

COUNCIL OF THE COUNTY OF MAUI
INFRASTRUCTURE AND
ENVIRONMENTAL MANAGEMENT
COMMITTEE

July 24, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on June 29, 2015, makes reference to County Communication 15-166, from the Director of Public Works, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF REMNANT LOTS AT PUUKOLII ROAD, HANAKA OO, KAA NAPALI, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII."

The purpose of the proposed resolution is to accept donations of real property from Kaanapali Land Management Corp. (Lots 1-A-1-B and 2-B) and A.N.C. Construction, Inc. (Lots 1-A-2, 1-A-3, and 1-A-4), containing portions of Puukoolii Road, Lahaina, Maui, Hawaii.

Your Committee notes the Council may accept donations of real property or any interest in real property by resolution, pursuant to Section 3.44.015(C), Maui County Code.

The Deputy Director of Public Works informed your Committee the Department has received numerous requests from residents to improve Puukoolii Road. However, the Department is unable to perform the requested improvements because portions of the road are privately owned.

The Deputy Director stated Kaanapali Land Management Corp. and A.N.C. Construction, Inc. propose to donate to the County their portions of the road. The current condition of the road is adequate and complies with the County's Subdivision Ordinance, but the road will soon need repaving.

COUNCIL OF THE COUNTY OF MAUI
INFRASTRUCTURE AND
ENVIRONMENTAL MANAGEMENT
COMMITTEE

Page 2

Committee
Report No. _____

The Deputy Director expressed the Department's support for the resolution, and noted acceptance of the donations will enable the Department to perform the requested improvements to the road.

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran, Vice-Chair Hokama, and members Baisa, Carroll, Crivello, and White voted "aye." Committee member Guzman was excused.

Your Committee is in receipt of a revised proposed resolution, entitled "AUTHORIZING THE ACCEPTANCE OF REMNANT LOTS AT PUUKOLII ROAD, LAHAINA, MAUI, HAWAII," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Infrastructure and Environmental Management Committee RECOMMENDS the following:

1. That Resolution _____, as revised herein and attached hereto, entitled "AUTHORIZING THE ACCEPTANCE OF REMNANT LOTS AT PUUKOLII ROAD, LAHAINA, MAUI, HAWAII," be ADOPTED; and
2. That County Communication 15-166 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ELLE COCHRAN, Chair

Resolution

No. _____

AUTHORIZING THE ACCEPTANCE OF REMNANT LOTS AT PUUKOLII ROAD, LAHAINA, MAUI, HAWAII

WHEREAS, Kaanapali Land Management Corp., a Hawaii corporation, is the current owner of Lot 1-A-1-B and Lot 2-B located within Puukolii Road, which lots are described in Exhibit "A" of the Limited Warranty Deed attached hereto as Exhibit "1"; and

WHEREAS, A.N.C. Construction, Inc., a Hawaii corporation, is the current owner of Lot 1-A-2, Lot 1-A-3, and Lot 1-A-4 located within Puukolii Road, which lots are described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "2"; and

WHEREAS, Puukolii Road is currently being used as a public roadway by the people of the County of Maui and is partially maintained by the County of Maui; and

WHEREAS, Kaanapali Land Management Corp. now desires to convey Lot 1-A-1-B and Lot 2-B by gift to the County of Maui, by Limited Warranty Deed, in the form attached hereto as Exhibit "1"; and

WHEREAS, A.N.C. Construction, Inc., now desires to convey Lot 1-A-2, Lot 1-A-3, and Lot 1-A-4 by gift to the County of Maui, by Warranty Deed, in the form attached hereto as Exhibit "2"; and

WHEREAS, the Director of Public Works has reviewed and approved of the acceptance of the above-identified Lots as gifts in order to complete the County's acquisition of land rights for the portion of Puukolii Road currently being used by the general public; and

WHEREAS, pursuant to Section 3.44.015(C), Maui County Code, the Council may accept donations of real property or any interest in real property by resolution; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

