

# Resolution

No. 22-243

AUTHORIZING THE ACQUISITION OF APPROXIMATELY 12.49 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-102:001 (POR) SITUATED AT KAHULUI, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$17,413,152.00

WHEREAS, Alexander & Baldwin, LLC, a Delaware limited liability company (the "Owner"), is the owner in fee simple of that certain real property located at Kahului, Maui, Hawaii, identified for real property tax purposes as tax map key number (2) 3-8-102:001 (POR); and

WHEREAS, the Director of Finance identified an appropriate location consisting of approximately 12.49 acres for a baseyard and maintenance facility on a portion of the real property identified as tax map key number (2) 3-8-102:001, identified as Unit 19 on Exhibit "A," and more particularly described on Exhibit "B," (the "Property"); and

WHEREAS, a Preliminary Report was generated for the general area of the Property, attached hereto as Exhibit "C"; and

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

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

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;

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 SEVENTEEN MILLION FOUR HUNDRED THIRTEEN THOUSAND ONE HUNDRED FIFTY-TWO AND NO/100 DOLLARS (\$17,413,152.00), plus customary expenses; and

**Resolution No. 22-243**

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

4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and Alexander & Baldwin, LLC.

APPROVED AS TO FORM  
AND LEGALITY:

  
DANIEL J. KUNKEL

Deputy Corporation Counsel  
County of Maui  
2022-1567

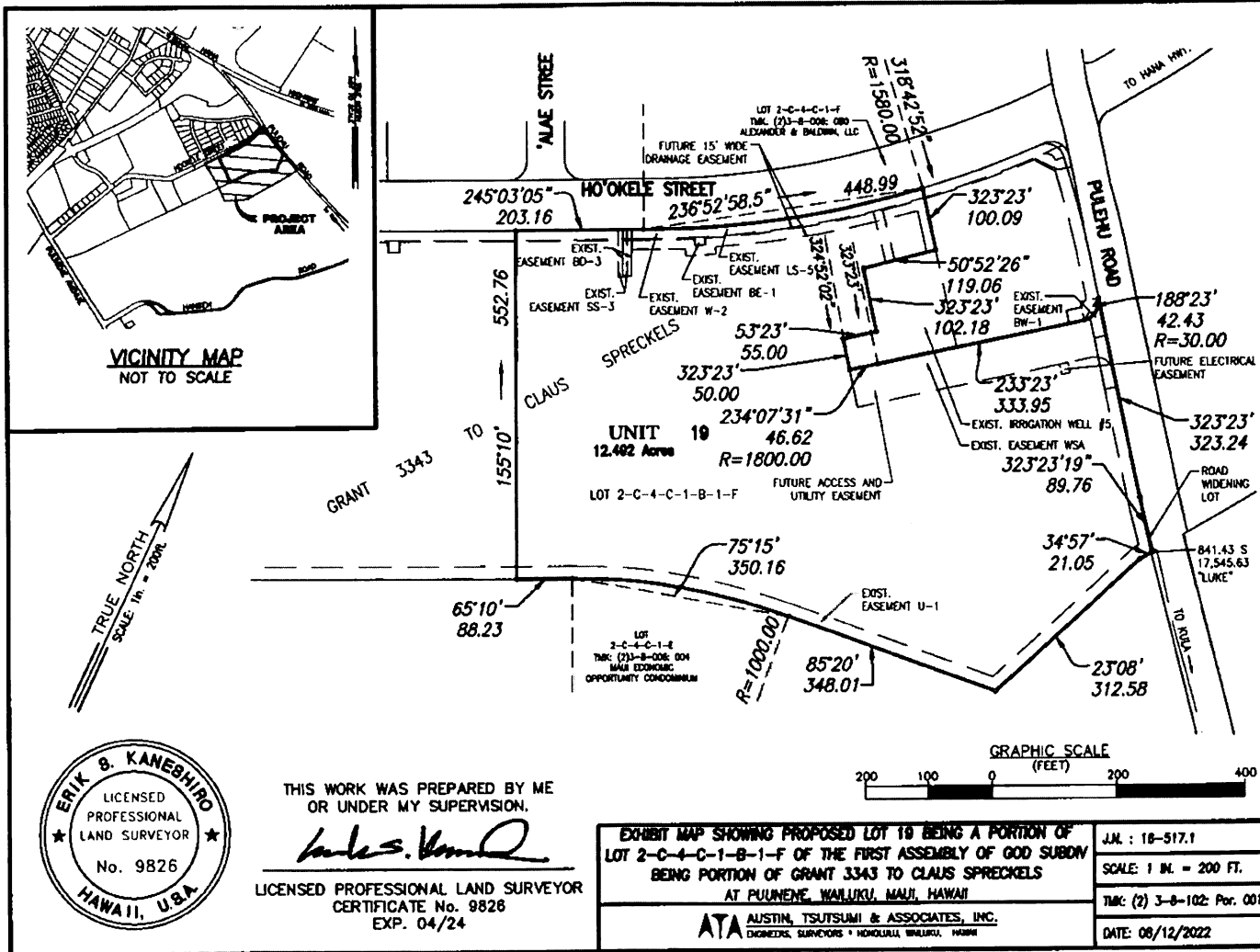
**Resolution No.** 22-243

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

# EXHIBIT "A"



Y:\2022\22-525 MBP PROPOSED LOT 19 EXHIBIT\DWG\EXHIBIT LOT 19.DWG

EXHIBIT "A"

## EXHIBIT "B"

### UNIT 19

Being a Portion of Lot 2-C-4-C-1-B-1-F of the First Assembly of God Subdivision, (Subdivision File No. 3.2323), Being also a Portion of Grant 3343, to Claus Spreckels.

Situate at Puunene, Wailuku, Maui, Hawaii.

