



A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT MAUNAWILI, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Zoning Map No. 22 (Heeia-Kaneohe-Maunawili), Ordinance No. 86-123, is hereby amended as follows: Lands situated at 1064, 1066, and 1068 Maunawili Road, Maunawili, Oahu, Hawaii, hereinafter described, are hereby rezoned from the AG-2 General Agricultural District and the R-7.5 Residential District to the Country District and the R-7.5 Residential District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Keys: 4-2-007: 002 and 4-2-007: portion of 019.

SECTION 2. A Unilateral Agreement marked "Exhibit B" with regard to Tax Map Key 4-2-007: 002 is by reference incorporated herein and made a part hereof.



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ron Menor (br)

DATE OF INTRODUCTION:

October 17, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

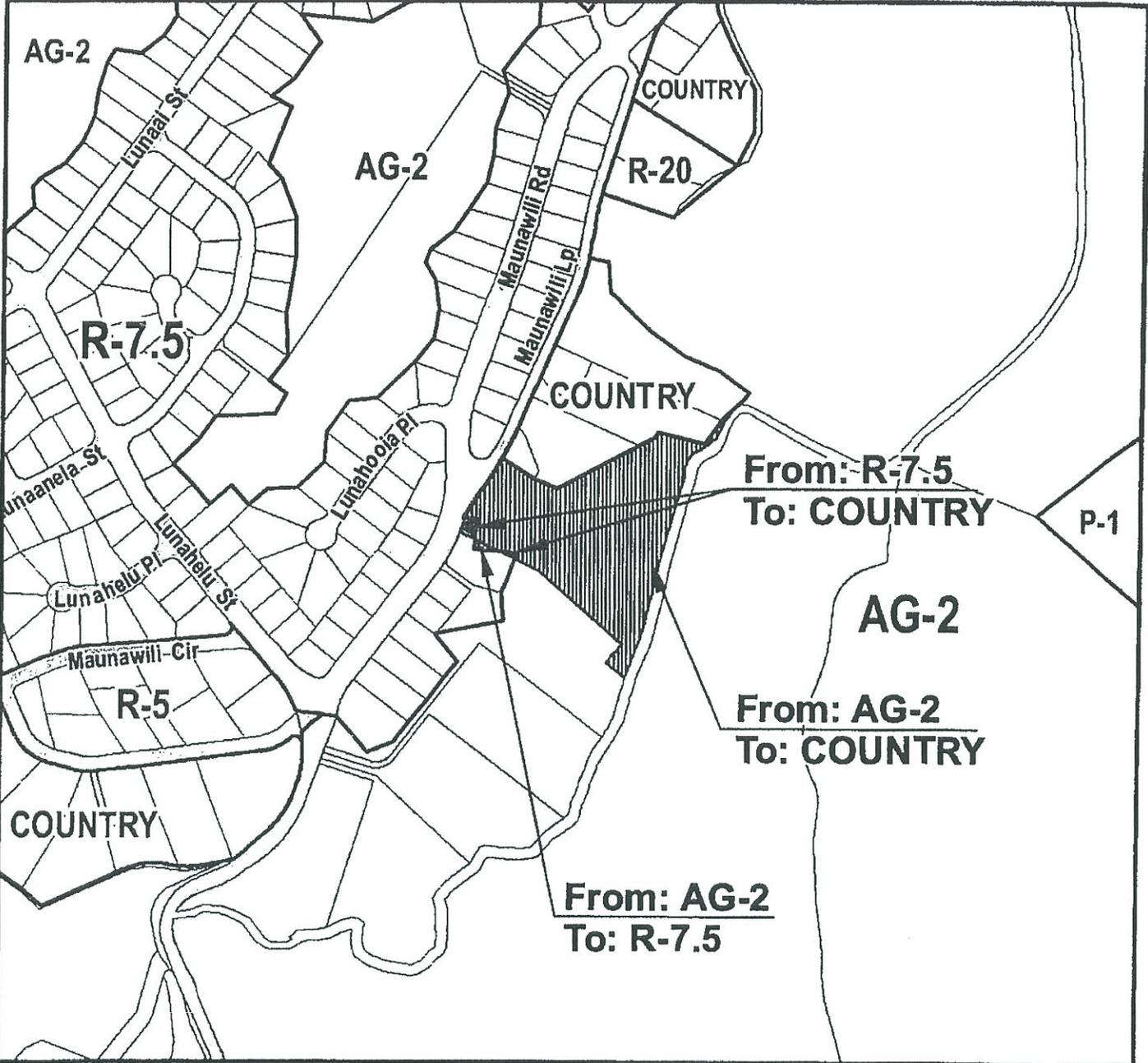
Denise W. Wong
Deputy Corporation Counsel DENISE W. WONG

APPROVED this 13th day of April, 20 18.