Resolution No. _____

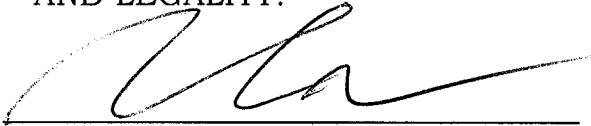
1. That it hereby accepts the donation of the real property identified as Lot 1-A-1-B and Lot 2-B from Kaanapali Land Management Corp., as described in Exhibit "A" of the Limited Warranty Deed attached hereto as Exhibit "1"; and

2. That is hereby accepts the donation of the real property identified as Lot 1-A-2, Lot 1-A-3, and Lot 1-A-4 from A.N.C. Construction, Inc., as described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "2"; and

3. That it does hereby authorize the Mayor of the County of Maui to execute all documents necessary to finalize the acceptance of said real property interests; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and the Director of Public Works.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
LF 2012-3779

Return by Mail [] Pickup []

County of Maui, Dept. of Public Works
Attn: Linda Monden
200 S. High Street
Wailuku, Maui, HI 96793

Total Pages:

Tax Map Key Nos.: (2) 4-4-002:26 (portion)
(2) 4-4-002:42 (portion)

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (this "Deed") is made as of _____,
by and between **KAANAPALI LAND MANAGEMENT CORP.**, formerly known as Kaanapali
Development Corp., a Hawaii corporation (the "Grantor"), the address of which is 275 Lahainaluna
Road, Lahaina, Hawaii 96761, and **COUNTY OF MAUI**, through its **Department of Public
Works**, a political subdivision of the State of Hawaii (the "Grantee"), the address of which is 200 S.
High Street, Wailuku, Maui, Hawaii 96793.

WITNESSETH:

That for Ten Dollars and other valuable consideration paid by the Grantee to the
Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey
unto the Grantee, and the Grantee hereby accepts, that certain real property (the "Property")
described in Exhibit "A" attached hereto and incorporated herein by this reference;

AND the reversions, remainders, rents, issues and profits thereof and all of the estate,
right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all rights, easements, rights of
way, privileges, appurtenances thereon and thereto belonging or appertaining or held and enjoyed
therewith, and all other rights and benefits running with the Property, unto the Grantee forever.

The Grantor hereby covenants with the Grantee that the Grantor is lawfully seised of the Property; that the Property is free and clear of and from all liens and encumbrances made or suffered by the Grantor, excepting the lien of real property taxes assessed for the current fiscal year but not yet due, and further excepting any and all exceptions, reservations and encumbrances referred to in this Deed; that the Grantor has good right to convey the Property; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

This conveyance and the covenants of the Grantor shall be binding upon the Grantor and the Grantor's successors, and shall run in favor of and inure to the benefit of the Grantee and the Grantee's successors.

The parties hereto agree that this Deed 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 of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The undersigned have executed this Deed as of the date first referenced above.

KAANAPALI LAND MANAGEMENT CORP.,
a Hawaii corporation

By _____

Name:

Title:

Grantor

Approved as to form and legality

Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF _____)

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

Further, I certify, as of this date, as follows:

Date of Document: _____
Number of Pages: _____ (if counterpart signature pages are subsequently attached, the document may have a different number of pages)
Document Description: Limited Warranty Deed
Jurisdiction/Judicial Circuit Where Signed: _____

Type or print name: _____
Date: _____
Notary Public, State of Hawaii
My commission expires: _____

to the right, having
a radius of 597.29
feet, the chord
azimuth and distance
being:

187° 17' 38.50" 15.67 feet;

5. Thence along the remainder of R.P. 2567, L.C.
Aw. 7715, Ap.
3, Part 1 to Lota
Kamehameha on a curve
to the right, having
a radius of 332.00
feet, the chord
azimuth and distance
being:

285° 56' 30" 97.48 feet;

6. Thence along the remainder of R.P. 2567. L.C.
Aw. 7715, Ap. 3
3, Part 1 to Lota
Kamehameha on a curve
to the right, having
a radius of 418.00
feet, the chord
azimuth and distance
being:

297° 22' 51" 43.72 feet to the point
of beginning and
containing an area of
1,860 square feet,
more or less.

