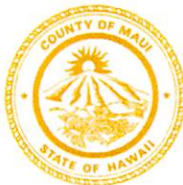


Michael P. Victorino  
Mayor

Sananda K. Baz  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)



REFERENCE NO. BD-BA 20-18

November 15, 2019

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

APPROVED FOR TRANSMITTAL

Michael P. Victorino 11/15/19  
Mayor Date

For Transmittal to:

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

Dear Chair King and Members:

SUBJECT: **AMENDMENTS TO FISCAL YEAR 2020 BUDGET**

On behalf of the Department of Finance and the Office of Economic Development,  
I am transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2020, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (HAIKU SUGAR EAST SUBDIVISION (LOT 6)). The purpose of the proposed bill is to amend the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund as it relates to the land acquisition and related costs for Tax Map Key (2) 2-7-007:005 by increasing the appropriation by \$1,670,000 and to change the title of the parcel from Hamakualoa Coastal Open Space Preserve to Haiku Sugar East Subdivision.
2. A proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 48.774 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-7-007:005, SITUATED AT HAMAKUALOA, MAKAWAO, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS LOT 6, HAIKU SUGAR EAST SUBDIVISION, FOR AN AMOUNT NOT TO EXCEED \$1,700,000.00. The

COUNTY COMMUNICATION NO. 19-476

Kelly T. King, Chair  
November 15, 2019  
Page 2

purpose of the proposed resolution is to authorize the Mayor or his duly authorized representative to execute all necessary documents in connection with the acquisition of the Lot 6.

The Department of Finance has obtained a preliminary title report prepared by Title Guaranty of Hawaii, Inc. Furthermore, the Director of Finance has negotiated the purchase of the property.

Thank you for your attention in this matter. Should you have any questions, please contact me at ext. 7212.

Sincerely,



MICHELE M. YOSHIMURA  
Budget Director

**Attachments**

cc: Sananda K. Baz, Managing Director  
Deidre Tegarden, Chief of Staff  
Scott Teruya, Director of Finance  
Kay Fukumoto, Economic Development Director

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2020,  
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION  
FUND (HAIKU SUGAR EAST SUBDIVISION (LOT 6))

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4988 Bill No. 36 (2019), Draft 1, "Fiscal Year 2020 Budget", Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2020, is hereby amended as it pertains to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, by increasing the proviso for Tax Map Key (2) 2-7-007:005 for Haiku Sugar East Subdivision (Lot 6), Kuiaha, Maui, Hawaii, by \$1,700,000, to read as follows:

**"II. SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL  
FUNDS FOR FISCAL YEAR 2020**

	<b><u>ESTIMATED BALANCE AS OF 6/30/19</u></b>	<b><u>ANTICIPATED REVENUES FOR FY 2020</u></b>	<b><u>TOTAL FOR FY 2020</u></b>
J. Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund (Section 9-19, Revised Charter of the County of Maui (1983), as amended; Chapter 3.88, Maui County Code)	5,273,477	3,580,362	8,853,809
(1) Provided, that \$300,000 shall be for debt service for the purchase of approximately 186 acres at Launiupoko, Maui, Hawaii, TMKs: (2) 4-7-001:030 and (2) 4-7-001:026 (por.).			
(2) Provided, that \$250,000 shall be for the acquisition of Dole Park, Lanai, and related costs.			
(3) Provided, that \$1,000,000 shall be for land acquisition and related costs for a Lanai agricultural park.			
(4) Provided, that [ <del>\$30,000</del> ] <u>\$1,700,000</u> shall be for land acquisition and related costs for TMK: (2) 2-7-007:005 for [ <del>Hamakualoa Coastal Open Space</del> ]			

Preserve] Haiku Sugar East Subdivision  
(Lot 6), East Kuiaha, Hamakualoa,  
Makawao, Maui, Hawaii, totaling 48.774  
acres.