Kirk Caldwell

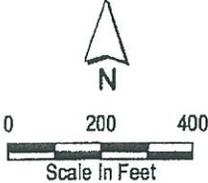
KIRK CALDWELL, Mayor
City and County of Honolulu

EXHIBIT A
(ZONING MAP NO. 22)



**PORITION OF
ZONING MAP NO. 22
(HEEIA - KANEOHE - MAUNAWILI)**

Land situated approximately 670 feet Northeast from the intersection of Maunawili Rd and Lunahelu St.



APPLICANT: OSWALD K. STENDER
TAX MAP KEY(S): 4-2-007: 002 & Portion 019
FOLDER NO.: 2017/Z-4
LAND AREA: 4.024 ACRES
**PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU**

PUBLIC HEARING PLANNING COMMISSION CITY COUNCIL
 SEP 27 2017 FEB 28 2019

ORD. NO. 18-12

EFF. DATE: APR 13 2019

EXHIBIT A

BILL 92 (17), CD1

2017/Z-2

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DOCUMENT NO.

Doc A - 66600585

DATE - TIME

March 27, 2018 8:02 AM

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail () Pickup (x) To:
Damon Key Leong Kupchak Hastert (DCS)
1003 Bishop Street, Suite 1600
Honolulu, Hawaii 96813
Telephone: 531-8031

(This document contains 12 pages)

TITLE OF DOCUMENT: Unilateral Agreement and Declaration
PARTY TO DOCUMENT: Durants & Stenders
TAX MAP KEY: (1) 4-2-007-002

UNILATERAL AGREEMENT AND DECLARATION

THIS INDENTURE (hereinafter referred to as the "Unilateral Declaration"), made this 22nd day of March, 2018, by OSWALD K. STENDER and KUULEI B. STENDER, as Trustees of that certain unrecorded O. K. Stender Trust dated August 14, 1982, with full powers to sell, convey, mortgage, lease, etc., BIRDIE KU'ULEIALOHA STENDER, as Trustee of that certain unrecorded Birdie Ku'uleialoha Stender Self-Trusteed Revocable Living Trust dated February 14, 1996 (referred to in the Quitclaim Deed dated September 22, 2016, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-61790006, as the Birdie Kuuleialoha Stender Revocable Trust dated February 14, 1996), RONALD MEAOLE DURANT, and LEI-ANN MOANA STENDER DURANT, all of whose address is 1064 Maunawili Road, Kailua, Hawaii 96734 (hereinafter referred to as the "Declarants"),

WITNESSETH

WHEREAS, the Declarants are the owner in the fee simple of that certain parcel of land situated at 1064 and 1066 Maunawili Road in Kailua, City and County of Honolulu, State of Hawaii, consisting of approximately 4.005 acres, described as Tax Map Key No.

(1) 4-2-007: 002, and more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Land"), and desire to make the Land subject to this Unilateral Declaration;

WHEREAS, the Declarant plans to develop two additional dwelling units on the Land;
and

WHEREAS, the City Council (the "Council") of the City and County of Honolulu (the "City"), pursuant to the provisions of the Land Use Ordinance ("LUO"), Revised Ordinances of Honolulu 1990 ("ROH") Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of the Land from AG-2 General Agricultural District and the R-7.5 Residential District, to the Country District; and

WHEREAS, a public hearing regarding the change in zoning. Bill 92 (2017), was held by the Council on February 28, 2018; and

WHEREAS, the Council recommended by its Zoning Committee Report No. 107 (2018) that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH Section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the change of zoning (the "Rezoning Ordinance"):

NOW THEREFORE, the Declarant hereby covenants and declares as follows:

1. Open Space Preservation. The Declarant shall leave undeveloped the eastern portion of the Land that is below the 90-foot elevation, as depicted on the topographic map marked as Exhibit "B", attached hereto and made a part hereof. No grading or construction work shall take place below the 90-foot elevation, except as part of an approved conservation effort, nature park, or similar open space use.
2. Exterior Light Fixtures. Artificial light from exterior light fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).
3. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of, or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.
4. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with Land Use Ordinance ("LUO") or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the Project comply with all applicable LUO and other governmental provisions and requirements.