-ITEM II:-

All of that certain parcel of land (being portion(s)
of the land(s) described in and covered by Royal
Patent Number 2567, Land Commission Award Number
7715, Apana 3, Part 1 to Lota Kamehameha) situate,
lying and being at Hanakaoo, Kaanapali, Lahaina,
Island and County of Maui, State of Hawaii, being
LOT 1-A-1-B, being a subdivision of LOT 1-A-1 and
thus bounded and described:

Beginning at a point at the east corner of this lot,

the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI", being 2,522.99 feet north and 13,630.54 feet west and running by azimuths measured clock wise from True South:

1. 114° 23' 51.53 feet along the northerly side of Puukolii Road;
2. Thence along the northerly side of Puukolii Road on a curve to the left, having a radius of 605.00 feet, the chord azimuth and distance being:
 107° 41' 30" 141.00 feet;
3. 101° 00' 57.65 feet along the northerly side of Puukolii Road;
4. 191° 00' 15.15 feet along the easterly side of Honoapiilani Highway and the remainder of Royal Patent 2567, Land Commission Award Number 7715, Apana 3, Part 1 to Lota Kamehameha;
5. 277° 30' 36.92 feet along the remainder of Royal Patent Number 2567, Land Commission Award Number 7715, Apana 3, Part 1 to Lota Kamehameha;
6. Thence along the remainder of Royal Patent Number 2567, Land Commission Award Number 7715, Apana 3, Part 1 to Lota Kamehameha on a curve to the left, having a radius of 597.29

feet, the chord
azimuth and distance
being:

7° 17' 38.50" 15.67 feet;

7. 281° 00' 19.78 feet along the
remainder of Royal
Patent Number 2567,
Land Commission Award
Number 7715, Apana 3
Part 1 to Lota
Kamehameha;

8. Thence along the remainder of Royal Patent
Number 2567, Land

Commission Award
Number 7715, Apana 3,
Part 1 on a curve to
the right, having a
radius of 606.77
feet, the chord
azimuth and distance
being:

286° 41' 120.18 feet;

9. 180° 02' 24" 6.94 feet along the
remainder of Royal
Patent Number 2567,
Land Commission Award
Number 7715, Apana 3,
Part 1 to Lota
Kamehameha;

10. Thence along the remainder of Royal Patent
Number 2567, Land
Commission Award
Number 7715, Apana 3,
Part 1 to Lota
Kamehameha on a curve
to the right, having
a radius of 418.00
feet, the chord
azimuth and distance
being:

302° 10' 02" 26.10 feet;

11. Thence along the remainder of Royal Patent

Number 2567, Land

Commission Award
Number 7715, Apana 3,
Part 1 to Lota
Kamehameha on a curve
to the left, having a
radius of 300.00
feet, the chord
azimuth and distance
being:

299° 10' 11" 50.06 feet to the point
of beginning and
containing an area of
1,072 square feet,
more or less.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. LEASE in favor of MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC., dated October 13, 1967, recorded in Liber 5893 at Page 226.
3. INSTRUMENT : AGREEMENT

DATED : August 15, 1990
RECORDED : Document No. 90-132756
PARTIES : PIONEER MILL COMPANY, LIMITED, a
 Hawaii corporation; and the
 DEPARTMENT OF WATER SUPPLY of the
 County of Maui

