

MICHAEL P. VICTORINO
Mayor

DAVID C. GOODE
Acting Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



GLEN A. UENO, P.E., L.S.
Development Services Administration

RECEIVED

RODRIGO "CHICO" R. RABARA, P.E.
Engineering Division

2019 FEB 21 AM 9:59

JOHN R. SMITH, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

OFFICE OF THE MAYOR

OFFICE OF THE
COUNTY CLERK

2019 FEB 22 PM 1:23

RECEIVED

February 21, 2019

APPROVED FOR TRANSMITTAL

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Michael P Victor 2/21/19

Mayor Date

For Transmittal to:

Honorable Kelly T. King, Council Chair
and Members of Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair King:

SUBJECT: WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II
TAX MAP KEY NO.: (2) 3-4-046:019, 020, & 021
(2) 3-4-047:065
(2) 3-4-048:042

Transmitted herewith for your review and approval is the proposed resolution entitled, "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE." The purpose of the proposed resolution is to accept Roadway Lots 19, 20, 21, 105, 106, 107, 108, 109, and 110 for public purposes.

The subdivision was granted final approval on July 17, 2000. The roadways are close to being in standard condition for acceptance, however, not completely in standard condition.

As the roadway lots are not to County standards, the Council has the authority to accept or not accept the roadways as per Maui County Code, Section 18.40.010 – Acceptance Guidelines.

COUNTY COMMUNICATION NO. 19-128

Honorable Michael P. Victorino
For Transmittal to:
Honorable Kelly T. King, Council Chair
And Members of Maui County Council
February 21, 2019
Page 2

After Wailuku Parkside was built, the subdivision's roadways were never considered for acceptance because Eha Street had not been accepted, which is the only access to these road lots. Eha Street was accepted by the Council a few years ago and improvements have been made to Eha Street since then. In the years that have passed, roadway standards have changed, and normal wear and tear on the subdivision roadways has occurred. The Wailuku Parkside Homeowners Association (HOA) over the last couple of years has repaired numerous encroachments into the right of way and had utility boxes fixed.

Items that would need to be eventually repaired include adding some curb ramps, adding detectable mats at existing curb ramps, replacing road striping and signage, and doing pavement preservation to the existing pavement. To facilitate this work, the HOA is desiring to pay the County of Maui \$150,000 of funds it has collected over the years for roadway improvements.

Other unknown costs include future drainage pipe repairs and sidewalk repairs (as with any subdivision). The drainage repairs (if and when needed) are beyond the scope the HOA can handle financially, and they feel the roads should have been County roads from the beginning, if not for the Eha Street dedication problem that was out of their hands.

We believe it is in the public interest to accept dedication of the roadways and related easements for the following reasons:

1. The HOA donation of \$150,000 generally covers the costs of the needed near term improvements and added street light costs.
2. There are regional drainage and sewer lines that cross through the property that serve the public beyond the Wailuku Parkside residents.
3. The HOA maintains a private park open to the public.
4. The cul-de-sac road lots along the Wailuku River provide access to the County's flood control for maintenance purposes.

The Department of Public Works reviewed the document and found it to be satisfactory. The document has also been reviewed and approved by the Department of the Corporation Counsel.

Honorable Michael P. Victorino
For Transmittal to:
Honorable Kelly T. King, Council Chair
And Members of Maui County Council
February 21, 2019
Page 3

We would appreciate receiving notification of the approval of this resolution in order to further process the document for recordation.

Attached to the Resolution as Exhibit "1" is a copy of a map showing the roadway lots for acceptance.

I respectfully request that this matter be referred to the appropriate Council committee for review and discussion.

Thank you for your attention to this matter. Should you have any questions, please contact me at Ext. 7845.

