



**OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)**

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**DATE** \_\_\_\_\_ Doc T - 10223378  
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State of Hawaii  
Department of Land & Natural Resources  
Bureau of Conveyances  
1151 Punchbowl St, Honolulu HI 96813

Receipt

Issue to: UNIVERSITY OF HAWAII

Received By: CHAKIDD  
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T-10223378	DECLN	-	\$0
Total			\$0
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			\$0

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December 28, 2017 3:29 PM

**LAND COURT**

**REGULAR SYSTEM**

**AFTER RECORDATION, RETURN BY MAIL ( X ) PICK-UP ( )**

Office of Procurement and Real Property Management  
University of Hawai'i  
1400 Lower Campus Road, Room 15  
Honolulu, Hawaii 96822  
Attention: Lynn Nakamasu Phone: 956-2115

**TITLE OF DOCUMENT:**

DECLARATION OF IMPOSITION OF CONDITIONS APPLICABLE TO AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURE TO URBAN

**DECLARANT:**

UNIVERSITY OF HAWAI'I

**PROPERTY DESCRIPTION:**

KAUA'I COMMUNITY COLLEGE SITE  
TMK: (4) 3-4-07: 01, 02 and 03

**LIBER/PAGE:**

**DOCUMENT NO.:**

TRANSFER CERTIFICATE OF TITLE  
NO. 168,802; 221,295; and 428,387

**DECLARATION OF IMPOSITION OF CONDITIONS  
APPLICABLE TO AMENDMENT OF  
DISTRICT BOUNDARY FROM AGRICULTURE TO URBAN**

THIS DECLARATION OF IMPOSITION OF CONDITIONS APPLICABLE TO AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURE TO URBAN (“Initial Declaration”) is made this 9<sup>th</sup> day of October 2017, by the UNIVERSITY OF HAWAI‘I, the state university and a body corporate of the State of Hawai‘i, whose address is 2444 Dole Street, Bachman Hall, Room 202, Honolulu, Hawai‘i, 96822, for the benefit of its Kaua‘i Community College, whose address is 3-1901 Kaunualii Highway, Līhu‘e, Hawai‘i 96766, as Petitioner in State of Hawai‘i Land Use Commission Docket No. A16-801 (“Declarant”).

**RECITALS:**

WHEREAS, Declarant is the owner in fee simple of approximately 148.37 acres of land situated at Puhi, Līhu‘e, Island of Kaua‘i, State of Hawai‘i, designated as Tax Map Key No. (4) 3-4-07: 01, 02 and 03 (Transfer Certificate of Title Nos. 168,802, 221,295, and 428,387, respectively), and more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (“Petition Area”); and

WHEREAS, the State of Hawai‘i Land Use Commission (“Commission”), by its Findings of Fact, Conclusions of Law, and Decision and Order filed on August 11, 2017, in Docket No. A16-801 (“Decision and Order”), approved the amendment of the State Land Use district boundaries and reclassified the Petition Area from the State Land Use Agricultural District to the State Land Use Urban District, subject to certain conditions; and

WHEREAS, pursuant to section 15-19-92(5) of the Commission’s administrative rules (“Rules”), the Declarant, as the Petitioner, is required, within seven (7) days of the issuance of the Decision and Order to “record with the bureau of conveyances a statement that the land to which the boundary amendment applies is subject to conditions imposed by the Commission” and “[f]ile a certified copy of such recorded statement with the Commission:” and

WHEREAS, the recordation of this Declaration is intended to satisfy the Declarant’s obligations under the Commission’s Rules to record a statement in the Bureau of Conveyances noting that the Commission approved the Petition and imposed conditions upon the Petition Area in connection therewith,

**DECLARATION:**

NOW, THEREFORE, Declarant hereby declares that the Petition Area described in said Exhibit A attached hereto shall be subject to the conditions described in the Decision and Order issued by the Commission in Docket No. A16-801 (collectively the “Conditions”).