4. INSTRUMENT : SUBDIVISION AGREEMENT
(AGRICULTURAL USE)
- DATED : July 5, 1994
RECORDED : Document No. 94-116216
PARTIES : AMFAC PROPERTY INVESTMENT CORP., a
Hawaii corporation, and PIONEER
MILL COMPANY, LIMITED, a Hawaii
corporation, and the COUNTY OF
MAUI, through its Department of
Public Works and Waste Management,
a body politic and corporate, and
a political subdivision of the
State of Hawaii
5. INSTRUMENT : SUBDIVISION AGREEMENT (LARGE
LOTS)
- DATED : July 5, 1994
RECORDED : Document No. 94-116217
PARTIES : AMFAC PROPERTY INVESTMENT CORP., a
Hawaii corporation, and PIONEER
MILL COMPANY, LIMITED, a Hawaii
corporation, and the COUNTY OF
MAUI
6. INSTRUMENT : HOLD-HARMLESS AGREEMENT
- DATED : July 29, 1994
RECORDED : Document No. 94-156768
PARTIES : AMFAC PROPERTY INVESTMENT CORP., a
Hawaii corporation, PIONEER MILL
COMPANY, LIMITED, a Hawaii
corporation, and the COUNTY OF
MAUI
7. INSTRUMENT : AGREEMENT FOR THE DEFERRAL OF
SUBDIVISION WATER SYSTEM IMPROVEMENTS
- DATED : September 28, 1994
RECORDED : Document No. 94-174243
PARTIES : AMFAC PROPERTY INVESTMENT CORP., a
Hawaii corporation and PIONEER
MILL COMPANY, LIMITED, a Hawaii
corporation, and the BOARD OF
WATER SUPPLY of the County of Maui

8. AS TO ITEM I:-

(A) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED
DATED : December 5, 1994
RECORDED : Document No. 95-007658
GRANTING : a perpetual non-exclusive right
and easement for utility purposes

Said Grant was amended by instrument dated
October 30, 2007, recorded as Document No.
2008-009152.

(B) INSTRUMENT : PRIVATE WATER SYSTEM
AGREEMENT
DATED : April 4, 1996
RECORDED : Document No. 96-086059
PARTIES : AMFAC
PROPERTY INVESTMENT CORP., a
Hawaii corporation;
RAILROADS OF HAWAII, INC., a
Hawaii corporation;
KAANAPALI WATER CORPORATION,
a Hawaii corporation; and
the DEPARTMENT OF WATER
SUPPLY of the County of Maui

END OF EXHIBIT "A"

"A", attached hereto and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever, including the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interests of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, rights, easements, hereditaments, privileges and appurtenances thereto belonging or appertaining, or held and enjoyed in connection therewith unto the Grantee according to the tenancy hereinabove set forth, absolutely and in fee simple, forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of the described real and personal property and that the Grantor has good right to convey the same as aforesaid; that the property is free and clear of all encumbrances, except as may be described in Exhibit "A"; and the Grantor will WARRANT AND DEFEND the same unto Grantee, forever, against the lawful claims and demands of all persons.

It is understood and agreed that the term "property" shall be deemed to mean and include the property specifically described in Exhibit "A", all buildings and improvements thereon (including any personal property described in Exhibit "A") and all rights, easements, privileges and appurtenances in connection therewith, that the terms "Grantor" and "Grantee", as and when

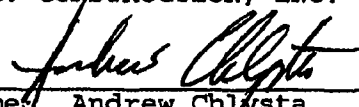
used herein, or any pronouns used in place thereof, shall mean and include the masculine and/or feminine, the singular or plural number, individuals, firms or corporations, that the rights and obligations of the Grantor and Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors in trust and assigns and that where there is more than one Grantor or Grantee, any covenants of the respective party shall be and for all purposes deemed to be joint and several.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this 13th day of April, 2015.


GRANTOR:

A.N.C. CONSTRUCTION, INC.