Sincerely,



DAVID C. GOODE
Acting Director of Public Works

DCG:LSN:jso

Attachments

s:\david2\transmittals\kking_wailuku parkside subd ph I and II 02.21.19

Resolution

No. _____

ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE
WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II
SITUATED IN WAILUKU, MAUI, HAWAII,
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, KLD HOLDINGS, LLC, a Hawaii limited liability company (hereinafter called "Owner"), desires to dedicate Roadway Lots 19, 20, 21, 105, 106, 107, 108, 109 and 110, located within the Wailuku Parkside Subdivision, Phase I and Phase II, Tax Map Key Numbers (2) 3-4-046:019, (2) 3-4-046:020, (2) 3-4-046:021, (2) 3-4-047:065 and (2) 3-4-048:042, Subdivision File Nos. 3.1828 and 3.1829, as more fully described in Exhibit "A" of the Amended and Restated 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(D), Maui County Code, the County Council may accept any interest in real property by the passage of a resolution approved by a majority of its members; now, therefore,

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

1. That it hereby accepts Lots 19, 20, 21, 105, 106, 107, 108, 109 and 110, as described in the Amended and Restated Warranty Deed

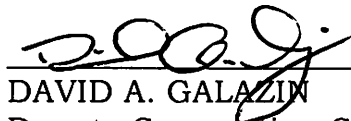
Resolution No. _____

attached hereto as Exhibit "1", to be dedicated by the Owner to the County of Maui in accordance with said Amended and Restated 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

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

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui
2018-0340
2019-02-12 Resolution

LAND COURT

REGULAR SYSTEM

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

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

TMK Nos.: (2) 3-4-046: 019;
(2) 3-4-046: 020; (2) 3-4-046: 021;
(2) 3-4-047: 065; (2) 3-4-048: 042

Total No. of Pages: _____

AMENDED AND RESTATED WARRANTY DEED

This AMENDED AND RESTATED WARRANTY DEED is dated _____, 2018 and made by KLD HOLDINGS, LLC, a Hawaii limited liability company, whose address is 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813 (hereinafter the "**Grantor**").

RECITALS:

A. By Warranty Deed recorded in the Bureau of Conveyances of the State of Hawaii on September 13, 2017 as Document No. A-64650521 (the "**Warranty Deed**"), the Grantor attempted to convey to the COUNTY OF MAUI, a political subdivision of the State of Hawaii (the "**County**") that certain parcel of land being more particularly described in **Exhibit "A"** attached hereto (the "**Property**").

B. All acquisition of real property by the County must comply with Chapter 3.44 of the Maui County Code (the "**MCC**").

C. Under the MCC, the Maui County Council may accept donations of real property or acquire property above a certain dollar threshold by Council resolution. The Council

has delegated authority to the Director of Finance to accept conveyance of real property without Council approval in four enumerated circumstances: water, sewage, parks, and infrastructure. *See* MCC 3.44.015(F).

D. Section 3.44.015(F)(4) of the MCC allows such acceptance contemplated above only if the conveyance is first approved by the Director of Public Works and involves a road lot. In this case, the conveyance involves roadway lots.

E. The Director of Finance, however, shall not acquire, or accept any conveyance of, any real property or easement under MCC 3.44.015 unless: (1) the Corporation Counsel reviews and approves as to form and legality the conveyance documents; and (2) the Director of Public Works reviews and approves the metes and bounds description of the real property or easement being acquired or conveyed. *See* MCC 3.44.015(G).

F. The Warranty Deed was recorded by Grantor without complying with Section 3.44.015 of the MCC. As such, the Warranty Deed has no legal effect and the Warranty Deed did not convey any property to the County.

G. The Grantor now desires to amend and restate the Warranty Deed for the purpose of complying with the MCC, to give legal effect to the Warranty Deed and transfer of the Property to the County.

NOW THEREFORE, the Warranty Deed is AMENDED AND RESTATED in its entirety as follows:

KNOW ALL MEN BY THESE PRESENTS:

That KLD HOLDINGS, LLC, a Hawaii limited liability company, whose address is 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813 (hereinafter the "Grantor"), pursuant to Section 3.44.015 F.4 of the Maui County Code, does hereby convey to the 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 "Grantee"), that certain property situate at Auhaka, Lamalii, Laiunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, more particularly described and shown 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.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this _____ day of _____, 20____.

