

## EDB Committee

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**From:** Richelle Thomson <Richelle.Thomson@co.maui.hi.us>  
**Sent:** Wednesday, November 18, 2020 2:04 PM  
**To:** EDB Committee  
**Subject:** EDB-115 CML Preliminary Title Report  
**Attachments:** Preliminary Report-202021364-20150022 Revised date 7.24.20.DOC

Fyi, attached.

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**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.

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**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:

ALEXANDER & BALDWIN, LLC,  
a Delaware limited liability company,  
as Fee Owner

This report is dated as of May 14, 2020 at 8:00 a.m.

**Inquiries concerning this report should be directed to:**  
Title Officer - Ofelia C. Lopez; Office: (808) 533-5831  
Email: olopez@tghawaii.com

**Inquiries concerning escrow should be directed to:**  
Escrow Officer - Gwen Vida; Office: (808) 871-2296  
Email: gvida@tghawaii.com  
Please reference Order No. 202021364, Escrow No. 20150022.

**SCHEDULE B  
EXCEPTIONS**

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

Tax Key: [\(2\) 3-8-003-025](#) Area Assessed: 63.000 acres

-Note:- Attention is invited to the discrepancy between the area contained in the legal description described herein and the area as set forth in the respective county real property tax records.

-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. Location of the boundary of KALIALINUI STREAM and the effect, if any, upon the area of the land described herein, and the free flowage thereof.
4. Any and all existing roadways, trails, easements, rights of way, flumes and irrigation ditches.
5. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : March 12, 1987

RECORDED : Liber [21107](#) Page [27](#)

SCHEDULE B CONTINUED

6. GRANT

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

DATED : March 8, 1989

RECORDED : Liber [23097](#) Page [74](#)

GRANTING : a right and easement for utility purposes

7. Existing Easement 7 for electrical transmission line purposes as mentioned in instrument recorded as Document No. [96-170196](#), and as referenced on survey map prepared by Justin R. Shaw, Land Surveyor, with A & B Properties - Hawaii, LLC, dated July 16, 2020.

8. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED : October 16, 2008

RECORDED : Document No. [2008-167600](#)

PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation, and the COUNTY OF MAUI, by its Department of Environmental Management, "Owner", and the COUNTY OF MAUI, through its Department of Planning, a body politic and corporate, and a political subdivision of the State of Hawaii

9. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

DATED : October 17, 2008

RECORDED : Document No. [2008-167601](#)

SCHEDULE B CONTINUED

PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation and the COUNTY OF MAUI, by its Department of Environmental Management, "Subdivider", and COUNTY OF MAUI, through its Department of Public Works, a political subdivision of the State of Hawaii, "County"

10. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF IMPORTANT AGRICULTURAL LANDS

DATED : July 2, 2009

RECORDED : Document No. [2009-103676](#)

11. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

DATED : June 17, 2011

RECORDED : Document No. [2011-100256](#)

PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation, and the COUNTY OF MAUI

12. 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.

13. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

SCHEDULE B CONTINUED

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

-Note:- Before issuance of an ALTA policy, a properly executed TG Form D.1 should be submitted at closing (i) if there are no unrecorded leases affecting the subject land and the insured requires that said exception be omitted from the policy or (ii) if the insured requires the policy to be issued with reference to specific unrecorded leases.

15. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described in Schedule C herein.

-Note:- Before issuance of an ALTA policy, verification is required that there is no renovation or construction in progress at the present time, nor has there been any renovation or construction during the past year, nor has any material been delivered to the site for purposes of renovation or construction in the past year.

**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 Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Puunene, Wailuku, Island and County of Maui, State of Hawaii, being LOT 2-A-1-A of the "CENTRAL MAUI SANITARY LANDFILL SUBDIVISION", and thus bounded and described as per survey dated July 16, 2020, to-wit:

Beginning at the southwest corner of this parcel of land at a point on the northeast side of Pulehu Road (40.00 feet wide), being also the northwest corner of Lot 1-A-1 of the Central Maui Sanitary Landfill Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE 2" being:

12,589.51 feet south  
11,607.21 feet west

and running by azimuths measured clockwise from true South:

1. 134° 12' 50" 165.60 feet along the northeasterly side of Pulehu Road (40 feet wide);
2. 133° 44' 30" 280.00 feet along same;
3. 132° 18' 40" 222.54 feet along same;
4. 199° 09' 290.73 feet along remainder of Grant 3343 to Claus Spreckels;
5. thence along same on a curve to the right having a radius of 163.00 feet and a central angle of 62° 54', the chord azimuth and distance being:  
  
