

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 256

AN ORDINANCE AMENDING SECTION 7.28, THE SOUTH HILO DISTRICT ZONE MAP AND SECTION 7.31, THE PEPEEKEO ZONE MAP, OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PEPEEKEO AND MAKAHANALOA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-8-07:PORTIONS OF 3 AND 6.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 7.28 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsections:

"7.28(d-1). The district classification of the following area situated at Pepekeo and Makahanaloa, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the most easterly corner of this parcel of land, being also the north corner of Lot A-1, Kulaimano Heights Subdivision, Unit IX, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 283.15 feet North and 276.40 feet West, and running by azimuths measured clockwise from true South:

- 1. 53° 50' 194.51 feet along the remainder of Lot A-2;
- 2. 0° 34' 00" 242.99 feet along the remainder of Lot A-2;
- 3. 34° 03' 30" 413.69 feet, partly along remainder of Lot A-2 and partly along Lot A-1;
- 4. 320° 42' 30" 159.00 feet along Lot A-1;
- 5. 17° 11' 20" 866.96 feet along the remainder of Lot A-2;
- 6. 113° 25' 99.56 feet along the remainder of Lot A-2;
- 7. 110° 07' 08" 623.80 feet along the remainder of Lot A-2;
- 8. 166° 27' 694.00 feet along the remainder

its windings, the direct azimuths and distances between points on said center line for the next five (5) courses being:

9.	233°	11'		353.70 feet along the remainder of Lot A-2;
10.	186°	26'		625.99 feet along the remainder of Lot A-2;
11.	295°	59'		163.00 feet along the remainder of Lot A-2;
12.	231°	14'		183.42 feet along the remainder of Lot A-2;
13.	219°	36'		221.48 feet along the remainder of Lot A-2;
14.	305°	54'	30"	157.02 feet along the remainder of Lot A-2;
15.	336°	05'		358.63 feet along the remainder of Lot A-2;
16.	242°	05'		89.00 feet along the remainder of Lot A-2;
17.	258°	03'		256.66 feet along the remainder of Lot A-2 to the point of beginning and containing an area of 34.0699 Acres.

"7.28(d-2). The district classification of the following area situated at Pepekeo and Makahanaloa, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the north corner of this parcel of land, being also the north corner of Lot A-1, Kulaimano Heights Subdivision, Unit IX, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 283.15 feet North and 276.40 feet West, and running by azimuths measured clockwise from true South:

1.	347°	06'	30"	340.04 feet along Lot A-1;
2.	62°	05'		383.53 feet along Lot A-1;
3.	214°	03'	30"	185.00 feet along Parcel 1;
4.	180°	34'		242.99 feet along Parcel 1;

SECTION 2. Section 7.31 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.31(e). The district classification of the following area situated at Pepeekeo and Makahanaloa, South Hilo, Hawaii, shall be Single Family Residential (RS-10):

Beginning at the southeast corner of this parcel of land, at the intersection of the west line of Mamalahoa Highway with the center line of Waimaaou Stream, said point being also the northeast corner of Lot 1, Kulaimano Heights, Unit VI, the coordinates of said point of beginning referred to Government Survey Triangulation Station "ALALA" being 432.21 feet South and 3338.95 feet East, and running by azimuths measured clockwise from true South:

Along the center line of Waimaaou Stream in all its windings, the direct azimuths and distances between points on said center line for the next twenty-one (21) courses being:

- 1. 94° 00' 30.00 feet;
- 2. 87° 00' 89.38 feet;
- 3. 81° 15' 127.50 feet;
- 4. 110° 20' 41.77 feet;
- 5. 125° 10' 54.53 feet;
- 6. 129° 50' 127.24 feet;
- 7. 44° 40' 84.63 feet;
- 8. 359° 31' 142.76 feet;
- 9. 47° 10' 57.33 feet;
- 10. 110° 40' 99.68 feet;
- 11. 127° 42' 60.44 feet;
- 12. 135° 26' 297.65 feet;
- 13. 155° 06' 15" 68.28 feet;