GRANTOR:

KLD HOLDINGS, LLC,
a Hawaii limited liability company

By its manager:

KEHALANI MAUKA LLC,
A Hawaii limited liability company

By


Stanford S. Carr
Manager

REVIEWED AND APPROVED:

By: _____

DAVID C. GOODE

Director of Public Works

ACCEPTED:

By: _____

MARK R. WALKER

Director of Finance

APPROVED AS TO FORM
AND LEGALITY:

DAVID A. GALAZIN

Deputy Corporation Counsel

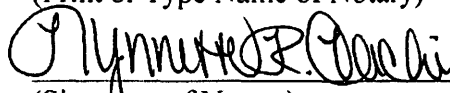
County of Maui

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

On this 10th day of November, 2018, before me personally appeared **STANFORD S. CARR**, 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 capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

Lynnette R. Tachi

(Print or Type Name of Notary)


(Signature of Notary)

Notary Public, State of Hawaii

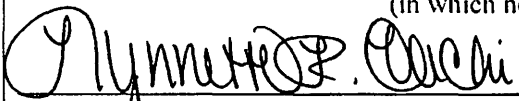
My Commission Expires: 06/11/2022

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Warranty Deed

Doc. Date: _____ or ☒ Undated at time of notarization.

No. of Pages: 19 Jurisdiction: First Circuit
(in which notarial act is performed)


Signature of Notary

NOV 13 2018

Date of Notarization and
Certification Statement

Lynnette R. Tachi

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) ss.:
COUNTY OF _____)

On this _____ day of _____, 2018, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

(Print or Type Name of Notary)

(Signature of Notary)

Notary Public, State of Hawaii
My Commission Expires:

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Warranty Deed

Doc. Date: _____ or ☐ Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) ss.:
COUNTY OF _____)

On this _____ day of _____, 2018, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

(Print or Type Name of Notary)

(Signature of Notary)

Notary Public, State of Hawaii
My Commission Expires:

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Warranty Deed

Doc. Date: _____ or ☐ Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII)
) ss.:
COUNTY OF _____)

On this _____ day of _____, 2018, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

(Print or Type Name of Notary)

(Signature of Notary)

Notary Public, State of Hawaii
My Commission Expires:

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Warranty Deed

Doc. Date: _____ or ☐ Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

EXHIBIT "A"

ITEM I

All of that certain parcel of land situate at Auhaka, Lamalii, Laiunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, being ROADWAY LOT 19 of the "WAILUKU PARKSIDE SUBDIVISION, PHASE I", as shown on File Plan Number 2277, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 8,169 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: WAILUKU PARKSIDE, LLC, a Hawaii limited liability company

GRANTEE: KLD HOLDINGS, LLC, a Hawaii limited liability company

DATED: March 13, 2008

RECORDED: Document No. 2008-044568

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions, covenants, conditions and reservations, contained in the following:

DEED

DATED: April 14, 1998

RECORDED: Document No. 98-051930

3. **STATEMENT OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION**

DATED: December 14, 1998

RECORDED: Document No. 98-188657

4. DECLARATION

DATED: -----

RECORDED: Document No. 99-011219

5. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

DATED: February 9, 1999

RECORDED: Document No. 99-033758

6. DECLARATION

DATED: February 12, 1999

RECORDED: Document No. 99-026846

7. GRANT

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

DATED: June 8, 2000

RECORDED: Document No. 2000-127671

GRANTING: a perpetual right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground power lines, etc. for the transmission of electricity.

8. DECLARATION

DATED: September 19, 2000

RECORDED: Document No. 2000-132827

ITEM II

All of that certain parcel of land situate at Auhaka, Lamalii, Laiunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, being ROADWAY LOT 20 of the "WAILUKU PARKSIDE SUBDIVISION, PHASE I", as shown on File Plan Number 2277, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 9,416 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: WAILUKU PARKSIDE, LLC, a Hawaii limited liability company

GRANTEE: KLD HOLDINGS, LLC, a Hawaii limited liability company

DATED: March 13, 2008

RECORDED: Document No. 2008-044568

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions, covenants, conditions and reservations, contained in the following:

DEED

DATED: April 14, 1998

RECORDED: Document No. 98-051930

3. STATEMENT OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

DATED: December 14, 1998

RECORDED: Document No. 98-188657

4. DECLARATION

DATED: ----

RECORDED: Document No. 99-011219

5. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

DATED: February 9, 1999

RECORDED: Document No. 99-033758

6. DECLARATION

DATED: February 12, 1999

RECORDED: Document No. 99-026846

7. HOLD HARMLESS AGREEMENT

DATED: June 26, 2000

RECORDED: Document No. 2000-092864

PARTIES: THE COUNTY OF MAUI, "COUNTY", and SCD INTERNATIONAL, LLC, a Hawaii limited liability company, "DEVELOPER" and WAILUKU PARKSIDE MAUI, LLC, a Hawaii limited liability company, "OWNER"

8. DECLARATION

DATED: September 19, 2000

RECORDED: Document No. 2000-132827

9. GRANT

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

DATED: June 8, 2000

RECORDED: Document No. 2000-127671

GRANTING: a perpetual right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground power lines, etc. for the transmission of electricity.

ITEM III

All of that certain parcel of land situate at Auhaka, Lamalii, Laiunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, being ROADWAY LOT 21 of the "WAILUKU PARKSIDE SUBDIVISION, PHASE I", as shown on File Plan Number 2277, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 7,455 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: WAILUKU PARKSIDE, LLC, a Hawaii limited liability company

GRANTEE: KLD HOLDINGS, LLC, a Hawaii limited liability company

DATED: March 13, 2008

RECORDED: Document No. 2008-044568

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions, covenants, conditions and reservations, contained in the following:

DEED

DATED: April 14, 1998
RECORDED: Document No. 98-051930

3. STATEMENT OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

DATED: December 14, 1998
RECORDED: Document No. 98-188657

4. DECLARATION

DATED: -----
RECORDED: Document No. 99-011219

5. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

DATED: February 9, 1999
RECORDED: Document No. 99-033758

6. DECLARATION

DATED: February 12, 1999
RECORDED: Document No. 99-026846

7. HOLD HARMLESS AGREEMENT

DATED: June 26, 2000
RECORDED: Document No. 2000-092864
PARTIES: THE COUNTY OF MAUI, "COUNTY", and SCD INTERNATIONAL, LLC, a Hawaii limited liability company, "DEVELOPER" and WAILUKU PARKSIDE MAUI, LLC, a Hawaii limited liability company, "OWNER"

8. GRANT

TO: MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as VERIZON

HAWAII INC.

DATED: June 8, 2000
RECORDED: Document No. 2000-127671
GRANTING: a perpetual right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground power lines, etc. for the transmission of electricity.

9. DECLARATION

DATED: September 19, 2000
RECORDED: Document No. 2000-132827

ITEM IV

All of those certain parcels of land situate at Auhaka, Lamalii, Lamaunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, being ROADWAY LOT 105, area 73,947 square feet or 1.698 acres, ROADWAY LOT 106, area 19,131 square feet or 0.439 acres, and ROADWAY LOT 107, area 20,678 square feet or 0.475 acres, of the "WAILUKU PARKSIDE SUBDIVISION, PHASE II", as shown on File Plan Number 2279, filed in the Bureau of Conveyances of the State of Hawaii.

Together with the right in the nature of a defeasible, non-exclusive appurtenant easement for ingress and egress purposes over, across and through that certain parcel of land (Eha Street Extension Subdivision, Description of Lot 10) (Eha Street Extension Right-of-Way) being more particularly described in instrument dated August 12, 1999, recorded as Document No. 99-131369; provided, however, that the easement and all rights granted hereunder shall automatically terminate if and when the Easement Area is condemned by or dedicated and conveyed to the County of Maui or any other governmental authority for use as a public roadway.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: WAILUKU PARKSIDE, LLC, a Hawaii limited liability company

GRANTEE: KLD HOLDINGS, LLC, a Hawaii limited liability company

DATED: March 13, 2008
RECORDED: Document No. 2008-044568

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. 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 Verizon Hawaii Inc.

