

**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 March 2, 2015, makes reference to County Communication 13-28, from Councilmember Michael P. Victorino, transmitting the matter relating to the dedication of a portion of Eha Street, Wailuku, Hawaii, for use as a public roadway.

By correspondence dated February 10, 2015, the Director of Public Works transmitted the following:

1. A proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE EHA STREET EXTENSION SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE."

The purpose of the proposed resolution is to accept Roadway Lot 10 from KLD Holdings, LLC, containing the portion of Eha Street located between the Wailuku Post Office and the Iao Parkside Subdivision, Wailuku, Maui, Hawaii, pursuant to the requirements of the Eha Street Extension Subdivision.

2. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE IAO PARKSIDE SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE."

The purpose of the proposed resolution is to accept Roadway Lots 8, 9, and 35 in Wailuku, Maui, Hawaii, from Iao Partners, pursuant to the requirements of the Iao Parkside Subdivision. The Roadway Lots contain the portion of Eha

**COUNCIL OF THE COUNTY OF MAUI**  
**INFRASTRUCTURE AND**  
**ENVIRONMENTAL MANAGEMENT**  
**COMMITTEE**

Page 2

**Committee**  
**Report No. \_\_\_\_\_**

Street located between the Wailuku Parkside Subdivision and the Wailuku Industrial Park Subdivision, and the portion of Waena Street fronting the Velma McWayne Santos Community Center.

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 Director of Public Works informed your Committee KLD Holdings, LLC, and Iao Partners (“Subdividers”) desire to dedicate the roadway lots to fulfill their subdivision requirements. The Iao Parkside Subdivision and the Eha Street Extension Subdivision were granted final subdivision approval in 1995 and 1998, respectively. Various complications, including title issues, outdated encumbrances in the deed documents, and noncompliance with the Subdivision Ordinance, have delayed the dedication of the roadway lots to the County.

Your Committee notes, pursuant to Section 18.40.010, Maui County Code, the County shall not accept any existing street except upon full compliance with the provisions of the Subdivision Ordinance or as otherwise deemed in the public interest by the Council.

The Director stated improvements are needed for Eha Street and Waena Street (“roadways”) to comply with the Subdivision Ordinance. The Department estimated improvements will cost \$300,000. Necessary improvements include repairing curb ramps to conform with the Americans with Disabilities Act; restriping the roadways; installing signage; repairing uneven or damaged sidewalks, curbs, and gutters; removing weeds; and applying slurry seal to existing pavement surfaces.

Your Committee expressed concern that accepting noncompliant roadways will place the County at risk of being liable for injuries related to the roadways.

**COUNCIL OF THE COUNTY OF MAUI**  
**INFRASTRUCTURE AND**  
**ENVIRONMENTAL MANAGEMENT**  
**COMMITTEE**

Page 3

**Committee**  
**Report No. \_\_\_\_\_**

The Director stated the Subdividers propose to mitigate the County's liability by maintaining commercial general liability insurance policies covering the roadway lots and naming the County as an additional insured. The insurance policies will carry limits of \$2,000,000 per occurrence and \$3,000,000 in the aggregate, pursuant to the recommendations of the County's Risk Management Officer.

In addition, the Subdividers have agreed to indemnify the County for any injuries related to the roadway lots. The indemnification and insurance policies will be maintained for a two-year period commencing upon recordation of the roadway lot deeds.

The Director further informed your Committee the Department finds it is in the public interest for the County to accept these roadway lots. The roadways serve as collector roads providing critical traffic-circulation routes between light-industrial centers, housing, parks, a community center, the post office, and the County's Iao Stream Flood Control Project.

Your Committee notes adoption of the proposed resolutions by the Council endorses the Department's finding that acceptance of the roadway lots is in the public interest.

Your Committee stressed parking restrictions must be enforced to mitigate the hazardous traffic conditions created by on-street parking along Eha Street.

The Director noted the Department will coordinate with the Department of Police to enforce parking restrictions and install additional signage where needed.

Your Committee voted 5-0 to recommend adoption of the proposed resolutions and filing of the communication. Committee Chair Cochran, Vice-Chair Hokama, and members Baisa, Carroll, and Guzman voted "aye." Committee members Crivello and White were excused.

**COUNCIL OF THE COUNTY OF MAUI**  
**INFRASTRUCTURE AND**  
**ENVIRONMENTAL MANAGEMENT**  
**COMMITTEE**

Page 4

**Committee**  
**Report No. \_\_\_\_\_**

Your Committee is in receipt of revised proposed resolutions, entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE EHA STREET EXTENSION SUBDIVISION" and "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE IAO PARKSIDE SUBDIVISION," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee is also in receipt of an agreement, entitled "UNILATERAL INSURANCE AGREEMENT AS TO ROAD (Eha Street Extension)," executed by KLD Holdings, LLC, and approved as to form and legality by the Department of the Corporation Counsel.

In addition, your Committee is also in receipt of an agreement, entitled "UNILATERAL INSURANCE AGREEMENT AS TO ROADS (Eha Street and Waena Street)," executed by Iao Partners, and approved as to form and legality by the Department of the Corporation Counsel.

