

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

October 19, 2018

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

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on September 11, 2018 (no quorum, receipt of testimony only), and October 1, 2018, makes reference to County Communication 18-150, from the Director of Public Works, transmitting the following:

1. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE."

The purpose of the proposed resolution is to accept a dedication from CGM, LLC, a dissolved Hawaii limited liability company, for 19 roadway lots located within the Wailuku Country Estates Subdivision, identified for real property tax purposes as tax map key (2) 3-3-017:189.

2. A proposed resolution entitled "ACCEPTING THE GRANT OF NON-EXCLUSIVE EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" ("non-exclusive easements").

The purpose of the proposed resolution is to accept a grant of non-exclusive easements from Wailuku Water Company, LLC, over portions of Waihee Ditch, identified for real property tax purposes as tax map key (2) 3-3-017:187.

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At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed non-exclusive easements resolution, approved as to form and legality, correcting the tax map key number referenced in Exhibit "1" to the parcel identified for real property tax purposes as tax map key (2) 3-3-017:186, incorporating the size of the proposed easements, and incorporating nonsubstantive revisions.

Your Committee notes the roadway lots to be dedicated from CGM, LLC, include roadway lots 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206, identified for real property tax purposes as tax map key (2) 3-3-017:189, subdivision file number 3.1723.

Your Committee further notes the roadway lots and easements require Council approval pursuant to Section 18.40.010, Maui County Code ("MCC"), because the drainage system for portions of the roadway lots does not meet the volume requirements provided in Titles 16 and 18, MCC.

Your Committee further notes, according to information provided by the Director of Public Works, the Wailuku Country Estates Subdivision was granted final subdivision approval on December 27, 2002.

The Director of Public Works said the developer of the subdivision, CGM, LLC, intended to dedicate roadways to the County and preliminary inspections were conducted. The developer failed to meet conditions of subdivision approval, including improvements to the drainage system. The Wailuku Country Estates Community Association Inc. has expended approximately \$250,000 to improve roadways and drainage systems.

According to the Director, on July 14, 2014, the Department determined that although roadway improvements were suitable for dedication purposes, a portion of the drainage system did not meet County standards.

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Your Committee notes because the drainage system does not meet County standards, the Wailuku Country Estates Community Association, Inc., has executed a unilateral agreement, agreeing to defend, indemnify and hold the County harmless for claims related to any alleged failure of the drainage system.

Your Committee further notes the original developer, CGM, LLC, a dissolved Hawaii limited liability company, holds the title to the roadways within the Wailuku Country Estates Subdivision. The member manager, Brian Anderson, has the authority to sign the deed to the County pursuant to Sections 428-802, 428-804, and 428-810, Hawaii Revised Statutes.

A Deputy Corporation Counsel said the grants of non-exclusive easements over Waihee Ditch are needed to allow the County the right to construct, reconstruct, install, maintain, operate, repair, replace and remove the portions of the roadway and culverts over the ditch.

Your Committee voted 5-0 to recommend adoption of the proposed resolution relating to the roadway lots, adoption of the revised proposed resolution relating to non-exclusive easements over Waihee Ditch, and filing of the communication. Committee Chair Cochran, Vice-Chair Guzman, and members Atay, Hokama and Sugimura voted "aye." Committee member Carroll was excused. Committee member White was absent.

Your Committee is in receipt of a revised proposed non-exclusive easements resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Infrastructure and Environmental Management Committee **RECOMMENDS** the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE

**COUNCIL OF THE COUNTY OF MAUI**  
**INFRASTRUCTURE AND**  
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**Committee**  
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WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN  
WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015,  
MAUI COUNTY CODE," be ADOPTED;

2. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled "ACCEPTING THE GRANT OF NON-EXCLUSIVE EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED; and
3. That County Communication 18-150 be FILED.

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

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

# Resolution

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

ACCEPTING DEDICATION OF ROADWAY LOTS FOR  
THE WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN  
WAILUKU, MAUI, HAWAII  
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, CGM, LLC., a dissolved Hawaii limited liability company (hereinafter called "Owner"), desires to dedicate Roadway Lots 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206, located within the Wailuku Country Estates Subdivision, Tax Map Key Number (2) 3-3-017:189, Subdivision File No. 3.1723, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1" and made a part hereof; and

WHEREAS, the drainage system for certain portions of the Roadway Lots does not meet the volume requirements of Titles 16 or 18, Maui County Code and the administrative rules adopted thereunder; and

WHEREAS, The Wailuku Country Estates Community Association, Inc., and its successors and assigns, have agreed to defend, indemnify and hold the County of Maui harmless for claims, related to any alleged failure of the drainage system to meet the requirements of Titles 16 and 18 of the Maui County Code, and the administrative rules adopted thereunder, and to provide insurance against such claims, as stated in the unilateral agreement attached as Exhibit "2"; and

WHEREAS, pursuant to section 18.40.010, Maui County Code, the

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

Council may accept roadway lots that do not meet the standards in Titles 16 and 18, Maui County Code, if the acceptance is deemed to be in the public interest; 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 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206, as described in the Warranty Deed attached hereto as Exhibit "1", to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed, and deems the acceptance to be in the public interest, subject to and in reliance upon the unilateral agreement attached hereto as Exhibit "2"; and

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

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

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works, the Owner, and the Wailuku Country Estates Community Association, Inc.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long horizontal stroke.

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MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

LF 2017-1183  
2018-02-26 Resolution

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**AFTER RECORDATION, RETURN BY:      MAIL( X )    PICKUP(   )**  
**COUNTY OF MAUI**  
**Department of Finance**  
**200 South High Street**  
**Wailuku, Hawaii 96793**

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TMK NO. (2) 3-3-017:189

SUBDIVISION FILE NO. 3.1723

Total Number of Pages: 109

**WARRANTY DEED;**  
**EXHIBITS A; B; C; D; W-15a THROUGH W-31a;**  
**W-15b THROUGH W-31b; E; H-1 THROUGH H-7;**  
**F; G; I; J; K; AND S-19 THROUGH S-27**

**KNOW ALL MEN BY THESE PRESENTS:**

That CGM, LLC, a dissolved Hawaii limited liability company, whose post office address is P.O. Box 1237, Kamuela, Hawaii 96734 (hereinafter called the "Grantor"), for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor paid by COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose principal office and post office address is 200 South High Street, Wailuku, Hawaii 96793 (hereinafter the "Grantee"), receipt whereof is hereby acknowledged, does hereby grant, convey and dedicate unto the Grantee, as tenant in severalty, and its legal successors and assigns, for the public use, forever, for roadway purposes, all of its right, title and interest in and to that certain real property situate at Waiehu, District of Wailuku,



Island and County of Maui, State of Hawaii, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; subject, however, to all encumbrances noted on said Exhibit "A" (SCHEDULE B EXCEPTIONS), being the Roadway Lots, together also with the Sight Distance Easements created in the Declaration of Easements, dated February 27, 2003, recorded as Doc. No. 2003-036608, which Sight Distance Easements are more particularly described below.

Together also with the Sight Distance Easements "L-1" through "L-23" shown on File Plan 2367 recorded in the Bureau of Conveyances of the State of Hawaii, and shown on the Sight Distance maps attached as Exhibits B and C.

Subject to the Irrigation Easements, "W-15" through "W-31", shown on the composite map, Exhibit D and shown on the individual maps as Exhibits W-15a through W-31a and described in the descriptions attached as Exhibits W-15b through W-31b.

And subject to Drainage Culvert Easements, shown in the composite map, Exhibit E and shown on the individual maps, Exhibits H-1 through H-7.

And subject to Private Sewerline Easements shown on the maps, Exhibits F, G, I, J and K, and described in the description attached as Exhibits S-19 through S-27.

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 person.

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 successors 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 Grantor has executed this instrument on this 11<sup>th</sup> day of March, 2015.

CGM, LLC,  
a dissolved Hawaii limited liability company

By:   
BRIAN A. ANDERSON  
Its Manager

"Grantor"

APPROVED AS TO FORM  
AND LEGALITY:

  
Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII

COUNTY OF

Hawaii

SS:

On March 11, 2015, before me personally appeared **BRIAN A. ANDERSON**, to me personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature:

Debora S. Hart

Print Name: DEBORA S. HART

Notary Public, State of Hawaii

My commission expires:

4-1-2017

**NOTARY CERTIFICATION STATEMENT**

Document Identification or Description: Warranty Deed, Exhibits A: B: C: D; W-15a through W-30; W-15 b through W-31b; E; H-1 through H-7; F; G; I; J; K; and S-19 through S-27

Document Date:

3-11-2015

No. of Pages:

109

Jurisdiction (in which notarial act is performed): 3rd

Signature of Notary

DEBORA S. HART

Printed Name of Notary

Date of Notarization and  
Certification Statement

3-11-2015

(Notary Stamp or Seal)

## SCHEDULE C

All of those certain parcels of land situate on the westerly side of Kahekili Highway, District of Wailuku, Island and County of Maui, State of Hawaii, being lots of the "WAILUKU COUNTRY ESTATES", as shown on File Plan Number 2367, filed in the Bureau of Conveyances of the State of Hawaii, and being more particularly described as follows:

LOT	AREA
187	5.177 acres,
188	3.793 acres,
189	0.702 acre,
190	3.472 acres,
191	0.620 acre,
192	0.817 acre,
193	1.422 acres,
194	0.359 acre,
196	0.763 acre,
197	1.999 acres,
198	1.511 acres,
199	0.535 acre,
200	0.491 acre,
201	0.440 acre,
202	0.578 acre,
203	0.048 acre,
204	0.145 acre,
205	0.006 acre, and
206	0.150 acre, more or less.

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY DEED

GRANTOR : WAILUKU AGRIBUSINESS CO., INC., a Hawaii corporation

GRANTEE : CGM, LLC, a Hawaii limited liability company

DATED : August 21, 2002

RECORDED : Document No. 2002-146581

END OF SCHEDULE C

EXHIBIT A

**SCHEDULE B  
EXCEPTIONS**

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

Tax Key (2) 3-3-017-189      Area Assessed: 23.028 acres

2. Any and all matters not shown in the Indices described in Schedule A.

3. Mineral and water rights of any nature in favor of the State of Hawaii.

4. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT TO DEFER THE CONSTRUCTION OF SUBDIVISION IMPROVEMENTS

DATED : October 3, 1988

RECORDED : Liber 22626 Page 32

PARTIES : WAILUKU AGRIBUSINESS CO., INC., "Subdivider", and COUNTY OF MAUI and its Department of Water Supply, "County"

5. The terms and provisions contained in the following:

INSTRUMENT : FARM DWELLING AGREEMENT

DATED : December 5, 1988

RECORDED : Liber 22650 Page 96

PARTIES : WAILUKU AGRIBUSINESS CO., INC., "Applicant", and COUNTY OF MAUI, through its Department of Public Works, "Department"

6. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED : July 26, 2002

RECORDED : Document No. 2002-133340

SCHEDULE B CONTINUED

PARTIES : WAILUKU AGRIBUSINESS CO., INC. and the COUNTY OF MAUI

7. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (LARGE LOTS)

DATED : July 26, 2002

RECORDED : Document No. 2002-133341

PARTIES : WAILUKU AGRIBUSINESS CO., INC. and the COUNTY OF MAUI

8. The terms and provisions contained in the following:

INSTRUMENT : DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT

DATED : July 29, 2002

RECORDED : Document No. 2002-133862

PARTIES : WAILUKU AGRIBUSINESS CO., INC. and the DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI

9. The terms and provisions contained in the following:

INSTRUMENT : SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED : November 19, 2002

RECORDED : Document No. 2002-217723

PARTIES : CGM, LLC, "Owner", and the COUNTY OF MAUI, through its Department of Public Works and Waste Management

10. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF EASEMENTS

DATED : February 27, 2003

RECORDED : Document No. 2003-036608

SCHEDULE B CONTINUED

The foregoing includes, but is not limited to, matters relating to granting of easements in favor of various parties, being more particularly described therein.

-Note:- Article 2, Section 2.2 (b) CONVEYANCE OR DEDICATION OF ROADWAY LOTS of the above mentioned Declaration, states, "Upon the conveyance or dedication of the Roadway Lots, or any portion thereof, to a Governmental Entity, the Roadway Easements granted herein shall immediately and automatically terminate and the Roadway Lots so dedicated shall be released from the terms of this Declaration to the extent so conveyed or dedicated."

11. GRANT

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

DATED : February 4, 2004

RECORDED : Document No. 2004-043279

GRANTING : a perpetual right and easement for utility purposes

-Note:- As shown in above recorded instrument, "If and when any of the land described in Exhibit 'A', or a portion or portions thereof shall be conveyed to or acquired by any governmental authority as a public highway, then and in such event, all private easement rights in said land, or portion or portions thereof, so conveyed or acquired, shall automatically terminate."

12. -AS TO LOT 204 ONLY:-

EXISTING EASEMENT "2"

PURPOSE : pipeline

SHOWN : on map of Puuohala Subdivision, Maui Electric Sub-Station, dated September 23, 1970

SCHEDULE B CONTINUED

13. -AS TO LOTS 204 & 206 ONLY:-

GRANT

TO : COUNTY OF MAUI

DATED : June 25, 1976

RECORDED : Liber 11493 Page 322

GRANTING : an easement over said Easements "1" and "2" for drainage purposes, said Easements being more particularly described therein

14. -AS TO LOTS 187, 190, 197, 199 AND 206 ONLY:-

GRANT

TO : COUNTY OF MAUI

DATED : June 13, 1978

RECORDED : Liber 12970 Page 17

GRANTING : non-exclusive easement for storm drain purposes over Easement "A", said Easement being more particularly described therein

15. -AS TO LOTS 190, 193, 197 AND 198 ONLY:-

GRANT

TO : COUNTY OF MAUI

DATED : May 21, 1980

RECORDED : Liber 14765 Page 591

GRANTING : a non-exclusive easement for drainage system purposes over Diversion Easement "A", "B", "C" and "D", said Easement being more particularly described therein

16. -AS TO LOT 205 ONLY:-

GRANT

TO : COUNTY OF MAUI



SCHEDULE B CONTINUED

DATED : April 1, 1981  
RECORDED : Liber 15644 Page 255  
GRANTING : non-exclusive easement for sewer line purposes over  
Easement "B", said Easement being more particularly  
described therein

17. -AS TO LOTS 187, 193, 194, AND 206 ONLY:-

GRANT

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

DATED : April 26, 1982  
RECORDED : Liber 16390 Page 716  
GRANTING : non-exclusive right and easement for utility  
purposes over Easements "A" and "B", said Easements  
being more particularly described therein

18. -AS TO LOTS 190 & 198 ONLY:-

GRANT

TO : BOARD OF WATER SUPPLY OF THE COUNTY OF MAUI, a  
political subdivision of the State of Hawaii

DATED : June 19, 1989  
RECORDED : Liber 23382 Page 469  
GRANTING : a non-exclusive easement for waterline purposes  
over Easement "C", said Easement being particularly  
described therein

19. -AS TO LOT 188 ONLY:-

(A) EXISTING EASEMENT "W-4"

PURPOSE : irrigation

SCHEDULE B CONTINUED

SHOWN : on subdivision map prepared by Reed M. Ariyoshi,  
Licensed Professional Land Surveyor with Warren S.  
Unemori - Engineering, Inc., dated April 5, 2002,  
last revised July 18, 2002, approved August 6, 2002

(B) GRANT

TO : WAILUKU AGRIBUSINESS CO., INC., a Hawaii  
corporation

DATED : February 20, 2003

RECORDED : as Document No. 2003-032589

GRANTING : a perpetual non-exclusive easement to enter upon  
and to use the Easement Area for access and roadway  
purposes over Easement(s) "W-4" for irrigation,  
utility and/or drainage purposes

20. -AS TO LOT 190 ONLY:-

DESIGNATION OF EASEMENT "W-13"

PURPOSE : irrigation pipeline

SHOWN : on File Plan No. 2367

21. -AS TO LOTS 187, 191 AND 192 ONLY:-

(A) DESIGNATION OF EASEMENT "U-1"

PURPOSE : utility and drainage

SHOWN : on File Plan No. 2367

PARTIAL CANCELLATION, EXTINGUISHMENT AND TERMINATION OF EASEMENTS  
"U-1" THROUGH "U-10" ON FILE PLAN NO. 2367" dated February 29,  
2012, by WAILUKU COUNTRY ESTATE COMMUNITY ASSOCIATION, INC., a  
Domestic Nonprofit Corporation, and WAILUKU COUNTRY ESTATE  
IRRIGATION COMPANY, a Domestic Nonprofit corporation, recorded as  
Document No. A-44490839.

No Joinder by MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN TELCOM,  
INC. to the above mentioned Partial Cancellation.

SCHEDULE B CONTINUED

PARTIAL CANCELLATION, EXTINGUISHMENT AND TERMINATION OF EASEMENTS "U-1" THROUGH "U-10" ON FILE PLAN NO. 2367" dated July 20, 2012, by WAILUKU COUNTRY ESTATE COMMUNITY ASSOCIATION, INC., a Domestic Nonprofit Corporation, and WAILUKU COUNTRY ESTATE IRRIGATION COMPANY, a Domestic Nonprofit corporation, recorded as Document No. A-45981054.

No Joinder by MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN TELCOM, INC. to the above mentioned Partial Cancellation.

(B) UTILITY EASEMENT

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

DATED : April 16, 2003

RECORDED : as Document No. 2003-088357

GRANTING : non-exclusive right and easement for utility purposes over Easement "U-1", said Easement being particularly described therein

-Note:- As shown in above recorded instrument, "If and when any of the roadway lots referred to in Exhibit 'A' hereto or a portion or portions thereof shall be conveyed to or acquired by any governmental authority as public highways, then and in such event, all private easement rights in said roadway lots, or a portion or portions thereof, so conveyed or acquired shall automatically terminate."

22. -AS TO LOT 187 ONLY:-

DESIGNATION OF EASEMENT "W-14"

PURPOSE : irrigation pipeline

SHOWN : on File Plan No. 2367

23. -AS TO LOT 198 ONLY:-

DESIGNATION OF EASEMENT "W-12"

PURPOSE : irrigation pipeline

SCHEDULE B CONTINUED

SHOWN : on File Plan No. 2367

24. -AS TO LOT 190 ONLY:-

DESIGNATION OF EASEMENT "W-13"

PURPOSE : irrigation pipeline  
SHOWN : on File Plan No. 2367

25. Rights of others who may have easement or access rights in the land described in Schedule C.

26. CGM, LLC, a Hawaii limited liability company has not yet submitted proper information to the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration) for Good Standing status.

