

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 25, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 08MD-095  
08MD-096  
Maui

**Approval of Department of Education's Request:**

Approval of land use requests and Issuance of Construction and Management Right-of-Entry to Department of Education for a New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

APPLICANT:

State of Hawaii, Department of Education ("DOE")

BACKGROUND:

In January 2012, The State of Hawaii acquired the two adjacent parcels of land in Keehi Maui, for a new high school campus. Although the Board of Land and Natural Resources ("BLNR") approved recommending to the Governor that these lands be set aside to DOE, at this time the acquired lands have yet to be set aside. To allow DOE to continue its efforts to develop a new high school on the two parcels, DOE is requesting BLNR to approve and execute several documents, subject to review and approval of the Department of the Attorney General. A copy of DOE's request referenced above is attached as Exhibit AA, for BLNR's review and consideration.

Land Division has notified doe, and DOE has agreed that prior to the DLNR's execution of any documents requested, DOE execute and provide to DLNR a letter, a sample of which is attached as Exhibit BB.

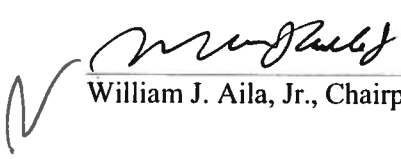
RECOMMENDATION: That the Board approve the DOE recommendations cited in attached Exhibit AA, subject however to the above terms and conditions discussed above, which are by this reference are incorporated herein, and further subject to such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gavin Chun  
Project Development Specialist

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson

**EXHIBIT AA**

**DOE'S REQUEST**

Approval of land use requests and Issuance of Construction and Management Right-of-Entry to Department of Education for a New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES  
Honolulu, Hawaii 96813

LAND DIVISION

, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:

Maui

Approval of land use requests and Issuance of Construction  
and Management Right-of-Entry to Department of Education  
for a New High School Campus, Portion of Kula, Makawao,  
Maui, Tax Map Key: (2) 2-2-002: 081 and (2) 2-2-002: 083.

APPLICANT AGENCY:

Department of Education

LANDOWNER:

State of Hawaii

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

State-owned lands situated at Kihei, Makawao, Maui, identified by  
Tax Map Key: (2) 2-2-002:081 and 083, as shown on the attached  
map labeled Exhibit A.

AREA:

77.182 acres, more or less.

ZONING:

State Land Use District: Agriculture District  
County of Maui CZO: Agriculture

CURRENT USE:

Vacant

COMMENCEMENT DATE:

To be determined by the Chairperson and ending with the issuance of an Executive Order to the DOE for the school site.

CONSIDERATION:

Gratis. Government agency

PURPOSE:

Approval of land use requests associated with two state-owned lots that will become a new high school campus in Kihei, Maui. This includes related actions for needed Change in Zoning, Community Plan Amendment, State Land Use District Boundary Amendment, Consolidation and additional Subdivision of parcels for traffic improvements and transfer of the roadway easement for improvements for future residential development on lands above the school.

Issuance of a construction and management right-of-entry, granting the DOE the privilege and authority to enter, test, construct, use, maintain, and repair a new high school campus to serve the south Maui region.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Statement has been prepared for the construction of the proposed high school. The Final Environmental Impact Statement was accepted by the governor on November 9, 2012. Notice of Acceptance was published in the November 23, 2012 Office of Environmental Quality Control Environmental Notice.

APPLICANT REQUIREMENTS:

None

REMARKS:

The Department of Education (DOE) is requesting the Board of Land and Natural Resources (BLNR) approval of land use requests for land purchased in January 2012 to be used for a new high school campus in Kihei, Maui.

Funding for the land acquisition came from 2006 and 2008 appropriations for land acquisition and planning costs. BLNR approved in principle the acquisition of this property at the February 27, 2009 meeting. BLNR approved the acquisition and set aside of the two parcels to the DOE at the November 10, 2011 meeting.

The deeds for the parcels were executed on January 6, 2012 and recorded with the Bureau of Conveyances on January 13, 2012.

The DOE now requests BLNR's approval of several documents required for development of the high school. Approval of these land use requests will facilitate the DOE's efforts to develop the parcels. DOE is requesting approval and execution of consent to the Petition for Land Use District Boundary Amendment, and approval and execution of Subdivision Application for lot consolidation, Tax Clearance Form and the Subdividers of Agricultural Lands Forms. For the Board's information, applications to the County of Maui for a Community Plan Amendment, Change in Zoning, subdivision of dedicated parcels, and an amendment to the Maui Island Plan General Plan 2030 are potential forthcoming land use approval requests.