The Declarant also declares that the Conditions shall run with the land and shall be set forth in a declaration of conditions to be subsequently recorded in said Bureau of Conveyances pursuant to section 15-19-92(6) of the Commission’s Rules (“2<sup>nd</sup> Declaration”).

This Initial Declaration shall be automatically released and superseded upon the recordation in said Bureau of Conveyances of the 2<sup>nd</sup> Declaration setting forth in detail the Conditions imposed by the Commission in Docket No. A16-801.


IN WITNESS WHEREOF, the Declarant, by its duly authorized officers, executed the Initial Declaration as of the day and year first above written.

DECLARANT:

UNIVERSITY OF HAWAI'I, the state university  
and a body corporate of the State of Hawai'i

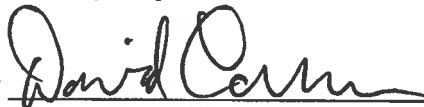
Approved as to Form:

Office of University General Counsel:



Bruce Y. Matsui  
Its Associate General Counsel

By



David Lassner  
Its President

By



Jan S. Gouveia  
Its Vice President for Administration

Recommend Approval:



John Morton  
Vice President for Community Colleges  
University of Hawai'i



Helen Cox  
Chancellor, Kaua'i Community College  
University of Hawai'i

STATE OF HAWAII )  
 )ss.  
CITY AND COUNTY OF HONOLULU )

On this 9<sup>th</sup> day of October 2017, before me appeared David Lassner, to me personally known, who being by me duly sworn, did say that he is the President of the University of Hawai'i, the state university and a body corporate of the State of Hawai'i, and that said instrument was signed on behalf of said University of Hawai'i by authority of its Board of Regents, and said David Lassner, as said President, acknowledged said instrument to be the free act and deed of said University of Hawai'i.



*Denise M. Miura*

Print Name: Denise M. Miura  
Notary Public, First Circuit  
State of Hawaii

My Commission Expires: 3.17.18

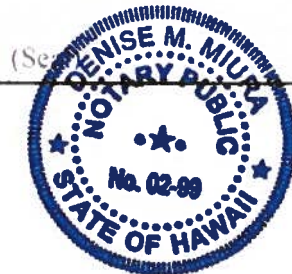
Date of Document: \_\_\_\_\_ # Pages: 12  
or  Undated at time of notarization

Name: Denise M. Miura First Circuit

Doc. Description: Declaration of Imposition of Conditions  
Applicable to Amendment of Boundary Amendment from  
Agriculture to Urban

*Denise M. Miura* OCT - 9 2017  
\_\_\_\_\_  
Notary Signature Date

NOTARY CERTIFICATION



STATE OF HAWAII )  
 )ss.  
CITY AND COUNTY OF HONOLULU )

On this 6<sup>th</sup> day of October 2017, before me appeared Jan S. Gouveia, to me personally known, who being by me duly sworn, did say that she is the Vice President for Administration of the University of Hawai'i, the state university and a body corporate of the State of Hawai'i, and that said instrument was signed on behalf of said University of Hawai'i by authority of its Board of Regents, and said Jan S. Gouveia, as said Vice President for Administration, acknowledged said instrument to be the free act and deed of said University of Hawai'i.



*Denise M. Miura*

Print Name: Denise M. Miura

Notary Public, First Circuit  
State of Hawaii

My Commission Expires: 3-17-18

Date of Document: \_\_\_\_\_ # Pages: 12  
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Name: Denise M. Miura First Circuit

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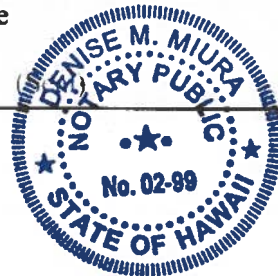
*Denise M. Miura*