27. PENDING CIVIL NO. 12-1-0833

PLAINTIFF : THE COUNTY OF MAUI

DEFENDANT : CGM, LLC, a Hawaii limited liability company, BRIAN ANDERSON

FILED : Circuit Court of the Second Circuit, State of Hawaii on October 24, 2012

RE : County Violations

**END OF SCHEDULE B**

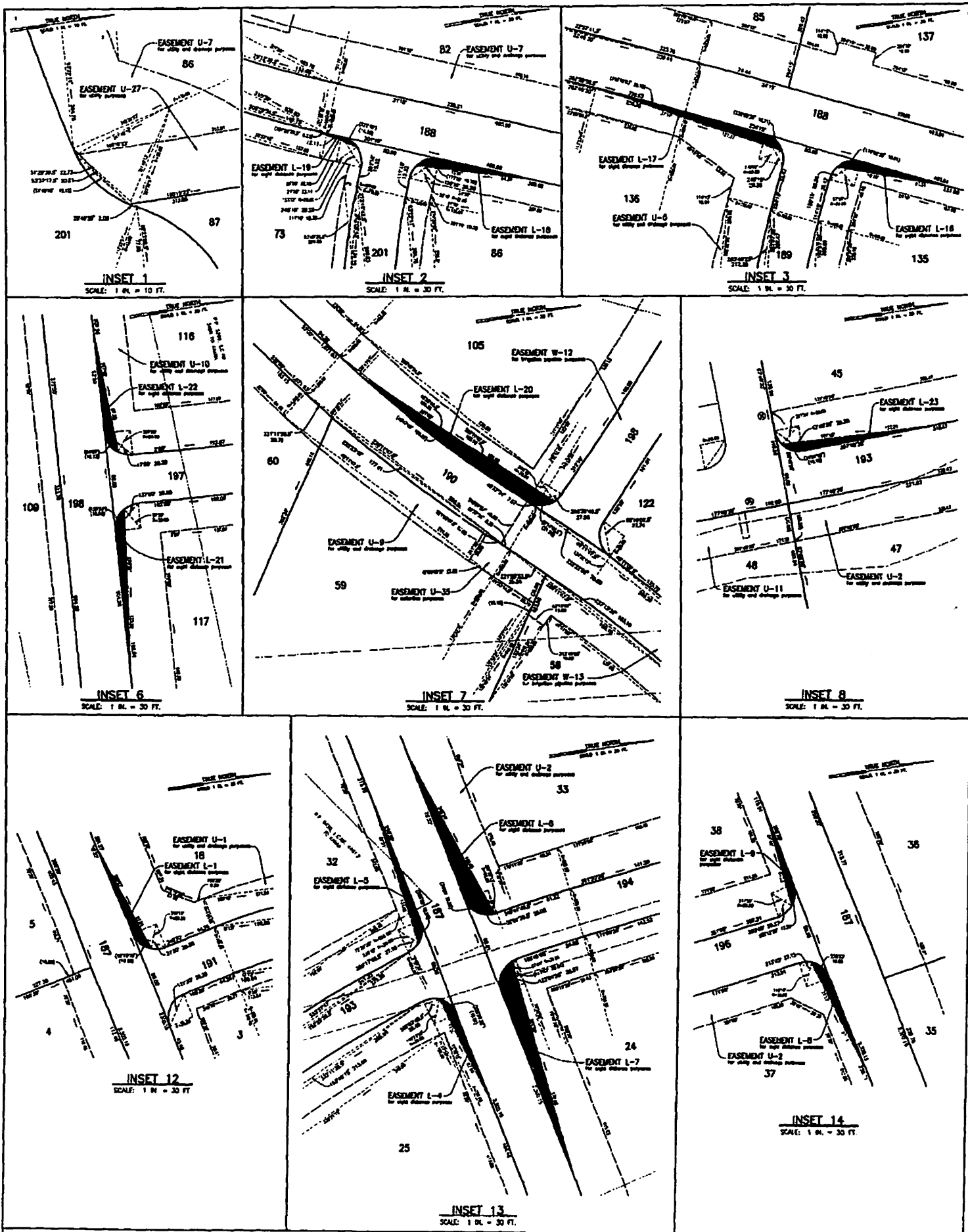
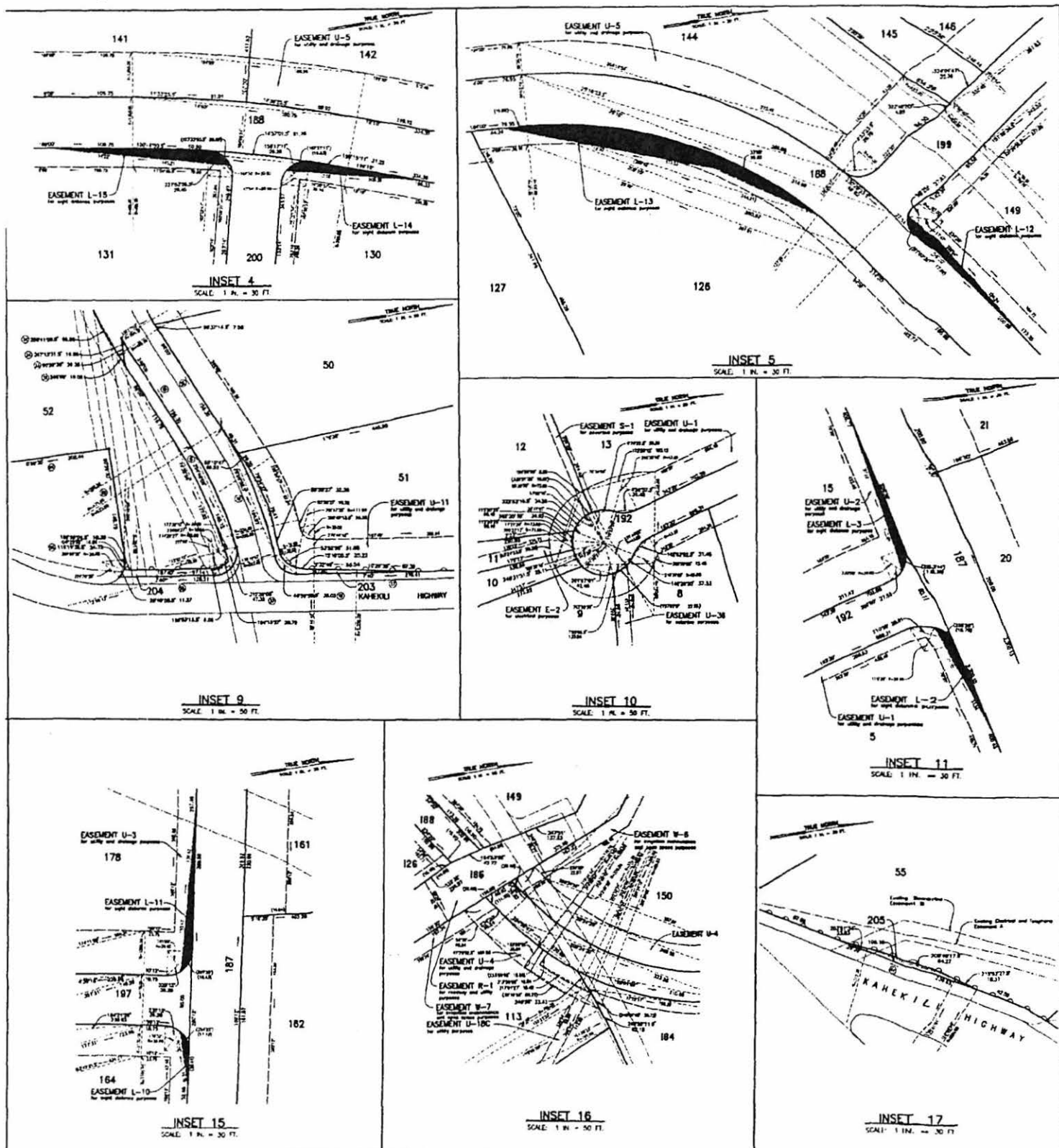


EXHIBIT **B**



12/14/2010

- 1) Include County of Maui as party to all sight easements within subdivision.
- 2) Stake easement areas per instructions from Highways Division.

EXHIBIT C

**SCALE: 1 IN. = 1000 FT.**

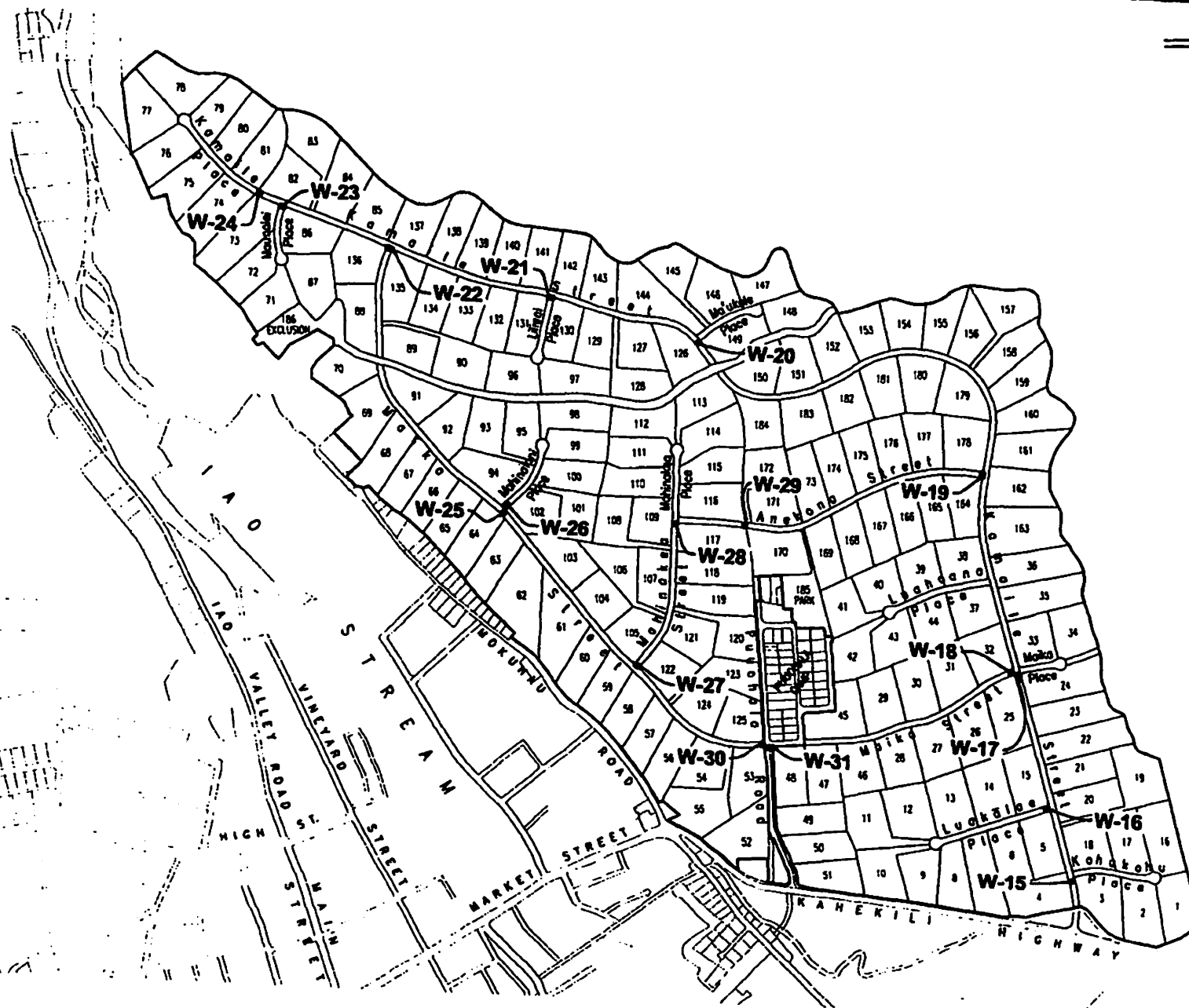


EXHIBIT D

**EXHIBIT "1" PAGE 16**

# WAILUKU COUNTRY ESTATES

## Irrigation Easement Location Map

**WARREN S. UMEMORI**  
ENGINEERING, INC.  
CIVIL & STRUCTURAL ENGINEERS / VIBRATION SPECIALISTS

Ac-1 E 22.

EXHIBIT "1" PAGE 17

EXHIBIT W-15a

WAILUKU COUNTRY ESTATES  
(FILE PLAN 2367)

TRUE NORTH  
SCALE: 1 IN. = 40 FT.

LOT 5

LOT 18

KANALE

(LOT 187)

STREET

KOHUKOHU

(LOT 191)

PLACE

LOT 3

EASEMENT W-15  
For Irrigation Purposes  
(10 Ft. Wide)

LOT 4

76°30'  
10.00

166°30'

40.00

IRR4"

40.00

346°30'

256°30'  
10.00

7,724.09 N  
2,545.99 W  
"LUKE" Δ

Tie to Boundary Corner  
76°30' 36.32

KAMEHAMEHA IV DEED TO C. BREWER AND OTHERS

R=620.00

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-15**  
EASEMENT W-15 AFFECTING LOT 187 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)

0 40 80 120 160

SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEERS / LAND SURVEYORS



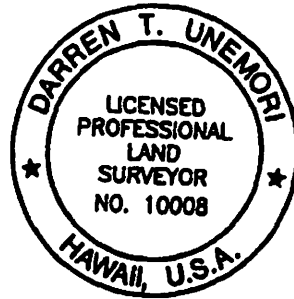
**Wailuku Country Estates  
Description of Easement W-15  
(Irrigation Easement)**

An Irrigation Easement W-15 affecting a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, the azimuth and distance from the northerly corner of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367) being: 76° 30' 36.32 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,724.09 feet North and 2,545.99 feet West and running by azimuths measured clockwise from True South:

1.     346° 30'                   40.00 feet over and across a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
2.     76° 30'                   10.00 feet along Lot 4 of Wailuku Country Estates (File Plan 2367);
3.     166° 30'                  40.00 feet over and across a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
4.     256° 30'                  10.00 feet along Lot 3 of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 400 Square Feet, more or less.

**EXHIBIT W-15b**



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By: *[Signature]* 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT "A" PAGE 20

EXHIBIT W-16a

TRUE NORTH

SCALE: 1 IN. = 40 FT.

KAMEHAMEHA IV DEED TO C. BREWER AND OTHERS

KAMAILE

LUAKALAE

PLACE

SIREEI

LOT 15

(LOT 187)

LOT 20

(LOT 192)

LOT 5

LOT 19

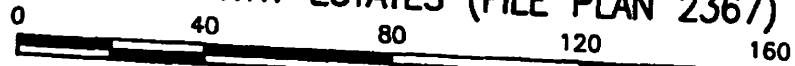
EASEMENT W-16  
For Irrigation Purposes  
(10 Ft. Wide)

7,547.57 N  
3,019.41 W  
"LUKE"  $\Delta$

WAILUKU COUNTRY ESTATES  
(FILE PLAN 2367)

**EASEMENT W-16**

EASEMENT W-16 AFFECTING LOT 192 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



SCALE: 1 IN. = 40 FT.

NOTE:  
The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEER / LAND SURVEYOR

April 5, 2004

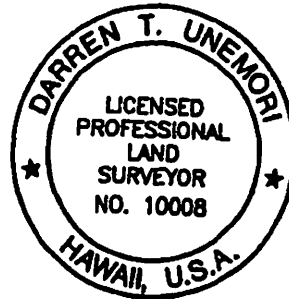
**Wailuku Country Estates  
Description of Easement W-16  
(Irrigation Easement)**

An Irrigation Easement W-16 affecting a portion of Lot 192 (Luakālae Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, being also the northwesterly corner of Lot 192 (Luakālae Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,547.57 feet North and 3,019.41 feet West and running by azimuths measured clockwise from True South:


1.     343° 30'                   10.00 feet along Lot 5 of Wailuku Country Estates (File Plan 2367);
2.     73° 30'                   40.00 feet over and across a portion of Lot 192 (Luakālae Place) of Wailuku Country Estates (File Plan 2367);
3.     163° 30'                  10.00 feet along Lot 15 of Wailuku Country Estates (File Plan 2367);
4.     253° 30'                  40.00 feet over and across a portion of Lot 192 (Luakālae Place) of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 400 Square Feet, more or less.

EXHIBIT W-16b



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

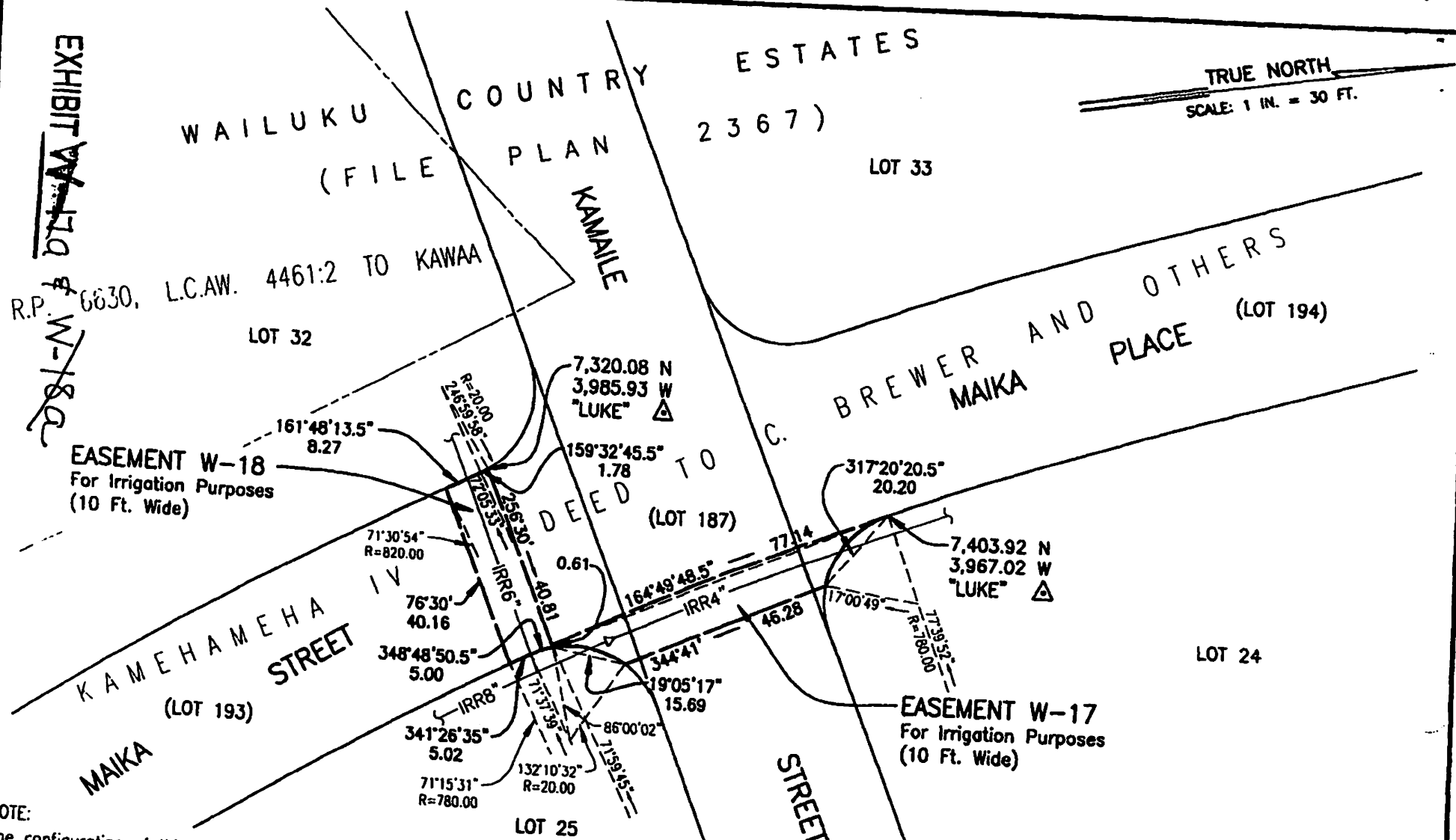
By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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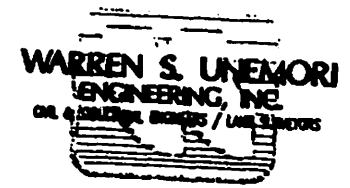
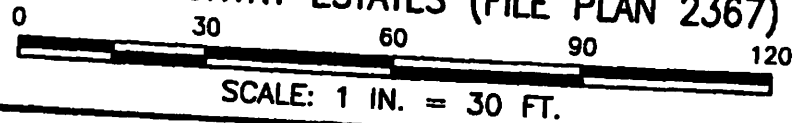
EXHIBIT W-17 & W-18  
PAGE 23



TRUE NORTH  
SCALE: 1 IN. = 30 FT.

**NOTE:**  
The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENTS W-17 & W-18**  
EASEMENT W-17 AFFECTING LOTS 187, 193 AND 194 AND EASEMENT W-18 AFFECTING LOT 193 OF WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



**Wailuku Country Estates  
Description of Easement W-17  
(Irrigation Easement)**

An Irrigation Easement W-17 affecting portions of Lots 187 (Kamaile Street), 193 (Maika Street) and 194 (Maika Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

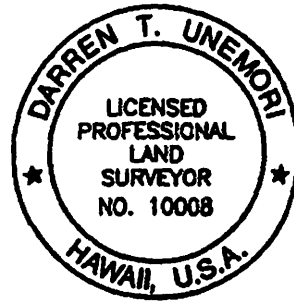
Beginning at a point at the most northerly corner of this easement, being also the southeasterly corner of Lot 194 (Maika Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,403.92 feet North and 3,967.02 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 24 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $77^{\circ} 39' 52''$ , and the point of tangency azimuth from the radial point being:  $17^{\circ} 00' 49''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $317^{\circ} 20' 20.5''$  20.20 feet;
2.  $344^{\circ} 41'$  46.28 feet over and across portions of Lots 194 (Maika Place), 187 (Kamaile Street) and 193 (Maika Street) of Wailuku Country Estates (File Plan 2367);

EXHIBIT W-17 b


3. Thence along Lot 25 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $132^{\circ} 10' 32''$ , and the point of tangency azimuth from the radial point being:  $86^{\circ} 00' 02''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $19^{\circ} 05' 17''$  15.69 feet;
4.  $76^{\circ} 30'$  0.61 feet over and across a portion of Lot 193 (Maika Street) of Wailuku Country Estates (File Plan 2367);
5. Thence over and across portions of Lots 193 (Maika Street), 187 (Kamaile Street) and 194 (Maika Place) of Wailuku Country Estates (File Plan 2367), on a curve to the right, with the point of curvature azimuth from the radial point being:  $71^{\circ} 59' 45''$ , and the point of tangency azimuth from the radial point being:  $77^{\circ} 39' 52''$ , having a radius of 780.00 feet, the chord azimuth and distance being:  $164^{\circ} 49' 48.5''$  77.14 feet to the point of beginning and containing an Area of 578 Square Feet, more or less.





Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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**Wailuku Country Estates  
Description of Easement W-18  
(Irrigation Easement)**

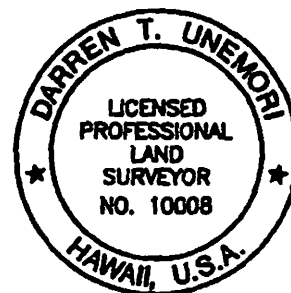
An Irrigation Easement W-18 affecting a portion of Lot 193 (Maika Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,320.08 feet North and 3,985.93 feet West and running by azimuths measured clockwise from True South:

1. 256° 30' 40.81 feet over and across a portion of Lot 193 (Maika Place) of Wailuku Country Estates (File Plan 2367)
2. Thence along Lot 25 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 86° 00' 02", and the point of tangency azimuth from the radial point being: 71° 37' 39", having a radius of 20.00 feet, the chord azimuth and distance being: 348° 48' 50.5" 5.00 feet;
3. Thence along Lot 25 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 71° 37' 39", and the point of tangency azimuth from the radial point being: 71° 15' 31", having a radius of 780.00 feet, the chord azimuth and distance being: 341° 26' 35" 5.02 feet;


EXHIBIT W-18b

4. 76° 30' 40.16 feet over and across a portion of Lot 193 (Maika Street) of Wailuku Country Estates (File Plan 2367);
5. Thence along Lot 32 of Wailuku Country Estates (File Plan 2367), on a curve to the right, with the point of curvature azimuth from the radial point being: 71° 30' 54", and the point of tangency azimuth from the radial point being: 72° 05' 33", having a radius of 820.00 feet, the chord azimuth and distance being: 161° 48' 13.5" 8.27 feet;
6. Thence along same, on a curve to the left, with the point of curvature azimuth from the radial point being: 252° 05' 33", and the point of tangency azimuth from the radial point being: 246° 59' 58", having a radius of 20.00 feet, the chord azimuth and distance being: 159° 32' 45.5" 1.78 feet to the point of beginning and containing an Area of 403 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT 14 PAGE 30

KAMEHAMEHA IV DEED TO C. BREWER AND OTHERS

TRUE NORTH  
SCALE: 1 IN. = 40 FT.