The Tax Clearance Form and the Subdividers of Agricultural Lands Forms are to establish the record for the lots that they are state owned and exempt from property taxes.

The DOE also requests the issuance of a construction and management right-of-entry to permit access to site for the DOE's planners and consultants for design and testing purposes. It will also permit the start of construction.

The DOE's next step for the site will be the issuance of a design-build contract. When the design work for the high school site is completed, the parcel will be re-subdivided based on the design of the school and the specific route of a road through the school parcel to access lands east, or mauka, of the school.

The school parcels' highway frontage (Piilani Highway) includes the sole ingress/egress point for the large acreage retained by the two original owners of the school parcels, mauka of the school parcels. The owners received an access easement from the highway along the future access road as generally depicted on Exhibit B.

When the original landowners are ready to develop the property mauka of the school site, improvements to and maintenance of the access road will be provided at no cost to the State. The access road may be dedicated to the County at no cost to the State.

Around the time of the re-subdivision of the land, construction of the school will begin. During the same period, BLNR will transfer responsibility for the site to the DOE through an executive order. The construction and management right-of-entry will allow consolidation consultants and design-build contractors to progress seamlessly while waiting for the executive order.

Approval for the issuance of the executive order to follow the consolidation of the two parcels, was granted by the BLNR at the November 10, 2011 meeting.

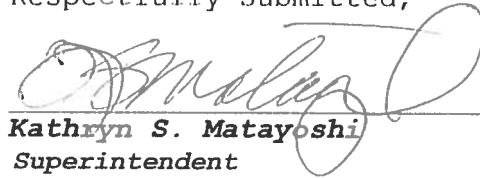
The DOE will construct and operate a public high school for approximately 1,000 students initially and 1,650 upon complete build-out of the property.

RECOMMENDATION: That the Board:

1. Approve and execute the following documents as required for the development of the two school parcels purchased by the State of Hawaii in January 2012, subject to the review and approval of the Department of the Attorney General.
  - a. Letter for the Petition for a District Boundary Amendment
  - b. Subdivision Application for consolidation of the two school parcels
  - c. Tax Clearance Form
  - d. Subdividers of Agricultural Lands Forms
2. Authorize the issuance of a construction and management right-of-entry to the DOE covering the subject area for school and educational purposes.
3. Be informed that the following documents will be forwarded to the Board for approval at such time that they are ready for processing:
  - a. Kihei-Makena Community Plan Amendment: Community Plan Amendment Application
  - b. Change in Zoning Application
  - c. Subdivision upon completion of design of school site, remnant site, portion of the roadway, and any parcels needed for traffic improvements

- d. Transfer of roadway parcel to the developer of residential subdivision
- e. Amendment to the Maui Island Plan General Plan 2030, if applicable

Respectfully Submitted,



**Kathryn S. Matayoshi**  
**Superintendent**

APPROVED FOR SUBMITTAL:

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William J. Aila, Jr., Chairperson

**ANAWAO SUBDIVISION**

SUBDIVISION OF LOT 2  
 INTO LOT 2-A AND LOT 2-B

BEING PART OF THE ANAWAO TRACT, TO THE HAWAIIAN TRACT COMPANY  
 AND PART OF THE ANAWAO TRACT, TO THE HAWAIIAN TRACT COMPANY

WAIHOLI-KEHEA, KAMAOLE, KIHU, MAUI, HAWAII

SCALE: 1" = 100' FT.

PREPARED BY: [Signature]

REGISTERED PROFESSIONAL ENGINEER

NO. 10000, STATE OF HAWAII

EXPIRES: [Date]

OFFICE: [Address]

TELEPHONE: [Number]

MAILING ADDRESS: [Address]

DATE OF ISSUE: [Date]