16.	47°	20'		90.63 feet;
17.	80°	19'	20"	77.95 feet;
18.	95°	40'		104.93 feet;
19.	108°	23'		103.39 feet;
20.	119°	28'		106.86 feet;
21.	109°	00'		29.59 feet to the east line of Hawaii Belt Road; thence along the east line of Hawaii Belt Road for the next five (5) courses;
22.	183°	56'		46.14 feet;
23.	93°	56'		10.00 feet;
24.	183°	56'		950.00 feet;
25.	273°	56'		20.00 feet;
26.	183°	56'		154.42 feet;
27.	265°	52'		545.88 feet along the remainder of R. P. 7192, L. C. Aw. 8559-B, Apanas 17 & 18 to Wm. C. Lunailo;
28.	257°	44'	30"	43.43 feet along the remainder of R. P. 7192, L. C. Aw. 8559-B, Apanas 17 & 18 to Wm. C. Lunailo;
29.	347°	44'	30"	92.59 feet along the land of Richard Z. Matsunami;
30.	337°	44'	30"	128.65 feet along the land of Margaret Q. Milho;
31.	346°	45'	30"	73.80 feet along the land of Edmund C. Cambra;
32.	256°	05'	30"	163.98 feet along the land of Edmund C. Cambra;
33.	334°	18'		754.00 feet along Mamalahoa Highway;
34.	337°	13'		399.97 feet along Mamalahoa Highway;
35.	347°	42'		212.83 feet along Mamalahoa Highway to the point of

SECTION 3. Sections 1 and 2 of this ordinance shall take effect forthwith upon the conditions that (A) the petitioner, Mauna Kea Sugar Company, Inc., or its related subsidiary, submit a subdivision plan for Units VII and X and secure tentative approval of the proposed subdivisions within one (1) year from the effective date of approval of the change of zone, and also assume the responsibility for securing final subdivision approval. All other concerns, such as drainage and roadway requirements, shall be considered at the time of subdivision review; (B) in order to assure housing development on the proposed lots within Units VII and X, Brewer Support Housing, Inc. shall enter into an Agreement with the County of Hawaii. The Agreement shall be approved by the Planning Director and the Corporation Counsel and shall be filed with the State of Hawaii Bureau of Conveyance. A copy of the Agreement is hereby attached and identified as Exhibit B; (C) the petitioner or its related subsidiary shall be responsible in providing a water system in accordance with the County of Hawaii Department of Water Supply standards; (D) the subdivided lots shall not be occupied until the channelized intersection at the Hawaii Belt Highway and Kaapeka Street has been constructed; and (E) all other applicable rules and regulations shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original zoning designation may be initiated.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