Your Infrastructure and Environmental Management Committee RECOMMENDS the following:

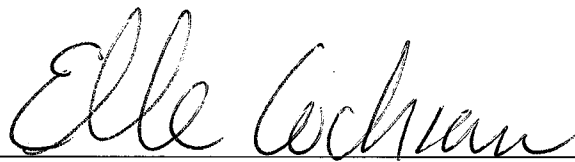
1. That Resolution \_\_\_\_\_, attached hereto, entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE EHA STREET EXTENSION SUBDIVISION," be ADOPTED;
2. That Resolution \_\_\_\_\_, attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE IAO PARKSIDE SUBDIVISION," be ADOPTED; and
3. That County Communication 13-28 be FILED.

COUNCIL OF THE COUNTY OF MAUI  
**INFRASTRUCTURE AND  
ENVIRONMENTAL MANAGEMENT  
COMMITTEE**

Page 5

**Committee  
Report No.** \_\_\_\_\_

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



\_\_\_\_\_  
ELLE COCHRAN, Chair

iem:cr:15059aa:jkm

# Resolution

No. \_\_\_\_\_

## ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE EHA STREET EXTENSION SUBDIVISION

WHEREAS, KLD HOLDINGS, LLC, a Hawaii limited liability company ("Subdivider"), desires to comply with the subdivision requirements for the Eha Street Extension Subdivision, TMK: (2) 3-4-030:020, Subdivision File No. 3.1594, by dedicating that certain Roadway Lot 10, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed said dedication and recommends approval of the same; and

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

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

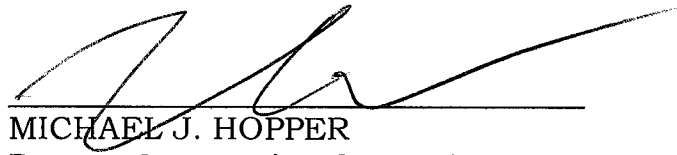
1. That it hereby accepts Lot 10, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

**Resolution No. \_\_\_\_\_**

2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works, and the Subdivider.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Michael J. Hopper', is written over a horizontal line. The signature is stylized and extends to the right of the line.

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

LAND COURT

REGULAR SYSTEM

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

County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Total No. of Pages: 20

Affects TMK No.: (2) 3-4-030-020

**WARRANTY DEED  
(Eha Street Extension)**

KNOW ALL BY THESE PRESENTS:

That KLD HOLDINGS, LLC, a Hawaii limited liability company, whose address is at 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813 (the "**Grantor**"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, with its principal office and post office address being 250 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference.

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

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.



And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in Exhibit "A" for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than those more particularly set forth in Exhibit "A"; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.


The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

The remainder of this page is intentionally left blank; the next page is the signature page. -

IN WITNESS WHEREOF, Grantor has executed these presents on the 2nd  
day of February, 2015.

KLD HOLDINGS, LLC,  
a Hawaii limited liability company

By Kehalani Mauka LLC,  
a Hawaii limited liability Company  
Its Manager

By   
STANFORD S. CARR  
Its Manager

Grantor

APPROVED AS TO FORM  
AND LEGALITY

  
MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

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

On this 1<sup>st</sup> day of December, 2014, before me personally appeared STANFORD S. CARR, to me personally known, who, being by me duly sworn, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Lynnette R. Tachi  
(Print or Type Name of Notary)

Lynnette R. Tachi  
(Signature of Notary)

Notary Public, State of Hawaii

My Commission Expires: 06/11/18

LS

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description: Warranty Deed (Eha Street Extension)	
Doc. Date: _____ or <input checked="" type="checkbox"/> Undated at time of notarization.	
No. of Pages: <u>20</u>	Jurisdiction: <u>First</u> Circuit (in which notarial act is performed)
<u>Lynnette R. Tachi</u> Signature of Notary	<u>12/1/14</u> Date of Notarization and Certification Statement
<u>Lynnette R. Tachi</u> Printed Name of Notary	(Official Stamp or Seal)

LS

**EXHIBIT "A"**

**Eha Street Extension Subdivision  
Description of Lot 10  
(Eha Street Extension Right-of-Way)**

Land situated on the northerly side of Lower Main Street at Auhaka, Lamaliinui, Papohaku, Pohakuuli, Popohaku, Wailuku, Maui, Hawaii

Being portions of R.P. 4121, L.C. Award 3722 to Moanalua; R.P. 3524, L.C. Aw. 5334:1 to Pupuka; Grant 3343 to Claus Spreckels; R.P. 4846, L.C. Aw. 4378 to Kawaha; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaena; R.P. 5034, L.C. Aw. 4386:1 to Kaiole; R.P. 6289, J.C. Aw. 3500 to Kaina; R.P. 7003, L.C. Aw. 3891:1 to Paia; R.P. 6128, L.C. Aw. 3222:1 to Auimakalani; R.P. 3104, L.C. Aw. 3495:1 to Kawahie; R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai; R.P. 7434, L.C. Aw. 2403 to Kaiiki; R.P. 5422, L.C. Aw. 4674 to Pookee; Poalima; Poalima 142, Poalima, and Poalima 156-165-188

Beginning at a point at the northwesterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,642.68 feet North and 705.94 feet West and running by azimuths measured clockwise from True South:

- |    |              |  |
|----|--------------|--|
| 1. | 249° 05' 45" | 16.56 feet along the southerly side of Iao Stream, being also along the remainder of Grant 3343 to Claus Spreckels to a point; |
| 2. | 249° 48' 15" | 72.00 feet along same to a point;  |
| 3. | 159° 48'     | 4.50 feet along same to a point;   |
| 4. | 249° 48' 15" | 62.77 feet along same to a point;  |
| 5. | 339° 48' 15" | 3.00 feet along same to a point;   |
| 6. | 240° 12'     | 306.00 feet along same to a point;   |
| 7. | 238° 57'     | 284.00 feet along same to a point;   |
| 8. | 237° 37' 45" | 121.08 feet along same to a point;   |
| 9. | 234° 35'     | 124.50 feet along same to a point;   |

10. 320' 40' 24" 4.27 feet along Lot 8 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels, to a point;
11. Thence along Lot 8 of Eha Street Extension Subdivision, being also along the remainders of Grant 3343 to Claus Spreckels; R.P. 7003, L.C. Aw. 3891:1 to Paia; and R.P. 6289, L.C. Aw. 3500 to Kaina on a curve to the left with the point of curvature azimuth from the radial point being: 320' 40' 24", and the point of tangency azimuth from the radial point being: 308' 29', having a radius of 1,268.00 feet, the chord azimuth and distance being: 224' 34' 42" 269.27 feet to a point;
12. 218' 29' 283.95 feet along Lot 8 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels to a point;
13. Thence along Lot 8 of Eha Street Extension Subdivision, being also along the remainders of Grant 3343 to Claus Spreckels and R.P. 3524, L.C. Aw. 5334:1 to Pupuka on a curve to the right having a radius of 2960.00 feet, the chord azimuth and distance being: 221' 56' 30" 357.11 feet to a point;
14. 225' 24' 30.86 feet along Lot 8 of Eha Street Extension Subdivision, being also along the remainders of R.P. 3524, L.C. Aw. 5334:1 to Pupuka and R.P. 4121, L.C. Aw. 3722 to Moanalua to a point;
15. 315' 24' 60.00 feet along Lot 8 (Eha Street) of Iao Parkside Subdivision (File Plan 2151) to a point;

16. 45' 24' 30.86 feet along Lot 6 of Iao Parkside Subdivision (File Plan 2152) and Lot 7 of Eha Street Extension Subdivision, being also along the remainders of R.P. 4121, L.C. Aw. 3722 to Moanalua and R.P. 3524, L.C. Aw. 5334:1 to Pupuka to a point;
17. Thence along Lot 7 of Eha Street Extension Subdivision, being also along the remainders of R.P. 3524, L.C. Aw. 5334:1 to Pupuka; Grant 3343 to Claus Spreckels; R.P. 4846, L.C. Aw. 4378 to Kawaha; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; and Poalima on a curve to the left having a radius of 2,900.00 feet, the chord azimuth and distance being: 41' 56' 30" 349.87 feet to a point;
18. 38' 29' 283.95 feet along Lot 7 of Eha Street Extension Subdivision, being also along the remainders of Poalima; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; R.P. 5034, L.C. Aw. 4386:1 to Kaiole; Poalima 156-165-188; and Poalima to a point;
19. Thence along Lots 7, 6, and 5 of Eha Street Extension Subdivision, being also along the remainders of Poalima; R.P. 6289, L.C. Aw. 3500 to Kaina; R.P. 7003, L.C. Aw. 3891:1 to Paia; R.P. 6128, L.C. Aw. 3222:1 to Auimakalani; Grant 3343 to Claus Spreckels; R.P. 3104, L.C. Aw. 3495:1 to Kawahie; and R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai on a curve to the right having a radius of 1,328.00 feet, the chord azimuth and distance being: 48' 51' 477.94 feet to a point;

20. 59' 13' 470.15 feet along Lots 5, 4, 3, 2, 1 and 9 of Eha Street Extension Subdivision, being also along the remainders of R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai; R.P. 7434, L.C. Aw. 2403 to Kalaiki; Poalima 142; R.P. 5422, L.C. Aw. 4674 to Poockee; and Grant 3343 to Claus Spreckels to a point;
21. Thence along Lot 9 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels on a curve to the left with the point of curvature azimuth from the radial point being: 149' 13', and the point of tangency azimuth from the radial point being: 145' 06' 28", having a radius of 2,799.27 feet, the chord azimuth and distance being: 57' 09' 44" 200.70 feet to a point;
22. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 145' 06' 28", and the point of tangency azimuth from the radial point being: 141' 01' 03", having a radius of 1,885.00 feet, the chord azimuth and distance being: 53' 03' 45.5" 134.54 feet to a point;
23. 153' 11' 116.84 feet along Lots 55-C, 55-B (Eha Street), and 55-A of The Millyard Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels to the point of beginning and containing an Area of 2.910 Acres.