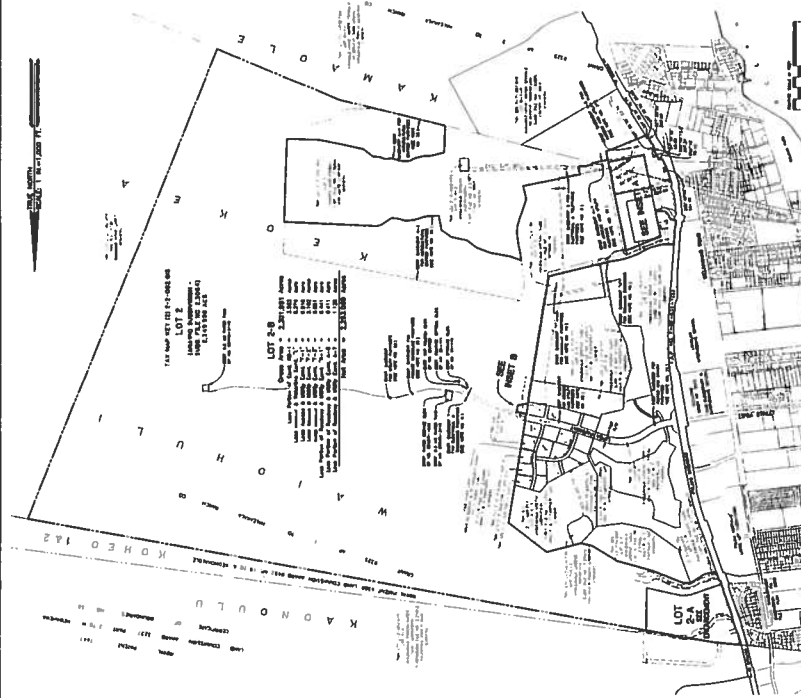


**NOTES:**

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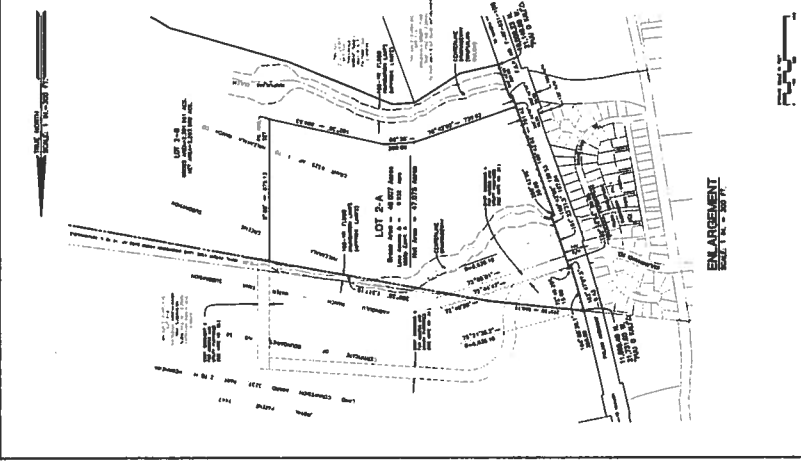
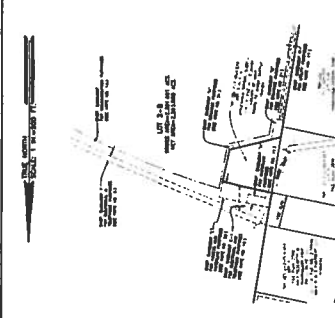
PAUL ENGINEERING ASSOCIATES  
 1111 KALANANAKU AVENUE, SUITE 1100  
 HONOLULU, HAWAII 96813  
 [Signature]

REVISION: PL 05 2319



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THE MAP IS TO BE USED IN CONNECTION WITH THE PLAN



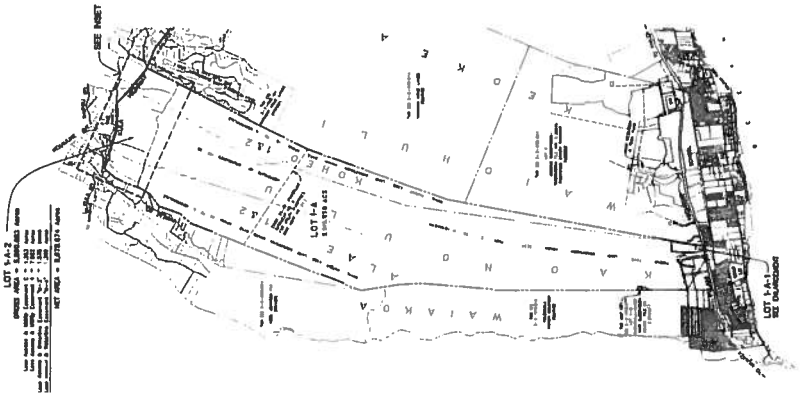
**KAOHOLU RANCH-  
WATER TANK SUBDIVISION**

SUBDIVISION OF LOT 1-A  
INTO LOTS 1-A-1 AND 1-A-2

RECORDING OF THIS PLAN IS THE PROPERTY OF THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND CONSERVATION DIVISION, 200 SOUTH KING STREET, HONOLULU, HAWAII 96813. THIS PLAN IS TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF HONOLULU.

