



# Leilani Community Association NEWSLETTER

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## URGENT REQUEST

The recent disaster in Leilani Estates has made us realize how important it is to have current property owners contact information in our records to enable us to communicate as quickly as possible to our members.

At your earliest convenience please send us your email address and phone numbers.

**EMAIL THIS INFORMATION TO US AT [lca@hawaii.rr.com](mailto:lca@hawaii.rr.com) or PHONE 808-965-9555**

## COMMUNITY POTLUCK & BBQ-SUNDAY OCT 28TH

Mark your calendars for our first Leilani gathering since being able to return to the mandatory evacuation zone. Time from noon until 3p.m. Fix your favorite side dish to share with your friends and neighbors and enjoy good food, good friends and good entertainment provided by Puka Ukulele & our own Leilani Hula group. Hamburgers, hot dogs and drinks will be supplied by Neighborhood Watch and the Association.

## LCA BOARD NOMINATIONS FOR THE NEXT ELECTION

If you or someone you know is interested in running for the board now is the time to start thinking seriously about it. You and the person nominating you must be a property owner in good standing with the Association which means your dues must be current and you must be in compliance with all CC&R's. Nomination forms will be available at the office at 13-3441 Moku street or from our website [www.leilaniestates.org](http://www.leilaniestates.org). Nominations must be received in the office by close of business on December 31st. Elections are held at the annual membership meeting in March.

## COVENANTS CONDITIONS AND RESTRICTIONS

*By Rich Robbins, Director*

Our neighborhood has suffered great loss due to the Volcanic eruption. Because of this problem the Board of Directors feels that enforcement of the Covenants which govern our subdivision are currently at a standstill. We are a covenant community and will continue as one in the future. The covenants are a good reason why you decided to make Leilani Estates your home. Keeping this standard in the community will also bring new owners/builders into the neighborhood. Keep in mind that we have little or no control of Hawaii County Building Regulations.

At this point it is unknown whether or not new construction will be allowed in the subdivision. If building of new homes is approved by the County our rules are simple and few. Submit a copy of your house plans to the Association. The permit issued is available to us online on the County website. We will approve your plans based on the size of your home, the inclusion of a garage/carport area and a promise to install a driveway apron upon completion.

The members of the Board of Directors appreciate your continued confidence in our efforts to solidify the community.

# **PRESIDENT'S MESSAGE**

*by Jay Turkovsky, President*

YES,,, We're still here! Leilani Estates has suffered a serious blow by Madam Pele, but what remains is as strong as ever. As I write this, it's approaching two months since the Fissure 8 eruption stopped sending lava to the ocean and the earthquakes caused by the summit collapses are fewer and smaller. No one knows at this time if this eruption event has terminated or is just paused.

As of this writing LCA currently creating a list of properties have been covered or damaged by the lava flow. Civil Defense did not permit us to do an in-depth survey of our losses until the Mandatory Evacuation Zone was lifted in September. It is a long slow process to do the field work marking up a map and then translate that to a list of owners while also cross-checking with County TMK records. When the list is completed our LCA database will be updated with the new information. The Board of Directors voted in August to make the payment of fees on lava inundated properties voluntary. Owners wishing to know their property status sooner can contact us through our website [www.leilaniestates.org](http://www.leilaniestates.org) or contact Civil Defense at (808) 935-0031. Have the property TMK number or address handy. And, for those with the question, even though lava might have covered your property, you still own it!

Madam Pele has made some significant changes to Leilani Estates and that's just the beginning. Leilani owners are now finding themselves the object of attention as the entire world wants to come see Fissure 8. To keep the literally thousands of both Locals and Tourists at bay LCA is considering the installation of a gate on Leilani Ave at the entrance to Section 2. We will keep local residents informed as this develops.

To briefly explain the area impacted by lava, a line of fissures opened from just below the top of Moku St. and Malama that extended NE to about where Leilani Ave intersected with Pohoiki Rd. Most of the fissures emitted fumes and some lava. Fissure 8, located about 500' to the Malama side of Leilani Ave on Luana St, became the main source of a lava river that ran to the ocean for two months.

North of Leilani Ave. virtually all properties

from the East side of Nohea St. to the end of the development have been inundated. Properties from the West side of Nohea up to Hwy 130 survived with only cinder, Pele's Hair, and acid rain damage.