5. Noncompliance with Conditions. In the event of noncompliance with any of the conditions set forth herein, the Director of the DPP shall inform the Council, and may seek civil enforcement or take appropriate action to terminate or stop the Project until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the Project. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW, THEREFORE, the Declarant hereby makes the following additional Declarations:

As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

That the development of the Land shall conform to the aforesaid conditions with the understanding that, at the request of the Declarant and upon the satisfaction of the conditions set forth in the Unilateral Agreement, the DPP may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the Land, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that this Declaration shall run with the Land and shall bind and constitute notice to all parties hereto and subsequent lessees, grantees, assignees, mortgages, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarants or their successors and assigns may file a petition with the DPP for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.

IN WITNESS WHEREOF, the parties hereto have executed this Unilateral Agreement and Declaration for Zoning on the date and year first above written.


OSWALD K. STENDER, as Trustee aforesaid


KUULEI B. STENDER, as Trustee aforesaid


BIRDIE KU' ULEIALOHA STENDER, as Trustee
aforesaid


RONALD MEAOLE DURANT


LEI-ANN MOANA STENDER DURANT

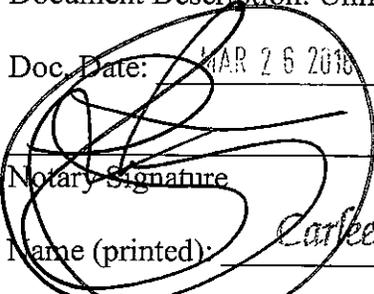
379215P

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS:
FIRST JUDICIAL CIRCUIT)

On MAR 26 2018, 2018, before me personally appeared OSWALD K. STENDER, to me personally known, who, being by me duly sworn (or affirmed), did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

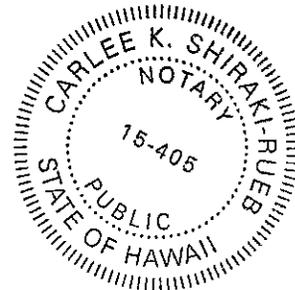
Document Description: Unilateral Agreement and Declaration

Doc. Date: MAR 26 2018 No. pages: 12

 _____
Notary Signature Date

Name (printed): Carlee K. Shiraki-Rueb

My Commission expires: Notary Public, State of Hawaii
1st Judicial Circuit
My Comm Expires: Nov 15, 2019

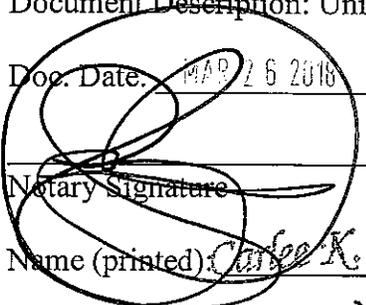


STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS:
FIRST JUDICIAL CIRCUIT)

On MAR 26 2018, 2018, before me personally appeared KUULEI B. STENDER, to me personally known, who, being by me duly sworn (or affirmed), did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

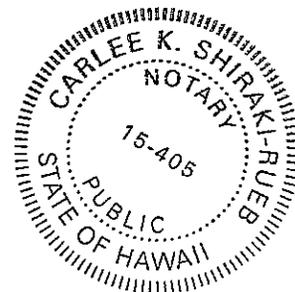
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Doc. Date: MAR 26 2018 No. pages: 12

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Notary Signature Date

Name (printed): Carlee K. Shiraki-Rueb

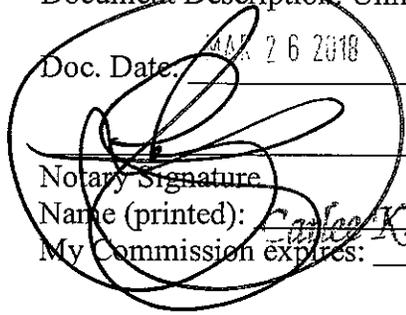
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1st Judicial Circuit
My Comm Expires: Nov 15, 2019