SUBJECT, HOWEVER, to the following:

1. A portion of an existing drainage easement in favor of the County of Maui as recorded in Liber 2932 Page 183.
2. A portion of an existing kuleana waterline Easement E of Wailuku Industrial Park II / Papohaku Park Large-Lot Subdivision. (Unrecorded) (To be deleted)
3. A portion of an existing roadway and utility Easement F of Wailuku Industrial Park II / Papohaku Park Large-Lot Subdivision. (Unrecorded) (To be deleted)
4. A portion of Waterline Easement 2 (5-foot wide) in favor of TMK: 3-4-21:8, 9, 10, 11, 18, 37, and 91; TMK: 3-4-24:22, 23, 27, and 33; TMK: 3-4-25:11; and all other parcels downstream entitled to private water rights, and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, being also the northwesterly corner of Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,642.68 feet North and 705.94 feet West and running by azimuths measured clockwise from True South:

1. 249° 05' 45"            5.02 feet along the southerly side of Iao Stream, being also along the remainder of Grant 3343 to Claus Spreckels;
2. 333° 11'                133.57 feet along the remainder of Lots 10 (Eha Street Extension) and 9 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels;
3. 247° 23'                66.26 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels;
4. 253° 36'                102.50 feet along same;
5. 244° 11'                49.32 feet along same;



6. 237' 52' 99.36 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainders of Grant 3343 to Claus Spreckels and R.P. 5071, L.C. Aw. 3257B:2 to Ehu;
7. 225' 10' 50.83 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainders of R.P. 5071, L.C. Aw. 3257B:2 to Ehu and R.P. 5144, L.C. Aw. 8459 to Kuaelee;
8. 213' 17' 55.23 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainder of R.P. 5144, L.C. Aw. 8459 to Kuaelee;
9. 214' 27' 55.53 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainders of R.P. 5144, L.C. Aw. 8459 to Kuaelee and Grant 3343 to Claus Spreckels;
10. 215' 31' 40.36 feet along the remainder of Lot 9 of Eha Street Extension Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels;
11. 239' 13' 300.99 feet along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, being also along the remainders of Grant 3343 to Claus Spreckels; R.P. 5422, L.C. Aw. 4674 to Pookee; Poalima 142; R.P. 7434, L.C. Aw. 2403 to Kaiaki, and R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai;

12. Thence along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, being also along the remainders of R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai; R.P. 3104, L.C. Aw. 3495:1 to Kawahie; Grant 3343 to Claus Spreckels; R.P. 6128, L.C. Aw. 3222:1 to Auimakalani; R.P. 7003, L.C. Aw. 3891:1 to Paia; R.P. 6289, L.C. Aw. 3500 to Kaina; and Poalima on a curve to the left having a radius of 1,328.00 feet, the chord azimuth and distance being:  
228' 51' 477.94 feet;
13. 218' 29' 283.95 feet along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, being also along the remainders of Poalima; Poalima 156-165-188; R.P. 5034, L.C. Aw. 4386:1 to Kaiole; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; and Poalima;
14. Thence along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, being also along the remainders of Poalima; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; R.P. 4846, L.C. Aw. 4378 to Kawaha; Grant 3343 to Claus Spreckels; and R.P. 3524, L.C. Aw. 5334:1 to Pupuka on a curve to the right having a radius of 2,900.00 feet, the chord azimuth and distance being:  
221' 56' 30" 349.87 feet;
15. 225' 24' 22.72 feet along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, being also along the remainders of R.P. 3524, L.C. Aw. 5334:1 to Pupuka and R.P. 4121, L.C. Aw. 3722 to Moanalua;

16. 315' 00' 5.00 feet along Lot 6 of Iao Parkside Subdivision (File Plan 2151);
17. 45' 24' 22.75 feet along the remainder of Lot 7 of Eha Street Extension Subdivision, being also along the remainders of R.P. 4121, L.C. Aw. 3722 to Moanalua and R.P. 3524, L.C. Aw. 5334:1 to Pupuka;
18. Thence along the remainder Lot 7 of Eha Street Extension Subdivision, being also along the remainders of R.P. 3524, L.C. Aw. 5334:1 to Pupuka; Grant 3343 to Claus Spreckels; R.P. 4846, L.C. Aw. 4378 to Kawaha; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; and Poalima on a curve to the left having a radius of 2,895.00 feet, the chord azimuth and distance being: 41' 56' 30" 349.27 feet;
19. 38' 29' 283.95 feet along the remainder of Lot 7 of Eha Street Extension Subdivision, being also along the remainders of Poalima; R.P. 6456, L.C. Aw. 4463:1 to Kalaehaeha; R.P. 5034, L.C. Aw. 4386:1 to Kaiole; Poalima 155-165-188 and Poalima;
20. Thence along the remainder of Lots 7, 6, and 5 of Eha Street Extension Subdivision, being also along the remainders of Poalima; R.P. 6289, L.C. Aw. 3500 to Kaina; R.P. 7003, L.C. Aw. 3891:1 to Paia; R.P. 6128, L.C. Aw. 3222:1 to Auimakalani; Grant 3343 to Claus Spreckels; R.P. 3104, L.C. Aw. 3495:1 to Kawahie; and R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai on a curve to the right having a radius of 1333.00 feet, the chord azimuth and distance being: 48' 51' 479.74 feet;