3. -AS TO LOT 105:-

(A) Existing waterline easements as shown on File Plan 2279.

4. -AS TO LOTS 105 AND 107:-

(A) LICENSE

TO: COUNTY OF MAUI

DATED: February 15, 1955

RECORDED: Liber 2932 Page 183

GRANTING: to construct, install, maintain, operate, repair and remove a storm drain, etc. through, within, under and across the hereinafter described parcels "A" being more particularly described therein

5. The terms and provisions, covenants, conditions and reservations, contained in the following:

LIMITED WARRANTY DEED

DATED: April 14, 1998

RECORDED: Document No. 98-051930

The foregoing includes, but is not limited to, matters relating to agricultural activities, including sugar cane burning, on nearby lands, and reserving unto C. Brewer Homes, Inc. all water and water rights.

6. STATEMENT OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

DATED: December 14, 1998

RECORDED: Document No. 98-188657

7. DECLARATION

DATED: January 22, 1999

RECORDED: Document No. 99-011219

8. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

DATED: February 9, 1999
RECORDED: Document No. 99-033758

9. DECLARATION

DATED: February 12, 1999
RECORDED: Document No. 99-026846

10. GRANT

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

DATED: June 8, 2000
RECORDED: Document No. 2000-127671
GRANTING: a perpetual right and easement to build, construct, reconstruct, rebuild, repair,
maintain and operate underground power lines, etc. for the transmission of
electricity, etc.

11. DECLARATION

DATED: September 19, 2000
RECORDED: Document No. 2000-132827

ITEM V

All of that certain parcel of land situate at Auhaka, Lamalii, Lamaiunui, Pauniu, Pohakea, Pohakuuli, Wailuku, Island and County of Maui, State of Hawaii, being ROADWAY LOT 108, area 9,143 square feet, ROADWAY LOT 109, area 30,679 square feet, and ROADWAY LOT 110, area 6,858 square feet, more or less of the "WAILUKU PARKSIDE SUBDIVISION, PHASE II", as shown on File Plan Number 2279, filed in the Bureau of Conveyances of the State of Hawaii.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: WAILUKU PARKSIDE, LLC, a Hawaii limited liability company

GRANTEE: KLD HOLDINGS, LLC, a Hawaii limited liability company

DATED: March 13, 2008
RECORDED: Document No. 2008-044568

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. 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 VERIZON HAWAII INC.
3. The terms and provisions, covenants, conditions and reservations, contained in the following:

LIMITED WARRANTY DEED

DATED: April 14, 1998
RECORDED: Document No. 98-051930

The foregoing includes, but is not limited to, matters relating to agricultural activities, including sugar cane burning, on nearby lands, and reserving unto Brewer Homes, Inc. all water and water rights.

4. STATEMENT OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

DATED: December 14, 1998
RECORDED: Document No. 98-188657

5. DECLARATION

DATED: January 22, 1999
RECORDED: Document No. 99-011219

6. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

DATED: February 9, 1999
RECORDED: Document No. 99-033758

7. DECLARATION

DATED: February 12, 1999
RECORDED: Document No. 99-026846

8. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN

TELEPHONE COMPANY INCORPORATED, now known as VERIZON
HAWAII INC.

DATED : June 8, 2000
RECORDED: Document No. 2000-127671
GRANTING: a perpetual right and easement to build, construct, reconstruct, rebuild, repair,
maintain and operate underground power lines, etc. for the transmission of
electricity, etc.