LOT 178

190'12"  
R=20.00  
130'12"  
20.00

7,166.33 N  
5,348.63 W  
"LUKE"  $\Delta$

LOT 162

ANEKONA (LOT 197) STREET

100'12"  
42.68

190'12"  
10.00

IRR8"  
100'12"  
55'12"  
28.28  
R=20.00  
190'12"

(LOT 187)

EASEMENT W-19  
For Irrigation Purposes  
(10 Ft. Wide)

STREET

LOT 164

WAILUKU COUNTRY ESTATES  
(FILE PLAN 2367)

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-19**  
EASEMENT W-19 AFFECTING LOT 197 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)

0 40 80 120 160  
SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEER / LAND SURVEYOR

EXHIBIT W-19a

**Wailuku Country Estates  
Description of Easement W-19  
(Irrigation Easement)**

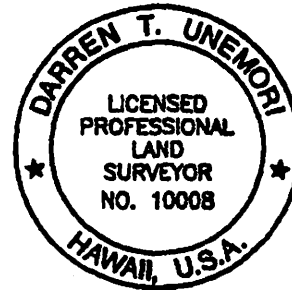
An Irrigation Easement W-19 affecting a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, being also the northwesterly corner of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,166.33 feet North and 5,348.63 feet West and running by azimuths measured clockwise from True South:

1.     280° 12'                     80.00 feet along Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
2.     Thence along Lot 164 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 190° 12', and the point of tangency azimuth from the radial point being: 100° 12', having a radius of 20.00 feet, the chord azimuth and distance being: 55° 12' 28.28 feet;
3.     190° 12'                     10.00 feet over and across a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367);
4.     100° 12'                     42.68 feet over and across same;


EXHIBIT W-19 b

5. Thence along Lot 178 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 250° 12', and the point of tangency azimuth from the radial point being: 190° 12', having a radius of 20.00 feet, the chord azimuth and distance being: 130° 12' 20.00 feet to the point of beginning and containing an Area of 563 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT W-20a

EXHIBIT W-20a

KAMAILE  
KAMCHAMEHA IV DEED TO

LOT 126

LOT 144

(LOT 188)

(LOT 199)

MA'UKELE PLACE

BREWER AND OTHERS

LOT 149

TRUE NORTH  
SCALE: 1 IN. = 40 FT.

5,263.81 N  
6,249.40 W  
"LUKE"

C.

52°30' R=20.00  
283°23'59"  
19.45  
354°17'58"

144°20'  
59.36  
144°20'  
42.67

STREET

54°20'  
10.00

EASEMENT W-20  
For Irrigation Purposes  
(10 Ft. Wide)

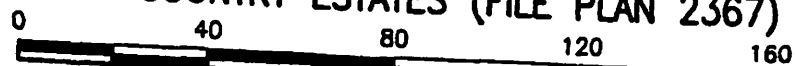
WAILUKU  
(FILE

COUNTRY  
PLAN

ESTATES  
2367)

# EASEMENT W-20

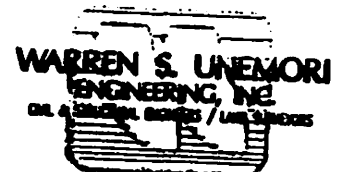
EASEMENT W-20 AFFECTING LOTS 188 AND 199 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



SCALE: 1 IN. = 40 FT.

## NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.





**Wailuku Country Estates  
Description of Easement W-20  
(Irrigation Easement)**

An Irrigation Easement W-20 affecting portions of Lot 188 (Kamaile Street) and Lot 199 (Ma'ukele Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

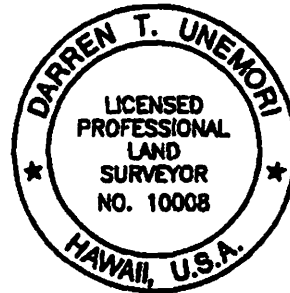
Beginning at a point at the northwesterly corner of this easement, being also the southeasterly corner of Lot 199 (Ma'ukele Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,263.81 feet North and 6,249.40 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 149 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $52^{\circ} 30'$  and the point of tangency azimuth from the radial point being:  $354^{\circ} 17' 58''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $293^{\circ} 23' 59''$  19.45 feet to a point;
2.  $324^{\circ} 20'$  42.67 feet over and across portions of Lot 199 (Ma'ukele Place) and Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
3.  $54^{\circ} 20'$  10.00 feet along Lot 126 of Wailuku Country Estates (File Plan 2367);

EXHIBIT W-20b


4. 144° 20'

59.36 feet over and across portions of Lots 188 (Kamaile Street) and 199 (Ma'uokele Place) of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 477 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT W-21 PAGE 36

LOT 141

WAILUKU

(FILE

COUNTRY  
PLAN

ESTATES  
2367)

TRUE NORTH

SCALE: 1 IN. = 40 FT.

LOT 142

KAMAILE

EASEMENT W-21  
For Irrigation Purposes  
(10 Ft. Wide)

(LOT 188)

347°04'54"  
20.16

194°57'01.5"

IRR6"

81.70

4,280.56 N  
6,536.64 W  
"LUKE" Δ

STREET

42°49'09"  
20.16

14°57'01"

163°04'37"  
R=20.00

46°49'26"  
R=20.00

107°20'22"  
R=980.00

102°33'41"

LOT 131

PLACE

(LOT 200)

BREWER AND OTHERS

LOT 130

LILIWA

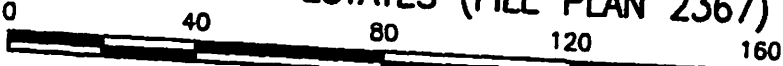
NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

KAMEHAMEHA IV DEED TO C.

**EASEMENT W-21**

EASEMENT W-21 AFFECTING LOT 200 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEER / LAND SURVEYOR

Wailuku Country Estates  
Description of Easement W-21  
(Irrigation Easement)

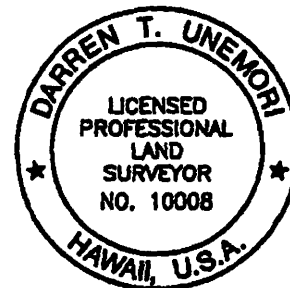
An Irrigation Easement W-21 affecting a portion of Lot 200 (Liliwai Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the most northerly corner of this easement, being also the northwesterly corner of Lot 200 (Liliwai Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,280.56 feet North and 6,536.64 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 130 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $107^{\circ} 20' 22''$ , and the point of tangency azimuth from the radial point being:  $46^{\circ} 49' 26''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $347^{\circ} 04' 54''$  20.16 feet;
2.  $14^{\circ} 57' 01''$  46.07 feet over and across a portion of Lot 200 (Liliwai Place) of Wailuku Country Estates (File Plan 2367);
3. Thence along Lot 131 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $163^{\circ} 04' 37''$ , and the point of tangency azimuth from the radial point being:  $102^{\circ} 33' 41''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $42^{\circ} 49' 09''$  20.16 feet;


EXHIBIT W-21b

4. Thence along Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), on a curve to the right, with the point of curvature azimuth from the radial point being: 102° 33' 41", and the point of tangency azimuth from the radial point being: 107° 20' 22", having a radius of 980.00 feet, the chord azimuth and distance being: 194° 57' 01.5" 81.70 feet to the point of beginning and containing an Area of 574 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

NOTE:

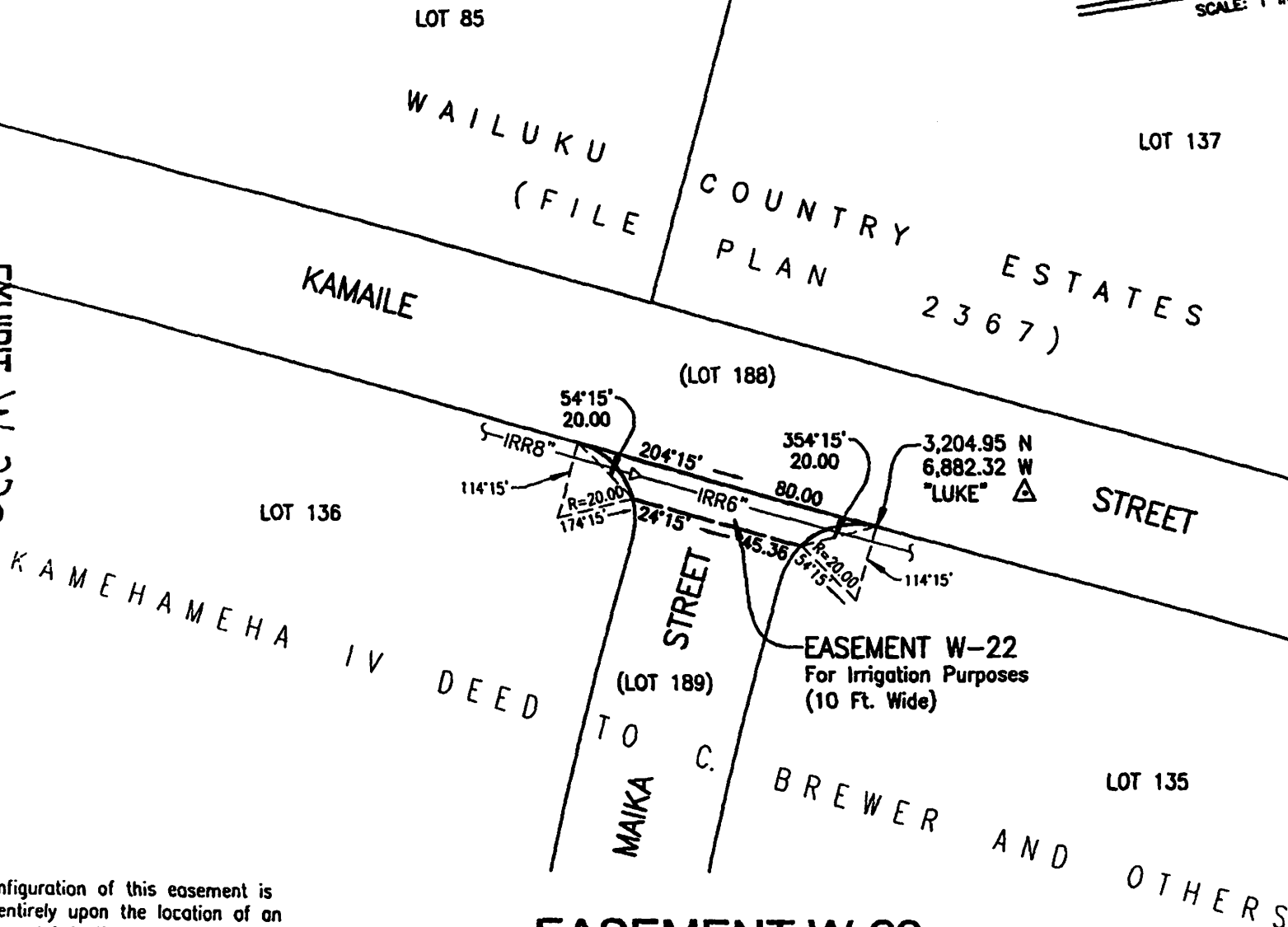
The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT "I" PAGE 39

EXHIBIT W-22a

TRUE NORTH  
SCALE: 1 IN. = 40 FT.



NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-22**  
EASEMENT W-22 AFFECTING LOT 189 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)

0 40 80 120 160

SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEERS / LAND SURVEYORS

April 5, 2011

**Wailuku Country Estates  
Description of Easement W-22  
(Irrigation Easement)**

An Irrigation Easement W-22 affecting a portion of Lot 189 (Maika Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

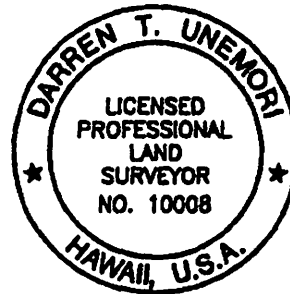
Beginning at a point at the most northerly corner of this easement, being also the westerly corner Lot 189 (Maika Street) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,204.95 feet North and 6,882.32 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 135 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $114^{\circ} 15'$ , and the point of tangency azimuth from the radial point being:  $54^{\circ} 15'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $354^{\circ} 15'$  20.00 feet;
2.  $24^{\circ} 15'$  45.36 feet over and across a portion of Lot 189 (Maika Street) of Wailuku Country Estates (File Plan 2367);
3. Thence along Lot 136 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $174^{\circ} 15'$ , and the point of tangency azimuth from the radial point being:  $114^{\circ} 15'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $54^{\circ} 15'$  20.00 feet;

EXHIBIT W-22b

4. 204° 15'

80.00 feet along Lot 188 (Kamaile Street)  
of Wailuku Country Estates  
(File Plan 2367) to the point  
of beginning and containing an  
Area of 554 Square Feet, more  
or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

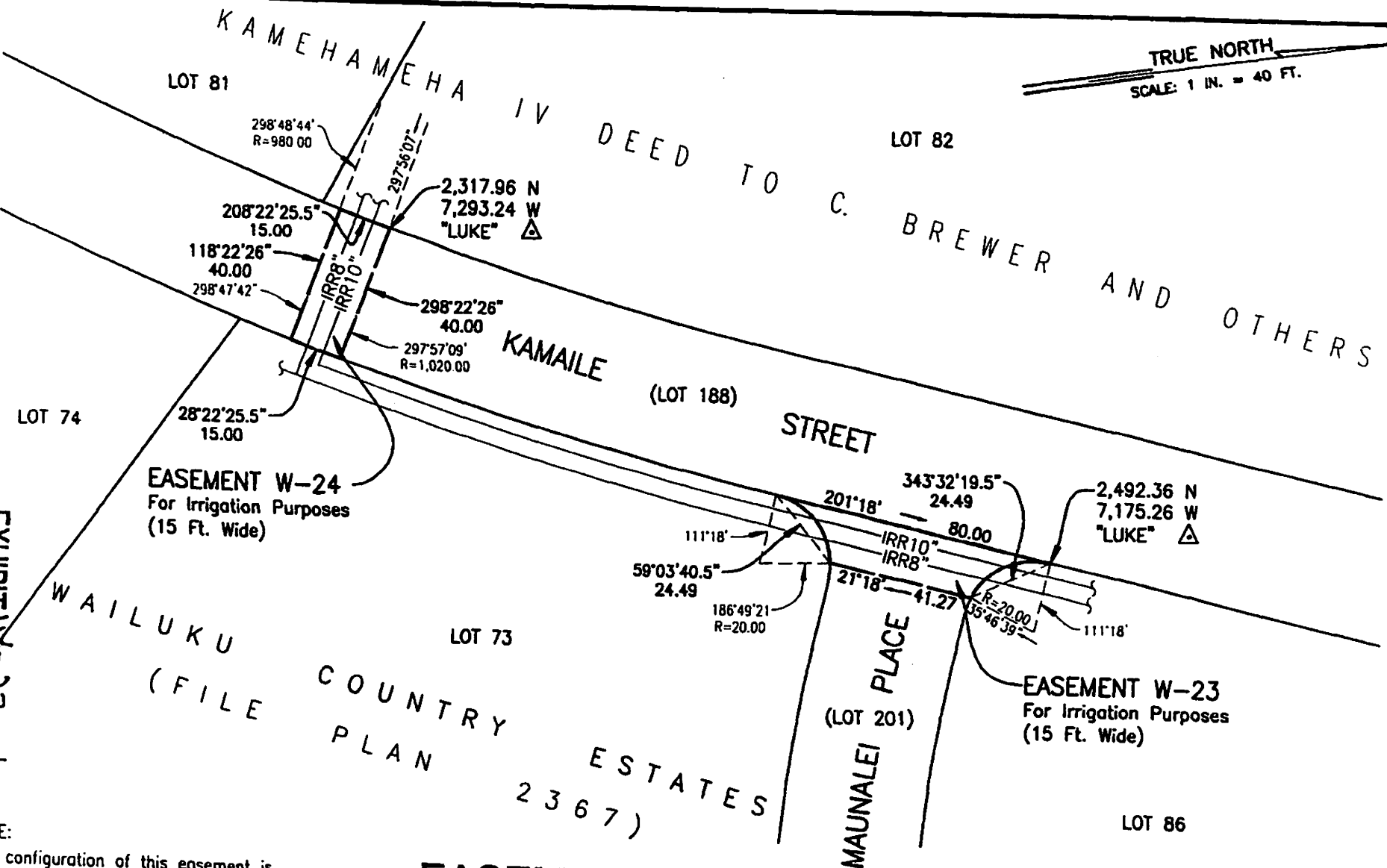
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EXHIBIT "1" PAGE 42

EXHIBIT W-23 & W-24

NOTE:  
The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.



TRUE NORTH  
SCALE: 1 IN. = 40 FT.

# **EASEMENTS W-23 & W-24** EASEMENT W-23 AFFECTING LOT 201 AND EASEMENT W-24 AFFECTING LOT 188 OF WAILUKU COUNTRY ESTATES (FILE PLAN 2367)

0 40 80 120 160  
SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & STRUCTURAL ENGINEERS / LAND SURVEYORS

April 5 2011

**Wailuku Country Estates  
Description of Easement W-23  
(Irrigation Easement)**

An Irrigation Easement W-23 affecting a portion of Lot 201 (Maunalei Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the most northerly corner of this easement, being also the westerly corner of Lot 201 (Maunalei Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,492.36 feet North and 7,175.26 feet West and running by azimuths measured clockwise from True South:

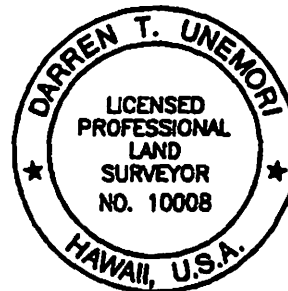
1. Thence along Lot 86 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $111^{\circ} 18'$ , and the point of tangency azimuth from the radial point being:  $35^{\circ} 46' 39''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $343^{\circ} 32' 19.5''$  24.49 feet;
2.  $21^{\circ} 18'$  41.27 feet over and across a portion of Lot 201 (Maunalei Place) of Wailuku Country Estates (File Plan 2367);
3. Thence along Lot 73 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $186^{\circ} 49' 21''$ , and the point of tangency azimuth from the radial point being:  $111^{\circ} 18'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $59^{\circ} 03' 40.5''$  24.49 feet;

**EXHIBIT W-23b**

Page 1 of 2


4. 201° 18'

80.00 feet along Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 770 Square Feet, more or less.



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2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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**Wailuku Country Estates  
Description of Easement W-24  
(Irrigation Easement)**

An Irrigation Easement W-24 affecting a portion of Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,317.96 feet North and 7,293.24 feet West and running by azimuths measured clockwise from True South:

1.        298° 22' 26"                40.00 feet over and across a portion of Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
2.        Thence along Lot 73 of Wailuku Country Estates (File Plan 2367), on a curve to the right, with the point of curvature azimuth from the radial point being: 297° 57' 09", and the point of tangency azimuth from the radial point being: 298° 47' 42", having a radius of 1,020.00 feet, the chord azimuth and distance being: 28° 22' 25.5"    15.00;
3.        118° 22' 26"                40.00 feet over and across a portion of Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);

EXHIBIT W-24 b

4. Thence along Lot 82 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $298^{\circ} 48' 44''$ , and the point of tangency azimuth from the radial point being:  $297^{\circ} 56' 07''$ , having a radius of 980.00 feet, the chord azimuth and distance being:  $208^{\circ} 22' 25.5''$  15.00 to the point of beginning and containing an Area of 600 Square Feet, more or less.



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2145 Wells Street, Suite 403  
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April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**


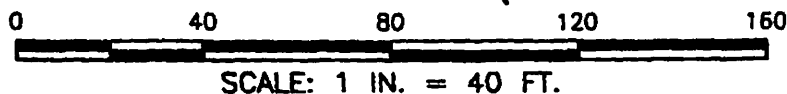
The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

EXHIBIT W-25a & ~~W-26a~~



The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-25 AFFECTING LOTS 190 AND 202  
AND EASEMENT W-26 AFFECTING LOT 202  
OF WAILUKU COUNTRY ESTATES (FILE PLAN 2367)**



**WARREN S. UNEMORE**  
**ENGINEERING, INC.**  
CIVIL & MECHANICAL ENGINEERS / LAND SURVEYORS

April 5 2011

**Wailuku Country Estates  
Description of Easement W-25  
(Irrigation Easement)**

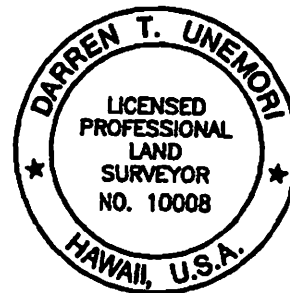
An Irrigation Easement W-25 affecting portions of Lots 190 (Maika Street) and 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, being also the easterly corner of Lot 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,916.43 feet North and 5,086.85 feet West and running by azimuths measured clockwise from True South:

1.        46° 53' 35"                9.62 feet along Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367);
2.        318° 00'                39.68 feet over and across a portion of Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367);
3.        Thence along Lot 64 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 138° 35' 05", and the point of tangency azimuth from the radial point being: 138° 00', having a radius of 980.00 feet, the chord azimuth and distance being: 48° 17' 32.5" 10.00;
4.        138° 00'                59.81 feet over and across portions of Lots 190 (Maika Street) and 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367);

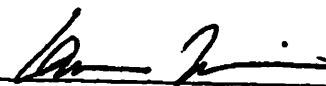
EXHIBIT W-25b

5. Thence along Lot 102 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $48^{\circ} 00'$ , and the point of tangency azimuth from the radial point being:  $319^{\circ} 06' 07''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $273^{\circ} 33' 03.5''$  28.01 to the point of beginning and containing an Area of 485 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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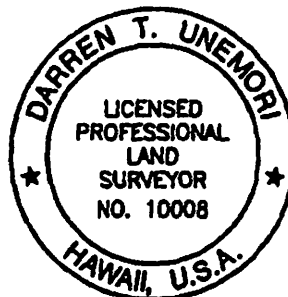
**Wailuku Country Estates  
Description of Easement W-26  
(Irrigation Easement)**

An Irrigation Easement W-26 affecting a portion of Lot 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, the azimuth and distance from the easterly corner of Lot 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367) being: 138° 00' 9.36 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 3,932.55 feet North and 5,127.77 feet West and running by azimuths measured clockwise from True South:


1.        48° 00'                      40.00 feet over and across a portion of Lot 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367);
2.        138° 00'                    10.00 feet along Lot 94 of Wailuku Country Estates (File Plan 2367);
3.        228° 00'                    40.00 feet over and across a portion of Lot 202 (Mahinalani Place) of Wailuku Country Estates (File Plan 2367);
3.        318° 00'                    10.00 feet along Lot 102 of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 400 Square Feet, more or less.