- |     |          |             |   |
|-----|----------|-------------|---|
| 21. | 59' 13'  | 298.66 feet | along the remainders of Lots 5, 4, 3, 2, and 1 of Eha Street Extension Subdivision, being also along the remainders of R.P. 5531, L.C. Aw. 1742:2 to Z. Kaauwai; R.P. 7434, L.C. Aw. 2403 to Kaiiaki; Poalima 142 and R.P. 5422, L.C. Aw. 4674 to Pookee; |
| 22. | 143' 30' | 0.54 feet   | along Poalima 141;  |
| 23. | 35' 31'  | 40.60 feet  | along Poalima 141 and along the remainder of R.P. 5144, L.C. Aw. 8459 to Kuaele;  |
| 24. | 34' 27'  | 55.43 feet  | along the remainder of R.P. 5144, L.C. Aw. 8459 to Kuaele;  |
| 25. | 33' 17'  | 55.70 feet  | along same;   |
| 26. | 45' 10'  | 51.91 feet  | along the remainders of R.P. 5144, L.C. Aw. 8459 to Kuaele and R.P. 5071, L.C. Aw. 3257B:2 to Ehu;  |
| 27. | 57' 52'  | 100.19 feet | along the remainders of R.P. 5071, L.C. Aw. 3257B:2 to Ehu and Grant 3343 to Claus Spreckels;   |
| 28. | 64' 11'  | 50.01 feet  | along the remainder of Grant 3343 to Claus Spreckels;   |
| 29. | 73' 36'  | 102.64 feet | along same;   |
| 30. | 67' 23'  | 70.63 feet  | along same;   |

31. 153' 11' 138.73 feet along Lots 55-C, 55-B (Eha Street), and 55-A of The Millyard Subdivision, being also along the remainder of Grant 3343 to Claus Spreckels to the point of beginning and containing an Area of 10,483 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. The terms and provisions contained in: DEED

DATED : May 6, 1930  
RECORDED : Liber 1065 Page 127

The foregoing includes, but is not limited to, matters relating to water reservation.

3. GRANT

TO : COUNTY OF MAUI

DATED : February 15, 1955  
RECORDED : Liber 2932 Page 183  
GRANTING : an easement to construct, install, maintain, operate, repair and remove a storm drain, consisting of an open ditch and/or underground drain, with manholes and other equipment, through, within, under and across a portion of Parcel "A" (area 21,434 square feet or 0.511 acre) more particularly described therein

4. RIGHT OF ENTRY AND AGREEMENT

DATED : September 27, 1977  
RECORDED : Liber 12815 Page 281  
PARTIES : by and between WAILUKU SUGAR COMPANY, a Hawaii corporation, and BOARD OF WATER SUPPLY OF THE COUNTY OF MAUI

5. Free flowage of Iao Stream.

6. A right of way in favor of Kuleanas entitled thereto for the free flowage and distribution of water.
7. Any and all existing utility poles and wire lines in favor of MAUI ELECTRIC COMPANY, LIMITED, and GTE HAWAIIAN TELEPHONE COMPANY, INCORPORATED, now known as HAWAIIAN TELCOM, INC., a Hawaii corporation.
8. Grant in favor of C. BREWER PROPERTIES, INC., a Hawaii corporation, dated December 10, 1992, recorded as Document No. 92-201956; granting the right in the nature of a perpetual and non-exclusive easement for roadway and utility purposes, including the right to construct, install, maintain, repair, operate, replace and remove roadway and utility improvements over, on, across and under the Eha Street Extension Right-of-Way, Wailuku Industrial Park II / Papohaku Park Large-Lot Subdivision, more particularly described therein.
9. The terms and provisions contained in: DEED

DATED : December 15, 1993  
 RECORDED : Document No. 93-208058

The foregoing includes, but is not limited to, an easement to maintain and operate the watercourses constituting a portion of the Wailuku Water System which traverses over portions of Parcels 6 through 8, inclusive, described therein.

10. Portion of Waterline Easement 2 (5 feet wide) in favor of TMK: 3-4-21:8, 9, 10, 11, 18, 37, and 91; TMK: 3-4-24:22, 23, 27, and 33; TMK: 3-4-25:11; and all other parcels downstream entitled to private water rights, and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, being also the northwesterly corner of Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,642.68 feet North and 705.94 feet West and running by azimuths measured clockwise from True South:

1. 249° 05' 45" 5.02 feet over and across a portion of Grant 3343 to Claus Spreckels, being also along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision;
2. 333° 11' 133.57 feet over and across a portion of Grant 3343 to Claus Spreckels, being also over and across portions of Lots 10 (Eha Street Extension) and 9 of Eha Street Extension Subdivision;