- (5) Provided, that \$750,000 shall be for a grant to Ke Ao Hali'i for land acquisition and related costs for TMK: (2) 1-4-010:004 at Mokae, Maui Hawaii. The County shall maintain an ownership interest in the parcel until the Council approves by resolution: (1) a land management plan, and (2) a land trust or tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code as steward of the property.
- (6) Provided, that, \$1,500,000 shall be for land acquisition and related costs for TMKs: (2) 1-4-012:002; and (2) 1-4-010:030; 032; 034; and 014 at Makaalae, Maui, Hawaii. The County shall maintain an ownership interest in the parcel until the Council approves by resolution: (1) a land management plan, and (2) a land trust or tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code as steward of the property.
- (7) Provided, that \$50,000 shall be for land appraisal and related costs for the Kulanihakoi Greenway Park, identified as TMKs: (2) 3-9-001:162, (2) 3-9-001:164, and (2) 3-9-062:019 (por.), located at Kenolio Road, Kihei, Maui, Hawaii.
- (8) Provided, that \$50,000 shall be for the purchase of a 50-acre park site in the West Maui Community Plan Area in accordance with Condition 15 of Ordinance 3889 (2011).
- (9) Provided, that \$140,000 shall be for a Hamakualoa coastal open space preserve master plan study.
- (10) Provided, that \$150,000 shall be for pre-acquisition costs of a portion of Maliko Gulch near the shoreline, including title searches, surveys, infrastructure assessments, site improvement estimates, site preparation, determination of entitlements required, and archaeological evaluation."

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
DAVID A. GALAZIN  
Deputy Corporation Counsel

# Resolution

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

AUTHORIZING THE ACQUISITION OF APPROXIMATELY 48.774 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-7-007:005, SITUATED AT HAMAKUALOA, MAKAWAO, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS LOT 6, HAIKU SUGAR EAST SUBDIVISION, FOR AN AMOUNT NOT TO EXCEED \$1,700,000.00

WHEREAS, Kary M. Hisashima, husband of Debbie Hisashima, Karlee C. Hisashima, unmarried, and Judy Y. Hisashima, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981 ("Owners"), are the owners in fee simple of that certain real property located at East Kuiaha, Hamakualoa, Makawao, Maui, Hawaii, consisting of approximately 48.774 acres, also known as Lot 6, Haiku Sugar East Subdivision, and identified for real property tax purposes as tax map key number (2) 2-7-007:005 ("Property"), which Property is more particularly described in Exhibit A" attached hereto, and depicted in Exhibit "B" attached hereto, both of which are incorporated herein by reference; and

WHEREAS, the County of Maui and the aforementioned Owners desire to enter into an agreement for the purchase and sale of the Property; and

WHEREAS, a preliminary title report for the Property was prepared by Title Guaranty of Hawaii, Inc., a copy of which is attached hereto as Exhibit "C" and incorporated herein by reference; and

WHEREAS, the Director of Finance has negotiated the proposed purchase of the Property; and

WHEREAS, the Director of Finance has determined that acquisition of the Property is in the public interest; and

WHEREAS, the County desires to purchase and the Owners desire to sell the Property for the amount of ONE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,700,000.00); and

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

WHEREAS, Section 3.44.015(C), Maui County Code, requires that the Council authorize by resolution any acquisition of real property with a purchase price that exceeds \$250,000.00, now therefore,

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


1. That the Council finds the acquisition of the Property to be in the public interest; and

2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed ONE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,700,000.00), exclusive of closing costs and expenses; and

3. That it does hereby authorize the Mayor or the Mayor's duly authorized representative, to execute all necessary documents in connection with the acquisition of the Property; and

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and Kary M. Hisashima, Karlee C. Hisashima and Judy Y. Hisashima.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui  
2019-0998  
2019-10-10 Resolution

**HAIKU SUGAR EAST  
LOT 6**

Land situated north of Hana Highway  
at East Kuiaha, Hamakualoa, Makawao, Maui, Hawaii

Being portions of Grant 6257 to W. R. Patterson and Grant 383 to Richard Armstrong

Beginning at the southerly corner of this lot, being the westerly corner of Kahu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAL" being 9,053.04 feet north and 10,278.36 feet west and measured clockwise from True South:

1.      143 °    12 '                      16.77 feet along Hana Highway;

Thence, along same on a curve to the left having a radius of 2684.42 feet, the chord azimuth and distance being:

2.      133 °    25 '    05 "      912.16 feet;

3.      213 °    38 '    10 "      10.00 feet along same;

Thence, along same on a curve to the left having a radius of 2694.42 feet, the chord azimuth and distance being:

4.      120 °    00 '    35      340.85 feet;