230° 36' 170.09 feet;
6. 262° 03' 305.17 feet along same;
7. 306° 22' 20.00 feet along same;
8. 266° 04' 13.02 feet along same;
9. 217° 06' 20.51 feet along same;

SCHEDULE C CONTINUED

10. 268° 04' 28.04 feet along same;
11. thence along same on a curve to the right having a radius of 260.50 feet and a central angle of 28° 24', the chord azimuth and distance being:  
 282° 16' 127.81 feet;
12. 296° 28' 628.42 feet along same;
13. thence along same on a curve to the right having a radius of 185.00 feet and a central angle of 38° 47', the chord azimuth and distance being:  
 315° 51' 30" 122.85 feet;
14. 335° 15' 161.32 feet along same;
15. thence along same on a curve to the left having a radius of 368.50 feet and a central angle of 75° 42', the chord azimuth and distance being:  
 297° 24' 452.22 feet;
16. 259° 33' 446.71 feet along same;
17. 304° 28' 8.70 feet along same;
18. 259° 33' 14.01 feet along same;
19. 214° 28' 8.68 feet along same;
20. 259° 33' 323.39 feet along same;
21. thence along same on a curve to the right having a radius of 182.00 feet and a central angle of 41° 58', the chord azimuth and distance being:  
 280° 32' 130.35 feet;
22. 301° 31' 241.19 feet along same;

SCHEDULE C CONTINUED

23. thence along same on a curve to the left having a radius of 154.00 feet and a central angle of 58° 04', the chord azimuth and distance being:

272° 29'                      149.48      feet;

24. 243° 27'                      392.61      feet more or less, along same to the centerline of Kalialinui Stream;

Thence along the centerline of Kalialinui Stream for the next two (2) courses, the direct azimuths and distances being:

25. 356° 43'                      155.38      feet more or less, along Lot 1-A as shown on the Central Maui Sanitary Landfill Subdivision, Amended January 2000 (Subdivision File No. 3.1762) and approved by the Director of Public Works, dated January 20, 2000, along remainder of Grant 3343 to Claus Spreckels;

26.    7° 05'                      245.16      feet along same;

27.    74° 12' 30"                      211.87      feet along same;

28.    46° 20' 30"                      42.62      feet along same;

29.    46° 28' 30"                      736.33      feet along Lot 1-A-1 of the Central Maui Sanitary Landfill Subdivision;

30.    5° 05'                      342.02      feet along same;

31.    13° 15'                      73.63      feet along same;

32.    117° 04'                      534.73      feet along same;

33.    123° 45'                      505.19      feet along same;

34.    143° 01'                      656.69      feet along same;

35.    95° 54'                      816.49      feet along same;

SCHEDULE C CONTINUED

36. 45° 44' 44.62 feet along same to the point of beginning and containing an area of 59.307 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : ALEXANDER & BALDWIN, INC., a Hawaii corporation

GRANTEE : A&B-HAWAII, INC., a Hawaii corporation

DATED : March 30, 1989, and effective April 1, 1989

RECORDED : Liber [23006](#) Page [583](#)

**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.
  
2. A&B-HAWAII, INC., a Hawaii corporation, merged into and with ALEXANDER & BALDWIN, INC., a Hawaii corporation, as set forth in CERTIFICATE OF MERGER dated January 3, 2000, recorded as Document No. [2000-003694](#).
  
3. ALEXANDER & BALDWIN, INC., a Hawaii corporation, converted to ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, as set forth in CERTIFICATE OF CONVERSION dated June 7, 2012, recorded as Document No. A-[45531116](#).
  
4. ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, was converted to ALEXANDER & BALDWIN, LLC, a Delaware limited liability company, as set forth in CERTIFICATE OF CONVERSION OF OTHER ENTITY TO A LIMITED LIABILITY COMPANY dated December 19, 2016 (effective December 21, 2016) filed with the Secretary of State, Divisions of Corporations in the State of Delaware.

## 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: 7/24/2020

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.  
(2) 3 8 003 025 0000

CLASS: AGRICULTURAL AREA ASSESSED: 63.000 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2020

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	\$	1,167,400 AGRICULTURAL USE VALUE
EXEMPTION	\$	0
NET VALUE	\$	1,167,400
TOTAL NET VALUE	\$	1,167,400

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 2/20/2020

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2020	2	3,467.18				3,467.18	PENDING
2020	1	3,467.18				3,467.18	PENDING
2019	3	6,730.42				6,730.42	PAID
2019	2	200.00				200.00	PAID
2019	1	200.00				200.00	PAID
2018	3	6,368.56				6,368.56	PAID
2018	2	200.00				200.00	PAID
2018	1	200.00				200.00	PAID

Total Amount Due: 6,934.36

Penalty and Interest Computed to: 2/20/2020

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.