3. 247° 23' 66.26 over and across a portion of Grant 3343 to Claus Spreckels, being also over and across a portion of Lot 9 of Eha Street Extension Subdivision;
4. 253° 36' 102.50 feet over and across same;
5. 244° 11' 49.32 feet over and across same;
6. 237° 52' 99.36 feet over and across portion of Grant 3343 to Claus Spreckels and Royal Patent Number 5071, Land Commission Award Number 3257B:2 to Ehu, being also over and across a portion of Lot 9 of Eha Street Extension Subdivision;
7. 225° 10' 50.83 feet over and across portions of Royal Patent Number 5071, Land Commission Award Number 3257B:2 to Ehu and royal Patent Number 5144, Land Commission Award Number 8459 to Kuaele, being also over and across a portion of Lot 9 of Eha Street Extension Subdivision;
8. 213° 17' 55.23 feet over and across a portion of Royal Patent Number 5144, Land Commission Award Number 8459 to Kuaele, being also over and across a portion of Lot 9 of Eha Street Extension Subdivision;
9. 214° 27' 55.53 feet over and across portions of Royal Patent Number 5071, Land Commission Award Number 5071, Land Commission Award Number 3257B:2 to Ehu and Royal Patent Number 5144, Land Commission Award Number 8459 to Kuaele, being also over and across a portion of Lot 9 of Eha Street Extension Subdivision;
10. 215° 31' 300.99 feet over and across portions of Grant 3343 to Claus Spreckels; Royal Patent Number 5422, Land Commission Award Number 4674 to Pookee; Poalima 142; Royal Patent Number 7434, Land Commission Award Number 1742:2 to Z. Kaauwai, being also over and across a portion of Lot 9 and along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision;
11. 239° 13' 300.99 over and across portions of Grant 3343 to Claus

Spreckels; Royal Patent Number 5422, Land Commission Award Number 4674 to Pookee; Poalima 142; Royal Patent Number 7434, Land Commission Award Number 2403 to Kaiiiki, and Royal Patent Number 7434, Land Commission Award 1742:2 to Z. Kaauwai, being also over and across a portion of Lot 9 and along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision;

12. Thence over and across portions of Royal Patent Number 7434, Land Commission Award Number 1742:2 to Z. Kaauwai; Grant 3343 to Claus Spreckels; Royal Patent Number 3104, Land Commission Award Number 3495:1 to Kawahie; Royal Patent Number 6128, Land Commission Award Number 3222:1 to Auimakalani; Royal Patent Number 7003, Land Commission Award Number 3891:1 to Paia; Royal Patent Number 6289, Land Commission Award Number 3500 to Kaina; and Poalima, being also along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, on a curve to the left having a radius of 1328.00 feet, the chord azimuth and distance being:  
228° 51' 477.94 feet;
13. 218° 29' 283.95 feet over and across portions of Poalima; Poalima 156-165-188; Royal Patent Number 5034, Land Commission Award Number 4386:1 to Kaiole; Royal Patent Number 6456, Land Commission Award Number 4463:1 to Kalahaeha; and Poalima, being also along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision;
14. Thence over and across portions of Poalima; Royal Patent Number 6456, Land Commission Award Number 4463:1 to Kalahaeha; Royal Patent Number 4846, Land Commission Award 4378 to Kawaha; Grant 3343 to Claus Spreckels; and Royal Patent Number 3524, Land Commission Award Number 5334:1 to Pupuka, being also along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision, on a curve to the right having a radius of 2900.00 feet, the chord azimuth and distance being:  
221° 56' 30" 349.87 feet;



15. 225° 24' 22.72 feet over and across portions of Royal Patent 3524, Land Commission Award Number 5334:1 to Pupuka and Royal Patent Number 4121, Land Commission Award Number 3722 to Moanalua, being also along Lot 10 (Eha Street Extension) of Eha Street Extension Subdivision;
16. 315° 00' 5.00 feet along Lot 6 of Iao Parkside Subdivision (File Plan 2151);
17. 45° 24' 22.75 feet over and across portions of Royal Patent Number 4121, Land Commission Award Number 3722 to Moanalua and Royal Patent Number 3524, Land Commission Award Number 5334:1 to Pupuka, being also over and across a portion of Lot 7 of Eha Street Extension Subdivision;
18. Thence over and across portions of Royal Patent Number 3524, Land Commission Award Number 5334:1 to Pupuka; Grant 3343 to Claus Spreckels; Royal Patent Number 4846, Land Commission Award Number 4378 to Kawaha; Royal Patent Number 6456, Land Commission Award Number 4463:1 to Kalaehaeha; and Poalima, being also over and across a portion of Lot 7 of the Eha Street Extension Subdivision on a curve to the left having a radius of 2895.00 feet, the chord azimuth and distance being: 41° 56' 30" 349.27 feet;
19. 38° 29' 283.95 feet over and across portions of Poalima; Royal Patent Number 6456, Land Commission Award Number 4463:1 to Kalaehaeha; Royal Patent Number 5034, Land Commission Award Number 4386:1 to Kaiole; Poalima 156-165-188 and Poalima; being also over and across a portion of Lot 7 of Eha Street Extension Subdivision;
20. Thence over and across portions of Poalima; Royal Patent Number 6289, Land Commission Award Number 3500 to Kaina; Royal Patent Number 7003, Land Commission Award Number 3891:1 to Paia; Royal Patent Number 6128, Land Commission Award Number 3222:1 to Auimakalani; Grant 3343 to Claus Spreckels; Royal Patent Number 3104, Land Commission Award

Number 3495:1 to Kawahie; and Royal Patent Number 7434, Land Commission Award Number 1742:2 to Z. Kaauwai, being also over and across portions of Lots 7, 6, and 5 of Eha Street Extension Subdivision on a curve to the right having a radius of 1333.0 feet, the chord azimuth and distance being: 48° 51' 479.74 feet;

