														
15 ACRES														
25 ACRES														
40 ACRES														
* TOTAL LOT ALLOCATION														

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