EXHIBIT W-26b



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT "A" PAGE 52

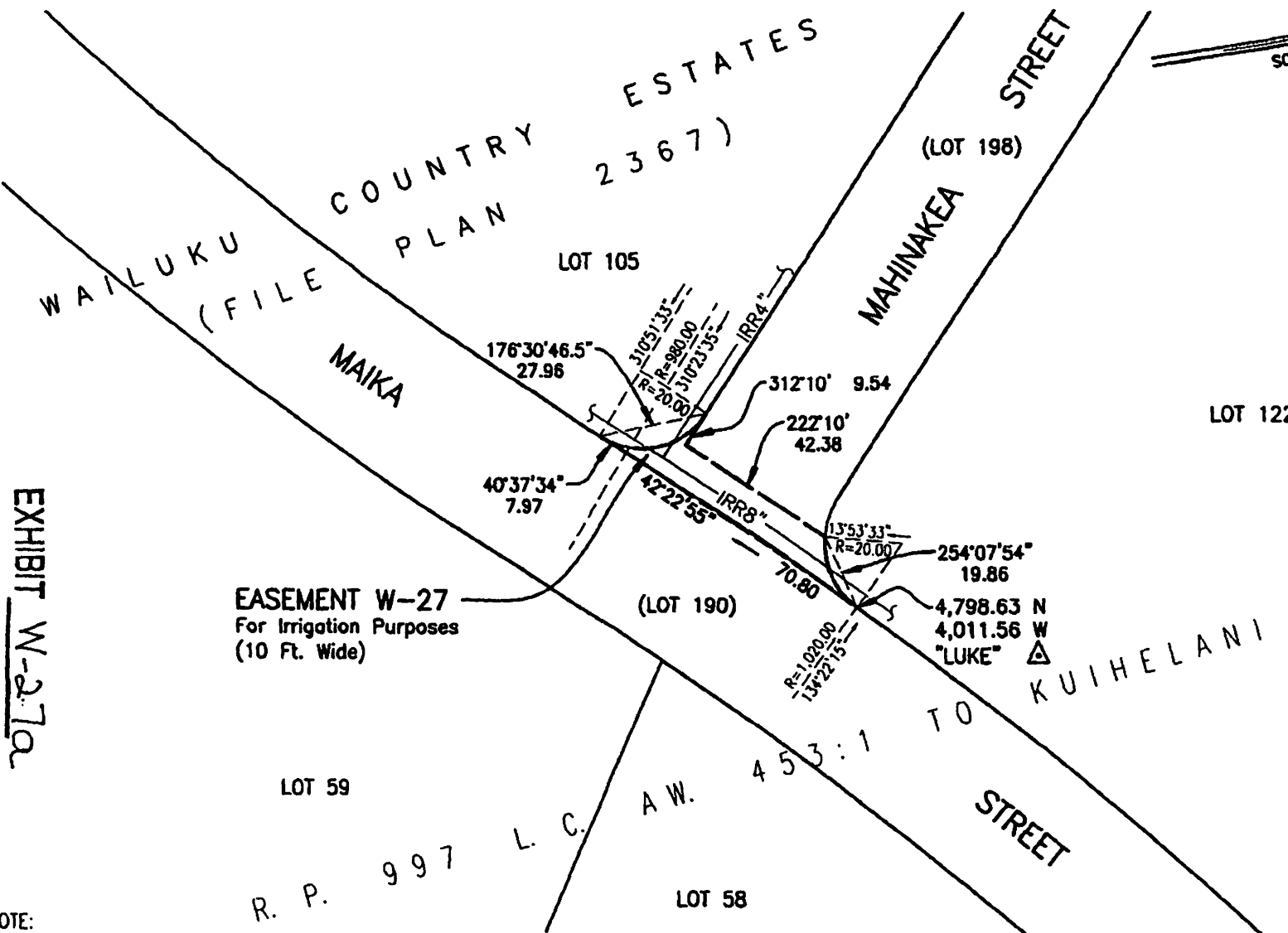


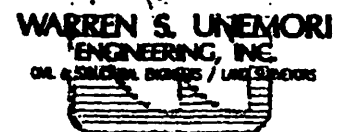
EXHIBIT W-27a

# **EASEMENT W-27** **EASEMENT W-27 AFFECTING LOT 198 OF** **WAILUKU COUNTRY ESTATES (FILE PLAN 2367)**

0 40 80 120 160

SCALE: 1 IN. = 40 FT.

TRUE NORTH  
SCALE: 1 IN. = 40 FT.



**Wailuku Country Estates  
Description of Easement W-27  
(Irrigation Easement)**

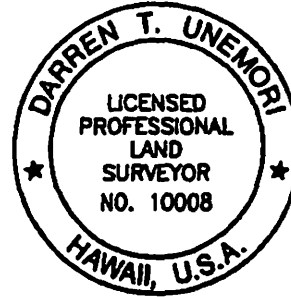
An Irrigation Easement W-27 affecting a portion of Lot 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Royal Patent 997, Land Commission Award 453:1 to Kuihelani, at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, being also the easterly corner of Lot 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,798.63 feet North and 4,011.56 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 134° 22' 15", and the point of tangency azimuth from the radial point being: 130° 23' 35", having a radius of 1,020.00 feet, the chord azimuth and distance being: 42° 22' 55" 70.80;
2. Thence along Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367), on a curve to the right, with the point of curvature azimuth from the radial point being: 310° 23' 35", and the point of tangency azimuth from the radial point being: 310° 51' 33", having a radius of 980.00 feet, the chord azimuth and distance being: 40° 37' 34" 7.97;


EXHIBIT W-27b

3. Thence along Lot 105 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $310^{\circ} 51' 33''$ , and the point of tangency azimuth from the radial point being:  $222^{\circ} 10'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $176^{\circ} 30' 46.5''$  27.96;
4.  $312^{\circ} 10'$  9.54 feet over and across a portion of Lot 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367);
5.  $222^{\circ} 10'$  42.38 feet over and across a portion of Lot 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367);
6. Thence along Lot 122 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $13^{\circ} 53' 33''$ , and the point of tangency azimuth from the radial point being:  $314^{\circ} 22' 15''$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $254^{\circ} 07' 54''$  19.86 feet to the point of beginning and containing an Area of 545 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT W-28a



**TRUE NORTH**  
**SCALE: 1 IN. = 40 FT.**


MAHINAKEA

**LOT 116**

R. P.  
TO 5366,  
JOHN

**LOT 109**

L. C. A. W. 377  
PILLITIER

-5,095.23 N  
4,995.09 W  
"LUKE" 

ANEKONA (LOT 197) STREET

348810 XAAXWY

**LOT 117**

**EASEMENT W-28**  
For Irrigation Purposes  
(10 Ft. Wide)

STREET

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-28 AFFECTING LOTS 197 AND 198 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)**

0                      40                      80                      120                      160

SCALE: 1 IN. = 40 FT.

**WARREN S. UNEMORI**  
ENGINEERING, INC.  
OIL & STEEL PIPE SPECIALISTS / LARGEST STOCKS



**Wailuku Country Estates  
Description of Easement W-28  
(Irrigation Easement)**

An Irrigation Easement W-28 affecting portions of Lots 197 (Anekona Street) and 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Royal Patent 5366, Land Commission Award 377 to John Pillitier, at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the most northerly corner of this easement, being also the southeasterly corner of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,095.23 feet North and 4,995.09 feet West and running by azimuths measured clockwise from True South:

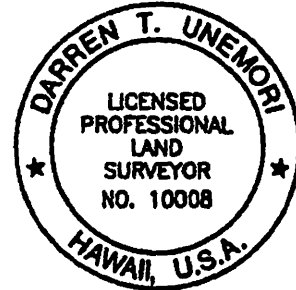
1. Thence along Lot 117 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $92^{\circ} 50'$ , and the point of tangency azimuth from the radial point being:  $32^{\circ} 50'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $332^{\circ} 50'$  20.00 feet;
2.  $2^{\circ} 50'$  42.68 feet over and across portions of Lots 197 (Anekona Street) and 198 (Mahinakea Street) of Wailuku Country Estates (File Plan 2367);
3.  $92^{\circ} 50'$  10.00 feet along Lot 109 of Wailuku Country Estates (File Plan 2367);

EXHIBIT W-28b




4. 182° 50'

60.00 feet over and across portions of Lots 198 (Mahinakea Street) and 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 477 Square Feet, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT "1" PAGE 59

EXHIBIT W-29a

KAMEHAMEHA IV DEED TO C. BREWER AND OTHERS

TRUE NORTH

SCALE: 1 IN. = 40 FT.

LOT 116

LOT 172

LOT 171

Tie to Boundary Corner  
187°59'16" 70.03

187°59'16"  
10.00

5,526.15 N  
4,998.12 W  
"LUKE" Δ

ANEKONA

R=2,320.00

97°59'16"  
40.00

277°59'16"  
40.00

(LOT 197)

STREET

EASEMENT W-29  
For Irrigation Purposes  
(10 Ft. Wide)

IRR6"  
7°59'16"  
10.00

R.P. 6102, L.C.A.W. 3294-B:2 TO  
MOOMOOKI

LOT 117

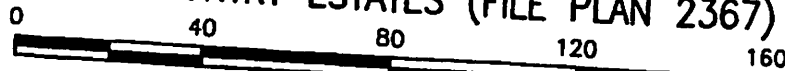
LOT 170

WAILUKU COUNTRY ESTATES  
(FILE PLAN 2367)

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-29**  
EASEMENT W-29 AFFECTING LOT 197 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



SCALE: 1 IN. = 40 FT.

WARREN S. UNEMORI  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEERS / LAND SURVEYORS

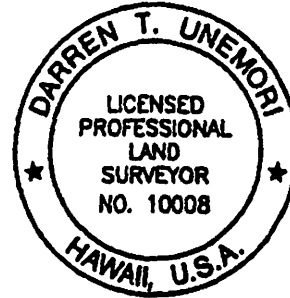
**Wailuku Country Estates  
Description of Easement W-29  
(Irrigation Easement)**

An Irrigation Easement W-29 affecting a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367), also affecting portions of Kamehameha IV Deed to C. Brewer and Others and Royal Patent 6102, Land Commission Award 3294-B:2 to Moomooiki at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the southwesterly corner of this easement, the azimuth and distance from the westerly corner of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367) being: 187° 59' 16" 70.03 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,526.15 feet North and 4,998.12 feet West and running by azimuths measured clockwise from True South:

1.        187° 59' 16"        10.00 feet along Lots 116 and 172 of Wailuku Country Estates (File Plan 2367);
2.        277° 59' 16"        40.00 feet over and across a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367);
3.        7° 59' 16"        10.00 feet along Lot 117 of Wailuku Country Estates (File Plan 2367);
4.        97° 59' 16"        40.00 feet over and across a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 400 Square Feet, more or less.

EXHIBIT W-29b



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

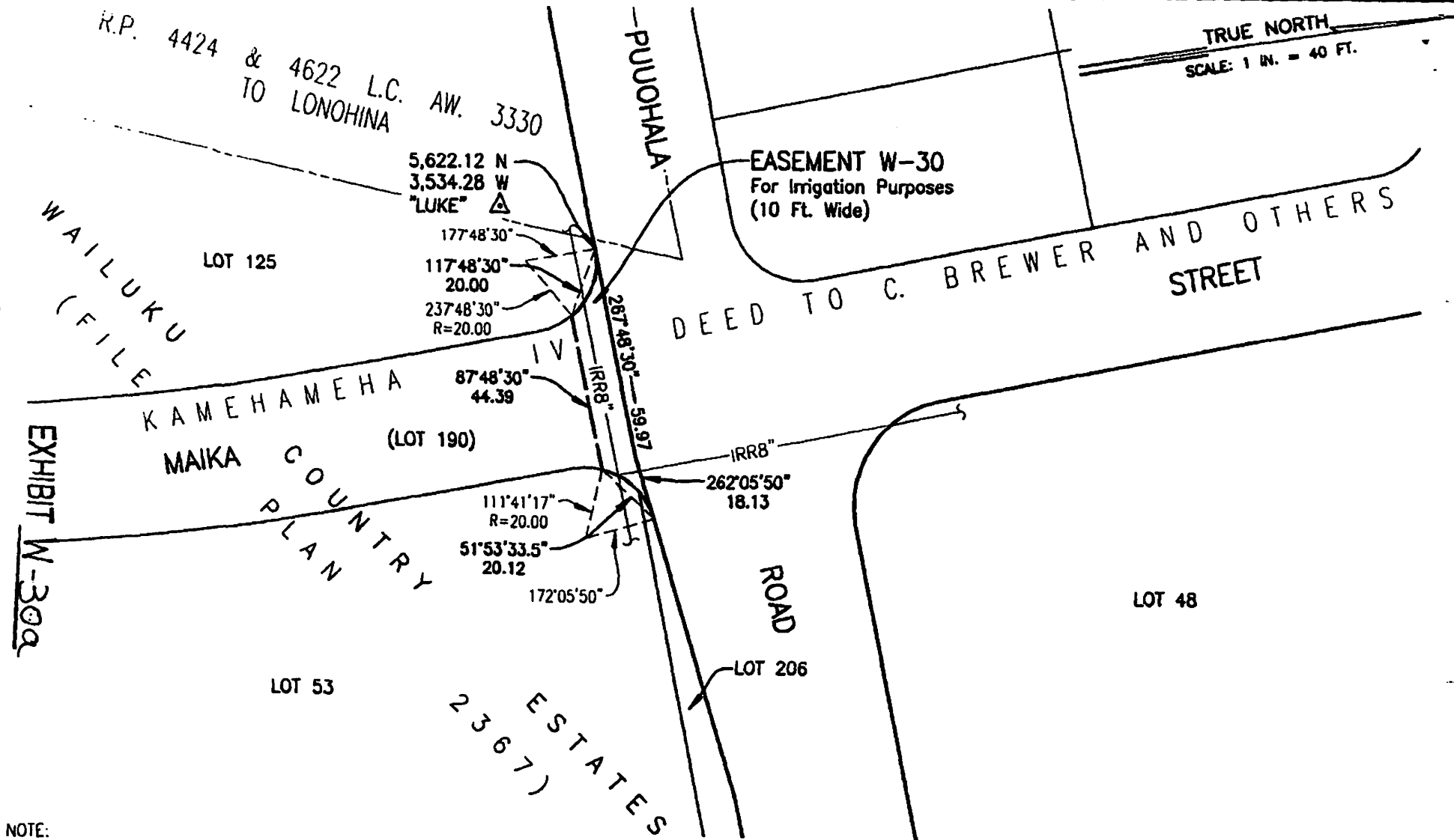
By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**NOTE:**

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

V:\Projdata\10PROJ\10031\Survey\Desc of Esmt W29.wpd

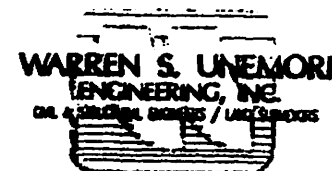
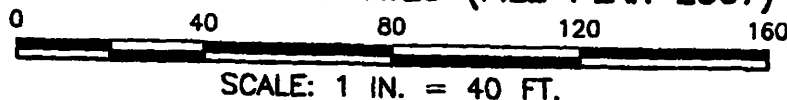
EXHIBIT W-30 PAGE 62



NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-30**  
EASEMENT W-30 AFFECTING LOT 190 OF  
WAILUKU COUNTRY ESTATES (FILE PLAN 2367)



April 5, 2014

**Wailuku Country Estates  
Description of Easement W-30  
(Irrigation Easement)**

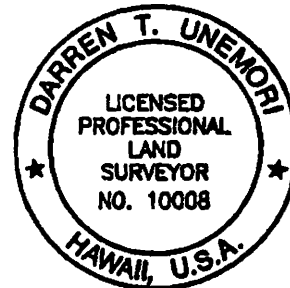
An Irrigation Easement W-30 affecting portions of Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, being also the westerly corner of Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,622.12 feet North and 3,534.28 feet West and running by azimuths measured clockwise from True South:

1.     267° 48' 30"           59.97 feet along the southerly side of Puuohala Road, being also over and across a portion of Kamehameha IV Deed to C. Brewer and others;
2.     262° 05' 50"           18.13 feet along the southerly side of Puuohala Road, being also over and across a portion of Kamehameha IV Deed to C. Brewer and others;
3.     Thence along Lot 206 (Road Widening Lot) and Lot 53 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 172° 05' 50", and the point of tangency azimuth from the radial point being: 111° 41' 17", having a radius of 20.00 feet, the chord azimuth and distance being: 51° 53' 33.5" 20.12;


EXHIBIT W-30b

4. 87° 48' 30" 44.39 feet over and across a portion of Lot 190 (Maika Street) of Wailuku Country Estates;
5. Thence along Lot 125 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being: 237° 48' 30", and the point of tangency azimuth from the radial point being: 177° 48' 30", having a radius of 20.00 feet, the chord azimuth and distance being: 117° 48' 30" 20.00 to the point of beginning and containing an Area of 540 Square Feet, more or less.



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Wailuku, Maui, Hawaii 96793  
April 5, 2011

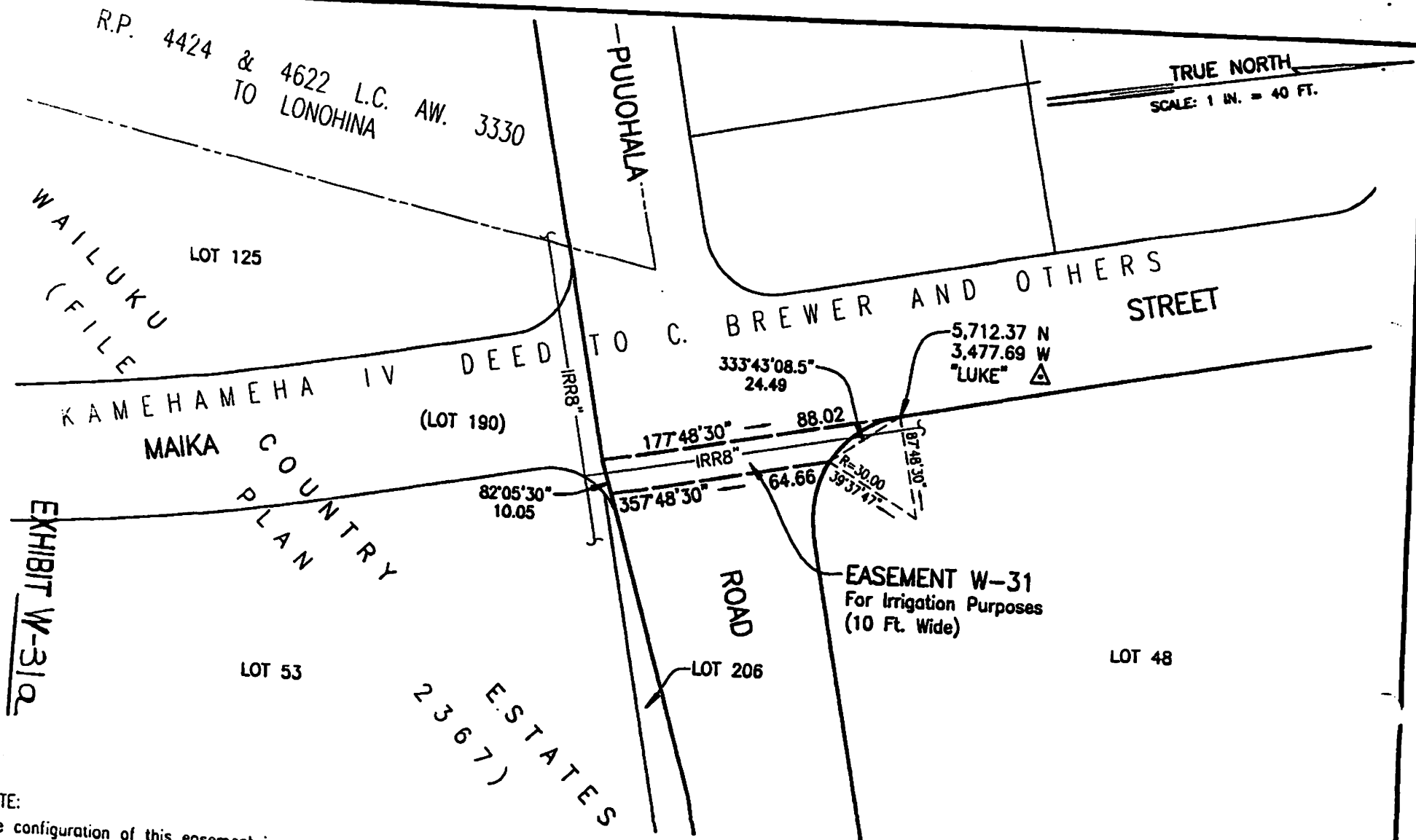
WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

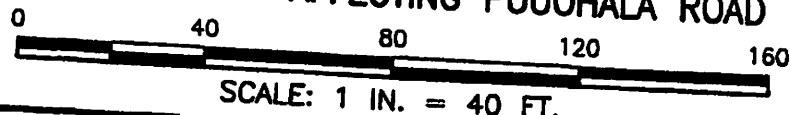
EXHIBIT PAGE 65



NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

**EASEMENT W-31**  
EASEMENT W-31 AFFECTING PUUOHALA ROAD



**WARREN S. UNEMORI**  
ENGINEERING, INC.  
CIVIL & SURVEYING ENGINEERS / LAND SURVEYORS



**Wailuku Country Estates  
Description of Easement W-31  
(Irrigation Easement)**

An Irrigation Easement W-31 affecting a portion of Puuohala Road, also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii and being more particularly described as follows:

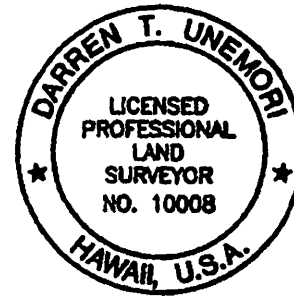
Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,712.37 feet North and 3,477.69 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 48 of Wailuku Country Estates (File Plan 2367), on a curve to the left, with the point of curvature azimuth from the radial point being:  $87^{\circ} 48' 30''$ , and the point of tangency azimuth from the radial point being:  $39^{\circ} 37' 47''$ , having a radius of 30.00 feet, the chord azimuth and distance being:  $333^{\circ} 43' 08.5''$  24.49;
2.  $357^{\circ} 48' 30''$  64.66 feet over and across a portion of Puuohala Road, being also over and across a portion of Kamehameha IV Deed to C. Brewer and Others;
3.  $82^{\circ} 05' 50''$  10.05 feet along Lot 190 (Maika Street) of Wailuku Country Estates (File Plan 2367);

**EXHIBIT W-31b**


4. 177° 48' 30"

88.02 feet over and across a portion of Puuhala Road, being also over and across a portion of Kamehameha IV Deed to C. Brewer and Others, to the point of beginning and containing an Area of 720 Square Feet, more or less.



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2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 5, 2011

WARREN S. UNEMORI ENGINEERING, INC.