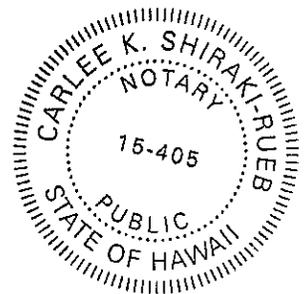


STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS:
FIRST JUDICIAL CIRCUIT)

On MAR 26 2018, 2018, before me personally appeared BIRDIE KU'ULEIALOHA STENDER, to me personally known, who, being by me duly sworn (or affirmed), did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Document Description: Unilateral Agreement and Declaration

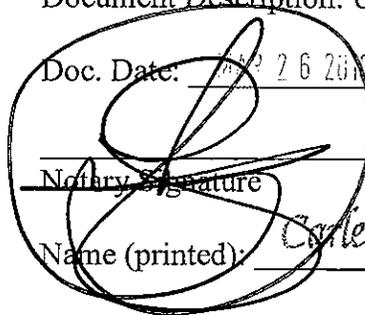
Doc. Date: MAR 26 2018 No. pages: 12
Notary Signature:  Date: MAR 26 2018
Name (printed): Carlee K. Shiraki-Rueb
My Commission expires: Notary Public, State of Hawaii
1st Judicial Circuit
My Comm Expires: Nov 15, 2019

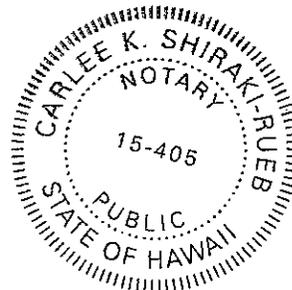


STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS:
FIRST JUDICIAL CIRCUIT)

On MAR 26 2018, 2018, before me personally appeared RONALD MEAOLE DURANT, to me personally known, who, being by me duly sworn (or affirmed), did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Document Description: Unilateral Agreement and Declaration

Doc. Date: MAR 26 2018 No. pages: 12
Notary Signature:  Date: MAR 26 2018
Name (printed): Carlee K. Shiraki-Rueb
My Commission expires: Notary Public, State of Hawaii
1st Judicial Circuit
My Comm Expires: Nov 15, 2019



STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS:
FIRST JUDICIAL CIRCUIT)

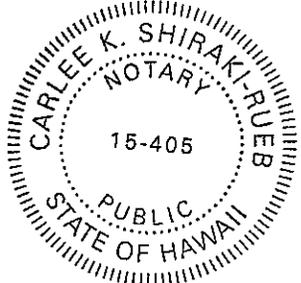
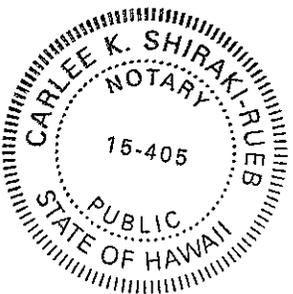
On MAR 26 2018, 2018, before me personally appeared LEI-ANN MOANA STENDER DURANT, to me personally known, who, being by me duly sworn (or affirmed), did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Document Description: Unilateral Agreement and Declaration

Doc. Date: MAR 26 2018 No. pages: 12

Notary Signature *Carlee K. Shiraki-Rueb* Date MAR 26 2018
Name (printed): Carlee K. Shiraki-Rueb

My Commission expires: _____
Notary Public, State of Hawaii
1st Judicial Circuit
My Comm Expires: Nov 15, 2019



Doc. Date: MAR 26 2018 # Pages: 12
Notary Name: Carlee K. Shiraki-Rueb First Circuit
Doc. Description: Unilateral Agreement and Declaration
Notary Signature _____ Date _____
Stamp of Seal

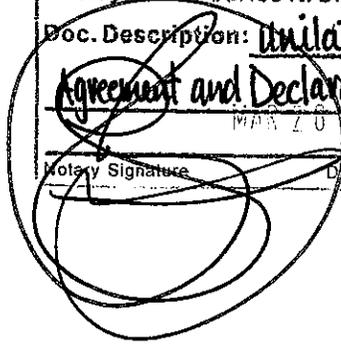


EXHIBIT "A"

(Page 1 of 4)

-FIRST:-

LOT A

ALL that certain piece or parcel of land being a portion of Quitclaim Deed: Minister of the Interior to C. C. Harris dated March 24, 1876 and recorded in Book 45 Page 286; Royal Patent 2031, Land Commission Award 5545, Apana 1 to Kahue for Neau; portion of Royal Patent 2031, Land Commission Award Number 5545, Apana 2 to Kahue for Neau and a portion of Royal Patent 7983, Land Commission Award 4452, Apana 12 to H. Kalama (Koele) and being also a portion of Maunawili, Units 1 and 2, File Plan 914.