By


Name Andrew Chlysta
Its President

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel
County of Maui
MICHAEL J. HOPPER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Nevada)

On 04/13/2015 before me, Janet Lee, Notary
(here insert name and title of the officer)

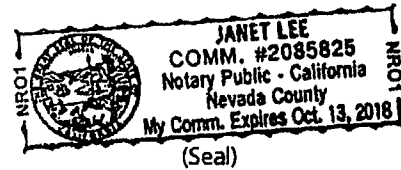
personally appeared Andrew Chlysta

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Warranty Deed

containing 11 pages, and dated 04/13/2015

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 (form(s) of identification) credible witness(es)

Notarial event is detailed in notary journal on:

Page # 9 Entry # 3

Notary contact: Janet Lee

Other

- Additional Signer(s)
- Signer(s) Thumbprint(s)
-

EXHIBIT A

LAND DESCRIPTION

Lot 1-A-2

All of that certain parcel of land known as Lot 1-A-2 of the Puukoli'i Subdivision (Subdivision File No. 4.445) being portion(s) of the Land(s) described in and covered by Royal Patent Number 2567, Land Commission Award Number 7715, Apana 3, Part 1 to Lota Kamehameha further described as follows,

Situate at
Hanakao'o, Lahaina, Maui, Hawaii

Beginning at the Southeast corner of this parcel of land, the Southwest corner of Lot 1-B of the Puukoli'i Subdivision (Subdivision File No. 4.445) and a point on the Northerly right of way line of the present Puukoli'i Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "Manini" being 2,328.18 feet North and 13,042.95 feet West, and running by azimuths measured clockwise from True South; thence,

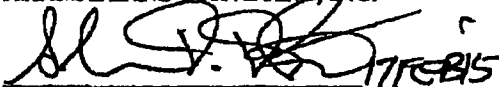
1. 109° 42' 00" 229.92 feet along the Northerly right-of-way line of the present Puukoli'i Road to a point; thence,
2. Following along the same, along the arc of a curve concave to the left, having a radius of 489.50 feet, the chord azimuth and distance being 103° 48' 30" for 100.49 feet to a point; thence,
3. 97° 55' 00" 119.00 feet along the Northerly right-of-way line of the present Puukoli'i Road to a point; thence,
4. Following along the same, along the arc of a curve concave to the right, having a radius of 346.10 feet, the chord azimuth and distance being 106° 09' 00" for 99.13 feet to a point; thence,
5. 114° 23' 00" 126.97 feet along the Northerly right-of-way of the present Puukoli'i Road to a point; thence,
6. Following along the same, along the arc of a curve concave to the left, having a radius of 585.00 feet, the chord azimuth and distance being 107° 41' 30" for 136.34 feet to a point; thence,
7. 101° 00' 00" 57.65 feet along the Northerly right-of-way line of the present Puukoli'i Road to a point; thence,
8. 191° 00' 00" 20.00 feet along the Easterly right-of-way line of Honospitilani Highway [FAP No. S-0300 (1)] to a point; thence,
9. 281° 00' 00" 57.65 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha to a point; thence,
10. Following along the remainder of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha, along the arc of a curve concave to the right, having a radius of 605.00 feet, the chord azimuth and distance being 287° 41' 30" for 141.00 feet to a point; thence,

Continued...
Land Description of Lot 1-A-2
Page 2 of 2

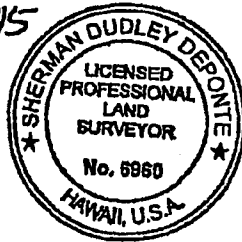
11. 294° 23' 00" 126.97 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha, to a point; thence,
12. Following along the same, along the arc of a curve concave to the left, having a radius of 326.10 feet, the chord azimuth and distance being 286° 09' 00" for 93.40 feet to a point; thence,
13. 277° 55' 00" 119.00 feet along the remainder of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha to a point; thence,
14. Following along the same, along the arc of a curve concave to the right, having a radius of 509.50 feet, the chord azimuth and distance being 283° 48' 30" for 104.60 feet to a point; thence,
15. 289° 42' 00" 229.92 feet along same to a point; thence,
16. 19° 42' 00" 20.00 feet along Lot 1-B of Puukoli'i Subdivision (Subdivision File No. 4.445) to the point of beginning and containing an area of 17,437 square feet, or 0.400 acre.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2016
213377 (2/16/15 - JM)