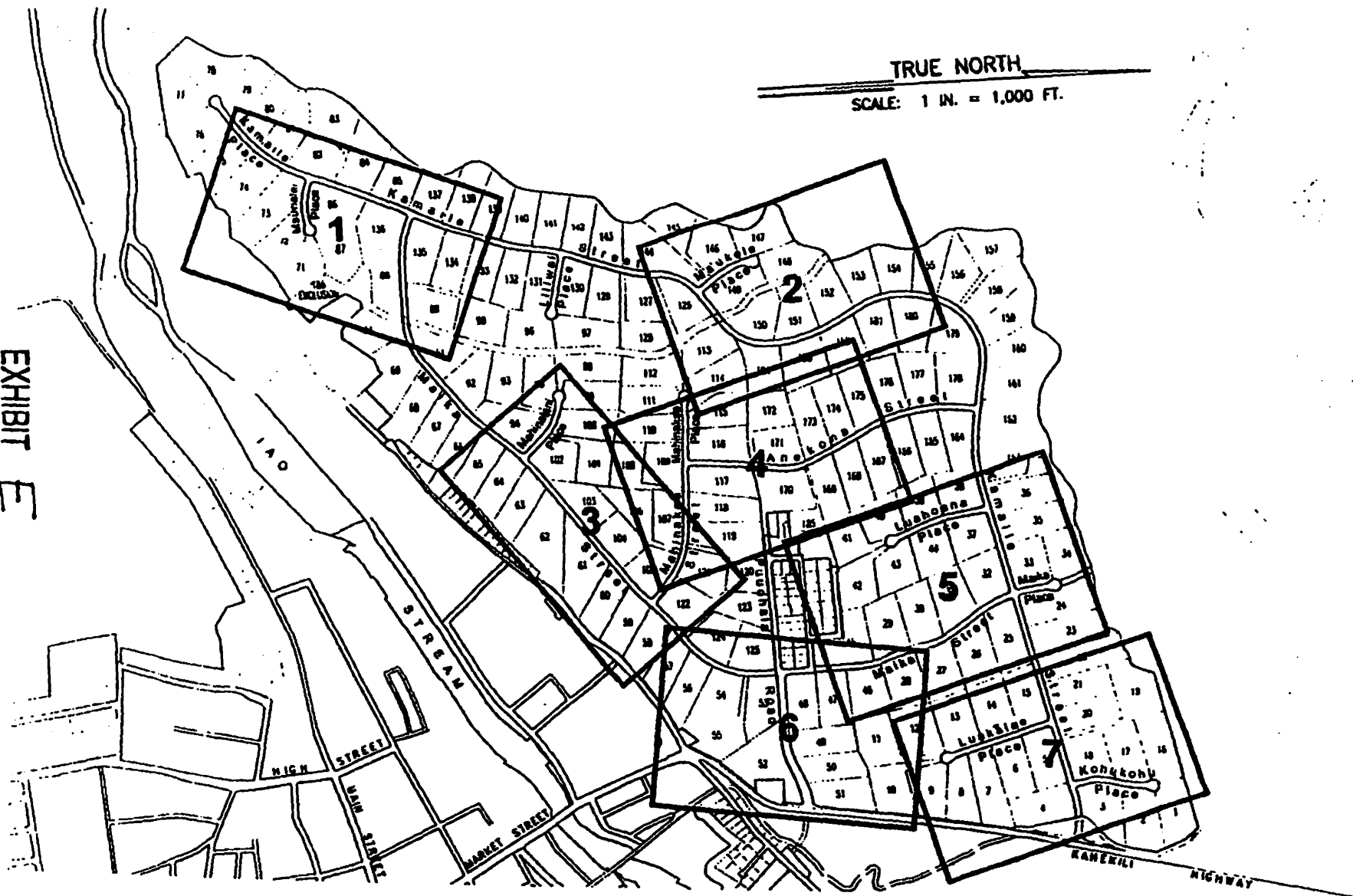
By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

NOTE:

The configuration of this easement is based entirely upon the location of an underground irrigation pipeline depicted in the Wailuku Country Estates Irrigation System Record Drawings prepared by ITC Water Management dated 8/6/2004. No ground survey has been performed to confirm the actual location of the irrigation pipeline relative to its designated easement.

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EXHIBIT E



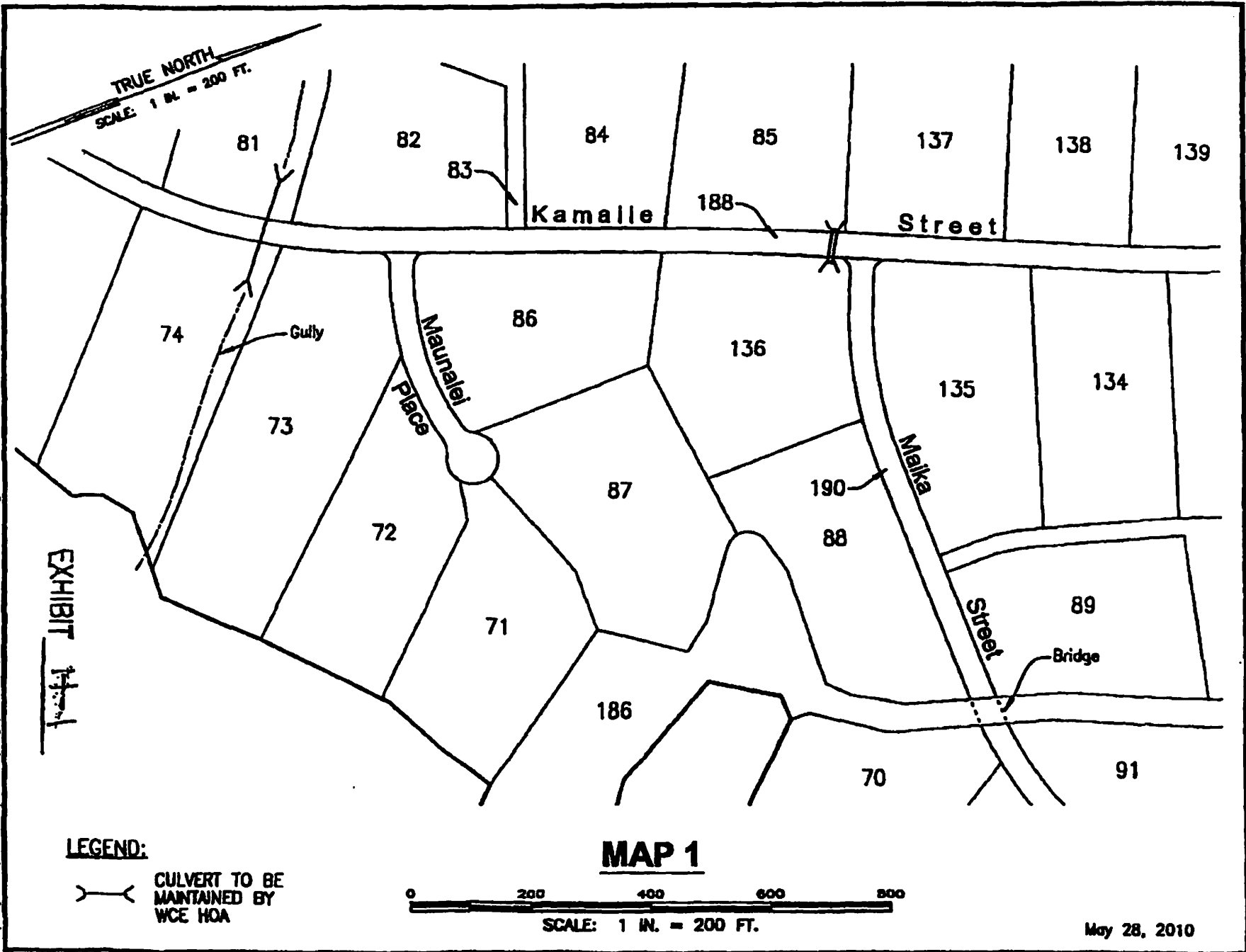
# **WAILUKU COUNTRY ESTATES**

## **Drainage Culvert Location Map Index**

May 28, 2010

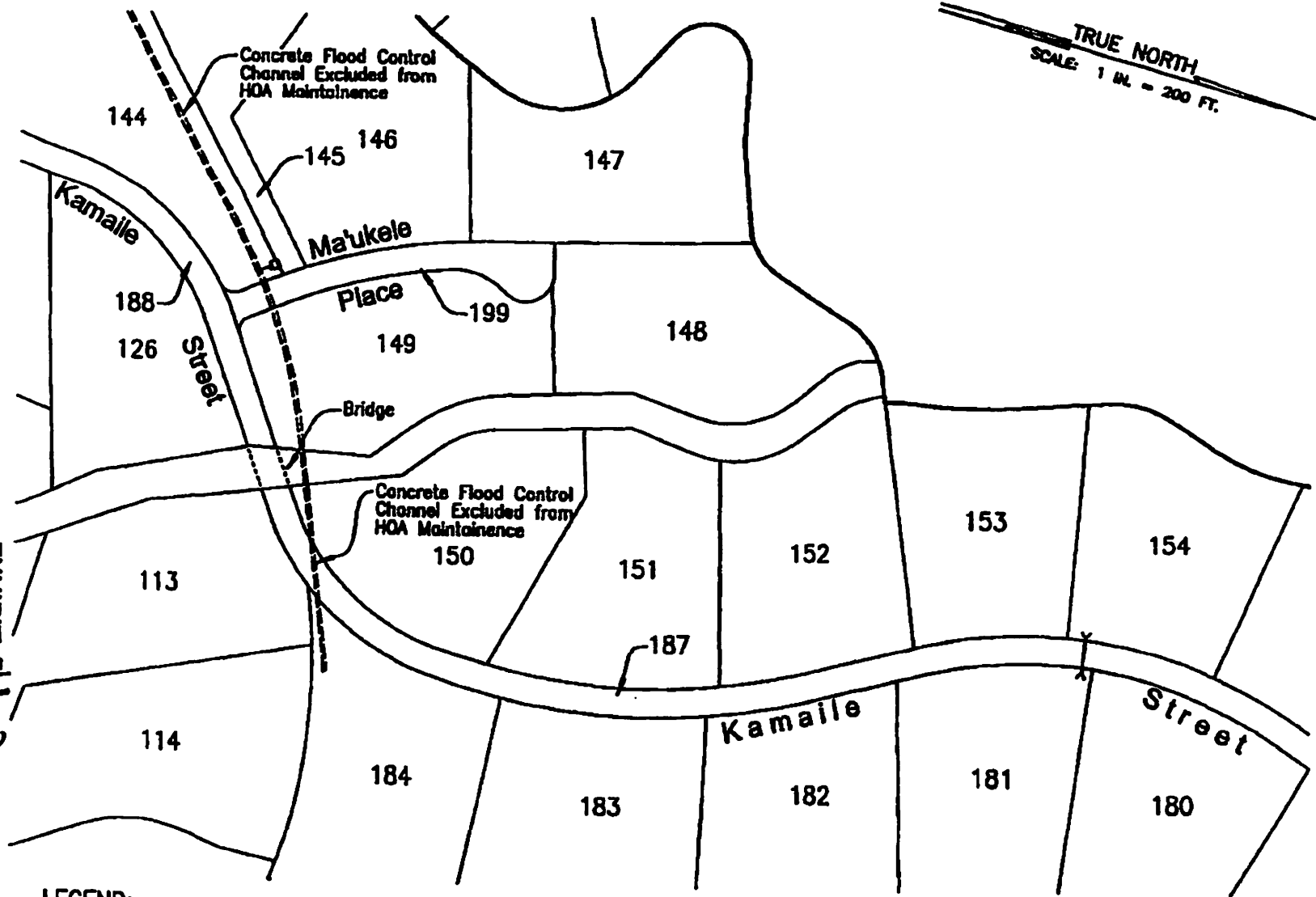
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EXHIBIT 11-1



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EXHIBIT 1



**LEGEND:**

—X— CULVERT TO BE MAINTAINED BY WCE HOA

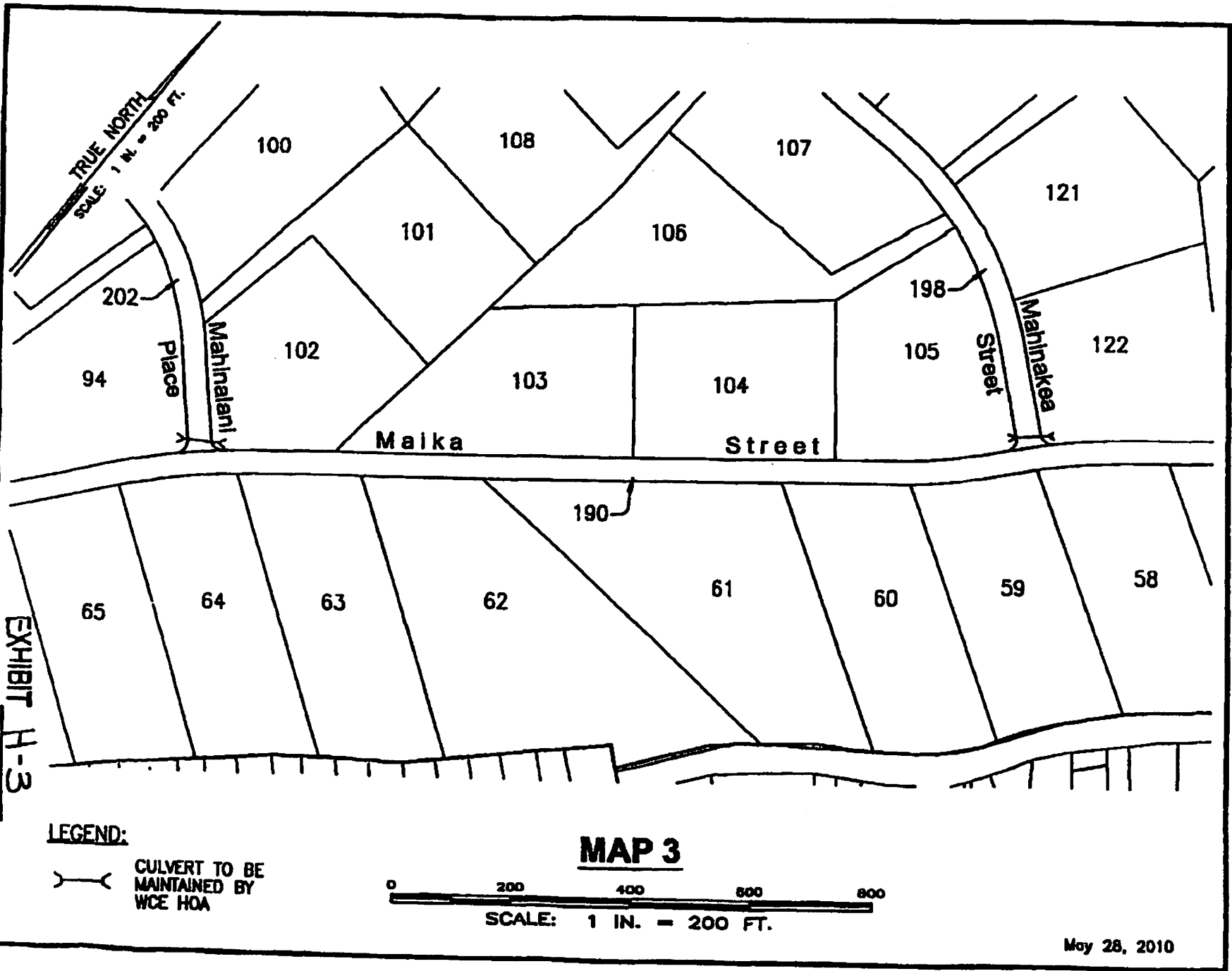
**MAP 2**

0 200 400 600 800  
SCALE: 1 IN. = 200 FT.

May 28, 2010

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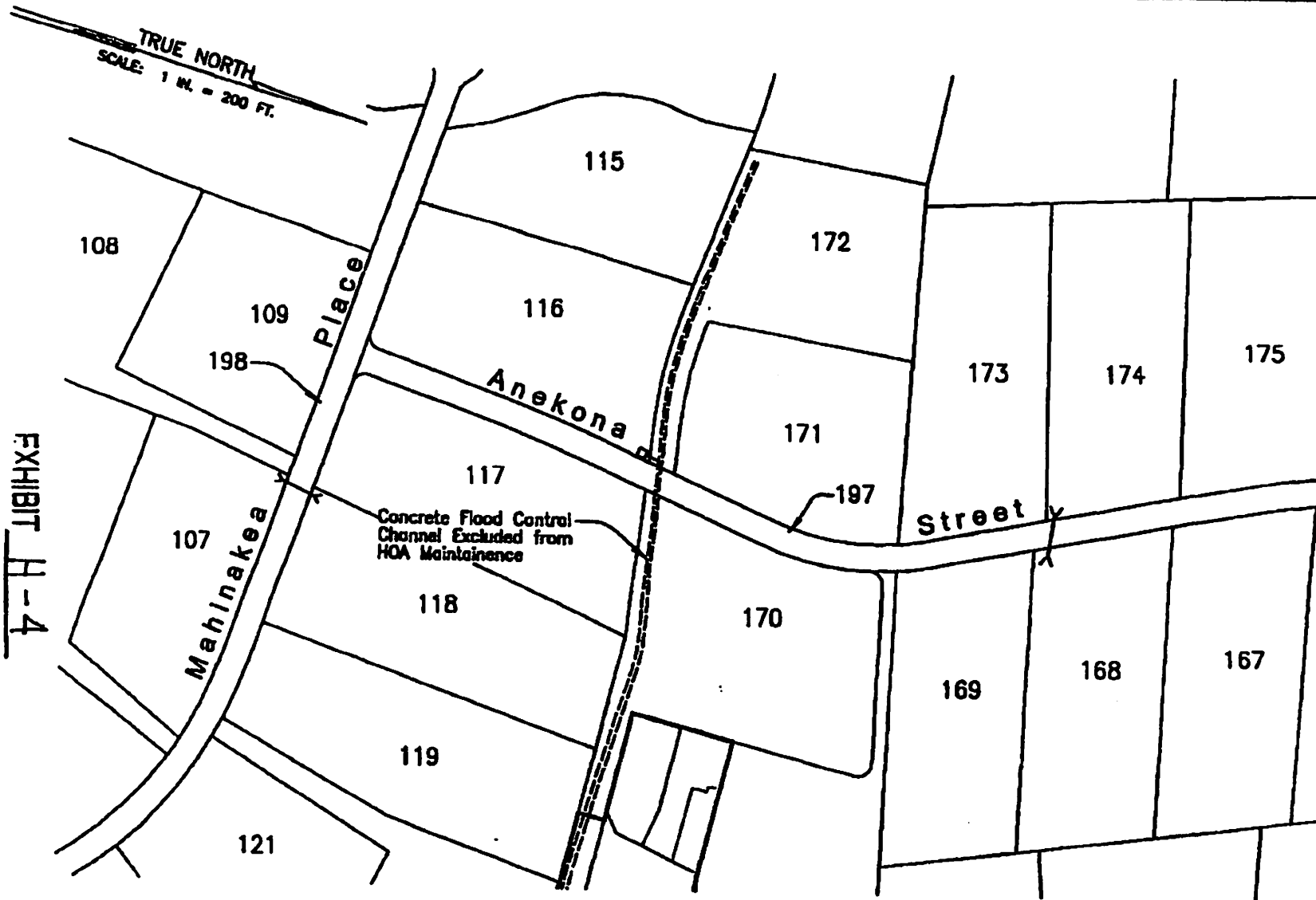
EXHIBIT H-3



May 28, 2010

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EXHIBIT H-4



**LEGEND:**

—X— CULVERT TO BE MAINTAINED BY WCE HOA

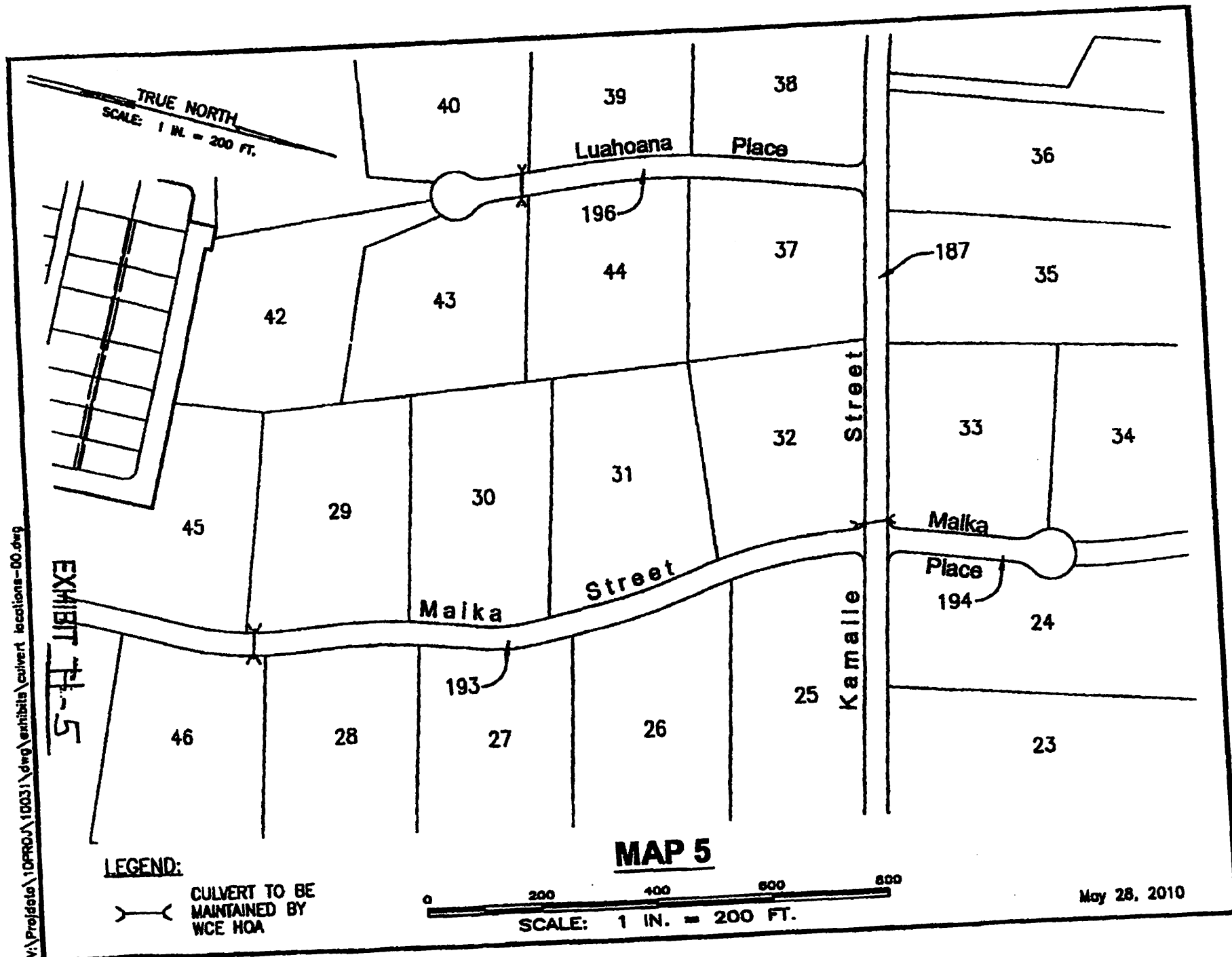
**MAP 4**

0 200 400 600 800  
SCALE: 1 IN. = 200 FT.