Thence along Grant 7149 to Anne B. Wilkens, following along the centerline of East Kuiaha Stream for the next seventeen (17) courses, the direct azimuths and distances being:

5.      169 °    44 '    30 "      33.15 feet;

6.      193 °    42 '                      47.00 feet;

7.      213 °    27 '                      47.00 feet;

8.      269 °    03 '                      47.00 feet;

9.      320 °    34 '                      150.00 feet;

10.     297 °    18 '                      57.00 feet;

11.     280 °    24 '                      54.00 feet;

12.     294 °    35 '                      52.50 feet;

13.     300 °    52 '                      43.00 feet;



14.	294 ° 35 '	46.50 feet;
15.	285 ° 15 '	47.00 feet;
16.	271 ° 02 '	92.00 feet;
17.	215 ° 32 '	42.00 feet;
18.	152 ° 57 '	50.00 feet;
19.	125 ° 22 '	171.00 feet;
20.	138 ° 11 '	42.50 feet;
21.	144 ° 01 '	53.63 feet;
22.	273 ° 37 '	65.85 feet along Lot 3 of Haiku Sugar East;
23.	189 ° 17 '	996.54 feet along same;
24.	286 ° 04 '	681.87 feet along Lot 2 of Haiku Sugar East;
25.	281 ° 56 '	196.80 feet along same;
26.	323 ° 40 '	222.00 feet along same;
27.	303 ° 16 '	85.00 feet along same and along Lot 1 of Haiku Sugar East;
28.	346 ° 00 '	1,500.00 feet along Lot 1 of Haiku Sugar East;
29.	115 ° 31 '	67.30 feet along the northerly side of Kahu Road;
30.	92 ° 35 '	347.90 feet along same;
31.	78 ° 30 '	147.60 feet along same;
32.	149 ° 09 '	255.60 feet along same;
33.	104 ° 36 '	77.00 feet along same;
34.	70 ° 48 '	110.40 feet along same;
35.	22 ° 30 '	246.70 feet along same;
36.	72 ° 38 '	67.24 feet along same to the point of beginning and containing an area of 48.774 Acres.

SUBJECT, HOWEVER, to Easement 1A (40 feet wide) for access purposes in favor of Lots 2, 3, 4, and 5 of Haiku Sugar East and being more particularly described as follows:

Beginning at the southerly corner of this easement, on the northerly side of Hana Highway, being 137° 15' 48" 555.29 feet from a point of curvature on Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAL" being 9,474.32 feet north and 10,655.25 feet west and running by azimuths measured clockwise from True South:

1. Thence along the northerly side of Hana Highway, on a curve to the left having a radius of 2684.42 feet, the chord azimuth and distance being:

130 ° 51 ' 45 " 43.49 feet;

2. 244 ° 00 ' 136.55 feet along the remainder of Lot 6 of Haiku Sugar East;

3. Thence along same, on a curve to the left having a radius of 150.00 feet, the chord azimuth and distance being:

198 ° 00 ' 215.80 feet;

4. 152 ° 00 ' 298.20 feet along same;

5. Thence along same, on a curve to the right having a radius of 150.00 feet, the chord azimuth and distance being:

186 ° 15 ' 168.84 feet;

6. 220 ° 30 ' 137.10 feet along same;

7. Thence along same, on a curve to the left having a radius of 126.00 feet, the chord azimuth and distance being:

198 ° 15 ' 95.42 feet;

8. 176 ° 00 ' 172.80 feet along same;

9. Thence along same, on a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being:

163 ° 35 ' 43.00 feet;

10. 151 ° 10 ' 92.70 feet along same;

11. Thence along same, on a curve to the right having a radius of 126.00 feet, the chord azimuth and distance being:

171 ° 50 ' 88.94 feet;

12. 192 ° 30 ' 187.31 feet along same;

13. 286 ° 04 ' 40.08 feet along Lot 2 of Haiku Sugar East;