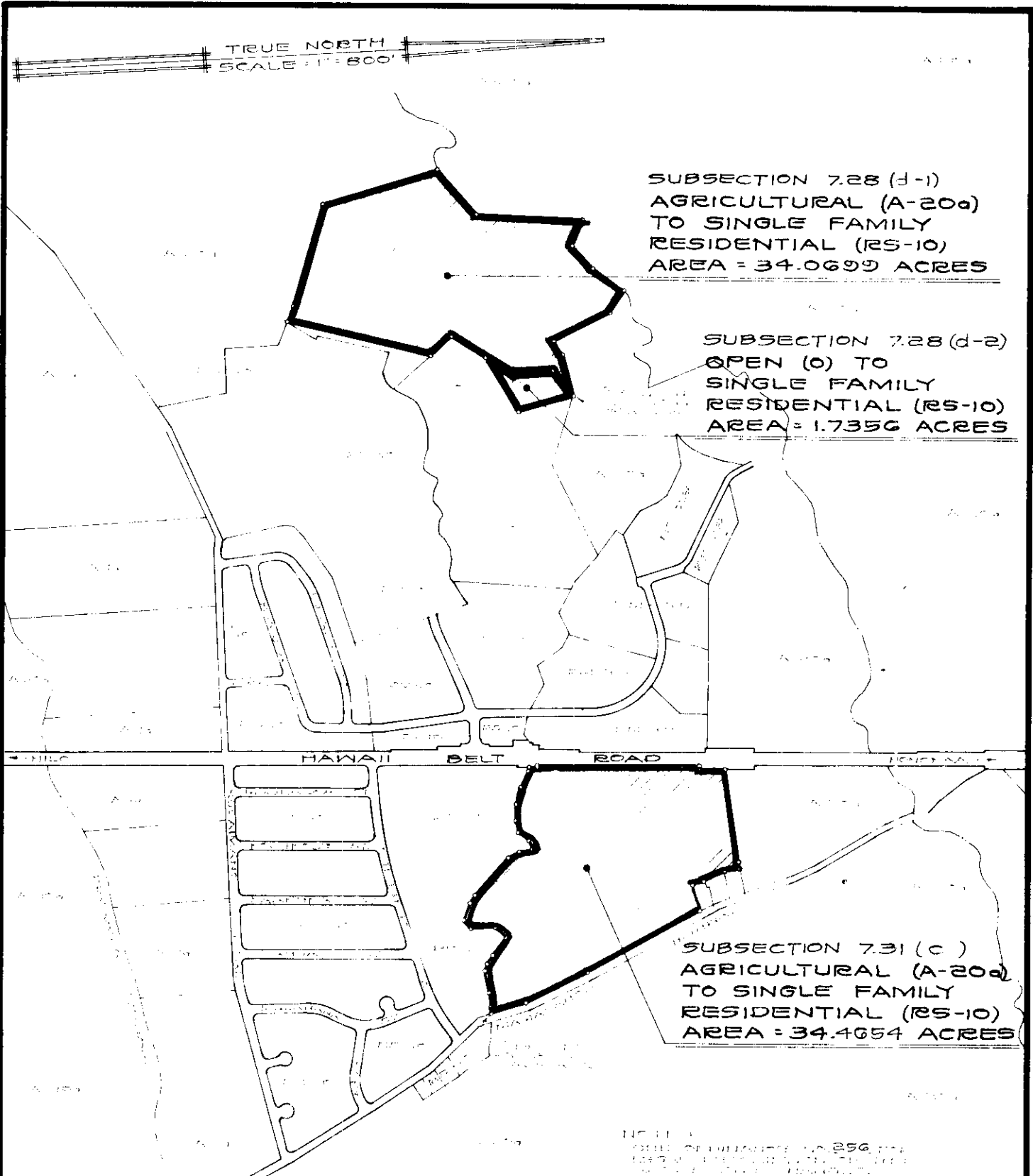
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 2, 1977
Date of Adoption: March 16, 1977
Effective Date: March 30, 1977



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 4 TO SECTION 7.28, THE SOUTH HILO DISTRICT ZONE MAP AND AMENDMENT NO. 3 TO SECTION 7.31, THE PEPEEKEO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PEPEEKEO AND MA-



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TRUE NORTH
SCALE 1" = 500'

SUBJECT TO
AGRICULTURE
TO SINGLE
RESIDENTIAL
AREA 1-51

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AREA 1-51

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AMENDMENT TO THE ZONING CODE

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RECORDATION REQUESTED BY:

AFTER RECORDATION, RETURN TO:

RETURN BY: MAIL () PICKUP ()
REQUESTOR TO FILL ABOVE

SPACE ABOVE THIS LINE FOR REGISTRAR'S USE

OPTION

KNOW ALL MEN BY THESE PRESENTS THAT _____

_____, whose residence and post office address(es) is (are)

hereinafter referred to as the OPTIONORS, in consideration of the conveyance by BREWER SUPPORT HOUSING, INC., a Hawaii corporation whose principal place of business is 345 Kekuanaoa Street, Hilo, Hawaii 96720, and post office address is P. O. Box 1801, Hilo, Hawaii 96720, hereinafter referred to as the OPTIONEE, of that certain property described as Lot _____ in Exhibit A attached hereto and made a part hereof, by Deed dated the _____ day of _____, 19_____, Optionors hereby acknowledge that the following terms and/or conditions shall apply to said lot and shall be effective as additions to those covenants set forth in the standard deed to be utilized for the sale of lots.