Beginning at the East corner of this parcel of land, being also the South corner of Proposed Road Widening Lot, on the Southwest side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 841.43 feet South and 17,545.63 feet East thence running by azimuths measured clockwise from true South:

1.     34°   57'                   21.05   feet   along the Southwest side of Pulehu Road and Lot 2-C-4-C-1-E of First Assembly of God Subdivision, (Subdiv. File No. 3.2208), along the remainder of Grant 3343, to Claus Spreckels;
2.     23°   08'                   312.58   feet   along the same;
3.     85°   20'                   348.01   feet   along the same;
- Thence along the same, on a curve to the left with a radius of 1,000.00 feet, the chord azimuth and distance being:
4.     75°   15'                   350.16   feet;
5.     65°   10'                   88.23   feet   along the same;
6.     155°   10'                  552.76   feet   along the remainder of Lot 2-C-4-C-1-B-1-F of First Assembly of God Subdivision, (Subdiv. File No. 3.2323), along the remainder of Grant 3343, to Claus Spreckels;
7.     245°   03'    05"          203.16   feet   along Lot 2-C-4-C-1-F (Ho'okele Street) of First Assembly of God Subdivision, (Subdiv. File No. 3.2208), along the remainder of Grant 3343, to Claus Spreckels;

## EXHIBIT "B"



501 SUMNER STREET, SUITE 521  
HONOLULU, HAWAII 96817-5031

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS  
1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

100 PAUAAHI STREET, SUITE 207  
HILO, HAWAII 96720

Thence along same, on a curve to the left with a radius of 1,580.00 feet, the chord azimuth and distance being:

- |     |      |     |       |        |       |  |
|-----|------|-----|-------|--------|-------|--|
| 8.  | 236° | 52' | 58.5" | 448.99 | feet; |  |
| 9.  | 323° | 23' |       | 100.09 | feet  | along the remainder of Lot 2-C-4-C-1-B-1-F of First Assembly of God Subdivision, (Subdiv. File No. 3.2323), along the remainder of Grant 3343, to Claus Spreckels; |
| 10. | 50°  | 52' | 30"   | 119.06 | feet  | along the same;  |
| 11. | 323° | 23' |       | 102.18 | feet  | along the same;  |
| 12. | 53°  | 23' |       | 55.00  | feet  | along the same;  |
| 13. | 323° | 23' |       | 50.00  | feet  | along the same;  |