May 28, 2010

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EXHIBIT H-5

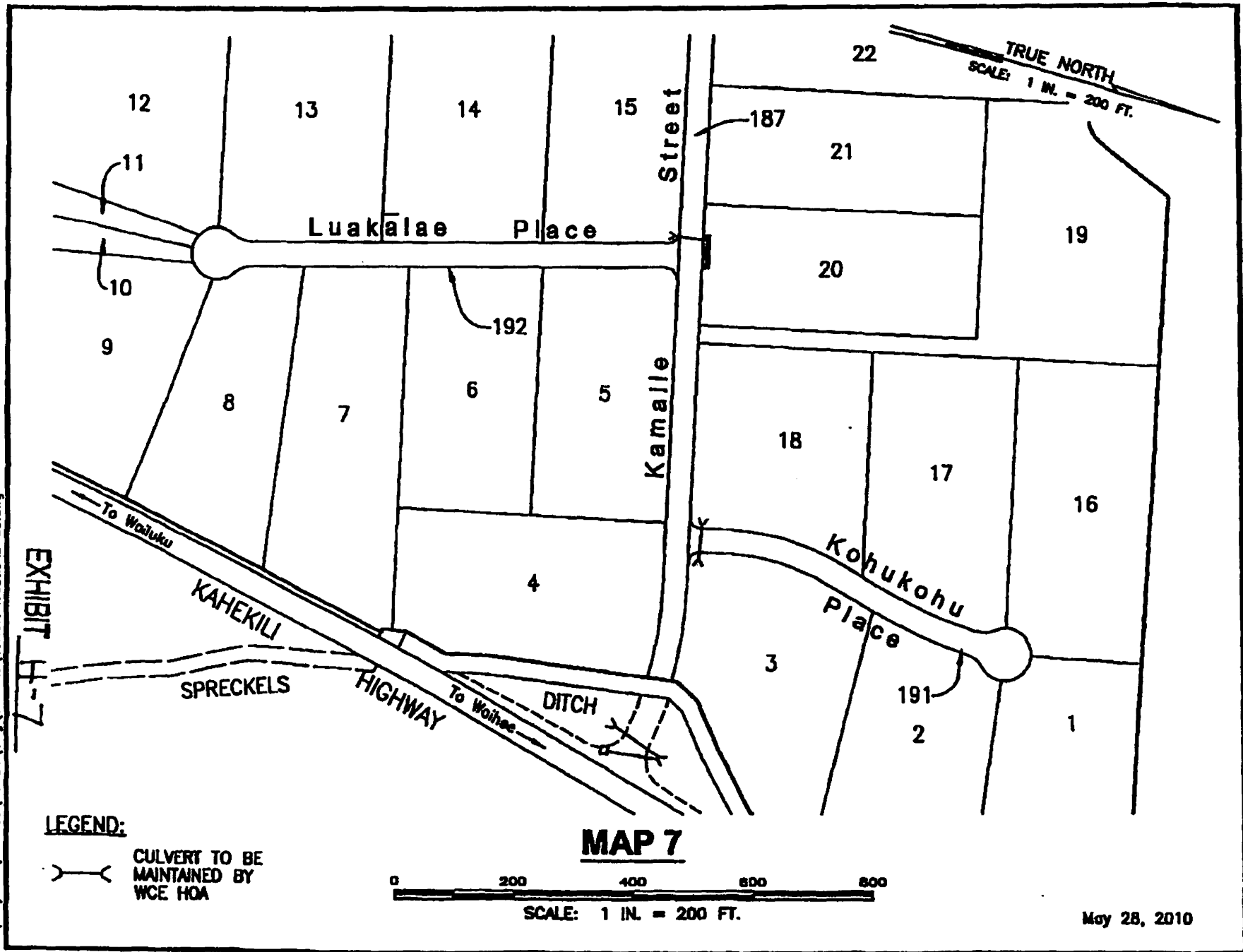




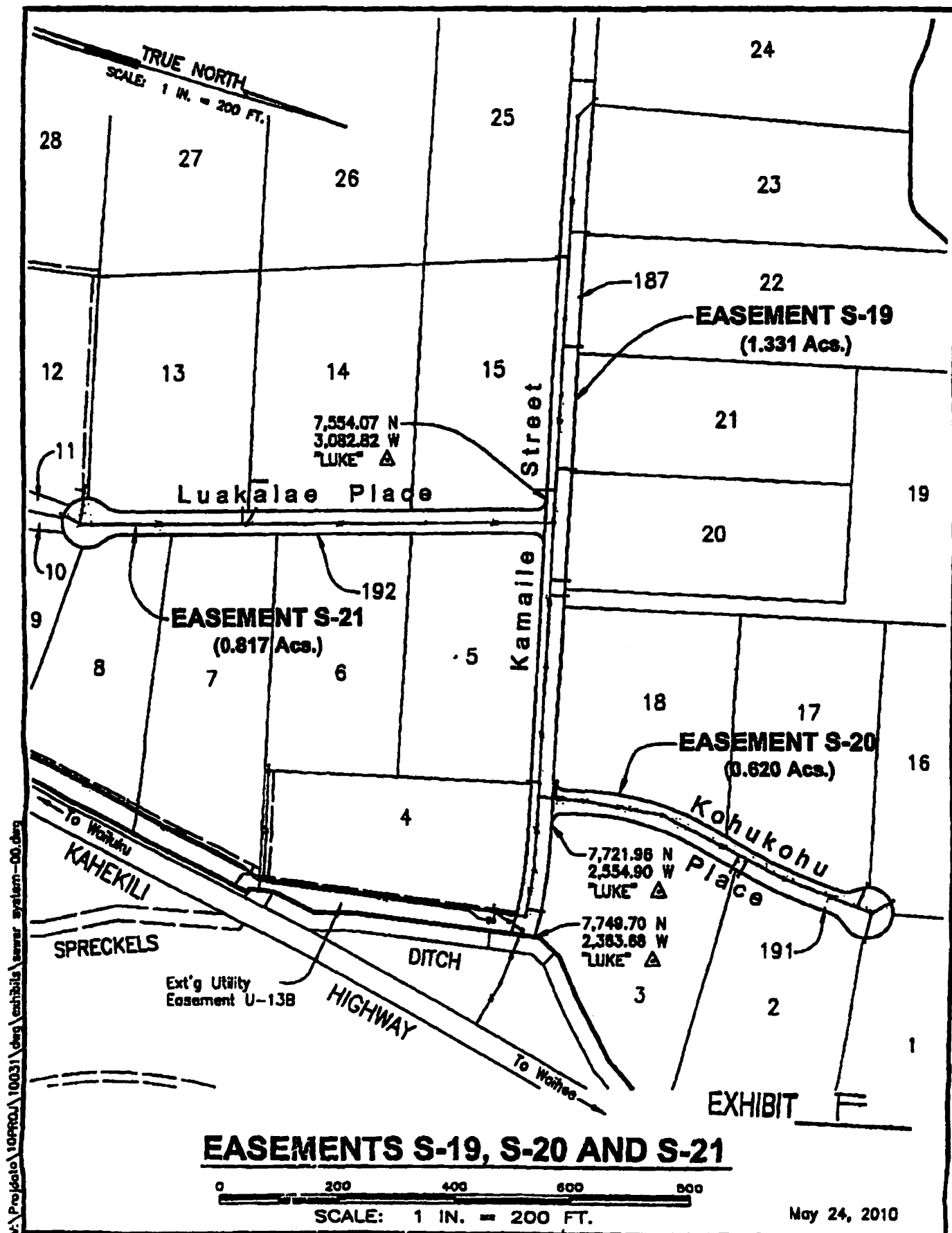


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EXHIBIT H-7



May 28, 2010



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EXHIBIT 5

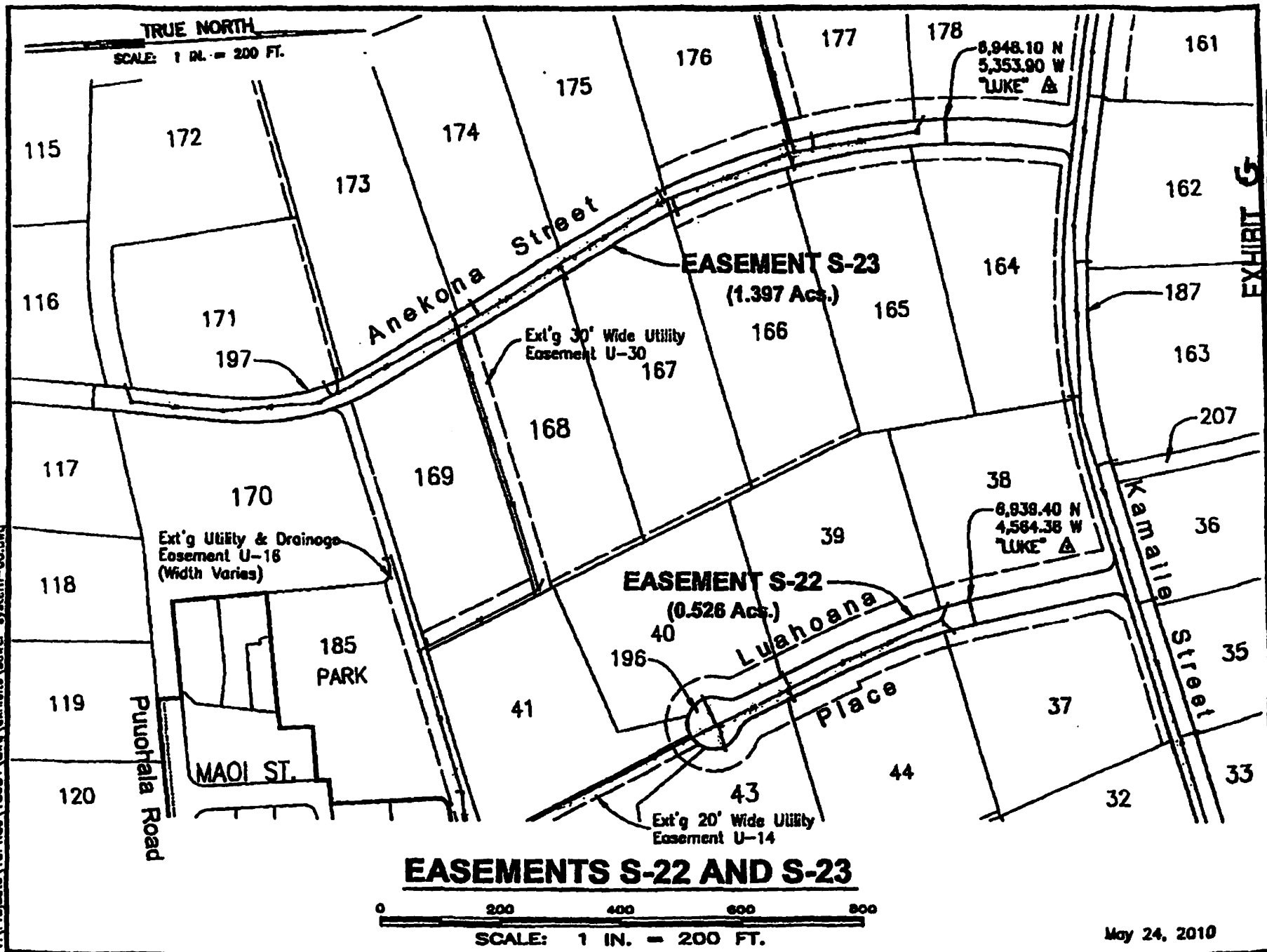
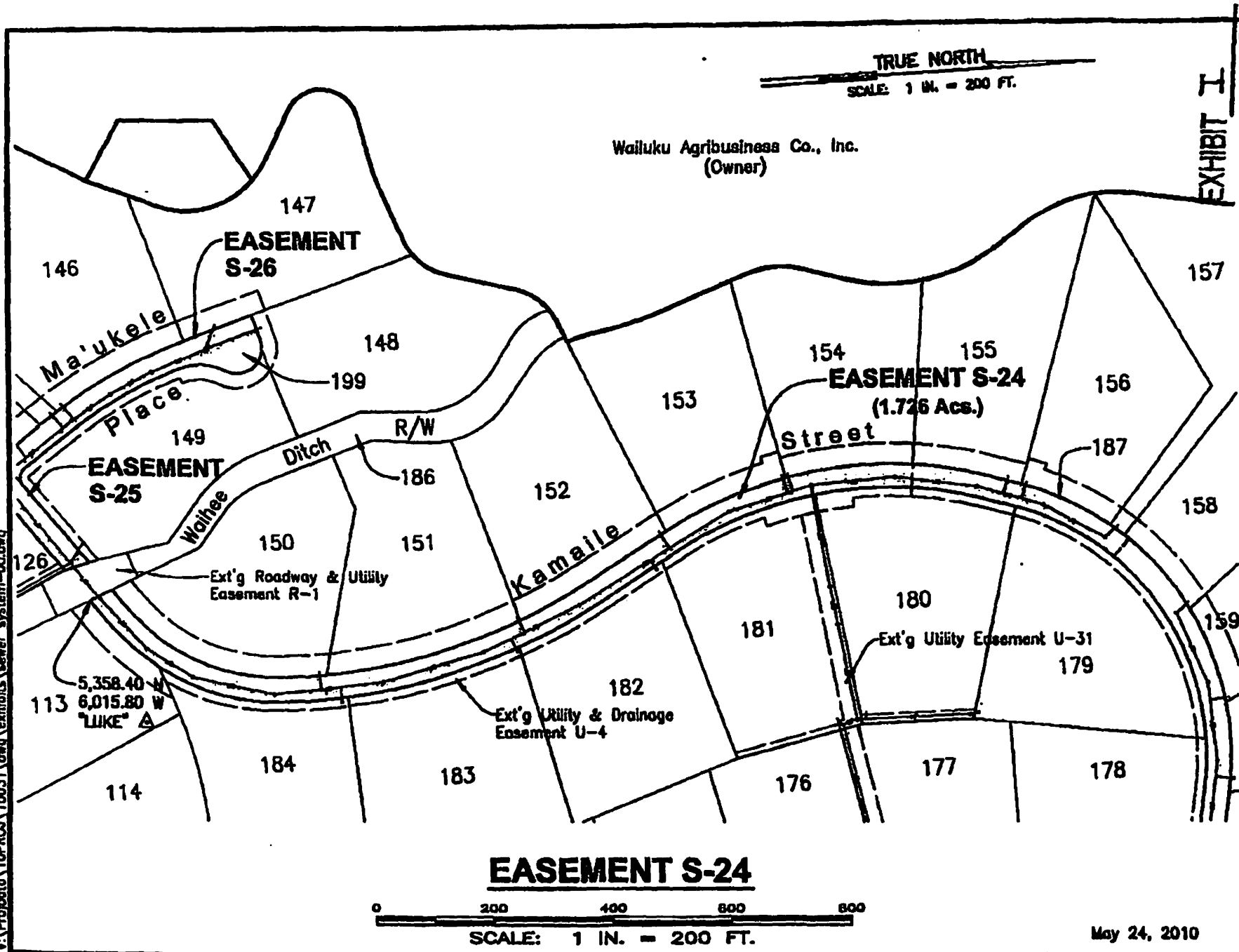


EXHIBIT 5

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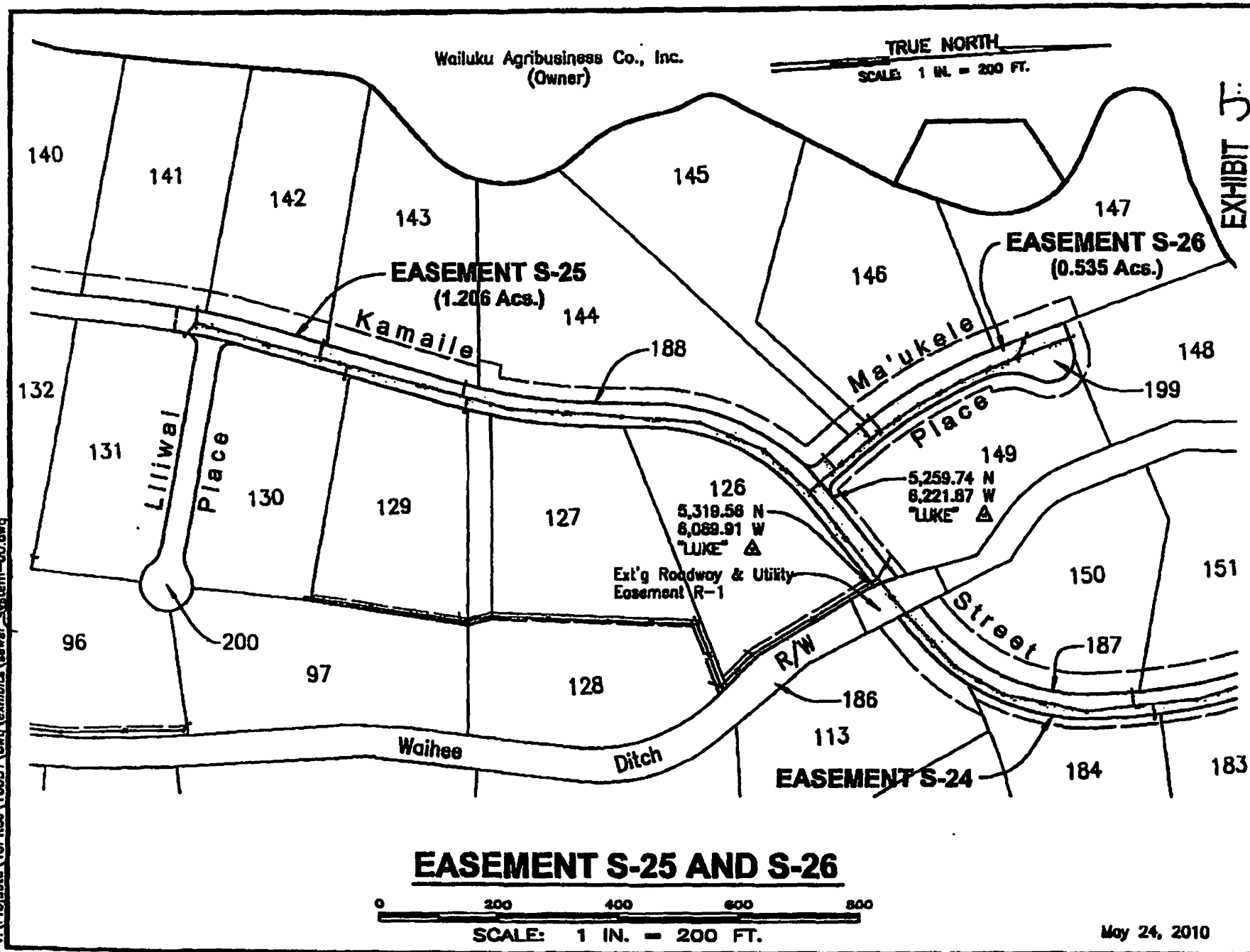
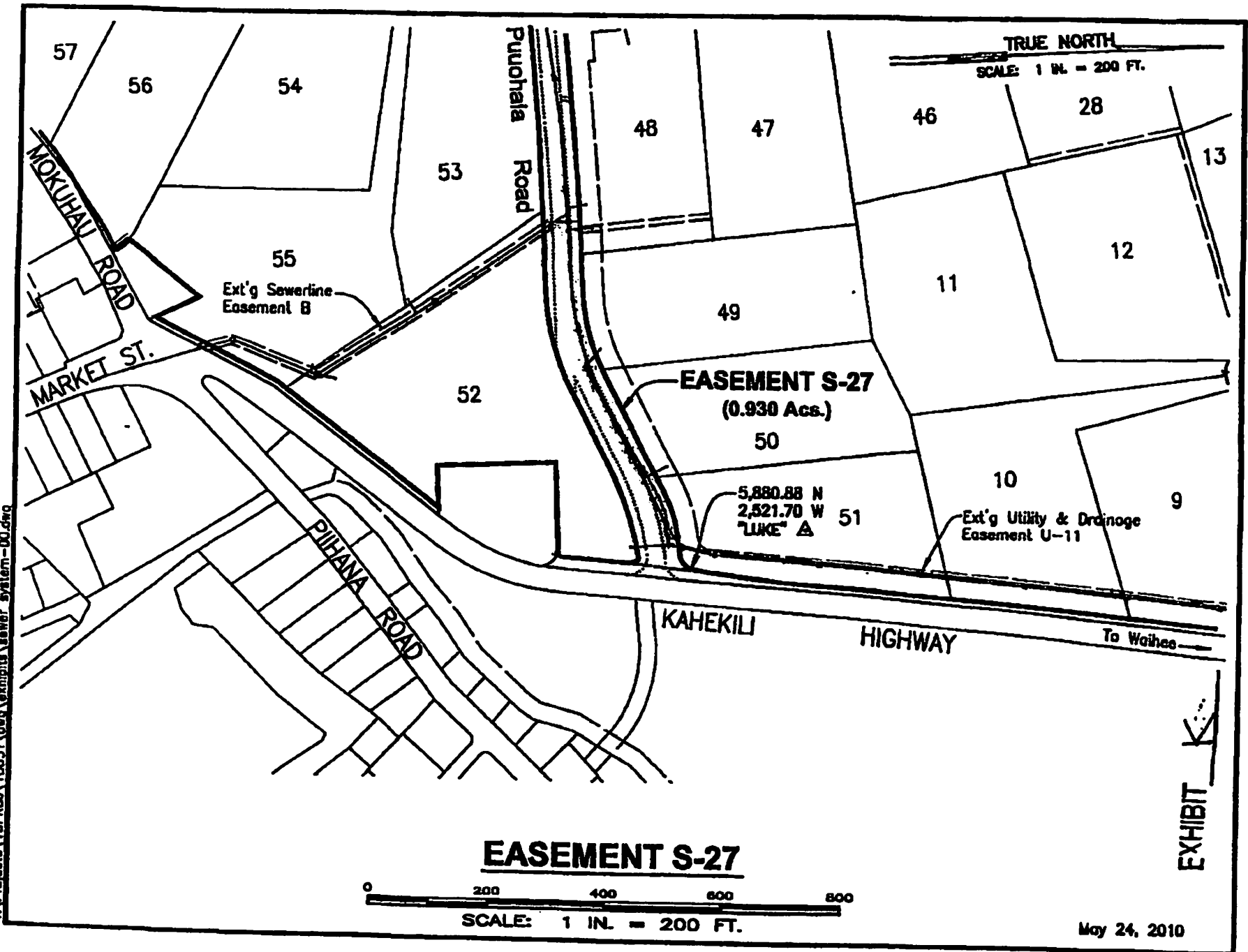


EXHIBIT K

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-19**

A Private Sewerline Easement S-19 affecting a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

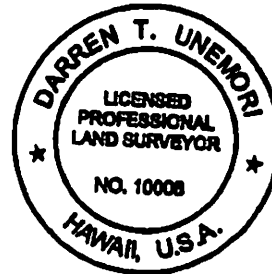
Beginning at a point at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,749.70 feet North and 2,363.68 feet West and running by azimuths measured clockwise from True South:

1.    350°   56'                      40.57 feet along the westerly side of Lot 12 of Old Waihee Ditch Right-of-Way (formerly known as Spreckels Ditch);
2.    Thence along Lot 4 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 180° 51' 23" and the point of tangency azimuth from the radial point being: 166° 30', having a radius of 580.00 feet, the chord azimuth and distance being: 83° 40' 41.5" 144.95 feet;
3.    76°   30'                      1,302.10 feet along Lots 4, 5, 192 (Luakālae Place), 15 and 25 of Wailuku Country Estates (File Plan 2367);
4.    166°   30'                      40.00 feet over and across a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
5.    256°   30'                      1,302.10 feet along Lots 24, 23, 22, 21, 20, 19, 18, 191 (Kohukohu Place) and 3 of Wailuku Country Estates (File Plan 2367);

EXHIBIT S-19




6. Thence along Lot 3 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  $166^{\circ} 30'$  and the point of tangency azimuth from the radial point being:  $180^{\circ} 12' 37''$ , having a radius of 620.00 feet, the chord azimuth and distance being:  $263^{\circ} 21' 18.5''$  148.01 feet to the point of beginning and containing an Area of 1.331 Acres, more or less.



