

LAND COURT SYSTEM

REGULAR SYSTEM

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

Development Services Administration  
County of Maui  
250 South High Street  
Wailuku, Hawai`i 96793

S:\CLERICAL\NNGP\W\Master Templates\Agmt Allocat Future Subd (rev 06-08).doc

TMK NO. (2) \_\_\_\_\_ Total Number of Pages: \_\_\_\_\_

Subdivision File No.: \_\_\_\_\_

AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_,

and whose mailing address is \_\_\_\_\_,

\_\_\_\_\_, (hereinafter "Subdivider"), and COUNTY OF MAUI, through its Department of Public Works, a political subdivision of the State of Hawaii, whose principal place of business and mailing address is 200 South High Street, Wailuku, Hawaii 96793 (hereinafter "County").

The Subdivider is the owner of a certain parcel of real property situate at \_\_\_\_\_, County of Maui, State of Hawaii, Tax Map Key No. (2) \_\_\_\_\_, containing an area of approximately \_\_\_\_\_ acres, which is the subject of the \_\_\_\_\_, Subdivision File No. \_\_\_\_\_ (hereinafter "Subject Subdivision").

Section 19.30A.040 of the Maui County Code ("MCC"), requires the Subdivider of land in the agricultural district to allocate the maximum number of lots that may be created when subdividing lands within the agricultural district.

The Director of Public Works, in accordance with Subsection 19.30A.040.A.1, MCC, has determined the maximum number of lots that may be created from the subject parcel is \_\_\_\_\_, based upon the subject parcel's gross area of \_\_\_\_\_ acres within the County agricultural district, as certified by the Department of Finance, Real Property Tax Division, in March, 1998, in accordance with Subsection 19.30A.030.G, MCC.

Pursuant to Subsection 19.30A.040.A.2, MCC, the Subdivider hereby declares that the maximum number of future lots that may be created from each new lot created by the Subject Subdivision, is as set forth in Exhibit "A", which is attached hereto and made a part hereof.

The restriction on the number of lots shall not apply to subdivisions identified in Subsections 19.30A.040.B, 19.30A.040.C and Section 19.30A.070, MCC.

The maximum number of future lots for each lot as set forth in Exhibit "A" may be reallocated or transferred among the newly created lots within the Subject Subdivision after review by the Director of Public Works for compliance with Section 19.30A.040, MCC, by executing and recording an Amended Agreement for Allocation of Future Subdivision Potential.

The maximum number of future lots, as established in Exhibit "A", shall be set forth as a covenant in the deed, agreement of sale or other conveyance document to each lot created by the Subject Subdivision.

The provisions of this Agreement shall be a covenant running with the land and shall be binding on all present and future owners, lessees and occupants and anyone claiming under said owners, their heirs, personal representatives, successors and assigns; provided that any of the foregoing may petition for the termination of this Agreement as it applies to a lot that is no longer zoned agricultural district.

This Agreement shall be recorded by the Subdivider with the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, prior to the granting of any permit or approval sought by the Subdivider, with all fees to be paid by the Subdivider.

This Agreement may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all parties hereto, notwithstanding all parties are not signatory to the original or the same counterparts.

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be duly executed on the day and year first indicated above.

**SUBDIVIDER:**

**For Individual Use Only**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**OR**

**For Trust/Corporation/  
Partnership/Company Use  
only**

\_\_\_\_\_  
(Print Name of Trust/Corporation/Partnership/Company)

By \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Its \_\_\_\_\_  
(Title)

By \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Its \_\_\_\_\_  
(Title)

By \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Its \_\_\_\_\_  
(Title)

COUNTY OF MAUI:

DEPARTMENT OF PUBLIC WORKS

By \_\_\_\_\_  
MILTON M. ARAKAWA  
Its Director

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_

Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

<b>NOTARY PUBLIC CERTIFICATION</b>	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	
_____	
_____	
_____	
Notary Signature: _____	
Date: _____	

[Stamp or Seal]

STATE OF HAWAII )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

<b>NOTARY PUBLIC CERTIFICATION</b>	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

STATE OF HAWAII )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

<b>NOTARY PUBLIC CERTIFICATION</b>	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

STATE OF HAWAII )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

<b>NOTARY PUBLIC CERTIFICATION</b>	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

STATE OF HAWAII                    )  
  )  SS.  
COUNTY OF MAUI                    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared MILTON M. ARAKAWA, to me personally known, who being by me duly sworn, did say that he is the Director of Public Works of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Title 18 of the Maui County Code, the Subdivision Ordinance, and the said MILTON M. ARAKAWA acknowledged the said instrument to be the free act and deed of the said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

<b>NOTARY PUBLIC CERTIFICATION</b>	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____	
_____	
_____	
_____	
Notary Signature: _____	
Date: _____	

[Stamp or Seal]

EXHIBIT "A"

TMK PARCEL'S AGRICULTURAL AREA = \_\_\_\_\_ ACRES

MINIMUM LOT SIZE	NUMBER OF LOTS ALLOWED PURSUANT TO MCC §19.30A.030(g)
2 ACRES	
15 ACRES	
25 ACRES	
40 ACRES	

ALLOCATION OF LOTS

MINIMUM LOT SIZE	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT
2 ACRES															
15 ACRES															
25 ACRES															
40 ACRES															
* TOTAL LOT ALLOCATION															

\* A TOTAL LOT ALLOCATION OF ONE (1) INDICATES NO FURTHER SUBDIVISION POTENTIAL.