Thence along same, on a curve to the left with a radius of 1,800.00 feet, the chord azimuth and distance being:

- |     |      |     |     |        |       |                 |
|-----|------|-----|-----|--------|-------|-----------------|
| 14. | 234° | 07' | 31" | 46.62  | feet; |                 |
| 15. | 233° | 23' |     | 333.95 | feet  | along the same; |

Thence along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

- |     |      |     |     |        |       |  |
|-----|------|-----|-----|--------|-------|--|
| 16. | 188° | 23' |     | 42.43  | feet; |  |
| 17. | 323° | 23' |     | 323.24 | feet  | along the Southwest side of Pulehu Road;   |
| 18. | 323° | 23' | 19" | 89.76  | feet  | along Proposed Road Widening Lot to the point of beginning and containing an area of 12.492 Acres. |



Subject, However, to the following:

1. Existing Easement BD-3 for Drainage Purposes
2. Existing Easement SS-3 for Sewer Purposes
3. Portion of Existing Easement W-2, 15-ft wide for Waterline Purposes
4. Portion of Existing Easement LS-5 for Landscaping Purposes
5. Portion of Existing Easement BE-1 for Utility Purposes
6. Portion of Existing Easement BW-1 for Waterline Purposes
7. Portions of Existing Easement WSA for Waterline Purposes
8. Portion of Existing Easement U-1 for Utility Purposes



Description Prepared By:

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826  
Exp. 04/24

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii  
August 12, 2022

TMK: (2) 3-8-102: Por. 001

Y:\2016\16-517.1\SURVEY\Descriptions\Proposed Lot 19.docx



# EXHIBIT "C"

## 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 September 14, 2022 at 8:00 a.m.

**Inquiries concerning this report should be directed to:**  
Title Officer - Trisha Chun; Office: (808)533-5880  
Email: tchun@TGHAWAII.com  
Please reference Title Order No. 7311277990.

# EXHIBIT "C"



**SCHEDULE B  
EXCEPTIONS**

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

PARCEL FIRST is(are) covered by Tax Key: (2) 3-8-102-007.  
Tax Classification: INDUSTRIAL

PARCEL SECOND is(are) covered by Tax Key: (2) 3-8-102-008.  
Tax Classification: INDUSTRIAL

PARCEL THIRD is(are) covered by Tax Key: (2) 3-8-102-001.  
Tax Classification: INDUSTRIAL

2. Mineral and water rights of any nature.

3. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (LARGE LOTS)

DATED : March 10, 1987  
RECORDED : Liber 21128 Page 284  
PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation  
("Owner"), and the COUNTY OF MAUI, a body politic  
and corporate, and a political subdivision of the  
State of Hawaii ("County")

4. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (LARGE LOTS)

DATED : January 5, 1988  
RECORDED : Liber 21534 Page 206  
PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation  
("Owner"), and the COUNTY OF MAUI, a body politic  
and corporate, and a political subdivision of the  
State of Hawaii ("County")

SCHEDULE B CONTINUED

5. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (THREE LOTS OR LESS)

DATED : January 5, 1988

RECORDED : Liber 21534 Page 215

PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation  
("Owner"), and the COUNTY OF MAUI, a body politic  
and corporate, and a political subdivision of the  
State of Hawaii ("County")

6. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION

DATED : December 18, 1990

RECORDED : Document No. 90-196794

7. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (THREE LOTS OR LESS)

DATED : June 14, 1995

RECORDED : Document No. 95-089570

PARTIES : ALEXANDER & BALDWIN, INC. ("Owner") and the COUNTY  
OF MAUI, a body politic and corporate and a  
political subdivision of the State of Hawaii  
("County")

8. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (LARGE LOTS)

DATED : June 27, 1995

RECORDED : Document No. 95-089571

SCHEDULE B CONTINUED

PARTIES : ALEXANDER & BALDWIN, INC. ("Owner") and the COUNTY OF MAUI, a body politic and corporate and a political subdivision of the State of Hawaii ("County")

9. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (LARGE LOTS)