14. 12 ° 30 ' 184.81 feet along the remainder of Lot 6 of Haiku Sugar East;
15. Thence along same, on a curve to the left having a radius of 86.00 feet, the chord azimuth and distance being:
- 351 ° 50 ' 60.70 feet;
16. 331 ° 10 ' 92.70 feet along same;
17. Thence along same, on a curve to the right having a radius of 140.00 feet, the chord azimuth and distance being:
- 343 ° 35 ' 60.21 feet;
18. 356 ° 00 ' 172.80 feet along same;
19. Thence along same, on a curve to the right having a radius of 166.00 feet, the chord azimuth and distance being:
- 18 ° 15 ' 125.71 feet;
20. 40 ° 30 ' 137.10 feet along same;
21. Thence along same, on a curve to the left having a radius of 110.00 feet, the chord azimuth and distance being:
- 6 ° 15 ' 123.82 feet;
22. 332 ° 00 ' 298.20 feet along same;
23. Thence along same, on a curve to the right having a radius of 190.00 feet, the chord azimuth and distance being:
- 18 ° 00 ' 273.35 feet;
24. 64 ° 00 ' 119.46 feet along same to the point of beginning and containing an area of 1.547 Acre.



November 14, 2014  
JN 11001-09

*Norman K. Murakami*  
\_\_\_\_\_  
Norman K. Murakami  
Licensed Professional Land Surveyor  
Certificate No. LS-5824, expires 04/30/16

ControlPoint Surveying, Inc.  
1129 Lower Main Street, Suite 102  
Wailuku, Hawaii 96793

**HAIKU SUGAR EAST  
EASEMENT 1A  
(40-Foot Wide Access Easement)**

Being a portion of Lot 6 of Haiku Sugar East subdivision, covered by portions of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong.

Land situated at East Kuiaha, Hamakuloa, Makawao, Maui, Hawaii

Beginning at the South corner of this piece of land, on the North side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,476.28 feet North and 10,667.48 feet West, thence running by azimuths measured clockwise from true South:

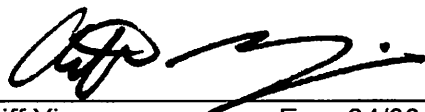
1. Along the North side of Hana Highway, on a curve to the left with a radius of 2,684.42 feet, the chord azimuth and distance being:  
  
130° 50' 03.5" 40.20 feet;
2. 226° 32' 115.39 feet along the remainder of Grant 6257 to W.R. Patterson;
3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:  
  
186° 16' 248.84 feet;
4. 146° 00' 350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;
5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:  
  
193° 00' 146.27 feet;
6. 240° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;

7. Thence along same, on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:  
204° 33' 203.00 feet;
8. 169° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
9. Thence along same, on a curve to the left with a radius of 112.50 feet, the chord azimuth and distance being:  
153° 33' 60.32 feet;
10. 138° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
11. Thence along same, on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being:  
170° 03' 30" 127.39 feet;
12. 202° 07' 160.50 feet along the remainder of Grant 383 to Richard Armstrong;
13. 286° 04' 40.22 feet along Lot 2 of Haiku Sugar East subdivision;
14. 22° 07' 164.75 feet along the remainder of Grant 383 to Richard Armstrong;
15. Thence along same, on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:  
350° 03' 30" 84.93 feet;
16. 318° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
17. Thence along same, on a curve to the right with a radius of 152.50 feet, the chord azimuth and distance being:  
333° 33' 81.76 feet;