1. The Optionors shall commence the construction of a residential structure on said lot within 12 months of the effective date of the Deed thereto and complete the structure within 24 months unless otherwise approved by the Optionee in writing.
2. No building shall be erected, placed or altered on said lot without using entirely new materials.
3. In the event that the Optionors should, at the date of completion of the house, be occupying plantation rental housing, the Optionors shall vacate the same within the next thirty (30) calendar days. In the event that the house is not completed within the time hereinabove required, or such extension of time as may be required because of war, strike, act of God, or other reasons beyond the control of the Optionors, the Optionee may, in addition to all other remedies herein provided, require the Optionors to vacate such rental housing.

The Optionee will have the same

at the same price as the Optionor pays for it (without interest) upon notice being given within thirty (30) days after the expiration of the twenty-four (24) month period referred to above.

4. The Optionors give and grant to the Optionee, its successors and assigns, the exclusive option to repurchase said lot, free of all encumbrances, within ten (10) years after the date of the Deed described in the first paragraph of this Option, upon the following terms and conditions:

(a) The Optionors agree that any contract or agreement to sell the subject premises, which may be made by said Optionors, shall be made subject to the rights of Optionee under this option. In the event that the Optionors decide to sell the premises, they shall notify Optionee in writing of their intention to sell and Optionee shall have not less than thirty (30) days after receipt of notice from the Optionors that Optionors have entered into a contract of sale of the option property to a third party in which to exercise this Option.

(b) The option price for the land shall be an amount equal to the Optionors' cost, which cost is \$ _____, and the option price of the improvements on the property shall be computed on the fair market value of the improvements as mutually agreed upon by the Optionors and the Optionee. In the event that the Optionors and the Optionee are unable to mutually agree on a fair market value for the improvements on the option property, the fair market value will be determined by the majority of 3 appraisers--one to be appointed by the Optionors, one to be appointed by the Optionee and the third to be appointed by the 2 appraisers appointed by the Optionors and the Optionee, respectively. The Optionors shall pay the appraiser's fee for the appraiser they appoint, and the Optionee shall similarly pay the appraiser's fee for the appraiser it appoints. The appraiser's fee for the third appraiser shall be divided equally between the Optionors and the Optionee.

(c) After the first ten (10) years of occupancy, the Optionor need not offer the property for repurchase first to the Optionee, its successors and assigns, but may sell the property at market price and realize any profit or loss incurred thereby, and this Option shall become null and void.

5. In the event this Option is exercised, the Optionors will pay the cost of a Certificate of Title of a licensed abstractor, one-half of the escrow fees, the conveyance tax, the cost of a Deed, recording fees for all documents except the Deed, and the cost of pre-

shall be performed within forty-five (45) days after the Option is exercised, provided that the Optionee may extend this time for thirty (30) days. The sale shall be for cash, closed in escrow and merchantable title shall be transferred by Optionors' Deed.

6. This Option may be exercised by written notice of such exercise delivered to the Optionors at the following address: _____

_____. The Optionors agree to keep the Optionee informed of the Optionors' address and, in the event that the Optionors fail to keep the Optionee informed of the Optionors' address, delivery to the address above stated shall be sufficient.

7. The word "Optionors" as used herein shall include the heirs, issue and legatees of the Optionors and the singular and plural as the context may provide.

8. The provisions herein set forth shall run with the land and any subsequent purchasers of this lot shall be advised by the Optionor of the conditions set forth in this Option.

IN WITNESS WHEREOF the parties hereto have executed this instrument on this _____ day of _____, 19 _____.