OCT - 6 2017

Notary Signature

Date

NOTARY CERTIFICATION



PROPOSED KAUAI COMMUNITY COLLEGE URBAN DISTRICT BOUNDARY AMENDMENT

LOT A

Being a portion of Kauai Community College and being also portions of Lots 445-A-1 and 445-A-3 (Map 51) and Lot 1409 (Map 118) of Land Court Application 1087

Situate at Lihue, Puna, Kauai, Hawaii

Beginning at the Southeast corner of this parcel of land and on the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-05-1(26)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KILOHANA" being 9,084.69 feet South and 14,090.25 feet East and running by azimuths measured clockwise from true South:

1. 71° 58' 189.91 feet along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
2. Thence along same, on a curve to the left with a radius of 1,065.00 feet, the chord azimuth and distance being:  
67° 38' 20" 160.73 feet;
3. 71° 03' 260.31 feet along same;
4. 161° 03' 13.00 feet along a jog on the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
5. 71° 03' 200.00 feet along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
6. 161° 03' 5.00 feet along a jog on the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
7. 71° 03' 280.00 feet along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));

- |     |                                                                                                                                                                                                     |                                                                                                                     |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 8.  | 341° 03'                                                                                                                                                                                            | 10.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)); |
| 9.  | 71° 03'                                                                                                                                                                                             | 60.00 feet along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));          |
| 10. | 341° 03'                                                                                                                                                                                            | 15.80 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)); |
| 11. | Thence along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the left with a radius of 6,070.00 feet, the chord azimuth and distance being: |                                                                                                                     |
|     | 67° 06' 05"                                                                                                                                                                                         | 639.18 feet;                                                                                                        |
| 12. | 64° 05'                                                                                                                                                                                             | 438.58 feet along same;                                                                                             |
| 13. | 334° 05'                                                                                                                                                                                            | 5.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));  |
| 14. | 59° 15'                                                                                                                                                                                             | 88.53 feet along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));          |
| 15. | 82° 00'                                                                                                                                                                                             | 24.25 feet along same;                                                                                              |
| 16. | 64° 05'                                                                                                                                                                                             | 230.00 feet along same;                                                                                             |
| 17. | 154° 05'                                                                                                                                                                                            | 25.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)); |
| 18. | 64° 05'                                                                                                                                                                                             | 409.17 feet along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));         |

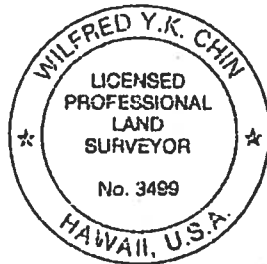
19. 154° 05' 15.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));
20. 64° 05' 326.69 feet along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));
21. Thence along same, on a curve to the right with a radius of 9,395.00 feet, the chord azimuth and distance being:  
64° 14' 49.19 feet;
22. 154° 23' 15.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));
23. Thence along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the right with a radius of 9,380.00 feet, the chord azimuth and distance being:  
64° 40' 30" 95.50 feet;
24. 154° 58' 15.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));
25. Thence along the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the right with a radius of 9,365.00 feet, the chord azimuth and distance being:  
65° 39' 223.38 feet;
26. 336° 20' 45.00 feet along a jog on the Northwest side of Kaumualii Highway Widening (Federal Aid Project No. STP-050-1(26));



27. Thence along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the right with a radius of 9,410.00 feet, the chord azimuth and distance being:  
66° 50' 164.23 feet;
28. 157° 20' 30.00 feet along a jog on the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
29. Thence along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the right with a radius of 9,380.00 feet, the chord azimuth and distance being:  
67° 34' 76.40 feet;
30. 157° 48' 20.00 feet along a jog on the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26));
31. Thence along the Northwest side of Kaunualii Highway Widening (Federal Aid Project No. STP-050-1(26)), on a curve to the right with a radius of 9,360.00 feet, the chord azimuth and distance being:  
67° 58' 48.5" 58.86 feet;
32. 157° 04' 28.59 feet along Lot 1556-A (Map 172) of Land Court Application 1087;
33. 144° 41' 76.00 feet along same;
34. 130° 29' 264.30 feet along same;
35. 164° 41' 30" 267.60 feet along same;
36. 146° 05' 365.00 feet along same;
37. 172° 36' 68.43 feet along same;