- |     |          |   |
|-----|----------|---|
| 21. | 59° 13'  | 298.66 feet over and across portions of Royal Patent Number 7434, Land Commission Award Number 1742:2 to Z. Kaauwai; Royal Patent Number 7434, Land Commission Award Number 2403 to Kaiiiki; Poalima 142; Royal Patent Number 5422, Land Commission Award Number 4674 to Pookee, being also over and across portions of Lots 5, 4, 3, 2, and 1 of Eha Street Extension Subdivision; |
| 22. | 143° 30' | 0.54 along Poalima 141;   |
| 23. | 35° 31'  | 40.60 feet along Poalima 141 and over and across a portion of Royal Patent Number 5144, Land Commission Award Number 8459 to Kuaeale;   |
| 24. | 34° 27'  | 55.43 feet over and across a portion of Royal Patent Number 5144, Land Commission Award Number 8459 to Kuaeale;   |
| 25. | 33° 17'  | 55.70 feet over and across same;  |
| 26. | 45° 10'  | 51.91 feet over and across portions of Royal patent Number 5144, Land Commission Award Number 8459 to Kuaeale and Royal Patent Number 5071, Land Commission Award Number 3257B:2 to Ehu;  |
| 27. | 57° 52'  | 100.19 feet over and across portions of Royal Patent Number 5071, Land Commission Award Number 3257B:2 to Ehu and Grant 3343 to Claus Spreckels;  |
| 28. | 64° 11'  | 50.01 feet over and across a portion of Grant 3343 to Claus Spreckels;  |
| 29. | 73° 36'  | 102.64 feet over and across same;   |
| 30. | 67° 23'  | 70.63 feet over and across same;  |

31. 153° 11' 138.73 feet over and across same to the point of beginning and containing an area of 10,483 square feet, more or less.

11. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

# Resolution

No. \_\_\_\_\_

## ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE IAO PARKSIDE SUBDIVISION

WHEREAS, IAO PARTNERS ("Subdivider") desires to comply with the subdivision requirements for the Iao Parkside Subdivision, TMK: (2) 3-4-030:021 (por.), Subdivision File No. 3.1563, by dedicating Roadway Lots 8, 9, and 35, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed said dedication and recommends approval of the same; and

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

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

1. That it hereby accepts Lots 8, 9, and 35, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deed; and

2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

**Resolution No.** \_\_\_\_\_

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works, and the Subdivider.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'M. Hopper', written over a horizontal line.

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

---

AFTER RECORDATION, RETURN BY:      MAIL (XX)      PICKUP ( ) TO:

COUNTY OF MAUI  
Department of Finance  
200 South High Street  
Wailuku, Hawaii 96793

---

TMK No. (2) 3-4-30:21 (por.)      Total No. of Pages: \_\_\_\_\_

LUCA File No. 3.1563

**WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

That IAO PARTNERS, a Hawaii general partnership, whose mailing address is 130 Merchant Street, Suite 112, Honolulu, Hawaii 96813 (hereinafter called "Grantor"), for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor paid by COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose principal office and mailing address is 200 South High Street, Wailuku, Hawaii 96793, (hereinafter called "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey all of that certain property situate at Wailuku, Maui, Hawaii, more particularly described in Exhibit "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.

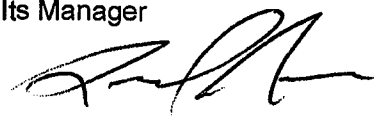
**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the undersigned have executed this instrument on this 2nd  
day of February, 2015.

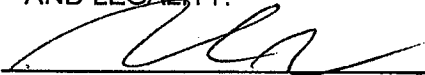
IAO PARTNERS, a Hawaii general partnership,  
by its Managing Partner,

D.R. HORTON - SCHULER HOMES, LLC,  
a Delaware limited liability company  
dba D.R. Horton-Schuler Division

By VERTICAL CONSTRUCTION CORPORATION,  
a Delaware corporation  
Its Manager

By   
Name: Robert Q. Bruhl  
Title: Division President, Hawaii Division

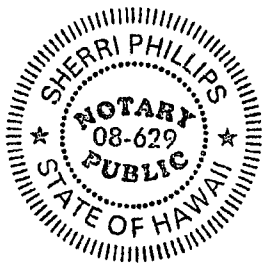
APPROVED AS TO FORM  
AND LEGALITY:

  
**MICHAEL J. HOPPER**  
Deputy Corporation Counsel  
County of Maui



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

On this 5<sup>th</sup> day of January, 2015, before me personally appeared **Robert Q Bruhl**, 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.



Sherri Phillips  
 Type or print name: Sherri Phillips

Notary Public, State of Hawaii  
 My commission expires: December 28, 2016

Date of Doc: Undated at time of notarization	# Pages: 7
Name of Notary: : Sherri Phillips	Notes:
Doc. Description: Warranty Deed	
lao Partners	
<u>Sherri Phillips</u> 1-5-15	
Notary Signature Date	
First Circuit, State of Hawaii	
<b>NOTARY CERTIFICATION</b>	

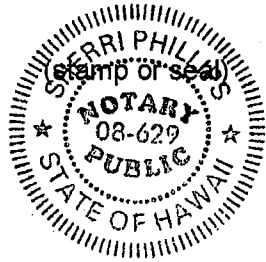


EXHIBIT "A"

-PARCEL FIRST:-

All of that certain parcel of land situate at Wailuku, District of Wailuku, County of Maui, State of Hawaii, being LOT 9 of the "IAO PARKSIDE", as shown on File Plan Number 2151, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 0.030 acre, more or less.

