

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

*Russell - gmp action*  
PATRICIA HAMAMOTO  
SUPERINTENDENT  
*Database action?*  
*file in A90-658*

OFFICE OF ADMINISTRATIVE SERVICES

2003 JUN - 6 A 7:13  
LAND USE COMMISSION  
STATE OF HAWAII  
June 5, 2003

Mr. Howard Kihune  
West Maui Development Company, LLC  
2530 Kekaa Drive, Suite C1  
Lahaina, Hawai'i 96761

Dear Mr. Kihune:

Subject: Education Contribution Agreement for The Vintage

Enclosed is a copy of the signed Education Contribution Agreement between the Department of Education and West Maui Development Company, LLC (West Maui). West Maui's payment of \$67,890 has been deposited in a trust account for the schools serving the Kaanapali area.

We believe West Maui has complied with Condition 8 of the State Land Use Commission Decision and Order on South Beach Mauka, LUC Docket No. A90-658/AMFAC/JMB HAWAII INC.

Should you have any questions, please call Ms. Heidi Meeker of our branch at 733-4862.

Thank you for helping us amicably settle this issue.

Sincerely yours,

Raynor M. Minami, Director  
Facilities and Support Services Branch

RMM:hy (HM)

*Encl.*

cc: Anthony Ching, Land Use Commission/DBEDT ✓  
Abe Mitsuda, Planning Office/DBEDT

Education Contribution Agreement for  
THE VINTAGE AT KAA NAPALI

THIS INDENTURE, made this 2<sup>ND</sup> day of MAY, 2003, by and between WEST MAUI DEVELOPMENT COMPANY, LLC, whose principal place of business and mailing address is 2530 Kekaa Drive, Suite C1, Lahaina, Hawai'i 96761, and the State of Hawai'i DEPARTMENT OF EDUCATION, hereinafter referred to as "DOE," whose mailing address is Department of Education, Facilities and Support Services Branch, 809 8<sup>th</sup> Avenue, Honolulu, Hawai'i 96816.

WHEREAS WEST MAUI DEVELOPMENT COMPANY, LLC is the developer of that certain parcel of land comprised of approximately 16.9 acres and identified as Tax Map Key parcel: 4-4-006:55, also known as "The Vintage at Kaanapali;"

WHEREAS The Vintage at Kaanapali was anticipated to contain a total of seventy-three (73) units in the entire project;

WHEREAS WEST MAUI DEVELOPMENT COMPANY, LLC and DOE have mutually agreed that the educational contribution set forth in this Agreement will satisfy DOE's fair share requirement for The Vintage at Kaanapali;

NOW THEREFORE, WEST MAUI DEVELOPMENT COMPANY, LLC and DOE agree as follows:

1. WEST MAUI DEVELOPMENT COMPANY, LLC's Cash Contribution. WEST MAUI DEVELOPMENT COMPANY, LLC shall contribute no less than SIXTY-SEVEN THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$67,890.00) to DOE.

- a. The Cash Contribution shall be made payable to the "State of Hawai'i, Department of Education" in accordance with the following schedule:

2003 JUN -6 4:17:33  
LAND USE COMMISSION  
STATE OF HAWAII

b. SIXTY-SEVEN THOUSAND EIGHT HUNDRED NINETY AND NO/100 DOLLARS (\$67,890.00) shall be payable within thirty (30) days after the date of this signed agreement.

c. An escalation factor shall be applied to the balance of the Cash Contribution that remains to be paid every thirty-six (36) months after the date of this signed agreement. The escalation factor shall be based on the Over-the-Year Percent Change in the Annual Average Honolulu Area Consumer Price Index for All Items for All Urban Consumers (CPI-U) issued by the Bureau of Labor Statistics of the United States Department of Labor. The Annual Average CPI-U for the year prior to the year the agreement is signed is used as the base year. Cash Contributions will be adjusted by the amount the most recent Annual Average CPI-U has increased or decreased over the base year.

2. This Agreement shall be binding upon WEST MAUI DEVELOPMENT COMPANY, LLC, or its successor in interest.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement the day and year first above written.

WEST MAUI DEVELOPMENT COMPANY, LLC

Its Managing Member

By 

PAUL W. HALLIN

Its VICE PRESIDENT

Date: May 02, 2003

DEPARTMENT OF EDUCATION

By 

Patricia Hamamoto

Its Superintendent

Date: 5.27.03

STATE OF HAWAII )  
 )  
CITY AND COUNTY OF HONOLULU )

ss.

On this 27<sup>th</sup> day of May, 2003, before me personally appeared Patricia Hamamoto, Superintendent of the State of Hawai'i DEPARTMENT OF EDUCATION, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

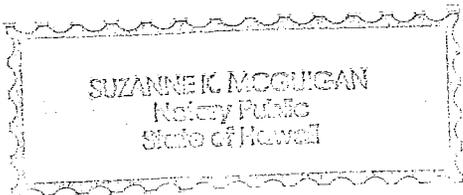
*Lynna Aizawa* LYNNA AIZAWA  
Notary Public, State of Hawai'i

My commission expires: 8-27-2004

STATE OF HAWAII )  
city of )  
COUNTY OF Honolulu )

ss.

On this 8 day of May, 2004, before me personally appeared PAUL W. HALLIN, VICE-PRESIDENT of WEST MAUI DEVELOPMENT COMPANY, LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



*Suzanne K. McQuigan*  
Notary Public, State of Hawai'i

My commission expires: 2/18/05