DATED : June 14, 1995  
RECORDED : Document No. 95-094770  
PARTIES : ALEXANDER & BALDWIN, INC. ("Owner") and the COUNTY OF MAUI, a body politic and corporate and a political subdivision of the State of Hawaii ("County")

10. The terms and provisions contained in the following:

INSTRUMENT : DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT

DATED : July 13, 1995  
RECORDED : Document No. 95-114079  
PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation ("Subdivider"), and the DEPARTMENT OF WATER SUPPLY of the County of Maui ("Department")

11. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (DEFERRAL OF ROAD WIDENING LOTS)

DATED : November 9, 1995  
RECORDED : Document No. 95-147052  
PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation ("Owner"), and the COUNTY OF MAUI, a political subdivision of the State of Hawaii ("County")

SCHEDULE B CONTINUED

12. The terms and provisions contained in the following:

INSTRUMENT : DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT

DATED : August 31, 1995

RECORDED : Document No. 95-158022

PARTIES : ALEXANDER & BALDWIN, INC., a Hawaii corporation  
("Subdivider"), and the DEPARTMENT OF WATER SUPPLY  
of the County of Maui ("Department")

13. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDITIONS

DATED : --- (acknowledged April 19, 2004)

RECORDED : Document No. 2004-078771

Joinder by ALEXANDER & BALDWIN, INC., a Hawaii corporation, dated  
---(acknowledged April 19, 2004), recorded as Document No. 2004-  
078772.

14. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDITIONS

DATED : June 27, 2005

RECORDED : Document No. 2005-128814

15. The terms and provisions contained in the following:

SCHEDULE B CONTINUED

INSTRUMENT : UNILATERAL AGREEMENT AND DECLARATION FOR  
CONDITIONAL ZONING

DATED : April 7, 2008  
RECORDED : Document No. 2008-057029  
PARTIES : ALEXANDER & BALDWIN, INC., a Hawai'i corporation,  
"Declarant"

16. GRANT in favor of MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN  
TELCOM, INC., dated March 17, 2011, recorded as Document No.  
2011-053742, granting a right and easement for utility purposes.

17. The terms and provisions contained in the following:

INSTRUMENT : FIRST AMENDED AND RESTATED SUBDIVISION AGREEMENT  
(LARGE LOTS)

DATED : April 18, 2011  
RECORDED : Document No. 2011-065270  
PARTIES : ALEXANDER & BALDWIN, INC. and A&B PROPERTIES, INC.,  
"Owner", and the COUNTY OF MAUI, through its  
Department of Public Works, a body politic and  
corporate, and a political subdivision of the State  
of Hawaii, "County"

Said First Amended and Restated Subdivision Agreement amends and  
supersedes in its entirety that certain Subdivision Agreement  
(Large Lots) dated September 2, 2009, recorded as Document No.  
2009-139108.

18. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF COVENANTS AND RESTRICTIONS MAUI  
BUSINESS PARK PHASE II

DATED : September 13, 2012

SCHEDULE B CONTINUED

RECORDED : Document No. A-46400709

Said above Declaration was amended by instruments dated November 8, 2013, recorded as Document No. A-50600297, dated May 29, 2015, recorded as Document No. A-56300886.

SUPPLEMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS MAUI BUSINESS PART II, dated September 2, 2015, recorded as Document No. A-57240980.

Said above Declaration was further amended by instruments dated September 27, 2016, recorded as Document No. A-61141075, dated April 19, 2017, recorded as Document No. A-63191094, and dated January 18, 2018, recorded as Document No. A-65960732.

Said above Declaration, as amended and supplemented, was amended and restated by instrument dated September 9, 2019, recorded as Document No. A-71940666.

Said above Amended and Restated Declaration was amended by instruments dated June 23, 2020, recorded as Document No. A-74790442 and dated August 4, 2022, recorded as Document No. A-82510725.

QUITCLAIM PARTIAL ASSIGNMENT OF RIGHTS AND OBLIGATIONS; JOINDER AND CONSENT dated August 4, 2022, recorded as Document No. A-82510726 through A-82510727.