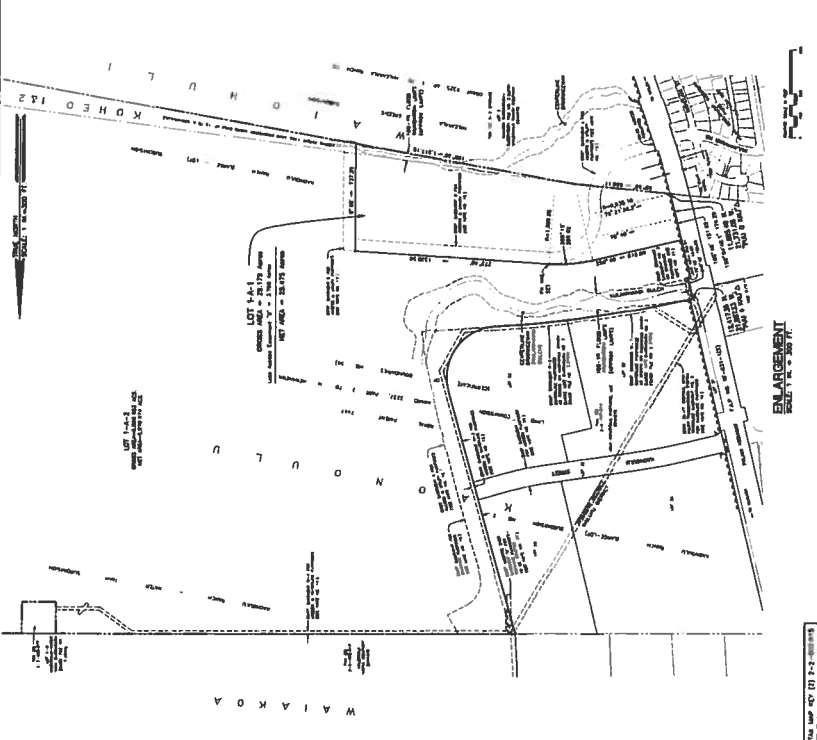
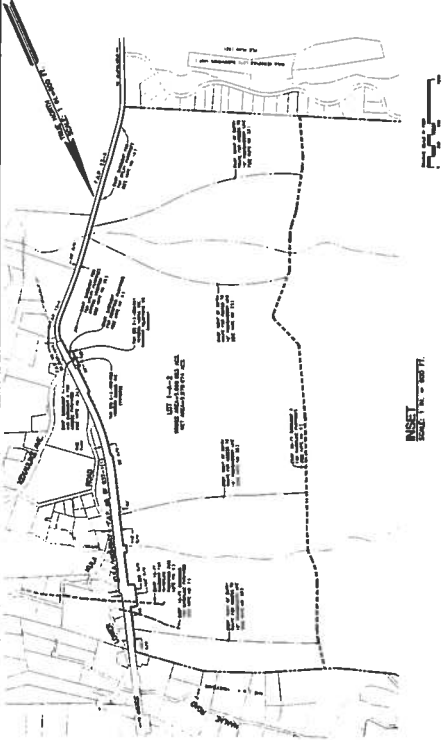
**ALAE 1 & 2, KAOHOLU, MOHEA 1 & 2,  
MAUNALO, KULA, DIEHL, MAUI, HAWAII**

OWNER: KAOHOLU RANCH, INC.  
1000 KAOHOLU ROAD, HONOLULU, HAWAII 96813  
ATTORNEY: ASB  
ENGINEER: [Signature]  
DATE: 10/15/1981



- NOTES**
1. ALL LOTS AND AREAS SHOWN HEREIN ARE TO BE SUBDIVIDED INTO LOTS AND AREAS AS SHOWN ON THIS PLAN.
  2. THE BOUNDARIES OF THE LOTS AND AREAS ARE TO BE AS SHOWN ON THIS PLAN.
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FINAL ENGINEERING APPROVAL  
DATE: 10/15/1981  
ENGINEER: [Signature]



