

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 32

ORDINANCE NO. 93 25

AN ORDINANCE AMENDING THE STATE LAND USE BOUNDARIES MAP, H-43 FOR THE COUNTY OF HAWAII, BY CHANGING THE DISTRICT CLASSIFICATION FROM THE URBAN TO THE RURAL DISTRICT AT KAAO HOMESTEADS, HAMAKUA, HAWAII, COVERED BY TAX MAP KEY 4-5-03:24 AND 124.

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

SECTION 1. The State Land Use Boundaries Map, H-43 for the County of Hawaii, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at KaaO Homesteads, Hamakua, Hawaii, shall be Rural:

Beginning at a pipe at the northwest corner of this parcel of land and on the southerly side of Hawaii Belt Road (S. D. R. 3(7)) the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAAUHAU" being 1,625.47 feet North and 4,484.15 feet West and running by azimuths measured clockwise from True South:

Thence along the southerly side of the Hawaii Belt Road (S. D. R. 3(7)) along a curve to the left having a radius of 1,959.86 feet, the chord azimuth and distance being:

- 1. 278° 36' 02" 467.85 feet to a pipe;
2. 294° 58' 83.46 feet along the southerly side of the Hawaii Belt Road (S. D. R. 3(7)) to a pipe near the top bank of Kahaupu Gulch; thence along the top bank of Kahaupu Gulch, along State Land, for the next five (5) courses:

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| 3. | 67° 52' | 97.90 feet to a pipe; |
| 4. | 39° 19' | 192.54 feet to a pipe; |
| 5. | 4° 52' | 214.50 feet to a pipe; |
| 6. | 43° 30' | 145.00 feet to a pipe; |
| 7. | 7° 47' | 386.00 feet to a pipe; |
| 8. | 114° 58' | 1,040.00 feet along remainder of Grant 8846 to Claudina Gonsalves to pipe at the southeasterly side of Loke Street; |
| 9. | 241° 09' | 138.40 feet along the southeasterly side of Loke Street to a pipe; |
| 10. | 261° 29' | 37.60 feet along the southerly side of Loke Street to a pipe; |
| 11. | 281° 48' | 44.90 feet along the southerly side of Loke Street to a pipe; |
| 12. | 238° 24' | 167.00 feet along the southeasterly side of Loke Street to a pipe; |
| 13. | 216° 07' | 245.00 feet along the southeasterly side of Loke Street to a pipe; |
| 14. | 246° 31' | 230.80 feet along the southeasterly side of Loke Street to a pipe; |
| 15. | 217° 35' | 142.39 feet along the southeasterly side of Loke Street to the point of beginning and containing an area of 13.6736 Acres. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the applicant shall submit the proper application(s) for the dedication of the project site, in part or in whole, to the Department of Finance-Real Property Tax Division, within one year from the effective date of this boundary amendment; (C) comply with all other applicable laws, rules, regulations and requirements; (D) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the boundary amendment. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required; (E) an extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the State Land Use Law, Land Use Commission Rules, General Plan or the Zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the

boundary amendment; 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

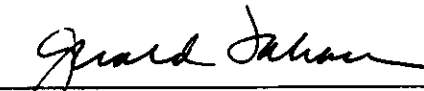
INTRODUCED BY:

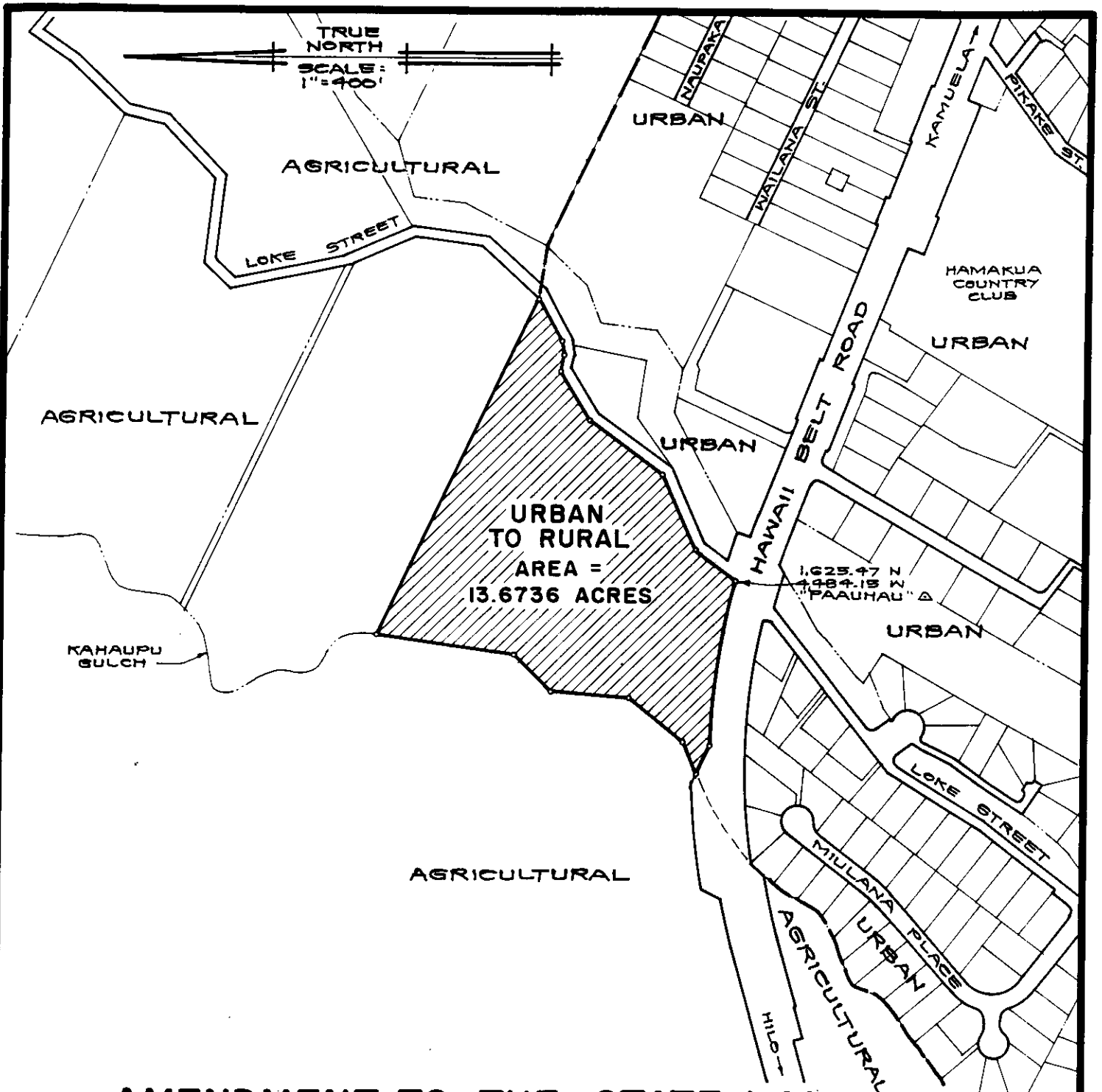

COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 10, 1993
Date of 1st Reading: March 10, 1993
Date of 2nd Reading: March 24, 1993
Effective Date: April 7, 1993

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL
JAN 26 1993
DATE: _____



AMENDMENT TO THE STATE LAND USE BOUNDARIES MAP

AMENDING THE STATE LAND USE BOUNDARIES MAP, H-43 FOR THE COUNTY OF HAWAII BY CHANGING THE DISTRICT CLASSIFICATION FROM THE URBAN TO THE RURAL DISTRICT AT KAAO HOMESTEADS, HAMAKUA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 4-5-03 : 24 AND 124

DEC. 7, 1992

EXHIBIT "A"

(DOROTHY SOUZA)