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

19. The terms and provisions contained in the following:

INSTRUMENT : SEWER SERVICE BILLING AGREEMENT

DATED : October 7, 2013

RECORDED : Document No. A-50420868

PARTIES : COUNTY OF MAUI, "County", ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, formerly known as Alexander & Baldwin, Inc., "A&B", and MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii non-profit corporation, "Association"

SCHEDULE B CONTINUED

CLARIFICATION OF SEWER SERVICE BILLING AGREEMENT dated December 31, 2013, but effective as of October 7, 2013, by and among COUNTY OF MAUI, "County", ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, "A&B", and MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii non-profit corporation, "Association", recorded as Document Nos. A-51290700A thru A-51290700B.

20. Designation of Easement "W-2" for waterline and landscaping purposes, as shown on subdivision map prepared by Ken T. Nomura, Professional Land Surveyor, dated May 28, 2008, last revised March 10, 2011, and approved by the Department of Public Works, County of Maui, on May 31, 2011 (Subdivision File No. 3.2208). Said subdivision map was corrected May 11, 2012, and approved by said Department of Public Works on May 18, 2012.
21. -AS TO PARCEL THIRD:-
- WELL #5 (constructed in 1899), as shown on subdivision map prepared by Ken T. Nomura, Professional Land Surveyor, dated May 28, 2008, last revised March 10, 2011, and approved by the Department of Public Works, County of Maui, on May 31, 2011 (Subdivision File No. 3.2208). Said subdivision map was corrected May 11, 2012, and approved by said Department of Public Works on May 18, 2012.
22. GRANT OF WATER SYSTEM EASEMENT (W-2, W-2A, W-2B, W-2C, BW-1, WME-14, WME-15 & WME16) dated December 2, 2014, recorded as Document No. A-54490621, granting nonexclusive easements on, over, across, under and through Easements "W-2", "W-2B", "W-2C", and "BW-1" for water lines and related equipment and appurtenances, said easements being more particularly described thereto.
- Said Grant was amended by FIRST AMENDMENT TO GRANT OF WATER SYSTEM AGREEMENT (W-2, W-2A, W-2B, W-2C, BW-1, WME-14, WME-15 & WME-16) dated August 20, 2015, recorded as Document No. A-57140666A. Consent given thereto, and Joinder by AMERICAN SAVINGS

SCHEDULE B CONTINUED

BANK, F.S.B., a federal savings bank, by instrument dated August 20, 2015, recorded as Document No. A-57140666B thru A-57140666C.

Said Grant as supplemented by instrument dated May 11, 2021, recorded as Document No. A-78071111.

23. GRANT OF LANDSCAPING EASEMENT (LS-2, LS-5, & LS-6) dated December 2, 2014, recorded as Document No. A-54490622, granting a nonexclusive easement on, over, across, under and through Easement "LS-5" for landscaping, fencing, and irrigation purposes, said easement being more particularly described and as shown on the maps attached thereto.

Said Grant was amended by FIRST AMENDMENT TO GRANT OF LANDSCAPING EASEMENT (LS-2, LS-5, & LS-6) dated March 26, 2015, recorded as Document No. A-55640745.

Said Grant was further amended by SECOND AMENDMENT TO GRANT OF LANDSCAPING EASEMENT (LS-2, LS-5 & LS-6), dated August 20, 2015, recorded as Document No. A-57140667A. Consent given thereto, and Joinder by AMERICAN SAVINGS BANK, F.S.B., a federal savings bank, by instrument dated August 20, 2015, recorded as Document No. A-57140667B thru A-57140667C.

Said Grant as supplemented by instrument dated May 11, 2021, recorded as Document No. A-78071112.

24. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation, and HAWAIIAN TELCOM, INC., a Hawaii corporation

DATED : June 29, 2015

RECORDED : Document No. A-56950605

GRANTING : a right and easement for utility purposes over, across, through and under Easement BE-1, BE-2, BE-3 and BE-4, said Easements more particularly described therein



SCHEDULE B CONTINUED

25. GRANT

TO : MAUI BUSINESS PARK PHASE II ASSOCIATION INC., a  
Hawaii nonprofit corporation

DATED : August 20, 2015

RECORDED : Document No. A-57140668

GRANTING : a nonexclusive easement on, over, across, under and  
through Easement U-1 for drainage purposes, said  
easements being more particularly described in  
Exhibit "A" attached thereto

Said Grant was amended by FIRST AMENDMENT TO GRANT OF UNDERGROUND  
UTILITY EASEMENT (U-1), dated November 21, 2016, recorded as  
Document No. A-61701190, re: Section B.1 of the Easement (Grant  
of Easement) is hereby amended by deleting the phrase "for  
drainage purposes" and replacing it with the phrase "to  
construct, install, maintain, use, repair, replace and remove  
underground utility lines".

Said Grant as supplemented by instrument dated May 11, 2021,  
recorded as Document No. A-78071119.

26. The terms and provisions contained in the following:

INSTRUMENT : EASEMENTS COVENANTS, CONDITIONS AND RESTRICTIONS

DATED : August 28, 2015

RECORDED : Document No. A-57180384

PARTIES : ALEXANDER & BALDWIN, LLC, a Hawaii limited  
liability company ("Developer"), and LOWE'S HOME  
CENTERS, LLC, a North Carolina limited liability  
company ("Lowe's")

AMENDMENT TO EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS  
dated March 11, 2021, recorded as Document No. A-77450470.

27. -AS TO PARCELS FIRST AND SECOND:-

SCHEDULE B CONTINUED

GRANT

TO : MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii  
nonprofit corporation

DATED : November 20, 2019

RECORDED : Document No. A-72640435

GRANTING : a nonexclusive easement over and across Easement  
"D-H4" for drainage purposes, said easement being  
more particularly described therein

Said Grant as supplement by instrument dated May 11, 2021,  
recorded as Document No. A-78071120.

28. -AS TO PARCEL THIRD:-

GRANT

TO : MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii  
nonprofit corporation

DATED : October 16, 2020

RECORDED : Document No. A-76000543

GRANTING : nonexclusive easement for nonpotable water system

Said Grant as amended by instrument date May 11, 2021, recorded  
as Document No. A-78071116.

29. GRANT

TO : MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii  
nonprofit corporation

DATED : May 11, 2021

RECORDED : Document No. A-78071117

GRANTING : a nonexclusive easement over Easements "D-H5" and  
"BD-3", being more particularly described and as  
shown on maps therein

SCHEDULE B CONTINUED

30. -AS TO PARCEL THIRD:-

GRANT

TO : MAUI BUSINESS PARK PHASE II ASSOCIATION, a Hawaii  
nonprofit corporation

DATED : May 11, 2021

RECORDED : Document No. A-78071118

GRANTING : a nonexclusive easement over Easement "SS-3", being  
more particularly described and as shown on map  
therein.

3 . The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF COVENANT AND RESTRICTIONS REGARDING  
BLASTING Maui Business Park Phase II (Ho'okele DEF  
Area)

DATED : September 16, 2022

RECORDED : Document No. A-82940747

32. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF EASEMENT RIGHTS, COVENANTS  
CONDITIONS AND RESTRICTIONS

DATED : September 16, 2022

RECORDED : Document No. A-82940748

33. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDOMINIUM PROPERTY REGIME FOR  
"HO'OKELE DEF CONDOMINIUM"

DATED : effective as of September 16, 2022

RECORDED : Document No. A-82940749

MAP : 6412 and any amendments thereto

SCHEDULE B CONTINUED

-Note:- Any recorded amendments to said Declaration affecting apartments other than the specific apartment described herein, are not shown.

34. The terms and provisions contained in the following:

INSTRUMENT : BY-LAWS OF THE ASSOCIATION OF UNIT OWNERS

DATED : September 16, 2022

RECORDED : Document No. A-82940750

35. Any unrecorded leases and matters arising from or affecting the same.
36. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
37. 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.
38. The Developer's Public Report for the HO'OKELE DEF CONDOMINIUM condominium project is not filed in the Real Estate Commission of the Department of Commerce and Consumer Affairs.