**EXHIBIT A TO WARRANTY DEED**

**Legal Description of the Property**

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole) situate, lying and being at Kaonoulu, Koheo 1 and 2, Kihei, Island and County of Maui, State of Hawaii, being LOT 1-A-1 of the "KAONOULU RANCH-WATER TANK SUBDIVISION" and thus bounded and described, to-wit:

Beginning at a 1/2-inch pipe on the southwest corner of this lot on the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North  
21,731.05 feet West

and running by azimuths measured clockwise from true South:

1. Thence along the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)) on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being:  

75°	21'	36.2"		the chord azimuth and distance being:
166°	04'	48.1"	174.29	feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being:  

265°	18'		295.62	feet to a PK nail;
------	-----	--	--------	--------------------
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;

7. 100° 28' 1,517.10 feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;
8. 95° 59' 656.11 feet along same to the point of beginning and containing an area of 29.175 acres, more or less.

**BEING THE PREMISES ACQUIRED BY DEED**

**GRANTOR:** KAO RANCH, LIMITED, a Hawaii corporation (formerly known as KAONOULU RANCH COMPANY, LTD., a Hawaii corporation)

**GRANTEE:** KAONOULU RANCH, a Hawaii limited partnership

**DATED:** March 11, 1983 & April 19, 1983

**RECORDED:** Liber 16988 Page 248

**SUBJECT, HOWEVER, to the following:**

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The terms and provisions contained in the following:

**INSTRUMENT:** AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

**DATED:** ---(acknowledged December 1, 2000 and December 13, 2000)

**RECORDED:** Document No. 2000-182505

**PARTIES:** KAONOULU RANCH

3. The terms and provisions contained in the following:

**INSTRUMENT:** AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

**DATED:** February 19, 2009

**RECORDED:** Document No. 2009-044494

**PARTIES:** KAONOULU RANCH LLLP, "Subdivider", COUNTY OF MAUI, through its Department of Public Works, a political subdivision of the State of Hawaii, "COUNTY"

4. The terms and provisions contained in the following:

**INSTRUMENT : SUBDIVISION AGREEMENT (AGRICULTURAL USE)**

**DATED:** February 3, 2009

**RECORDED:** Document No. 2009-048542

**PARTIES:** KAONOULU RANCH LLLP, a Hawaii limited liability limited partnership, "Owner", and COUNTY OF MAUI, through its Department of Planning, a body politic corporate, and a political subdivision of the State of Hawaii

5. **RESTRICTION OF VEHICLE ACCESS RIGHTS**

**ALONG:** along Piilani Highway

**SHOWN:** on Survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124)

6. **CENTERLINE DRAINAGEWAY** as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).

7. The terms and provisions contained in the following:

**INSTRUMENT: SUBDIVISION AGREEMENT (AGRICULTURAL USE)**

**DATED:** August 23, 2010  
**RECORDED:** Document No. 2010-172544  
**PARTIES:** KAONOULU RANCH LLLP, "Owner", and COUNTY OF MAUI, through its Department of Planning, a body politic and corporate, and a political subdivision of the State of Hawaii

8. GRANT

**TO:** KAONOULU RANCH LLLP, a Hawaii limited liability limited partnership

**DATED:** February 4, 2011  
**RECORDED:** Document No. 2011-025622  
**GRANTING:** a perpetual non-exclusive easement for the natural flow and discharge over and onto Lot 1-A-1 of surface water and run-off from Lot 1-A-2

9. GRANT

**TO:** HALEAKALA RANCH COMPANY, a Hawaii corporation

**DATED:**  
**RECORDED:** Document No. \_\_\_\_\_  
**GRANTING:** a non-exclusive easement for access and utility purposes affecting Easement "B" more particularly described therein

10. GRANT

**TO:** KAONOULU RANCH LLLP, a Hawaii limited liability limited partnership

**DATED:**  
**RECORDED:** Document No. \_\_\_\_\_  
**GRANTING:** a non-exclusive easement for access and utility purposes affecting Easement "A" and Easement "B" more particularly described therein.