38.	281° 58'	140.50 feet along same;
39.	289° 18'	132.70 feet along same;
40.	307° 58'	92.15 feet along same;
41.	224° 17'	168.00 feet along same;
42.	195° 13'	181.75 feet along same;
43.	145° 00'	147.20 feet along same;
44.	129° 48'	176.40 feet along same;
45.	136° 05'	138.50 feet along same;
46.	164° 46'	185.80 feet along same;
47.	113° 39'	129.80 feet along same;
48.	147° 03'	117.00 feet along same;
49.	182° 08'	84.80 feet along same;
50.	146° 53'	139.00 feet along same;
51.	98° 02'	133.40 feet along same;
52.	105° 30'	190.65 feet along same;
53.	124° 00'	80.25 feet along same;
54.	145° 54'	157.56 feet along same;
55.	239° 00'	559.22 feet along remainder of Lot 1409 (Map 118);
56.	270° 51'	17.28 feet along Lot 1408 (Map 118) of Land Court Application 1087;
57.	180° 51'	10.74 feet along same;

- |     |              |                                                                                                                                                                                                                  |
|-----|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 58. | 239° 00'     | 783.57 feet along remainder of Lot 1409 (Map 118) of Land Court Application 1087;                                                                                                                                |
| 59. | 329° 00'     | 363.48 feet along Grant 188, Apana 1 to W.L. Lee along remainder of R. P. 4478, L.C. Aw. 7713, Ap. 2, Part 2 to V. Kamamalu;                                                                                     |
| 60. | 275° 28'     | 1,444.00 feet along same;                                                                                                                                                                                        |
| 61. | 294° 07' 30" | 2,169.10 feet along same;                                                                                                                                                                                        |
| 62. | 307° 51'     | 37.20 feet along same;                                                                                                                                                                                           |
| 63. | 308° 33'     | 3.58 feet along same to the point of beginning and containing a GROSS AREA of 149.617 Acres, and a NET AREA of 148.370 Acres after deducting 1.247 Acres of Lot 445-A-4 (Map 51) of Land Court Application 1087. |



January 27, 2014  
Honolulu, Hawaii

*Wilfred Y. K. Chin*  
 \_\_\_\_\_  
 Wilfred Y. K. Chin  
 Licensed Professional Land Surveyor  
 Certificate Number 3499  
 License Expires April 30, 2014



EXISTING AGRICULTURAL

EXISTING AGRICULTURAL

EXISTING

EXISTING AGRICULTURAL

EXISTING

LOT A  
 AGRICULTURAL TO URBAN  
 CROSS AREA = 149,617 AC.  
 LESS LOT 445-A-1 = 1,247 AC.  
 NET AREA = 148,370 AC.

Part of  
 Lot 445-A-1  
 (Map 51)

Part of  
 Lot 445-A-1  
 (Map 51)

MAP SHOWING  
 PROPOSED URBAN DISTRICT BOUNDARY AMENDMENT

LOT A

BEING A PORTION OF KAUAI COMMUNITY COLLEGE  
 AND BEING ALSO PORTIONS OF LOTS 445-A-1 AND  
 LOT 445-A-3 AS SHOWN ON MAP 51  
 AND LOT 1409 AS SHOWN ON MAP 118  
 OF LAND COURT APPLICATION 1087  
 AT LANE, PUNA, MAUI, HAWAII

Prepared by  
**W. J. K. O'NEIL**  
 Surveyor  
 License No. 1000  
 State of Hawaii



W. J. K. O'NEIL  
 1000  
 STATE OF HAWAII

--- Surveyed with compass  
 --- Surveyed by other methods