END OF SCHEDULE B

## **SCHEDULE C**

### **-FIRST:-**

Unit No. 19 (the "Unit") of the Condominium Project known as "HO'OKELE DEF CONDOMINIUM" (the "Project") as established by Declaration of Condominium Property Regime dated effective as of September 16, 2022, recorded in the Bureau of Conveyances of the State of Hawaii (the "Bureau") as Document No. A-82940749, as may be amended from time to time (the "Declaration"), and as shown on Condominium Map No. 6412, recorded in said Bureau, and any amendments thereto.

Together with appurtenant nonexclusive easements in the common elements of the Project for use according to their respective purposes, established by and described in the Declaration.

### **-SECOND:-**

An undivided 37.92% interest in all common elements of the Project, as established for said Unit by the Declaration, as tenant in common with all other owners from time to time of undivided interest in and to said common elements.

Together with the easements appurtenant to the Unit as set forth in that certain Declaration of Easement Rights, Covenants, Conditions and Restrictions dated September 16, 2022, recorded in the Bureau as Document No. A-82940748, as may be amended from time to time, and subject to the covenants, agreements, obligations, easements, terms, conditions, and other matters and provisions contained therein.

The land upon which said Condominium Project "HO'OKELE DEF CONDOMINIUM" is located is described as follows:

### **-PARCEL FIRST:-**

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 a portion of Lot 2-C-4-C-1-B-1, of the First Assembly of God Subdivision, being LOT 2-C-4-C-1-B-1-D of the "FIRST ASSEMBLY OF GOD SUBDIVISION", as shown on map dated January 26, 2015, revised June 17, 2015, approved by the Director of Public Works, County of Maui, on August 8, 2015 (Subdivision File No. 3.2323), and containing an area of 5.177 Acres, more or less.

SCHEDULE C CONTINUED

-PARCEL SECOND:-

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 a portion of Lot 2-C-4-C-1-B-1, of the First Assembly of God Subdivision, being LOT 2-C-4-C-1-B-1-E of the "FIRST ASSEMBLY OF GOD SUBDIVISION", as shown on map dated January 26, 2015, revised on June 17, 2015, and approved by the Director of Public Works, County of Maui on August 5, 2015, (Subdivision File No. 3.2323), and containing an area of 13.233 Acres, more or less.

-PARCEL THIRD:-

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 a portion of Lot 2-C-4-C-1-B-1, of the First Assembly of God Subdivision, being LOT 2-C-4-C-1-B-1-F, as shown on map dated January 26, 2015, revised on June 17, 2015, and approved by the Director of Public Works, County of Maui on August 5, 2015 (Subdivision File No. 3.2323) and containing an area of 17.130 Acres, more or less.

Said parcel(s) of land being more fully described in Declaration of Condominium Property Regime dated effective as of September 16, 2022, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-82940749, as the same may be amended from time to time.

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

1. By HAWAIIAN COMMERCIAL AND SUGAR COMPANY, LIMITED, a corporation duly organized and existing under an by virtue of the laws of the Territory of Hawaii, effective as of December 31, 1926, recorded in Liber 865 at page 008;
2. By ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, dated August 20, 2015, recorded as Document No. A-57140665.

SCHEDULE C CONTINUED

**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. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the merger of of HAWAIIAN COMMERCIAL AND SUGAR COMPANY, LIMITED with and into ALEXANDER & BALDWIN, LIMITED on January 2, 1962.
3. The name of ALEXANDER & BALDWIN, LIMITED was changed to ALEXANDER & BALDWIN, INC. by instrument dated January 2, 1962, recorded in Liber 4191 at Page 481.
4. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration) is the conversion of ALEXANDER & BALDWIN, INC. a Hawaii profit corporation, to ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, effective June 7, 2012, as set forth by instrument recorded as Document No. A-45531116.
5. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration) is the conversion of ALEXANDER & BALDWIN, LLC, a Hawaii limited liability company, to ALEXANDER & BALDWIN, LLC, a Delaware limited liability company, effective December 21, 2016.



## 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.