South of Leilani, or the Malama St. side, is quite a different story. About a 600' section in the middle of Kupono St with adjacent homes, were destroyed. Other homes closer to Leilani Ave on the East side were also. Several homes near the very top of Moku St near Malama St were either lost or suffered serious damage.

Once up on Malama St, it becomes what was called the Brown Zone early on. Most vegetation was damaged by the acid rain but is now returning with vigor. Metals, like galvanized fencing, catchment tanks, and roofs may have suffered some damage. In most cases, the cross-streets from were spared destruction as the lava did not crest the hill and, many properties now have spectacular views of the lava fields.

Currently, the only access to all properties South of the lava is via Moku St. Near the very top of the Hill it is necessary to drive on the shoulder of the street due to several large cracks in the roadway. We have contracted with a company to begin repairing both Moku and Kupono streets starting Oct. 7th. Repairs will be temporary and should be completed in under two weeks.

As of Sept. 15th, Leilani owners on Pomaikai St and East were allowed to return to their homes ending the Mandatory Evacuation Order. Power has been restored in most areas while phone and internet are still in work. Placards are still required for entrance past the security checkpoint at Leilani Ave and Hwy 130. (This is our only defense against tourists so far.) LCA is working to gain control of Leilani Ave to permit us to install a gate system to continue restricted entry when Civil Defense terminates the checkpoint. If you intend to visit your property for the first time since the eruption, please check the [www.leilaniestates.org](http://www.leilaniestates.org) website for the status and instructions for entry.

As a final note, LCA has begun to pursue low-interest loan resources from SBA to cover expenses that may exceed our current cash reserves. We will only use SBA funds, which are low-interest loans, if necessary.

# **NEIGHBORHOOD WATCH**

*By Greg Armstrong, Coordinator*

First, I want to express my deepest sympathy for those neighbors who have lost their homes. Lava flowing through our neighborhood is nothing any of us ever expected to see. This disaster definitely presented a challenge for us to try and patrol our streets, especially those located in the mandatory evacuation zone. Many of our volunteers lost their homes and others have had to find housing outside Leilani Estates. However, some volunteers were able to step up to assist in doing multiple patrols and there were six of us doing two or three patrols a day on the streets above the evac zone. Mark Hauanio, Jay Turkovsky, Ross Stadnyk, James Tucker, Michael Koontz and I have been out there day and night.

In June Mark & I were approached by Civil Defense to volunteer in the mandatory evacuation zone to assist escorting people to their homes and to check air quality to make sure no one was subjected to high levels of SO<sub>2</sub>. We pulled in Ross & James to help as well so we had a presence in there 6 days a week along with Sharon & Dennis McCartin, the CERT volunteers who were there to enforce the Civil Defense safety measures. Unfortunately, there were some issues of break-ins as people were sneaking in from the power line road. I believe our expanded presence on those streets was effective but have had a couple of recent incidences since the mandatory evacuation was lifted.

There were also a number of break-ins on the south side of Malama street as the bad guys were able to hike in from the forest area below Leilani Estates. At the time of writing this the flow of lava has stopped so we are hoping this is an indication that this eruption may be over and not just a pause. Because of this, those of us with accessible homes in the mandatory evacuation zone have been allowed to return. If you have been able to return home, please be alert and keep on eye open for suspicious activity. Especially if you have neighbors whom for whatever reason have not yet returned & their home is still vacant. Any suspicious activity should be reported to the police non-emergency number 935-3311.

If you see Sharon & Dennis or any of the volunteers be sure to give them your thanks. Especially Sharon & Dennis. They are CERT volunteers that live in Orchidland. As volunteers they do not get paid and they were there for us 6 days

a week & now 2 days a week issuing placards.

The Police and National Guard also deserve big Mahalo from all of us. They were there 24 hours a day to make sure only Leilani residents entered our subdivision. Any measures they took at the entrance was for our safety and far outweighed an inconvenience. Jan-Guard Security has now taken over that responsibility so please give them your cooperation as well.

We are looking for some additional volunteers for patrol so if you have time and want to help keep our neighborhood a safer place you can contact me at [Leilaniwatch@live.com](mailto:Leilaniwatch@live.com). Our next Neighborhood Watch meeting will be held on Tuesday Oct 30th at 7:00p.m in the LCA building.