BEING THE PREMISES ACQUIRED BY SPECIAL WARRANTY DEED

GRANTOR : SCHULER HOMES, INC., a Delaware corporation

GRANTEE : IAO PARTNERS, a Hawaii general partnership

DATED : October 15, 1992

FILED : Land Court Document No. 1961694

RECORDED : Document No. 92-167337

-PARCEL SECOND:-

All of that certain parcel of land situate at Wailuku, District of Wailuku, County of Maui, State of Hawaii, being LOT 8 of the "IAO PARKSIDE", as shown on File Plan Number 2151, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 2.835 acres, more or less.

Said above described parcel of land having been acquired by IAO PARTNERS, a Hawaii general partnership, by the following:

1. SPECIAL WARRANTY DEED of SCHULER HOMES, INC., a Delaware corporation, dated October 15, 1992, filed as Land Court Document No. 1961694, recorded as Document No. 92-167337; and

2. QUITCLAIM DEED of RONALD BRUCE CHONG and LINDA GAIL CHONG, Trustees of the Ronald Bruce Chong and Linda Gail Chong Revocable Living Trust dated August 2, 1999, dated September 10, 2007, recorded as Document No. 2007-180703.

-PARCEL THIRD:-

All of that certain parcel of land situate at Wailuku, District of Wailuku, County of Maui, State of Hawaii, described as follows:

LOT 35, area 29,012 square feet, more or less, as shown on Map 5, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 854 of Jennie Kamanoulu Awana.

Being the land(s) described in Transfer Certificate of Title No. 466,572 issued to IAO PARTNERS, a Hawaii general partnership, by Land Court Order No. 122755, filed December 13, 1995.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. -AS TO PARCELS FIRST AND SECOND ONLY:-

(A) PORTION OF EXISTING EASEMENT "E" (5 feet wide)

PURPOSE : waterline  
SHOWN : on Map "C-2b" attached to SPECIAL WARRANTY DEED  
dated October 15, 1992, filed as Land Court Document No.  
1961692, recorded as Document No. 92-167335

(B) The terms and provisions contained in the following:

INSTRUMENT : FIRST AMENDMENT TO UNILATERAL AGREEMENT AND  
DECLARATION FOR CONDITIONAL ZONING  
DATED : June 10, 1992  
RECORDED : Document No. 92-098719

Said Amendment shall replace and supersede that certain UNILATERAL AGREEMENT  
AND DECLARATION FOR CONDITIONAL ZONING dated August 7, 1990, recorded as  
Document No. 90-130744.

(C) The terms and provisions pertaining to easements as contained in the following:

INSTRUMENT : SPECIAL WARRANTY DEED  
DATED : October 15, 1992  
FILED : Land Court Document No. 1961692  
RECORDED : Document No. 92-167335, as assigned by Document No.  
2005-229077

The foregoing includes, but is not limited to, matters relating to water reservation.

ASSIGNMENT OF IN GROSS RESERVATIONS effective October 1, 2005, and recorded as  
Document No. 2005-229077.

(D) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN  
TELEPHONE COMPANY INCORPORATED, now known as  
HAWAIIAN TELCOM, INC.  
DATED : August 5, 1993  
FILED : Land Court Document No. 2090730  
RECORDED : Document No. 93-196200  
GRANTING : a perpetual right and easement for utility purposes as shown  
on the map attached thereto

(E) The terms and provisions contained in the following:

INSTRUMENT : HOLD-HARMLESS AGREEMENT  
DATED : May 13, 1993  
RECORDED : Document No. 93-192784  
PARTIES : COUNTY OF MAUI, "County", and IAO PARTNERS, a  
Hawaii partnership, "Developer"

3. -AS TO PARCEL SECOND ONLY:-

PORTION OF EXISTING EASEMENT "C" (25 feet wide)

PURPOSE : utility and waterline  
SHOWN : on Map attached to SPECIAL WARRANTY DEED dated  
October 15, 1992, filed as Land Court Document No.  
1961692, recorded as Document No. 92-167335, and the  
whole of said Easement being more particularly described in  
Exhibit "A" attached thereto

4. -AS TO PARCEL THIRD ONLY:-

(A) The terms and provisions contained in the following:

INSTRUMENT : DEED  
DATED : May 31, 1944  
FILED : Land Court Document No. 81546  
RECORDED : Liber 1923 Page 194

(B) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN  
TELEPHONE COMPANY INCORPORATED, now known as  
HAWAIIAN TELCOM, INC.  
DATED : August 5, 1993  
FILED : Land Court Document No. 2090730  
RECORDED : Document No. 93-196200  
GRANTING : a perpetual right and easement for utility purposes as shown  
on the map attached thereto

(C) Rights of access in favor of Lots 28 to 34, inclusive, as shown on Map 5, as set forth by  
Land Court Order No. 122755, filed December 13, 1955.

(D) Reservation in favor of the COUNTY OF MAUI for access, until the dedication to the County  
of Maui, as set forth by Land Court Order No. 122755, filed December 13, 1995.

**END OF EXHIBIT "A"**