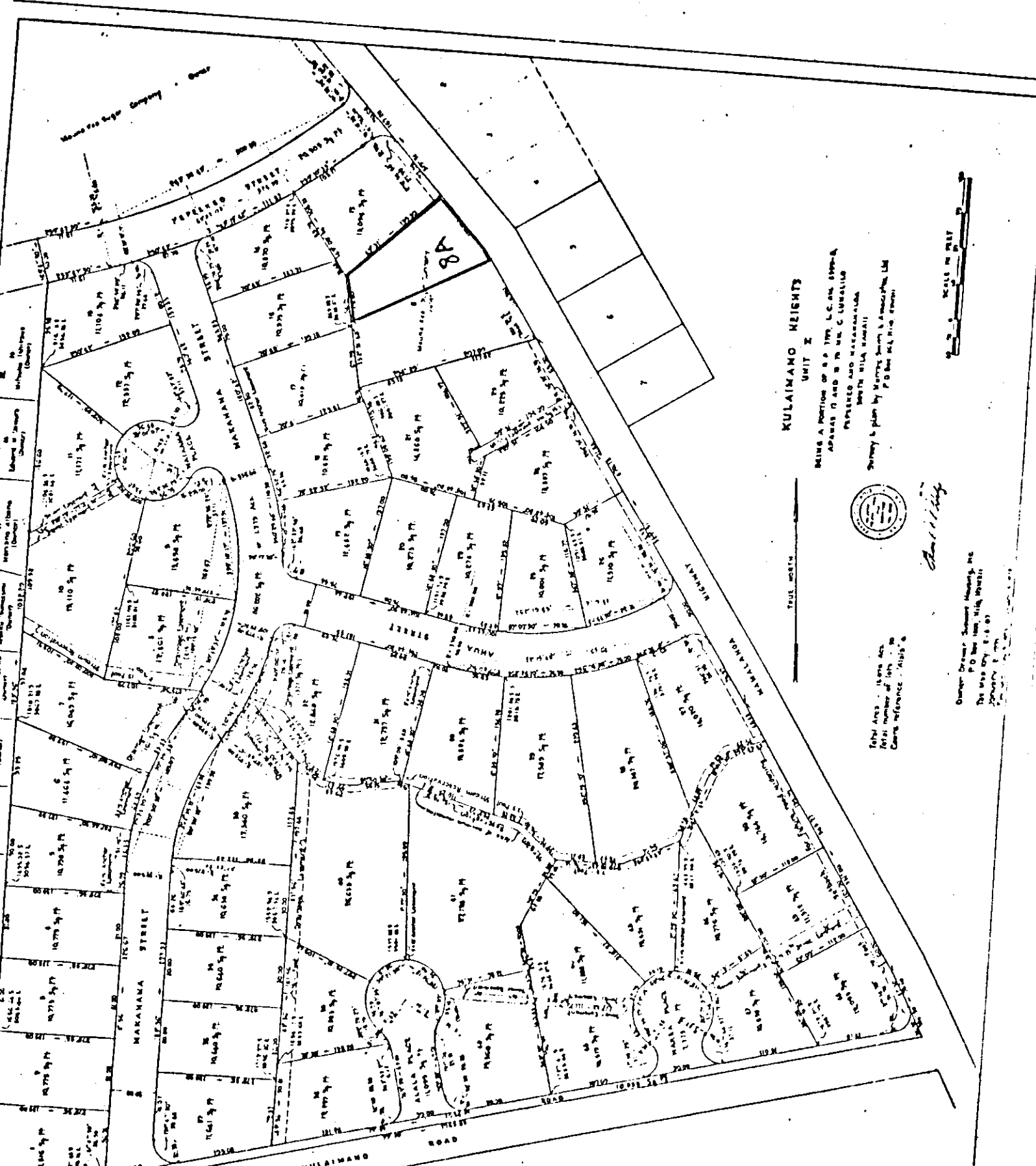
Optionors

BREWER SUPPORT HOUSING, INC.