# **SYNOPSIS OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

The following is a brief synopsis of the above Covenants, as they pertain to all and any improvements. The complete text, as recorded in the Bureau of Conveyances, State of Hawaii, in Liber 6446, was issued to all property owners at time of purchase.

1. **ARCHITECTURAL COMMITTEE:** Before any building, garage, wall, fence or any other improvement is constructed or maintained upon the lots or any alteration made thereto, a duplicate set of plans and specifications relating to said construction work shall be submitted to the Architectural Committee. (Addressed as above). One set must be the County approved plans, which will be returned (see also item 16).  
**1. ARCHITECTURAL COMMITTEE. Certificate of Extension Of the Architectural Committee Of The Leilani Community Association. Liber/Page 23129/783 Recorded May 1, 1989).**
  2. **SINGLE FAMILY RESIDENCE:** All lots shall be used for only single family residence, with only one such residence being permitted on any such lot.
  3. **GARAGE:** Every residence shall have a minimum of a 2-car garage or port. which shall be considered as part of the residence.  
**SIZE:** No residence shall be constructed which contains less than 100 square feet of livable ground floor space, exclusive of porches, patios, and garage.
  5. **HEIGHT:** No improvement shall be constructed that will exceed 18 ft. in height from the highest point of land within the perimeter of the structure.  
**5. HEIGHT. Residences and other structures built on lots must be built so that the highest point in elevation of the structure must be 18 ft. or lower from the highest point of land in elevation on that lot. (No. 92-115 Findings of Fact, Conclusion of Law, Order Granting motion for Partial Summary Judgement; Judgement Recorded June 10, 1993).**
  6. **TEMPORARY OR SEPARATE IMPROVEMENTS:** No trailer, mobile home, tent, shack, garage or other outbuilding shall be constructed prior to or during construction of a residence.
  7. **NUISANCE:** No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
  8. **MATERIALS:** All materials used in the construction of any improvement upon any portion of the lots shall be new materials only except that used decorative or structural materials may be used to enhance the appearance of the improvement.
  9. **FOUNDATIONS:** No conventional sub-floor framing shall be exposed from any side of any residence. All sub-floor framing shall be concealed in a manner acceptable to the Architectural Committee.
  10. **DRIVEWAYS:** Driveways shall be a minimum of 12 feet wide at the street and shall be paved during or prior to completion of a residence.
  10. **DRIVEWAYS. Driveway is area between a lot owner's home and the boundary line adjacent to the roadway, the term "paved" allows the use of any smooth surface. (Civil No. 6865 Findings Of Fact, Conclusions Of Law and Judgement Recorded September 28, 1982).**
  11. **ROOFS:** Cedar shakes, cedar shingles, clay tiles, composite materials or metals, shall be among some of the approved roofing materials.
  12. **ANIMALS:** Only dogs, cats or other household pets may be kept on any of said lots, provided that they are not kept, bred or maintained for any commercial purpose and are otherwise kept in accordance with the zoning ordinances, rules and regulations otherwise applicable.
  13. **SIGNS:** No signs of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent; or signs used by a builder to advertise the property during the construction and sales period.
  14. **RUBBISH AND TRASH:** None of the lots shall be used as a dumping ground for discarded old vehicles, rubbish, or other waste. No such material shall be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean sanitary condition.
  15. **ALL CONVEYANCES SUBJECT HERETO:** All deeds, mortgages, agreements of sale, leases, or other conveyances made or delivered by any legal or equitable owner of any lot or interest therein shall be subject to the same covenants, conditions and restrictions as in this Declaration set forth whether expressly contained in such conveyances or not.
  16. **BUILDING PERMIT:** No work shall be commenced on the construction of any improvement until such building permit has been obtained from the Building Department of the County of Hawaii as required by law or ordinance.
  17. **COMMUNITY ASSOCIATION:** Each owner shall be a member in good standing of the LEILANI COMMUNITY ASSOCIATION, a Hawaii nonprofit corporation, and shall pay all assessments levied and billed according to law. Unpaid assessments shall constitute a lien against subject property, which may be enforced by suit for money judgement or may be foreclosed by the Association in the same manner as a real estate mortgage may be foreclosed.
- COVENANTS RUNNING WITH THE LAND.** The covenants, conditions and restrictions shall run with the land, and are of record with the Bureau of Conveyances of the State of Hawaii.