LAND DESCRIPTION

Lot 1-A-3

All of that certain parcel of land known as Lot 1-A-3 of the Puukoli'i Subdivision (Subdivision File No. 4.445) being portion(s) of the land(s) described in and covered by Royal Patent Number 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha, further described as follows,

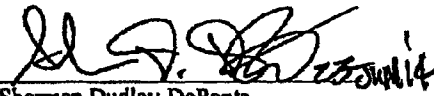
Situate at
Hanakao'o, Lahaina, Maui, Hawaii

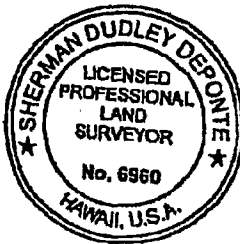
Beginning at the Southeasterly corner of this parcel of land, being the Southwesterly corner of Lot 1-A-4 of the Puukoli'i Subdivision (Subdivision File No. 4.445) and a point on the Northerly right-of-way line of the present Puukoli'i Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "Manini" being 1,271.57 feet North and 11,378.92 feet West, and running by azimuths measured clockwise from True South; thence,

1. 130° 33' 00" 788.76 feet along the Northerly right-of-way line of the present Puukoli'i Road, to a point; thence,
2. Following along the same, along the arc of a curve concave to the left, having a radius of 330.30 feet, the chord azimuth and distance being; 123° 16' 30" for 83.65 feet, the radial azimuth to the point of curve being 220° 33' 00", the radial azimuth to the point tangent being 206° 00' 00", to a point; thence,
3. 206° 00' 00" 20.00 feet along the Southeasterly property boundary line of Lot 1-B of the Puukoli'i Subdivision (Subdivision File No. 4.445), to a point; thence,
4. Following along the remainder of Royal Patent 2567, Land Commission Award 7715, Apana 3, Part 1 to Lota Kamehameha, along the arc of a curve concave to the right, having a radius of 350.30 feet, the chord azimuth and distance being; 303° 16' 30" for 88.72 feet, the radial azimuth to the point of curve being 206° 00' 00", the radial azimuth to the point of tangent being 220° 33' 00", to a point; thence,
5. 310° 33' 00" 788.76 feet along the same, to a point; thence,
6. 40° 33' 00" 20.00 feet along the Northwesterly property boundary line of Lot 1-A-4 of the Puukoli'i Subdivision (Subdivision File No. 4.445), to the point of beginning and containing an area of 17,504 square feet or 0.402 acre.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.


Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2016
213377 (6/23/14 - JM)



LAND DESCRIPTION

Lot 1-A-4

All of that certain parcel of land known as Lot 1-A-4 of the Puukoli'i Subdivision (Subdivision File No. 4.445) being portion(s) of the land(s) described in and covered by Royal Patent Number 2567, Land Commission Award 7715 Apana 3, Part 1 to Lota Kamehameha, further described as follows,

Situate at
Hanakao'o, Lahaina, Maui, Hawaii

Beginning at the Southwesterly corner of this parcel of land, being the Southeasterly corner of Lot 1-A-3 of the Puukoli'i Subdivision (Subdivision File No. 4.445) and a point on the Northerly right-of-way line of the present Puukoli'i Road, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "Manini" being 1,271.57 feet North and 11,378.92 feet West, and running by azimuths measured clockwise from True South; thence,