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2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-20**

A Private Sewerline Easement S-20 affecting all of Lot 191 (Kohukohu Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

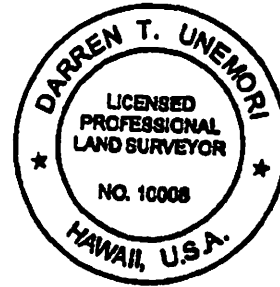
Beginning at a point at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,721.96 feet North and 2,554.90 feet West and running by azimuths measured clockwise from True South:

1.     76°   30'                   80.00 feet along Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
2.     Thence along Lot 18 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 346° 30' and the point of tangency azimuth from the radial point being: 256° 30', having a radius of 20.00 feet, the chord azimuth and distance being: 211° 30'   28.28 feet;
3.     166°   30'                   44.26 feet along same;
4.     Thence along same on a curve to the right, having a radius of 420.00 feet, the chord azimuth and distance being: 180° 15'   199.66 feet;
5.     194°   00'                   82.08 feet along Lots 18 and 17 of Wailuku Country Estates (File Plan 2367);

**EXHIBIT S-20**

6. Thence along Lot 17 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 284° 00' and the point of tangency azimuth from the radial point being: 272° 00', having a radius of 780.00 feet, the chord azimuth and distance being: 188° 00' 163.06 feet;
7. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 272° 00' and the point of tangency azimuth from the radial point being: 229° 06' 05", having a radius of 43.00 feet, the chord azimuth and distance being: 160° 33' 02.5" 31.45 feet;
8. Thence along Lots 17 and 16 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 49° 06' 05" and the point of tangency azimuth from the radial point being: 167° 14' 38", having a radius of 43.00 feet, the chord azimuth and distance being: 198° 10' 21.5" 73.77 feet;
9. Thence along Lots 1 and 2 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 167° 14' 38" and the point of tangency azimuth from the radial point being: 314° 53' 55", having a radius of 43.00 feet, the chord azimuth and distance being: 331° 04' 16.5" 82.60 feet;

10. Thence along Lot 2 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 134° 53' 55" and the point of tangency azimuth from the radial point being: 92° 00', having a radius of 43.00 feet, the chord azimuth and distance being: 23° 26' 57.5" 31.45 feet;
11. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 272° 00' and the point of tangency azimuth from the radial point being: 284° 00', having a radius of 820.00 feet, the chord azimuth and distance being: 8° 00' 171.43 feet;
12. 14° 00' 82.08 feet along Lot 3 of Wailuku Country Estates (File Plan 2367);
13. Thence along same on a curve to the left, having a radius of 380.00 feet, the chord azimuth and distance being: 0° 15' 180.64 feet;
14. 346° 30' 44.26 feet along same;
15. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 76° 30' and the point of tangency azimuth from the radial point being: 346° 30', having a radius of 20.00 feet, the chord azimuth and distance being: 301° 30' 28.28 feet to the point of beginning and containing an Area of 0.620 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-21**

A Private Sewerline Easement S-21 affecting all of Lot 192 (Luakālae Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

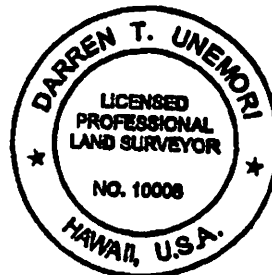
Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 7,554.07 feet North and 3,082.82 feet West and running by azimuths measured clockwise from True South:

1.    256°   30'                      80.11 feet along Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
2.    Thence along Lot 5 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 166° 30' and the point of tangency azimuth from the radial point being: 73° 30', having a radius of 20.00 feet, the chord azimuth and distance being: 30° 00'   29.02 feet;
3.    343°   30'                      698.31 feet along Lots 5 to 8, inclusive, of Wailuku Country Estates (File Plan 2367);
4.    Thence along Lot 8 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 73° 30' and the point of tangency azimuth from the radial point being: 30° 36' 05", having a radius of 43.00 feet, the chord azimuth and distance being: 322° 03' 02.5"   31.45 feet;

**EXHIBIT S-21**

5. Thence along Lots 8, 9 and 10 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 210° 36' 05" and the point of tangency azimuth from the radial point being: 355° 30' 16", having a radius of 43.00 feet, the chord azimuth and distance being: 13° 03' 10.5" 82.00 feet;
6. Thence along Lots 11, 12 and 13 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 355° 30' 16" and the point of tangency azimuth from the radial point being: 116° 23' 55", having a radius of 43.00 feet, the chord azimuth and distance being: 145° 57' 05.5" 74.81 feet;
7. Thence along Lot 13 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 296° 23' 55" and the point of tangency azimuth from the radial point being: 253° 30', having a radius of 43.00 feet, the chord azimuth and distance being: 184° 56' 57.5" 31.45 feet;
8. 163° 30' 702.50 feet along Lots 13, 14, and 15 of Wailuku Country Estates (File Plan 2367);

9. Thence along Lot 15 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  $253^{\circ} 30'$  and the point of tangency azimuth from the radial point being:  $166^{\circ} 30'$ , having a radius of 20.00 feet, the chord azimuth and distance being:  $120^{\circ} 00'$  27.53 feet to the point of beginning and containing an Area of 0.817 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By: [Signature] 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-22**

A Private Sewerline Easement S-22 affecting a portion of Lot 196 (Luahoana Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

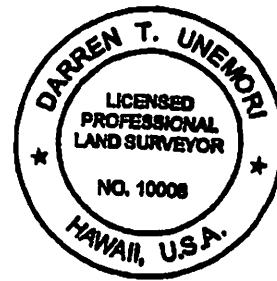
Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 6,939.40 feet North and 4,564.38 feet West and running by azimuths measured clockwise from True South:

1.    259°   40'                      40.00 feet over and across a portion of Lot 196 (Luahoana Place) of Wailuku Country Estates (File Plan 2367);
2.    Thence along Lots 37 and 44 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 79° 40' and the point of tangency azimuth from the radial point being: 66° 50', having a radius of 980.00 feet, the chord azimuth and distance being: 343° 15'   219.05 feet;
3.    336°   50'                      184.44 feet along Lots 44 and 43 of Wailuku Country Estates (File Plan 2367);
4.    Thence along Lot 43 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 66° 50' and the point of tangency azimuth from the radial point being: 23° 56' 05", having a radius of 43.00 feet, the chord azimuth and distance being: 315° 23' 02.5"   31.45 feet;

**EXHIBIT S-22**

5. Thence along Lots 43 and 42 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 203° 56' 05" and the point of tangency azimuth from the radial point being: 335° 43' 59", having a radius of 43.00 feet, the chord azimuth and distance being: 359° 50' 02" 78.50 feet;
6. Thence along Lots 41 and 40 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 335° 43' 59" and the point of tangency azimuth from the radial point being: 109° 43' 55", having a radius of 43.00 feet, the chord azimuth and distance being: 132° 43' 57" 79.16 feet;
7. Thence along Lot 40 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 289° 43' 55" and the point of tangency azimuth from the radial point being: 246° 50', having a radius of 43.00 feet, the chord azimuth and distance being: 178° 16' 57.5" 31.45 feet;
8. 156° 50' 184.44 feet along Lots 40 and 39 of Wailuku Country Estates (File Plan 2367);

9. Thence along Lots 39 and 38 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  $66^{\circ} 50'$  and the point of tangency azimuth from the radial point being:  $79^{\circ} 40'$ , having a radius of 1,020.00 feet, the chord azimuth and distance being:  $163^{\circ} 15'$  227.99 feet to the point of beginning and containing an Area of 0.526 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By: [Signature] 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-23**

A Private Sewerline Easement S-23 affecting a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others; Royal Patent 6102, Land Commission Award 3294-B:1:M:2 to Moomooiki; and Royal Patent 6529 and 6437, Land Commission Award 2533:1 to Malaihi at Wailuku, Maui, Hawaii, and more particularly described as follows:

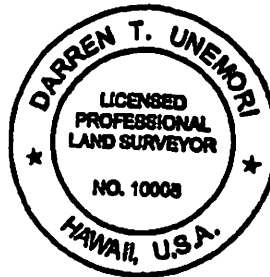
Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 6,948.10 feet North and 5,353.90 feet West and running by azimuths measured clockwise from True South:

1.    271°   30'                      40.00 feet over and across a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367);
2.    Thence along Lots 164 to 167, inclusive, of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 91° 30' and the point of tangency azimuth from the radial point being: 62° 50', having a radius of 1,130.00 feet, the chord azimuth and distance being: 347° 10'   559.49 feet;
3.    332°   50'                      477.09 feet along Lots 167, 168 and 169 of Wailuku Country Estates (File Plan 2367);

**EXHIBIT S-23**

4. Thence along Lots 169, 185 and 170 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being: 242° 50' and the point of tangency azimuth from the radial point being: 277° 59' 16", having a radius of 420.00 feet, the chord azimuth and distance being: 350° 24' 38" 253.67 feet;
5. 7° 59' 16" 222.96 feet along Lots 170 and 117 of Wailuku Country Estates (File Plan 2367);
6. 97° 59' 16" 40.00 feet over and across a portion of Lot 197 (Anekona Street) of Wailuku Country Estates (File Plan 2367);
7. 187° 59' 16" 222.96 feet along Lots 116, 172 and 171 of Wailuku Country Estates (File Plan 2367);
8. Thence along Lots 171 and 173 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 277° 59' 16" and the point of tangency azimuth from the radial point being: 242° 50', having a radius of 380.00 feet, the chord azimuth and distance being: 170° 24' 38" 229.51 feet;
9. 152° 50' 477.09 feet along Lots 173, 174 and 175 of Wailuku Country Estates (File Plan 2367);

10. Thence along Lots 175 to 178, inclusive, of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  $62^{\circ} 50'$  and the point of tangency azimuth from the radial point being:  $91^{\circ} 30'$ , having a radius of 1,170.00 feet, the chord azimuth and distance being:  $167^{\circ} 10'$  579.30 feet to the point of beginning and containing an Area of 1.397 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By: [Signature] 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-24**

A Private Sewerline Easement S-24 affecting a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others and Royal Patent 7302, Land Commission Award 4452, Apana 9 to H. Kalama at Wailuku, Maui, Hawaii, and more particularly described as follows:

Beginning at a point at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,358.40 feet North and 6,015.80 feet West and running by azimuths measured clockwise from True South:

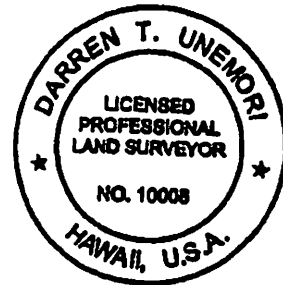
1. 156° 30' 40.92 feet along Lot 186 of Wailuku Country Estates (File Plan 2367);
2. 234° 20' 29.62 feet along Lot 150 of Wailuku Country Estates (File Plan 2367);
3. Thence along same on a curve to the left, having a radius of 330.00 feet, the chord azimuth and distance being:  
208° 24' 20" 288.58 feet;
4. Thence along Lots 150, 151 and 152 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  
272° 28' 40" and the point of tangency azimuth from the radial point being:  
240° 00', having a radius of 980.00 feet, the chord azimuth and distance being:  
166° 14' 20" 548.10 feet;
5. 150° 00' 166.26 feet along Lots 152 and 153 of Wailuku Country Estates (File Plan 2367);

**EXHIBIT S-24**

6. Thence along Lots 153, 154 and 155 of Wailuku Country Estates (File Plan 2367) on a curve to the right, having a radius of 670.00 feet, the chord azimuth and distance being:  
174° 10' 548.59 feet;
7. 198° 20' 49.97 feet along Lot 155 of Wailuku Country Estates (File Plan 2367);
8. Thence along Lots 156, 157 and 158 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
108° 20' and the point of tangency azimuth from the radial point being:  
133° 30', having a radius of 470.00 feet, the chord azimuth and distance being:  
210° 55' 204.79 feet;
9. 313° 30' 40.00 feet over and across a portion of Lot 187 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
10. Thence along Lot 179 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  
133° 30' and the point of tangency azimuth from the radial point being:  
108° 20', having a radius of 430.00 feet, the chord azimuth and distance being:  
30° 55' 187.36 feet;
11. 18° 20' 49.97 feet along Lot 180 of Wailuku Country Estates (File Plan 2367);




12. Thence along Lots 180 and 181 of Wailuku Country Estates (File Plan 2367) on a curve to the left, having a radius of 630.00 feet, the chord azimuth and distance being:  
354° 10' 515.83 feet;
13. 330° 00' 166.26 feet along Lots 181 and 182 of Wailuku Country Estates (File Plan 2367);
14. Thence along Lots 182, 183 and 184 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
240° 00' and the point of tangency azimuth from the radial point being:  
272° 28' 40", having a radius of 1,020.00 feet, the chord azimuth and distance being:  
346° 14' 20" 570.47 feet;
15. Thence along Lots 184 and 113 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
272° 28' 40" and the point of tangency azimuth from the radial point being:  
324° 20', having a radius of 370.00 feet, the chord azimuth and distance being:  
28° 24' 20" 323.56 feet;
16. 54° 20' 38.24 feet along Lot 113 of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 1.726 Acres, more or less.



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May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By:  04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-25**

A Private Sewerline Easement S-25 affecting a portion of Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

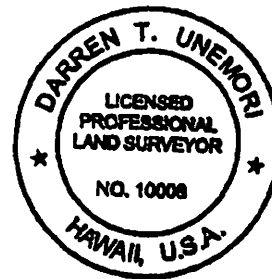
Beginning at a point at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,319.56 feet North and 6,069.91 feet West and running by azimuths measured clockwise from True South:

1.     54°   20'                   185.88 feet along Lot 126 of Wailuku Country Estates (File Plan 2367);
2.     Thence along same on a curve to the left, having a radius of 330.00 feet, the chord azimuth and distance being:  
          29° 10'   280.67 feet;
3.     4°    00'                   76.55 feet along Lots 126 and 127 of Wailuku Country Estates (File Plan 2367);
4.     Thence along Lots 127, 128 and 129 of Wailuku Country Estates (File Plan 2367) on a curve to the left, having a radius of 1,020.00 feet, the chord azimuth and distance being:  
          11° 35'   269.21 feet;
5.     19°   10'                   334.30 feet along Lots 129 and 130 of Wailuku Country Estates (File Plan 2367);

EXHIBIT S-25

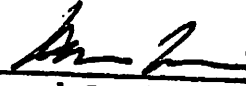
6. Thence along Lots 130, 200 (Liliwai Place) and 131 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  
109° 10' and the point of tangency azimuth from the radial point being:  
101° 20', having a radius of 980.00 feet, the chord azimuth and distance being:  
15° 15' 133.88 feet;
7. 101° 20' 40.00 feet over and across a portion of Lot 188 (Kamaile Street) of Wailuku Country Estates (File Plan 2367);
8. Thence along Lots 141 and 142 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
101° 20' and the point of tangency azimuth from the radial point being:  
109° 10', having a radius of 1,020.00 feet, the chord azimuth and distance being:  
195° 15' 139.34 feet;
9. 199° 10' 334.30 feet along Lots 142 and 143 of Wailuku Country Estates (File Plan 2367);
10. Thence along Lots 143 and 144 of Wailuku Country Estates (File Plan 2367) on a curve to the left, having a radius of 980.00 feet, the chord azimuth and distance being:  
191° 35' 258.66 feet;
11. 184° 00' 76.55 feet along Lot 144 of Wailuku Country Estates (File Plan 2367);

12. Thence Lots 144 and 199 (Ma'ukele Place) of Wailuku Country Estates (File Plan 2367) on a curve to the right, having a radius of 370.00 feet, the chord azimuth and distance being:  
209° 10' 314.69 feet;
13. 234° 20' 200.89 feet along Lots 199 (Ma'ukele Place) and 149 of Wailuku Country Estates (File Plan 2367);
14. 344° 53' 58" 42.72 feet along Lot 186 of Wailuku Country Estates (File Plan 2367) to the point of beginning and containing an Area of 1.206 Acres, more or less.



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Licensed Professional Land Surveyor  
Certificate No. 10008

**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-26**

A Private Sewerline Easement S-26 affecting all of Lot 199 (Ma'uokele Place) of Wailuku Country Estates (File Plan 2367), also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

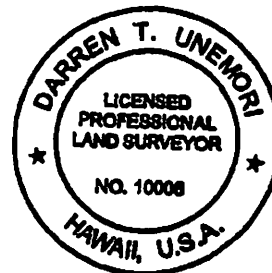
Beginning at a point at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,259.74 feet North and 6,221.87 feet West and running by azimuths measured clockwise from True South:

1.    54°   20'                      27.54 feet along Lot 188 (Kamaile Street and Kamaile Place) of Wailuku Country Estates (File Plan 2367);
2.    Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 144° 20' and the point of tangency azimuth from the radial point being: 136° 36' 47", having a radius of 370.00 feet, the chord azimuth and distance being: 50° 28' 23.5"   49.82 feet;
3.    Thence along Lot 144 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 316° 36' 47" and the point of tangency azimuth from the radial point being: 232° 30', having a radius of 20.00 feet, the chord azimuth and distance being: 184° 33' 23.5"   26.79 feet;
4.    142°   30'                      66.50 feet along same;

EXHIBIT S-26

5. Thence along Lots 144 to 147, inclusive, of Wailuku Country Estates (File Plan 2367) on a curve to the right, having a radius of 820.00 feet, the chord azimuth and distance being:  
152° 45' 291.83 feet;
6. 163° 00' 116.41 feet along Lot 147 of Wailuku Country Estates (File Plan 2367);
7. 253° 00' 43.00 feet along Lot 148 of Wailuku Country Estates (File Plan 2367);
8. Thence along Lots 148 and 149 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
163° 00' and the point of tangency azimuth from the radial point being:  
299° 54' 02", having a radius of 43.00 feet, the chord azimuth and distance being:  
321° 27' 01" 79.99 feet;
9. Thence along Lot 149 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  
119° 54' 02" and the point of tangency azimuth from the radial point being:  
70° 23' 13", having a radius of 100.00 feet, the chord azimuth and distance being:  
5° 08' 37.5" 83.75 feet;

10. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 70° 23' 13" and the point of tangency azimuth from the radial point being: 52° 30', having a radius of 780.00 feet, the chord azimuth and distance being: 331° 26' 36.5" 242.52 feet;
11. 322° 30' 65.52 feet along same;
12. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 52° 30' and the point of tangency azimuth from the radial point being: 324° 20', having a radius of 20.00 feet, the chord azimuth and distance being: 278° 25' 27.83 feet to the point of beginning and containing an Area of 0.535 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
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May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By: [Signature] 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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**Wailuku Country Estates (File Plan 2367)  
Private Sewerline Easement S-27**

A Private Sewerline Easement S-27 affecting portions of Lots 203, 204 and 206 of Wailuku Country Estates (File Plan 2367), Lot A-4 of Iao Valley Large-Lot Subdivision, Lot A-5 of Iao Valley Large-Lot Subdivision, and Puuohala Road also affecting a portion of Kamehameha IV Deed to C. Brewer and Others at Wailuku, Maui, Hawaii, and more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 5,880.88 feet North and 2,521.70 feet West and running by azimuths measured clockwise from True South:

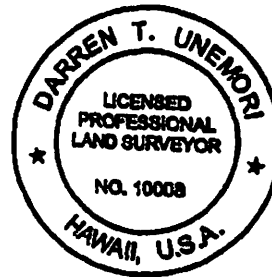
1.        9° 01' 46"        141.22 feet over and across portions of Lots 203 and 204 of Wailuku Country Estates (File Plan 2367), Lots A-4 and A-5 of Iao Valley Large-Lot Subdivision, and Puuohala Road;
2.    Thence along Lot 52 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being: 277° 40' and the point of tangency azimuth from the radial point being: 274° 26' 27", having a radius of 108.00 feet, the chord azimuth and distance being: 186° 03' 13.5" 6.08 feet;
3.    Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 274° 26' 27" and the point of tangency azimuth from the radial point being: 234° 04' 27", having a radius of 30.00 feet, the chord azimuth and distance being: 164° 15' 27" 20.70 feet;

EXHIBIT S-27

4. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being:  
173° 16' 12" and the point of tangency azimuth from the radial point being:  
156° 00', having a radius of 592.50 feet, the chord azimuth and distance being:  
74° 38' 06" 177.92 feet;
5. 66° 00' 134.86 feet along same;
6. Thence along same on a curve to the right, having a radius of 409.20 feet, the chord azimuth and distance being:  
78° 01' 08" 170.42 feet;
7. 90° 02' 16" 115.88 feet along same;
8. 180° 02' 16" 63.13 feet over and across a portion of Lot 206 of Wailuku Country Estates (File Plan 2367), Puuhala Road, and Lot A-4 of Iao Valley Large-Lot Subdivision;
9. Thence along Lots 48 and 49 of Wailuku Country Estates (File Plan 2367) on a curve to the right, with the point of curvature azimuth from the radial point being:  
179° 31' 33" and the point of tangency azimuth from the radial point being:  
180° 38' 32", having a radius of 5,762.58 feet, the chord azimuth and distance being:  
270° 05' 02.5" 112.28 feet;

10. Thence along Lots 49 and 50 of Wailuku Country Estates (File Plan 2367) on a curve to the left, with the point of curvature azimuth from the radial point being:  $0^{\circ} 38' 32''$  and the point of tangency azimuth from the radial point being:  $336^{\circ} 00'$ , having a radius of 346.20 feet, the chord azimuth and distance being:  $258^{\circ} 19' 16''$  147.75 feet;
11.  $246^{\circ} 00'$  156.30 feet along Lot 50 of Wailuku Country Estates (File Plan 2367);
12.  $245^{\circ} 10' 47''$  69.51 feet along Lots 50 and 51 of Wailuku Country Estates (File Plan 2367);
13. Thence along Lot 51 of Wailuku Country Estates (File Plan 2367) on a curve to the right, having a radius of 220.00 feet, the chord azimuth and distance being:  $255^{\circ} 34' 37''$  79.41 feet;
14.  $265^{\circ} 58' 27''$  32.38 feet along same;
15. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being:  $355^{\circ} 58' 27''$  and the point of tangency azimuth from the radial point being:  $291^{\circ} 47' 29''$ , having a radius of 30.00 feet, the chord azimuth and distance being:  $233^{\circ} 52' 58''$  31.88 feet;

16. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 291° 47' 29" and the point of tangency azimuth from the radial point being: 278° 44' 42", having a radius of 111.00 feet, the chord azimuth and distance being: 195° 16' 05.5" 25.22 feet to the point of beginning and containing an Area of 0.930 Acres, more or less.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
May 25, 2010

WARREN S. UNEMORI ENGINEERING, INC.