Tax May Key No.: (2) 2-2-002-081

## EXHIBIT A

### LEGAL DESCRIPTION OF SCHOOL SITE

**FIRST:**

#### ANAWIO SUBDIVISION LOT 2-A

All of that certain parcel of land (being a portion of Grant 9325, Apana 1 to Haleakala Ranch Co.) situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii, being Lot 2-A of the Anawio Subdivision, being more particularly described as follows:

Beginning at a 1/2-inch pipe on the northwest corner of this lot on the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North  
21,731.05 feet West

and running by azimuths measured clockwise from true south:

1.	275°	59'	656.11	feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56;
2.	280°	28'	1,517.10	feet along Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;
3.	00°	00'	975.13	feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Co. to a PK nail;
4.	102°	30'	804.53	feet along same to a 1/2-inch pipe;
5.	86°	30'	200.00	feet along same to a 1/2-inch pipe;
6.	70°	42' 02"	739.62	feet along same to a 1/2-inch pipe;
7.	160°	42' 02"	791.42	feet along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;

8. 250° 42' 02" 20.00 feet along the southerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
9. 160° 42' 02" 120.53 feet along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
10. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the end of the curve being: 72° 05' 01"; the chord azimuth and distance being: 161° 23' 31.5" 167.04 feet to a 1/2-inch pipe;
11. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 05' 01"; the radial azimuth from the radius point to the end of the curve being: 72° 44' 47"; the chord azimuth and distance being: 162° 24' 54" 80.05 feet to a 1/2-inch pipe;
12. Thence along same on a curve to the right with a radius of 6,920.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 44' 47"; the radial azimuth from the radius point to the end of the curve being: 72° 49' 28"; the chord azimuth and distance being: 162° 47' 07.5" 9.43 feet to a 1/2-inch pipe;
13. 72° 49' 28" 15.00 feet along the northerly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] to a 1/2-inch pipe;
14. Thence along the easterly side of Piilani Highway [Federal Aid Project No. F-RF-031-1(5)] on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 72° 49' 28"; the radial azimuth from the radius point to the end of the curve being: 75° 21' 36.2"; the chord azimuth and distance being: 164° 05' 32.1" 306.89 feet;

to the point of beginning and containing an area of 48.007 Acres.

Said above described parcel of land having been acquired by Haleakala Ranch Company by the following instruments:

1. By Land Patent Grant Number 9325 from the Governor of the Territory of Hawaii dated August 25, 1927, as to an undivided 99.45987% interest; and
2. By Warranty Deed dated August 27, 2009, recorded in said Bureau as Document No. 2009-186595, as to an undivided 0.54013% interest.

SUBJECT, HOWEVER, to the following:

1. Reservation in Land Patent Grant Number 9325 of necessary rights-of-way to be not less than forty (40) feet wide for public roads for ingress, egress and regress, such rights-of-way to be designated by the Commissioner of Public Lands.
2. Restriction of abutter's rights of access into and from Piilani Highway, Federal Aid Project No. RF-031-1 (5), as shown on surveyor's map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori Engineering, Inc., dated August 16, 1995, which restriction was imposed by the State of Hawaii by Final Order of Condemnation dated July 22, 1980, filed in the Circuit Court of the Second Circuit, State of Hawaii, Civil No. 3888, on July 23, 1980, recorded in said Bureau in Liber 14909 at Page 417 on August 8, 1980.
3. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Large Lots) dated March 3, 1988, recorded in said Bureau in Liber 21848 at Page 331, by and between Haleakala Ranch Company, a Hawaii corporation, "Owner", and the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.
4. Terms, provisions, covenants, conditions and reservations contained in Farm Dwelling Agreement dated November 22, 1988, recorded in said Bureau in Liber 22600 at Page 456, by and between Haleakala Ranch Company, a Hawaii corporation and County of Maui, through its Department of Public Works.
5. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated February 11, 2005, recorded in said Bureau as Document No. 2005-038354, by and between Haleakala Ranch Company, a Hawaii corporation, and Pacific Rim Land, Inc., a Washington corporation, "Subdivider", and County of Maui, through its Department of Public Works and Environmental Management, a political subdivision of the State of Hawaii, "County".
6. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement dated March 7, 2007, recorded in said Bureau as Document No.



2007-051945, by and between Haleakala Ranch Company, a Hawaii corporation and Pacific Rim Land, Inc. Company, a Washington corporation, "Owner", and County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii, "County".

7. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated March 16, 2009, recorded in said Bureau as Document No. 2009-054120, by and between Haleakala Ranch Company, a Hawaii corporation, Pacific Rim Land, Inc., a Washington corporation, and the County of Maui, through its Department of Planning.

8. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated September 11, 2009, recorded in said Bureau as Document No. 2009-159165, by and between Haleakala Ranch Company, a Hawaii Corporation, Pacific Rim Land, Inc., a Washington corporation, and the County of Maui, through its Department of Planning.

9. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated December 8, 2009, recorded in said Bureau as Document No. 2009-186593, by and between Haleakala Ranch Company, a Hawaii corporation, Pacific Rim Land, Inc., a Washington corporation, and County of Maui, through its Department of Public Works, regarding the maximum number of lots that may be created when subdividing lands within the agricultural district.

10. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated August 23, 2010, recorded in said Bureau as Document No. 2010-172543, by and between Haleakala Ranch Company, "Owner", and County of Maui, through its Department of Planning, a body politic and corporate.

11. Centerline Drainageway as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated March 18, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3129).

12. Grant dated February 4, 2011, recorded in said Bureau as Document No. 2011-025624, in favor of Haleakala Ranch Company, a Hawaii corporation, granting a perpetual non-exclusive easement for the natural flow and discharge over and onto Lot 2-A of surface water and run-off from Lot 2-B.

Tax Map Key: (2) 2-2-002-083

**SECOND:**

**KAONOULU RANCH-WATER TANK SUBDIVISION LOT 1-A-1**

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole) situate, lying and being at Kaonoulu, Koheo 1 and 2, Kihei, Island and County of Maui, State of Hawaii, being Lot 1-A-1 of the "Kaonoulu Ranch-Water Tank Subdivision" and thus bounded and described, to-wit:

Beginning at a 1/2-inch pipe on the southwest corner of this lot on the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,695.40 feet North  
21,731.05 feet West

and running by azimuths measured clockwise from true South:

1. Thence along the easterly side of Piilani Highway (Federal Aid Project No. F-RF-031-1(5)) on a curve to the right with a radius of 6,935.19 feet, the radial azimuth from the radius point to the beginning of the curve being: 75° 21' 36.2" the chord azimuth and distance being: 166° 04' 48.1" 174.29 feet to a 1/2-inch pipe;
2. 166° 48' 151.65 feet along same to a 1/2-inch pipe;
3. 256° 48' 615.00 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 to a 1/2-inch pipe;
4. Thence along same on a curve to the right with a radius of 1,000.00 feet, the chord azimuth and distance being: 265° 18' 295.62 feet to a PK nail;
5. 273° 48' 1,330.50 feet along same to a 1/2-inch pipe;
6. 0° 00' 737.29 feet along remainders of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa, Certificate of Boundaries No. 56 and Royal Patent 4388, Land Commission Award 8452, Apana 19 to A. Keohokalole;

- |    |          |          |   |
|----|----------|----------|---|
| 7. | 100° 28' | 1,517.10 | feet along Grant 9325, Apana 1 to Haleakala Ranch Co.;  |
| 8. | 95° 59'  | 656.11   | feet along same to the point of beginning and containing an area of 29.175 acres, more or less. |

Said above described parcel of land having been acquired by Kaonoulu Ranch LLLP by Deed dated March 11, 1983 & April 19, 1983, recorded in said Bureau in Liber 16988 at Page 248.

**SUBJECT, HOWEVER, to the following:**

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated --- acknowledged December 1, 2000 and December 13, 2000, recorded in said Bureau as Document No. 2000-182505.
3. Terms, provisions, covenants, conditions and reservations contained in Agreement for Allocation of Future Subdivision Potential dated February 19, 2009, recorded in said Bureau as Document No. 2009-044494, by and between Kaonoulu Ranch LLLP, "Subdivider", and County of Maui, through its Department of Public Works, a political subdivision of the State of Hawaii.
4. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated February 3, 2009, recorded in said Bureau as Document No. 2009-048542, by and between Kaonoulu Ranch LLLP, a Hawaii limited liability limited partnership, "Owner", and County of Maui, through its Department of Planning, a body politic corporate, and a political subdivision of the State of Hawaii.
5. Restriction of Vehicle Access Rights along Piilani Highway, as shown on Survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).
6. Centerline Drainageway as shown on survey map prepared by Michael E. Silva, Land Surveyor, dated February 26, 2010, revised October 12, 2010 (Pending approval, Subdivision File No. 2.3124).
7. Terms, provisions, covenants, conditions and reservations contained in Subdivision Agreement (Agricultural Use) dated August 23, 2010, recorded in said Bureau as Document No. 2010-172544, by and between Kaonoulu Ranch LLLP, "Owner", and County of Maui, through its Department of Planning, a body politic and corporate, and a political subdivision of the State of Hawaii.