9. HOLD HARMLESS AGREEMENT

DATED : June 26, 2000
RECORDED: Document No. 2000-092864
PARTIES : THE COUNTY OF MAUI, "County", and SCD International, LLC, a Hawaii
Limited liability company, "Developer", and Wailuku Parkside-Maui, LLC, a
Hawaii limited liability company, "Owner"

10. DECLARATION

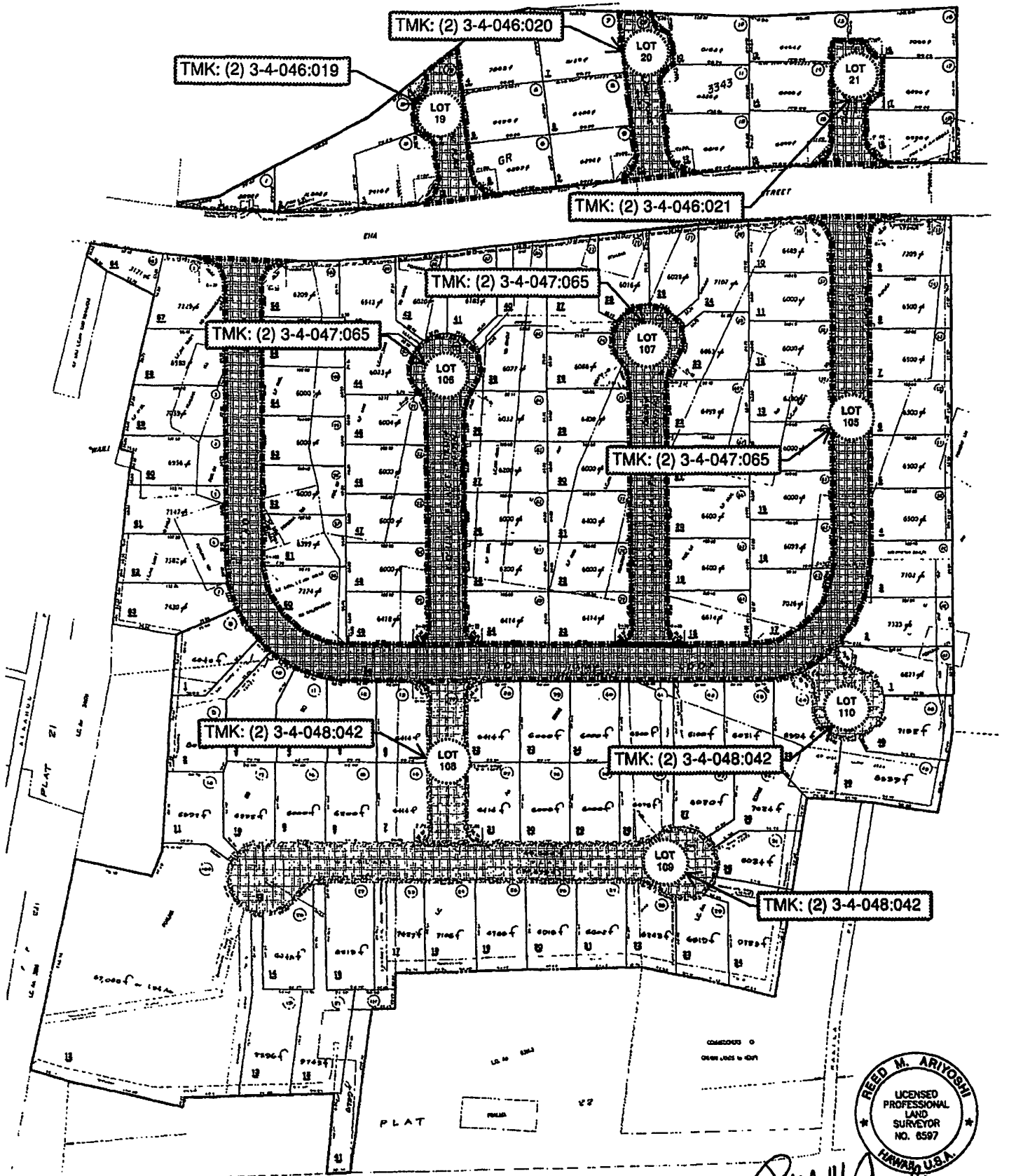
DATED: September 19, 2000
RECORDED: Document No. 2000-132827

11. The terms and provisions, covenants, conditions and reservations, contained in
the following:

LIMITED WARRANTY DEED

DATED: January 10, 2001
RECORDED: Document No. 2001-043466

[Exhibit A continues on next page with map depiction]



WAILUKU PARKSIDE