Situate at Kamakalepo and Puanea, Kailua, Koolaupoko, Oahu, Hawaii;

Beginning at an "-----"(found) at the West corner of this parcel of land, the same being the North corner of Lot 181-A and on the Easterly side of Maunawili Road, the direct azimuth and distance to a City and County of Street Monument at the centerline of Mainsail Road being 178° 25' 30" 160.66 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 5959.93 South and 3116.93 feet East and thence running by azimuths measured clockwise from true South:

Along the Easterly side of Maunawili Road on a curve to the left with a radius of 430.00 feet, the chord azimuth and distance being:

1. 197° 22' 55" 38.37 feet to an "-----";

Thence along the Easterly side of Maunawili Road on a curve to the left with a radius of 1365.00 feet, the chord azimuth and distance being

2. 213° 23' 51.5" 12.06 feet to a nail (found);

3. 213° 08' 40" 147.42 feet along the Easterly side of Maunawili Road and Maunawili Loop to a pipe;

Thence along the Easterly side of Maunawili Loop on a curve to the left with a radius of 645.00 feet, the chord azimuth and distance being

4. 212° 57' 51" 4.06 feet to a pipe;

5. 294° 00' 40" 160.91 feet along Lots B and A, along the remainder of Quitclaim Deed: Minister of the Interior to C. C. Harris dated March 24, 1876 and recorded in Book 45, Page 286 and along the remainder of R.P. 2031, L.C. Aw. 5545,

EXHIBIT "A"

(Page 2 of 4)

Apana 2 to Kahue for Neau and passing over a pipe at 158.00 feet;

- | | | | | | |
|---|------|-----|-----|--------|---|
| 6. | 242° | 52' | 40" | 218.82 | feet along Lot A, along the remainder of R.P. 2031, L.C. Aw. 5545, Ap. 2 to Kahue for Neau and along the remainder of Quitclaim Deed: Minister of the Interior to C.C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 to a pipe; |
| 7. | 242° | 21' | 40" | 84.13 | feet along Lots A and 4-B and along the remainder of Quitclaim Deed: Minister of the Interior to C.C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 to a pipe; |
| 8. | 206° | 29' | 40" | 14.57 | feet along Lot 4-B and along the remainder of Quitclaim Deed: Minister of the Interior to C.C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 to a pipe; |
| 9. | 283° | 29' | 40" | 114.84 | feet along Lot 4-B along the remainder of Quitclaim Deed: C. C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 to a pipe; |
| Thence along the West Bank of Kaimi-Kihuluhu Stream to all of its irregularities, the direct azimuth between points being | | | | | |
| 10. | 16° | 19' | | 482.74 | feet to a pipe; |
| 11. | 121° | 29' | 40" | 37.03 | feet along a portion of R. P. 7983, to L. C. Aw. 4452, Ap. 12 to H. Kalama to a pipe; |
| 12. | 114° | 15' | | 275.25 | feet along the remainder of R. P. 2031, L. C. Aw. 5545, Ap. 2 to Kahue for Neau to a pipe; |
| 13. | 114° | 15' | | 238.15 | feet along the remainder of Quitclaim Deed: Minister of the Interior to C. C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 and along the remainder of Maunawili, Units 1 and 2, file Plan 914 to the point of beginning and containing an area of 3.560 acres or thereabouts; |

EXHIBIT "A"

(Page 3 of 4)

-SECOND:-

PARCELS

ALL of that certain piece or parcel of land being a portion of Royal Patent 2031, Land Commission Award 5545, Apana 2 to Kahue for Neau;

Situate at Kamakalepo and Puanea, Kailua, Koolaupoko, Oahu, Hawaii;

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 6057.74 feet South and 3334.07 feet East and thence running by azimuths measured clockwise from true South:

1. 294° 15' 275.25 feet along the remainder of R. P. 2031 to L. C. Aw. 5545, Ap. 2 to Kahua for Neau to a pipe;
2. 2° 29' 40" 85.80 feet along a portion of R. P. 7983, L. C. Aw 4452, Ap. 12 to H. Kalama to a pipe;
3. 131° 29' 40" 289.39 feet along R. P. 2035, L. C. Aw. 5882 and 8798, Ap. 2 to Kekuku and along Quitclaim Deed: Minister of the Interior to C.C. Harris dated March 24, 1876 and recorded in Book 45 Page 286 to the point of beginning and containing an area of 0.271 acre, more or less;

EXHIBIT "A"

(Page 4 of 4)

-THIRD:-

PORTION R.P. 7983, L.C.AW. 4452
AP. 12 TO H. KALAMA (KOELE)

ALL that certain piece or parcel of land being a portion of Royal Patent 7983, LC. Aw. 4452, Apana 12 to H. Kalama (Koele);

Situate at Kamakalepo and Puanea, Kailua, Koolaupoko, Oahu, Hawaii;

Beginning at a pipe at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 6169.56 feet South and 3582.29 feet East and thence running by azimuths measured clockwise from true South.

1. 301° 29' 40" 37.03 feet along R.P. 2031, L.C. Aw. 5545, Ap. 2 to Kahue for Neau to a pipe;

Thence along the West bank of Kaimi-Kihuluhu Stream in all of its irregularities, the direct azimuth and distance between points being
2. 19° 35' 155.04 feet to a pipe;
3. 122° 14' 57.04 feet along R.P. 2035, L.C. Aw. 5882 and 8798, Ap. 2 to Kekuku to a pipe;
4. 212° 01' 66.00 feet along R.P. 2035, L.C. Aw 5882 and 8798, Ap. 2 to Kekuku to a pipe;
5. 203° 29' 40" 85.80 feet along R.P. 2031, L.C. Aw 5545, Ap. 2 to Kahue for Neau to the point of beginning and containing an area of 0.174 acre or thereabouts;

Being all the property described in Quitclaim Deed dated September 22, 2016, and recorded in the Bureau of Conveyances, State of Hawaii, as Document No. A-61790006.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **18-12**

BILL 92 (2017), CD1

Introduced: 10/17/17 By: RON MENOR – BY REQUEST

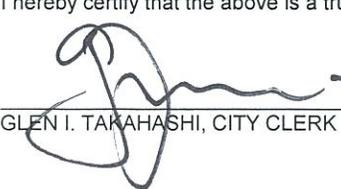
Committee: ZONING AND HOUSING

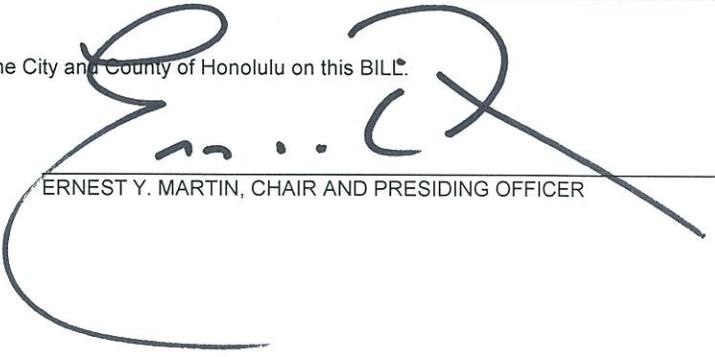
Title: A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT MAUNAWILI, OAHU, HAWAII.

Voting Legend: * = Aye w/Reservations

11/01/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
11/16/17	ZONING AND HOUSING	CR-446 REPORTED OUT OF COMMITTEE FOR ADOPTION (90-DAY EXTENSION OF TIME).
12/06/17	COUNCIL	CR-446 ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE. 1 ABSENT: OZAWA.
01/20/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/15/18	ZONING AND HOUSING	CR-85(18) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
02/17/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/28/18	COUNCIL/PUBLIC HEARING	CR-85(18) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
03/09/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
03/22/18	ZONING AND HOUSING	CR-107(18) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGED ON THIRD READING.
03/28/18	COUNCIL	CR-107(18) ADOPTED AND BILL 92 (2017), CD1 PASSED THIRD READING. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLEN I. TAKAHASHI, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

18-12