By _____
Its _____

By _____
Its _____

Optionee



**KULAIMANO HEIGHTS
UNIT 2**

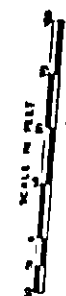
Being a portion of a 1996 L.C. No. 0099-A
APRAXIS II AND B TO M. C. LINDALL
RESERVED AND HAKARANGA
MOUTH WATA WAKAHI
Survey & plan by Murray Smith & Associates Ltd
P.O. Box 84, Mt. Pleasant



Murray Smith

Total Area: 11,875 sq ft
Total number of lots: 10
Colour reference: 10/10/0

Owner: Murray Smith & Associates Ltd
P.O. Box 84, Mt. Pleasant
Dunedin, N.Z. 9010



Hilo, Hawaii
 Date: March 2, 1977

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia			X
Kawahara	X		
Lai	X		
Sameshima	X		
Yamashiro			X
Chr. Tajiri	X		
	7		2

Publication Date: March 7, 1977

Hilo, Hawaii
 Date: March 16, 1977

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima			X
Yamashiro	X		
Chr. Tajiri	X		
	8		1

Publication Date: APR 3 1977

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
 FORM and LEGALITY

 Date 3/29/77

Randy Spiri
 Council Chairman

R. B. Legaspi
 County Clerk

Approved/Disapproved this 30th day of _____

R. B. Legaspi
COUNTY CLERK



Yasuki Arakaki
DEPUTY COUNTY CLERK

Harry A. Takahashi
LEGISLATIVE AUDITOR

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, HI

Ord. 256

I hereby transmit Ordinance Bill No. 280
passed by the County Council on second final reading.

R. B. Legaspi
COUNTY CLERK

Encl.

Dated: March 22, 1977

Bill No. 280 - 1977

AN ORDINANCE AMENDING SECTION 7.28, THE SOUTH HILO DISTRICT ZONE MAP AND SECTION 7.31, THE PEPEEKEO ZONE MAP, OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PEPEEKEO AND MAKAHANALOA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-8-07: PORTIONS OF 3 AND 6.

This Bill amends Section 7.28, The South Hilo District Zone Map, and Section 7.31, The Pepeekeo Zone Map, Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, by changing the district classification from Agricultural (A-20a) and Open (O) to Single Family Residential (RS-10) at Pepeekeo and Makahanaloa, S. Hilo.

Date Introduced: March 2, 1977.

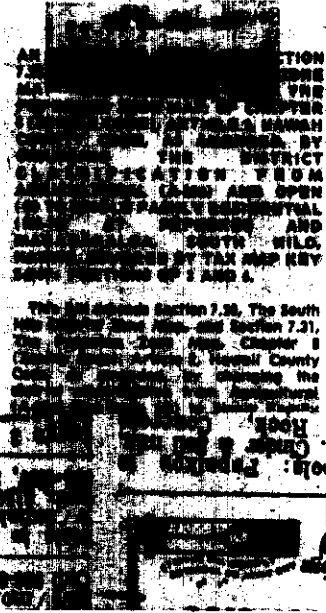
Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on March 2, 1977, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Kawahara, Lai, Sameshima, and Chairman Tajiri - 7.

NOES: None.

ABSENT AND EXCUSED: Councilmen Garcia and Yamashiro - 2.



R. B. Legaspi
COUNTY CLERK
COUNTY OF HAWAII

ORDINANCE NO. 256
(Bill No. 280-1977)

AN ORDINANCE AMENDING SECTION 7.28, THE SOUTH HILO DISTRICT ZONE MAP AND SECTION 7.31, THE PEPEEKEO ZONE MAP, OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-20a) AND OPEN (O) TO SINGLE FAMILY RESIDENTIAL (RS-10) AT PEPEEKEO AND MAKAHANALOA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-8-07:PORTIONS OF 3 AND 6.

Date Approved: March 16, 1977
Date Effective: March 30, 1977

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on March 16, 1977, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Yamashiro and Chairman Tajiri - 8.

NOES: None.

ABSENT AND EXCUSED: Councilman Sameshima - 1.

R. B. Legerpi
COUNTY CLERK
COUNTY OF HAWAII