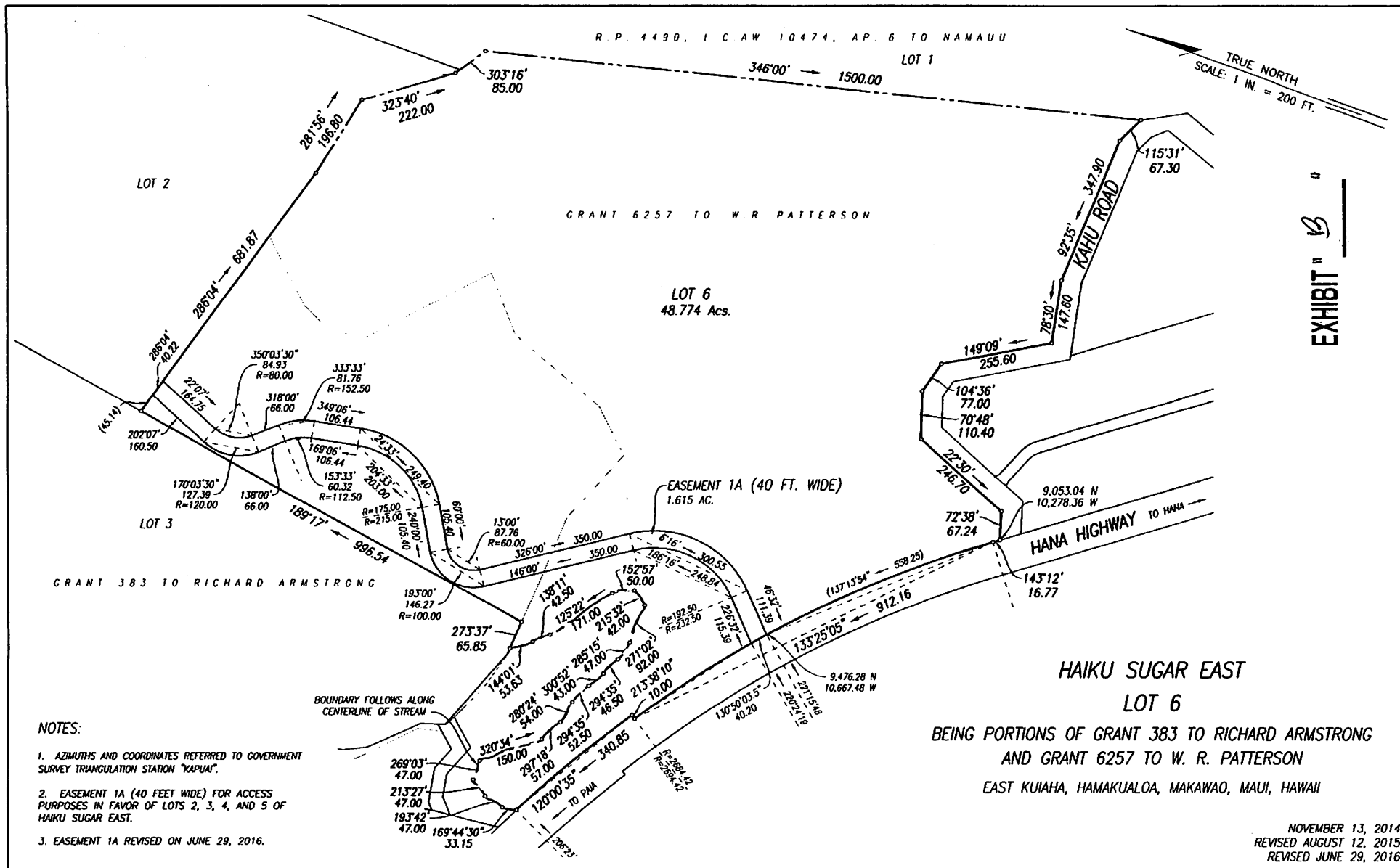
18. 349° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
19. Thence along same, on a curve to the right with a radius of 215.00 feet, the chord azimuth and distance being:  
24° 33' 249.40 feet;
20. 60° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;
21. Thence along same, on a curve to the left with a radius of 60.00 feet, the chord azimuth and distance being:  
13° 00' 87 76 feet;
22. 326° 00' 350.00 feet along the remainders of Grant 383 to Richard Armstrong and Grant 6257 to W.R. Patterson;
23. Thence along the remainder of Grant 6257 to W.R. Patterson, on a curve to the right with a radius of 232.50 feet, the chord azimuth and distance being:  
6° 16' 300.55 feet;
24. 46° 32' 111.39 feet along the remainder of Grant 6257 to W.R. Patterson to the point of beginning and containing an area of 70,344 Square Feet, or 1.615 Ac.

June 29, 2016  
Honolulu, Hawaii



  
Cliff Yim Exp. 04/30/2018  
Licensed Professional Land Surveyor  
Certificate Number 16048

Tax Map Key: (2) 2-7-007: 005 (Por.)



**PRELIMINARY REPORT**  
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, LLC and no liability will arise under this report.

-----  
**SCHEDULE A**

Title Guaranty of Hawaii, LLC (the "Company") hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

KARY M. HISASHIMA,  
husband of Debbie Hisashima,  
as to an undivided 16% interest,  
KARLEE C. HISASHIMA,  
unmarried,  
as to an undivided 16% interest,  
and  
JUDY Y. HISASHIMA,  
Trustee under that certain Declaration of  
Revocable Trust of Judy Y. Hisashima  
dated September 28, 1981,  
with full powers to sell, mortgage, lease or  
otherwise deal with the land,  
as to an undivided 68% interest,  
as Fee Owner

This report is dated as of May 30, 2019 at 8:00 a.m.