1. 220° 33' 00" 20.00 feet along the Southeasterly property boundary line of Lot 1-A-3 of the Puukoli'i Subdivision (Subdivision File No. 4.445), to a point; thence,
2. 310° 33' 00" 192.00 feet along the remainder of Royal Patent 2567, Land Commission Award 7715 Apana 3, Part 1 to Lota Kamehameha, to a point; thence,
3. Following along the same, along the arc of a curve concave to the left, having a radius of 923.00 feet, the chord azimuth and distance being 306° 13' 00" for 139.48 feet to a point; thence,
4. 301° 53' 00" 806.93 feet along the remainder of Royal Patent 7715, Apana 3, Part 1 to Lota Kamehameha, to a point; thence,
5. Following along the same, along the arc of a curve concave to the left, having a radius of 684.30 feet, the chord azimuth and distance being 295° 49' 00" for 144.64 feet to a point; thence,
6. 289° 45' 00" 50.00 feet along the same, to a point; thence,
7. 19° 45' 00" 20.00 feet along the same, to a point; thence,
8. 109° 45' 00" 50.00 feet along the Northerly right-of-way of the present Puukoli'i Road, to a point; thence,
9. Following along the same, along the arc of a curve concave to the right, having a radius of 704.30 feet, the chord azimuth and distance being, 115° 49' 00" for 148.87 feet to a point; thence,
10. 121° 53' 00" 806.93 feet along the Northerly right-of-way line of the present Puukoli'i Road, to a point; thence,

Continued...

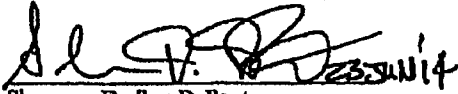
Land Description for Lot 1-A-4

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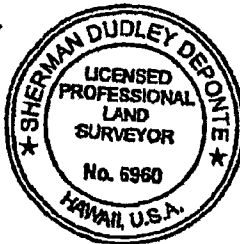
11. Following along the same, along the arc of a curve concave to the right, having a radius of 943.00 feet, the chord azimuth and distance being 126° 13' 00" for 142.50 feet, to a point; thence,
12. 130° 33' 00" 192.00 feet along the Northerly right-of-way line of the present Puukoli'i Road to the point of beginning and containing area of 26,742 square feet or 0.614 acre.

This work was done by me or
under my direct supervision.

AKAMAI LAND SURVEYING, INC.



Sherman Dudley DePonte
Licensed Professional Land Surveyor
State of Hawaii Certificate No. 6960
Expires: April 30, 2016
213377 (6/23/14 - JM)



SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.

2. LEASE

TO : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN
TELEPHONE COMPANY INCORPORATED, now known as
HAWAIIAN TELCOM, INC.

DATED : October 13, 1967
RECORDED : Liber 5893 Page 226
LEASING : a rights-of-way to building, construct, reconstruct,
rebuild, repair, maintained and operate pole and
wire lines, etc.

3. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : April 28, 1983
RECORDED : Liber 17020 Page 769

The foregoing includes, but is not limited to, matters relating to the following:

"RESERVING AND EXCEPTING unto the Grantor, its successors and assigns, forever, as appurtenant to the lands of the Grantor located in the District of the premises now owned and used or hereafter acquired and used by the Grantor in its sugar plantation operations, the perpetual right and easement over and upon the granted premises to discharge, emit, or transmit surface water runoff, noise, smoke, soot, dust, lights, vapors, odors, and other substances and phenomena of every description, created by and resulting from the reasonable operations of the Grantor in burning sugar cane and bassage, milling, generating power, trucking, hauling and all other activities incidental to the operation of a sugar cane plantation and alternative energy projects; and Grantee does hereby waive any and all claims under any law whatsoever against Grantor arising therefrom.

4. GRANT

TO : KAA NAPALI WATER CORPORATION
DATED : June 20, 1985
RECORDED : Liber 18758 Page 718
GRANTING : a nonexclusive easement to construct, reconstruct, install, maintain, operate, repair, replace and remove a water pipeline etc. and subject to the terms and provisions contained therein

5. -AS TO PARCEL FIRST:-

Reserving and excepting unto the Grantor, its successors and assigns, an easement for cane haul road purposes over and across Parcel 1-A-2.

6. Rights of others who may have easement or access rights in the land described herein.

7. Any unrecorded leases and matters arising from or affecting the same.

Being the same premises conveyed to the Grantor by Quitclaim Deed of Obayashi Hawaii Corporation, a Hawaii corporation, dated June 10, 2008, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2008-102823.

NOTE: There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.