8. Grant dated February 4, 2011, recorded in said Bureau as Document No. 2011-025622, in favor of Kaonoulu Ranch LLLP, a Hawaii limited liability limited partnership, granting a perpetual non-exclusive easement for the natural flow and discharge over and onto Lot 1-A-1 of surface water and run-off from Lot 1-A-2.

Tax Map Key: (2) 2-2-002-081

[END OF EXHIBIT A]

**EXHIBIT B**

**LEGAL DESCRIPTION OF EASEMENT AREA**

**FIRST:**

Easement A, being a portion of Grant 9325, Apana 1 to Haleakala Ranch Company situated at Waiohuli, Kihei, Island and County of Maui, State of Hawaii, being more particularly described as follows:

Beginning at the Southwesterly corner of this easement on the Easterly side of Piilani Highway [Federal Aid Project No. RF-031-1 (5)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

11,395.68 feet North

21,629.81 feet West

and running by azimuths measured clockwise from True South:

1. 252° 25' 164.00 feet along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company;
2. Thence along same on a curve to the left with a radius 310.00 feet, the chord azimuth and distance being: 224° 59' 10" 285.62 feet;
3. 275° 59' 81.31 feet along Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
4. Thence along the remainder of Grant 9325, Apana 1 to Haleakala Ranch Company on a curve to the right with a radius of 390.00 feet, the chord azimuth and distance being: 43° 47' 15.3" 373.73 feet;
5. 72° 25' 164.00 feet along same;
6. Thence along the Easterly side of Piilani Hawaii [Federal Aid Project No. RF-031-1(5)] on a curve to the right with

a radius of 6,920.19 feet, the chord azimuth and distance being:  
162° 24' 54.8" 80.00 feet  
to the point of beginning and containing an area of 40,589 Square Feet.

Access will be permitted into and from Piilani Highway [Federal Aid Project No. RF-031-1(5)], over and across Course 6 of the above described Easement A.

**SECOND:**

Easement B, being a portion of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) situated at Kaonoulu, Kihei, Island and County of Maui, State of Hawaii, and being more particularly described as follows.

Beginning at the Easterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being:

12,088.69 feet North  
19,586.66 feet West

and running by azimuths measured clockwise from True South:

1. 0° 00' 80.18 feet along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
2. 93° 48' 1,335.81 feet along same;
3. Thence along same on a curve to the left with a radius of 250.00 feet, the chord azimuth and distance being: 42° 05' 40.5" 392.42 feet;
4. Thence along same on a curve to the right with a radius of 390.00 feet, the chord azimuth and distance being: 2° 46' 25.8" 167.29 feet;
5. 95° 59' 81.31 feet along Grant 9325, Apana 1 to Haleakala Ranch Company;
6. Thence along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa

(Certificate of Boundaries No. 56) on a curve to the left with a radius of 310.00 feet,  
the chord azimuth and distance being:  
183° 58' 20.5" 145.61 feet;

7. Thence along same on a curve to the right with a radius of 330.00 feet, the chord azimuth and distance being: 222° 05' 40.5" 517.99 feet;
8. 273° 48' 1,330.50 feet along same to the point of beginning and containing an area of 3.700 Acres.

**EXHIBIT BB**

Sample Letter for DOE's Execution



*[Date]*

William J. Aila, Jr., Chairperson  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Aila:

Subject:        *[Type of Application], [Location, Island, TMK]*

The subject application requires the State of Hawaii to sign off as the landowner as a condition of approval. Please sign in the appropriate space in the application as the landowner.

We agree to assume and be responsible and liable for all of the duties and obligations of the landowner under the application and shall indemnify, hold harmless, and defend the State of Hawaii from and against all claims, injuries and damages arising out of those duties and obligations. We understand and agree that by signing that application as requested, the State of Hawaii does not waive or release any of its rights and privileges, and expressly reserves all such rights and privileges as landowner reference herein.

Sincerely,

---

*[Name of Applicant]*  
Applicant

Enclosure