Inquiries concerning this report  
should be directed to

Inquiries concerning Escrow  
should be directed to

EXHIBIT C



SCHEDULE A CONTINUED

OFELIA LOPEZ.  
Email olopez@tghawaii.com.  
Fax (808) 521-0288.  
Telephone (808) 533-5831.  
Refer to Order No. 201928890.

Gwen Vida.  
KAHULUI OFFICE  
Email gvida@tghawaii.com.  
Fax (808) 871-2222.  
Telephone (808) 871-2296.  
Escrow No. 19129812

**SCHEDULE B  
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (2) 2-7-007-005      Area Assessed: 48.774 acres

-Note:- Attention is invited to the fact that the premises covered herein may be subject to possible rollback or retroactive property taxes.

2. Mineral and water rights of any nature.
3. Excepting and reserving the east Kuiaha Stream and all riparian and other rights in or to this stream and the waters thereof; also excepting and reserving therefrom a right-of-way across this lot for the ditch, as shown on map made part of said Land Patent Grant No. 6257 dated December 7, 1914.
4. Abandoned Old Haiku Ditch as shown on Tax Map.
5. Perpetual rights of way and easements for all existing ditches, pipelines, tunnels, flume, dams, reservoirs, building, roads, trails, etc. and also all water and water rights, etc. in favor of EAST MAUI IRRIGATION COMPANY, LIMITED, as granted in DEED AND AGREEMENT dated December 29, 1926, recorded in Liber 864 at Page 10.
6. All water rights and also a perpetual easement for the New Haiku Ditch Tunnel Right of Way (containing an area of 0.01 acre) as reserved in DEED dated July 30, 1947, recorded in Liber 2056, Page 272.

ASSIGNMENT AND ASSUMPTION (East Maui Ditch System Interests) dated and effective as of December 30, 2018, recorded as Document No. A-69360351A thru A-69360351B, by and between ALEXANDER & BALDWIN, LLC, a Delaware limited liability company, "Assignor" and EAST MAUI IRRIGATION COMPANY, LLC, a Hawaii limited liability company, "Assignee".

SCHEDULE B CONTINUED

7. Free flowage of East Kuiaha Stream.

8. LEASE OF RIGHT OF WAY

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

DATED : August 5, 1960

RECORDED : Liber 3906 Page 64

LEASING : rights-of-way, each twenty-five (25) feet in width  
for utility purposes, for a term of thirty-five (35)  
years from the date hereof, and thereafter from year  
to year until terminated by either of the parties

9. Drainage reserve as shown on Subdivision Map dated June 30, 2011,  
as revised on July 13, 2011, May 14, 2012, June 29, 2012, October  
8, 2012, October 22, 2012, March 7, 2013, March 27, 2013, May 31,  
2013, September 19, 2013, November 18, 2013 and July 25, 2014, as  
Subdivision File No. 2.3199, approved on October 10, 2014.

10. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION  
POTENTIAL

DATED : June 16, 2014

RECORDED : Document No. A-53950753

PARTIES : ALEXANDER & BALDWIN, LLC, a Hawaii limited  
liability company, KARY M. HISASHIMA, unmarried,  
KARLEE C. HISASHIMA, unmarried, and JUDY Y.  
HISASHIMA, Trustee under that certain Declaration  
of Revocable Trust of Judy Y. Hisashima dated  
September 28, 1981, "Subdivider", and the COUNTY OF  
MAUI, through its Department of Public Works, a  
political subdivision of the State of Hawaii

SCHEDULE B CONTINUED

11. Easement 1A (40 feet wide) for access and utility purposes in favor of Lot 2 of Haiku Sugar East, as per survey map prepared by Norman K. Murakami dated November 14, 2014, and more particularly described in instrument dated September 1, 2016, recorded as Document No. A-60960769; to-wit:

Beginning at the south corner of this piece of land, on the north side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,476.28 feet north and 10,667.48 feet west, thence running by azimuths measured clockwise from true South:

1. Along the north side of Hana Highway, on a curve to the left with a radius of 2684.42 feet, the chord azimuth and distance being:  
  
130° 50' 03.5" 40.20 feet;
2. 226° 32' 115.39 feet along the remainder of Grant 6257 to W.R. Patterson;
3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:  
  
186° 16' 248.84 feet;
4. 146° 00' 350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;
5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:  
  
193° 00' 146.27 feet;
6. 240° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;

# SCHEDULE B CONTINUED

7. Thence along same, on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:  

204° 33'	203.00	feet;
----------	--------	-------
8. 169° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
9. Thence along same, on a curve to the left with a radius of 112.50 feet, the chord azimuth and distance being:  

153° 33'	60.32	feet;
----------	-------	-------
10. 138° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
11. Thence along same, on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being:  

170° 03' 30"	127.39	feet;
--------------	--------	-------
12. 202° 07' 160.50 feet along the remainder of Grant 383 to Richard Armstrong;
13. 286° 04' 40.22 feet along Lot 2 of Haiku Sugar East subdivision;
14. 22° 07' 164.75 feet along the remainder of Grant 383 to Richard Armstrong;
15. Thence along same, on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:  

350° 03' 30"	84.93	feet;
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16. 318° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;

SCHEDULE B CONTINUED

17. Thence along same, on a curve to the right with a radius of 152.50 feet, the chord azimuth and distance being:
- 333° 33'                      81.76      feet;
18. 349° 06'                      106.44      feet along the remainder of Grant 383 to Richard Armstrong;
19. Thence along same, on a curve to the right with a radius of 215.00 feet, the chord azimuth and distance being:
- 24° 33'                      249.40      feet;
20. 60° 00'                      105.40      feet along the remainder of Grant 383 to Richard Armstrong;
21. Thence along same, on a curve to the left with a radius of 60.00 feet, the chord azimuth and distance being:
- 13° 00'                      87.76      feet;
22. 326° 00'                      350.00      feet along the remainders of Grant 383 to Richard Armstrong and Grant 6257 to W.R. Patterson;
23. Thence along the remainder of Grant 6257 to W.R. Patterson, on a curve to the right with a radius of 232.50 feet, the chord azimuth and distance being:
- 6° 16'                      300.55      feet;
24. 46° 32'                      111.39      feet along the remainder of Grant 6257 to W.R. Patterson to the point of beginning and containing an area of 70,344 square feet, or 1.615 acres, more or less.

SCHEDULE B CONTINUED

12. The terms and provisions contained in the following:

INSTRUMENT : LIMITED WARRANTY DEED WITH COVENANTS AND  
RESTRICTIONS

DATED : December 18, 2014  
RECORDED : Document No. A-54660877

13. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF EASEMENTS (Haiku Sugar East)

DATED : as of December 22, 2014  
RECORDED : Document Nos. A-54690744A through A-54690744B

Said Declaration was amended and restated by AMENDED AND RESTATED  
DECLARATION OF EASEMENTS, dated September 1, 2016, recorded as  
Document No. A-60960769.

14. 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.
15. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
16. Any unrecorded leases and matters arising from or affecting the same.

END OF SCHEDULE B

## SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 6257 to W.R. Patterson and Royal Patent Grant Number 383 to Richard Armstrong) situate, lying and being at the north of Hana Highway, East Kuiaha, District of Hamakualoa, Island and County of Maui, State of Hawaii, being LOT 6 of the "HAIKU SUGAR EAST SUBDIVISION", and thus bounded and described as per survey dated November 14, 2014, to-wit:

Beginning at the southerly corner of this lot, being the westerly corner of Kahu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,053.04 feet north and 10,278.36 feet west and measured clockwise from true South:

1. 143° 12' 16.77 feet along Hana Highway;

Thence, along same on a curve to the left having a radius of 2684.42 feet, the chord azimuth and distance being:

2. 133° 25' 05" 912.16 feet;
3. 213° 38' 10" 10.00 feet along same;

Thence, along same on a curve to the left having a radius of 2694.42 feet, the chord azimuth and distance being:

4. 120° 00' 35" 340.85 feet;

Thence along Grant 7149 to Anne B. Wilkens, following along the centerline of East Kuiaha Stream for the next seventeen (17) courses, the direct azimuth and distance being:

5. 169° 44' 30" 33.15 feet;
6. 193° 42' 47.00 feet;
7. 213° 27' 47.00 feet;
8. 269° 03' 47.00 feet;



SCHEDULE C CONTINUED

9.	320° 34'	150.00	feet;
10.	297° 18'	57.00	feet;
11.	280° 24'	54.00	feet;
12.	294° 35'	52.50	feet;
13.	300° 52'	43.00	feet;
14.	294° 35'	46.50	feet;
15.	285° 15'	47.00	feet;
16.	271° 02'	92.00	feet;
17.	215° 32'	42.00	feet;
18.	152° 57'	50.00	feet;
19.	125° 22'	171.00	feet;
20.	138° 11'	42.50	feet;
21.	144° 01'	53.63	feet;
22.	273° 37'	65.85	feet along Lot 3 of Haiku Sugar East;
23.	189° 17'	996.54	feet along same;
24.	286° 04'	681.87	feet along Lot 2 of Haiku Sugar East;
25.	281° 56'	196.80	feet along same;
26.	323° 40'	222.00	feet along same;
27.	303° 16'	85.00	feet along same and along Lot 1 of Haiku Sugar East;
28.	346° 00'	1,500.00	feet along Lot 1 of Haiku Sugar East;
29.	115° 31'	67.30	feet along the northerly side of Kahu Road;

SCHEDULE C CONTINUED

30.	92° 35'	347.90	feet along same;
31.	78° 30'	147.60	feet along same;
32.	149° 09'	255.60	feet along same;
33.	104° 36'	77.00	feet along same;
34.	70° 48'	110.40	feet along same;
35.	22° 30'	246.70	feet along same;
36.	72° 38'	67.24	feet along same to the point of beginning and containing an area of 48.774 acres, more or less.

Said above described parcel of land having been acquired as follows:

1. By KARY M. HISASHIMA, husband of Debbie Hisashima, as to an undivided 16% interest, and KARLEE C. HISASHIMA, unmarried, as to an undivided 16% interest, by DEED of MITSUGI YAMAMURA and FUSAKO YAMAMURA, husband and wife, dated December 18, 1979, recorded in Liber 14367 at Page 279 and by LIMITED WARRANTY DEED WITH COVENANTS AND RESTRICTIONS of ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, dated December 18, 2014, recorded as Document No. A-54660877; and
2. By JUDY Y. HISASHIMA, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981, with full powers to sell, mortgage, lease or otherwise deal with the land, as to an undivided 68% interest, by DEED of JUDY HISASHIMA, wife of Paddy S. Hisashima, dated November 3, 1981, recorded in Liber 15982 at Page 426 and by LIMITED WARRANTY DEED WITH COVENANTS AND RESTRICTIONS of ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, dated December 18, 2014, recorded as Document No. A-54660877.

END OF SCHEDULE C

## **GENERAL NOTES**

1. 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.

## **BUYER(S) LIEN INFORMATION**

1. Title Guaranty of Hawaii, LLC finds no liens docketed against COUNTY OF MAUI, the proposed purchaser(s).

## GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
  - B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
  - C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
  - D. If the transaction involves a construction loan, the following is required:
    - (1) a letter confirming that there is no construction prior to recordation; or
    - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.
- Forms are available upon request from the Company.
- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
  - F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
  - G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at [www.tghawaii.com](http://www.tghawaii.com).
  - H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

DATE PRINTED: 7/16/2019

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.  
(2) 2 7 007 005 0000

CLASS: AGRICULTURAL

AREA ASSESSED: 48.774 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2019

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING	\$	0
EXEMPTION	\$	0
NET VALUE	\$	0
LAND	\$	1,813,900
EXEMPTION	\$	0
NET VALUE	\$	1,813,900
TOTAL NET VALUE	\$	1,813,900

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 2/20/2019

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2018	2	5,966.70				5,966.70	PAID
2018	1	5,966.70				5,966.70	PAID
2017	2	5,793.64				5,793.64	PAID
2017	1	5,793.64		11.59		5,805.23	PAID

The real property tax information provided is based on information furnished by the respective counties, is deemed reliable but not guaranteed, and no warranties are given express or implied. Billing and tax collection details may have changed. Please refer to the appropriate county real property tax offices for any further information or updates for the subject property.