By: *Warren S. Unemori* 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 10008

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## UNILATERAL INSURANCE AGREEMENT AS TO ROAD

THIS UNILATERAL INSURANCE AGREEMENT AS TO ROAD (this "**Agreement**"), made this 2<sup>nd</sup> day of February, 2018, by WAILUKU COUNTRY ESTATES COMMUNITY ASSOCIATION, INC., a Hawaii nonprofit corporation ("**WCE**"), whose principal office and mailing address is c/o Maui Land Broker and Property Management, Inc., P.O. Box 581, Wailuku, Hawaii 96793.

### RECITALS:

WHEREAS, CGM, LLC was the developer of a residential subdivision known as Wailuku Country Estates ("**Subdivision**") located in Wailuku, Maui, Hawaii;

WHEREAS, the subdivision includes numerous internal roads ("**Subdivision Roads**");

WHEREAS, the Subdivision Roads join into Kahekili Highway, which is owned by the County of Maui ("**County**");

WHEREAS, the County has determined that a portion of the drainage system for the Subdivision does not meet the requirements of Chapters 16 and 18 of the Maui County Code and any administrative rules adopted thereunder, in the area described in Exhibits 1 through 4 attached hereto (and the maps identified as Exhibit B attached to each such Exhibit) ("**Property**");

WHEREAS, WCE is the homeowners association for the Subdivision; and

WHEREAS, CGM, LLC will or has conveyed the Subdivision Roads by dedication to the County and the County agrees to, has or will accept the dedication subject to the agreement of WCE to obtain insurance and indemnify the County according to the terms set forth below.

### AGREEMENT:

NOW THEREFORE, WCE agrees as follows:

1. Insurance. Upon acceptance by the County of the dedication of the Subdivision Roads from CGM ("**Commencement Date**") and until such time as alternative drainage for the Subdivision is designed and constructed that meets the requirements of Chapters 16 and 18 of the Maui County Code and any administrative rules adopted thereunder ("**Expiration Date**"), WCE shall, at its expense, maintain a policy or policies of commercial general liability insurance with a limit of Two Million Dollars (\$2,000,000) per occurrence, with Three Million Dollars (\$3,000,000) in the aggregate, protecting against claims for personal injury, death or property damage arising out of any claims that the drainage system for the Subdivision in the area of the Property does not meet the requirements of Chapters 16 and 18 of the Maui County Code and any administrative rules adopted thereunder. The insurance policy shall name the County as an additional insured. The foregoing insurance shall not apply to any such claims arising out of the gross negligence or willful misconduct of the County.

2. Indemnity. Upon the Commencement Date and until the Expiration Date, WCE agrees to defend, indemnify, and hold harmless the County for any damages, claims, liability, personal injuries, deaths, demands, actions, causes of action, losses, judgments, costs and

expenses (including, without limitation, reasonable attorneys' fees and expenses) arising out of any claims that the drainage system for the Subdivision in the area of the Property does not meet the requirements of Chapters 16 and 18 of the Maui County Code and any administrative rules adopted thereunder. The foregoing indemnity shall not apply to any claims arising out of the gross negligence or willful misconduct of the County.

3. Term. The term of this Agreement will commence upon the Commencement Date and shall automatically terminate on the Expiration Date.

4. Binding. This Agreement shall be binding upon WCE and its successors and assigns.

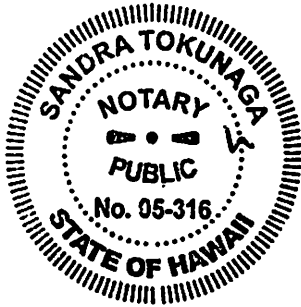
5. Notice. Any and all notices, demands or other communications given hereunder shall be deemed sufficiently given or rendered only if in writing and shall be deemed to have been duly given or made (i) upon delivery, if hand delivered; (ii) one (1) business day after being sent by prepaid overnight courier with guaranteed delivery, with a record of receipt; or (iii) three (3) business days after deposit in the by United States mail, certified or registered, return receipt requested to the parties at the following addresses (or at such other addresses as shall be specified by the parties by like notice):

If to WCE: Wailuku Country Estates Community Association, Inc.  
c/o Maui Land Broker and Property Management, Inc.  
P.O. Box 581  
Wailuku, Hawaii 96793  
Tel. (808) 442-3063

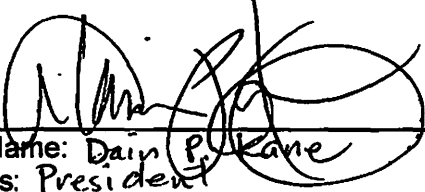
If to County: County of Maui  
Department of Public Works  
200 South High Street  
Wailuku, Hawaii 96793  
Attn: David Goode, Director  
Phone: (808) 270-7845

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

The undersigned has executed this Agreement on the day and year first written above.



WAILUKU COUNTRY ESTATES COMMUNITY  
ASSOCIATION, INC., a Hawaii nonprofit corporation

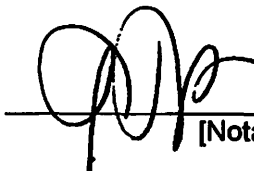
By  \_\_\_\_\_  
Name: Dain P. Kane  
Its: President

STATE OF HAWAII

COUNTY OF MAUI

)  
) ss.  
)

The attached document: UNILATERAL INSURANCE AGREEMENT AS TO  
ROAD, dated 2/21/2018  
which consists of ( 15 ) pages (including this page), was  
executed by Dain Kane on this 21 day of  
Feb, 2018 in the 2nd Judicial Circuit of the State of Hawaii, personally  
known/proved to me on the basis of satisfactory evidence to be the person, who personally  
appeared before me and being by me duly sworn or affirmed, did say that he/~~she~~/they is/are  
the President of WAILUKU COUNTRY ESTATES  
COMMUNITY ASSOCIATION, INC., a Hawaii nonprofit corporation , and that such person  
executed the foregoing instrument as the free act and deed of such person, and if applicable in  
the capacity shown, having been duly authorized to execute such instrument in such capacity.

  
[Notary Signature]

Printed Name: Sandra Tokunaga

My commission expires: 11/10/2021





**LAND DESCRIPTION**  
**Proposed Easement "L-1"**

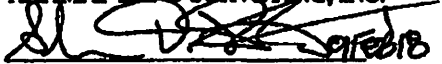
An easement for retention pond purposes in favor of the Wailuku Country Estates Homeowners Association affecting all of Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision, being portion(s) of the Kamehameha IV Deed to C. Brewer and others.

Situates at,  
Waiehu, Wailuku, Maui, Hawaii  
Tax Map Key: (2) 3-3-02: Portion of 32

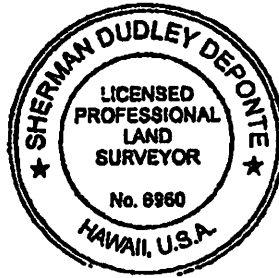
Beginning at the Northwestern corner of this easement and Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision, being the Southwestern corner of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, being also a point on the Easterly right-of-way line of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 7,708.27 feet North and 2,326.68 feet West, and running by azimuths measured clockwise from True South; thence,

1. Following along the Southerly right-of-way line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a curve concave to the right with the point of curvature azimuth from the radial point passing through the beginning of said curve being 183° 59' 05" and the point of tangency from the radial point being 190° 05' 44", having a radius of 580.00 feet, the chord azimuth and distance being 277° 02' 24.5" for 61.83 feet to a point; thence,
2. Following along the Southerly right-of-way line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a compound curve concave to the right with the point of curvature azimuth from the radial point passing through the beginning of said curve being 190° 05' 44" and the point of tangency from the radial point being 282° 54' 00" having a radius of 50.00 feet, the chord azimuth and distance being 326° 29' 52" for 72.42 feet to a point; thence,
3.      12° 54' 00"                      39.93      feet along the Westerly right-of-way line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision to a point; thence,
4. Following along the same, along the arc of a curve concave to the left and having a radius of 2,525.00 feet, the chord azimuth and distance being 11° 24' 48.5" for 131.01 feet to a point; thence,
5.      9° 55' 37"                      72.34      feet along the Westerly right-of-way line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, to a point; thence,
6.      165° 15' 00"                      50.90      feet along the Easterly right-of-way line of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] to a point; thence,
7.      170° 56' 00"                      260.60      feet along the same, to the point of beginning, containing an area of 16,526 square feet or 0.379 acre.

This work was done by me or  
under my direct supervision.  
AKAMAI LAND SURVEYING, INC.



Sherman Dudley DePonte  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 6960  
Expires: April 30, 2018  
217396 (12/06/17 TK)





**LAND DESCRIPTION**  
**Proposed Easement "L-2"**

An easement for access and utility purposes in favor of the Wailuku Country Estates Homeowners Association affecting all of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, being portion(s) of the Kamehameha IV Deed to C. Brewer and others.

Situate at,  
Waiehu, Wailuku, Maui, Hawaii  
Tax Map Key: (2) 3-3-02: Portion of 32

Beginning at the Northeasterly corner of this easement and Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, being an Easterly corner of Spreckels Ditch right-of-way [Tax Map Key:(2)3-3-02:20] being also a point on the Westerly right-of-way line of Kahekili Highway, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 8,044.93 feet North and 2,110.15 feet West, and running by azimuths measured clockwise from True South; thence,

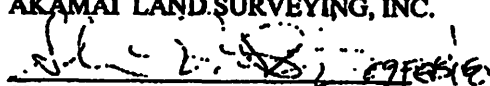
1.    13° 09' 22"                   685.69    feet along the Westerly right-of-way line of Kahekili Highway to a point; thence,
2.    165° 15' 00"               25.30    feet along the Easterly right-of-way line of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] to a point; thence,
3.    189° 55' 37"               72.34    feet along the Easterly property boundary line of Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision to a point; thence,
4.    Following along the same, along the arc of a curve concave to the right, and having a radius of 2,525.00 feet, the chord azimuth and distance being 191° 24' 48.5" for 131.01 feet to a point; thence,
5.    192° 54' 00"               39.93    feet along Easterly property boundary line of Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision, to a point; thence,
6.    Following along the Northeasterly property boundary line of Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a curve concave to the left with the point of curvature azimuth from the radial point passing through the beginning of said curve being 282° 54' 00" and the point of tangency from the radial point being 190° 05' 44", having a radius of 50.00 feet, the chord azimuth and distance being 146° 29' 52" for 72.42 feet to a point; thence,
7.    Following along the Northerly property boundary line of Lot 1 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a compound curve concave to the left with the point of curvature azimuth from the radial point passing through the beginning of said curve being 190° 05' 44" and the point of tangency from the

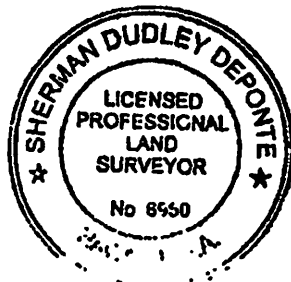
radial point being 183° 59' 05", having a radius of 580.00 feet, the chord azimuth and distance being 97° 02' 24.5" for 61.83 feet to a point; thence,

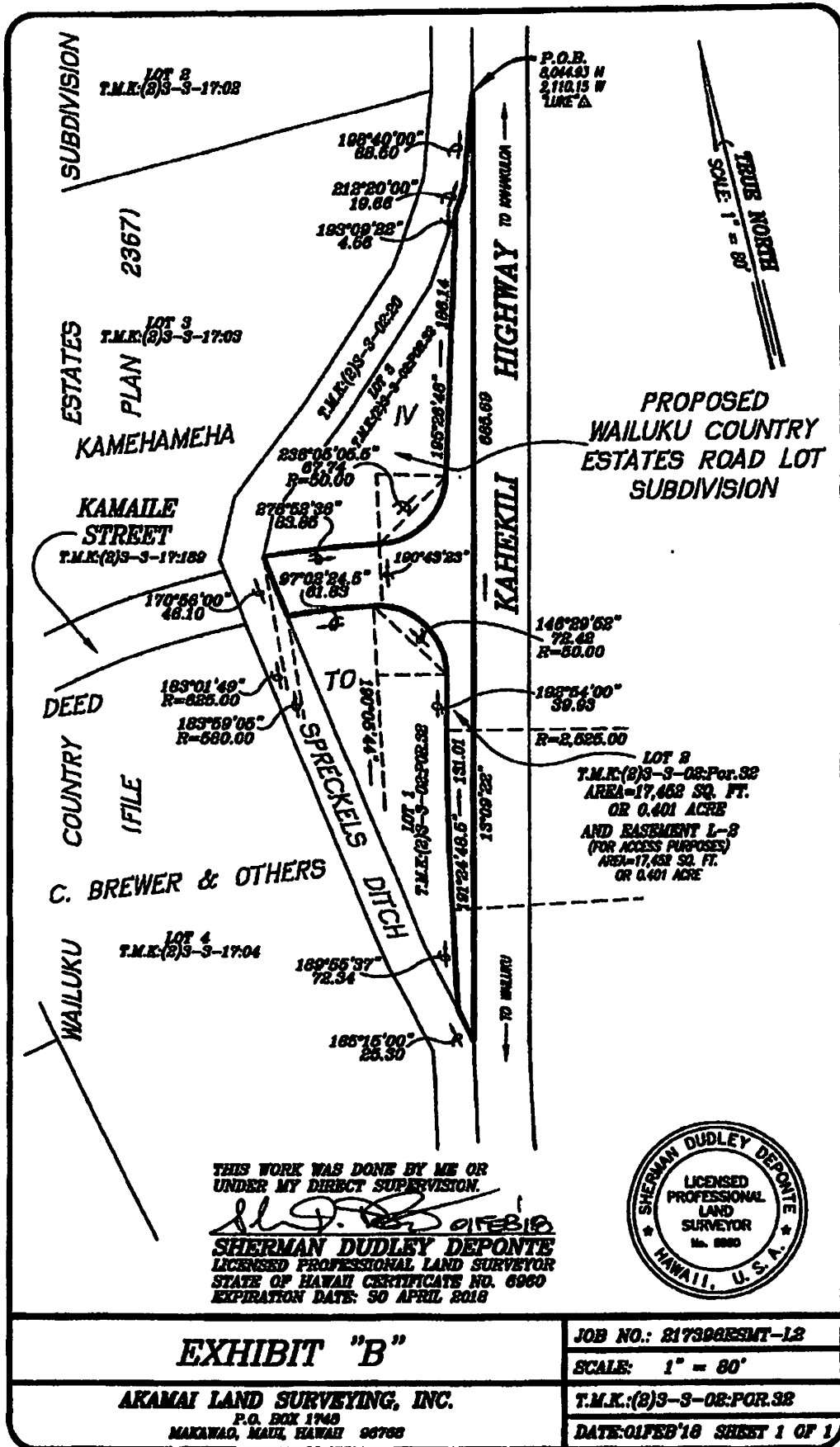
8. 170° 56' 00" 46.10 feet along the Easterly right-of-way line of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] to a point; thence,
9. Following along the Southerly property boundary line of Lot 3 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a curve concave to the right with the point of curvature azimuth from the radial point passing through the beginning of said curve being 183° 01' 49" and the point of tangency from the radial point being 190° 43' 23" having a radius of 625.00 feet, the chord azimuth and distance being 276° 52' 36" for 83.85 feet to a point; thence,
10. Following along the Southeasterly property boundary line of Lot 3 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a reverse curve concave to the left with the point of curvature azimuth from the radial point passing through the beginning of said reverse curve being 10° 43' 23" and the point of tangency from the radial point being 285° 26' 48", having a radius of 50.00 feet, the chord azimuth and distance being 238° 05' 05.5" for 67.74 feet to a point; thence,
11. 195° 26' 48" 186.14 feet along the Easterly property boundary line of Lot 3 of the Proposed Wailuku Country Estates Road Lot Subdivision to a point; thence,
12. 193° 09' 22" 4.56 feet along the same, to a point; thence,
13. 212° 20' 00" 19.66 feet along the Easterly right-of-way line of Spreckels Ditch [Tax Map Key: (2)3-3-02:20] to a point; thence,
14. 198° 40' 00" 68.50 feet along the same, to the point of beginning, containing an area of 17,452 square feet or 0.401 acre.

This work was done by me or  
under my direct supervision.

AKAMAI LAND SURVEYING, INC.

  
Sherman Dudley DePonte  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 6960  
Expires: April 30, 2018  
217396 (12/08/17 TK)





**EXHIBIT "B"**

**AKAMAI LAND SURVEYING, INC.**  
 P.O. BOX 1749  
 MAKAWAO, MAUI, HAWAII 96768

**JOB NO.: 217398RESMT-12**

**SCALE: 1" = 80'**

**T.M.K.:(2)3-3-02-FOR.32**

**DATE: 01 FEB '18 SHEET 1 OF 1**

## LAND DESCRIPTION

**An easement for retention pond purposes in favor of the Wailuku Country Estates Homeowners Association affecting all of Lot 3 of the Proposed Wailuku Country Estates Road Lot Subdivision, being portion(s) of the Kamehameha IV Deed to C. Brewer and others.**

**Situate at,  
Waiehu, Waihuku, Maui, Hawaii  
Tax Map Key: (2) 3-3-02: Portion of 32**

Beginning at the Southwesterly corner of this easement and Lot 3 of the Proposed Wailuku Country Estates Road Lot Subdivision, being the Northwestern corner of Lot 2 of the proposed Wailuku Country Estates Road Lot Subdivision, being also an Easterly right-of-way corner of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 7,753.80 feet North and 2,333.95 feet West, and running by azimuths measured clockwise from True South; thence,

1. 206° 00' 00" 31.00 feet along the Easterly right-of-way line of Spreckels Ditch [Tax Map Key:(2)3-3-02:20] to a point; thence,
2. 230° 10' 00" 82.00 feet along the same to a point; thence,
3. 226° 00' 00" 118.00 feet along the same to a point; thence,
4. 212° 20' 00" 55.94 feet along the same to a point; thence,
5. 13° 09' 22" 4.56 feet along the Northwesterly property boundary line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision to a point; thence,
6. 15° 26' 48" 186.14 feet along the same, to a point; thence,
7. Following along the same, along the arc of a curve concave to the right with the point of curvature azimuth from the radial point passing through the beginning of said curve being 285° 26' 48" and the point of tangency from the radial point being 10° 43' 23", having a radius of 50.00 feet, the chord azimuth and distance being 58° 05' 05.5" for 67.74 feet to a point; thence,
8. Following along the Northerly property boundary line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, along the arc of a reverse curve concave to the left with the point of curvature azimuth from the radial point passing through the beginning of said reverse curve being 190° 43' 23" and the point of tangency from the radial point being 183° 01' 49", having a radius of 625.00 feet, the chord azimuth and distance being 96° 52' 36" for 83.85 feet to the point of beginning, containing an area of 14,026 square feet or 0.322 acre.

This work was done by me or  
under my direct supervision.

AKAMAI LAND SURVEYING, INC.

*[Signature]* 01 FEB 18

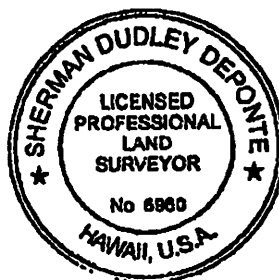
Sherman Dudley DePonte

Licensed Professional Land Surveyor

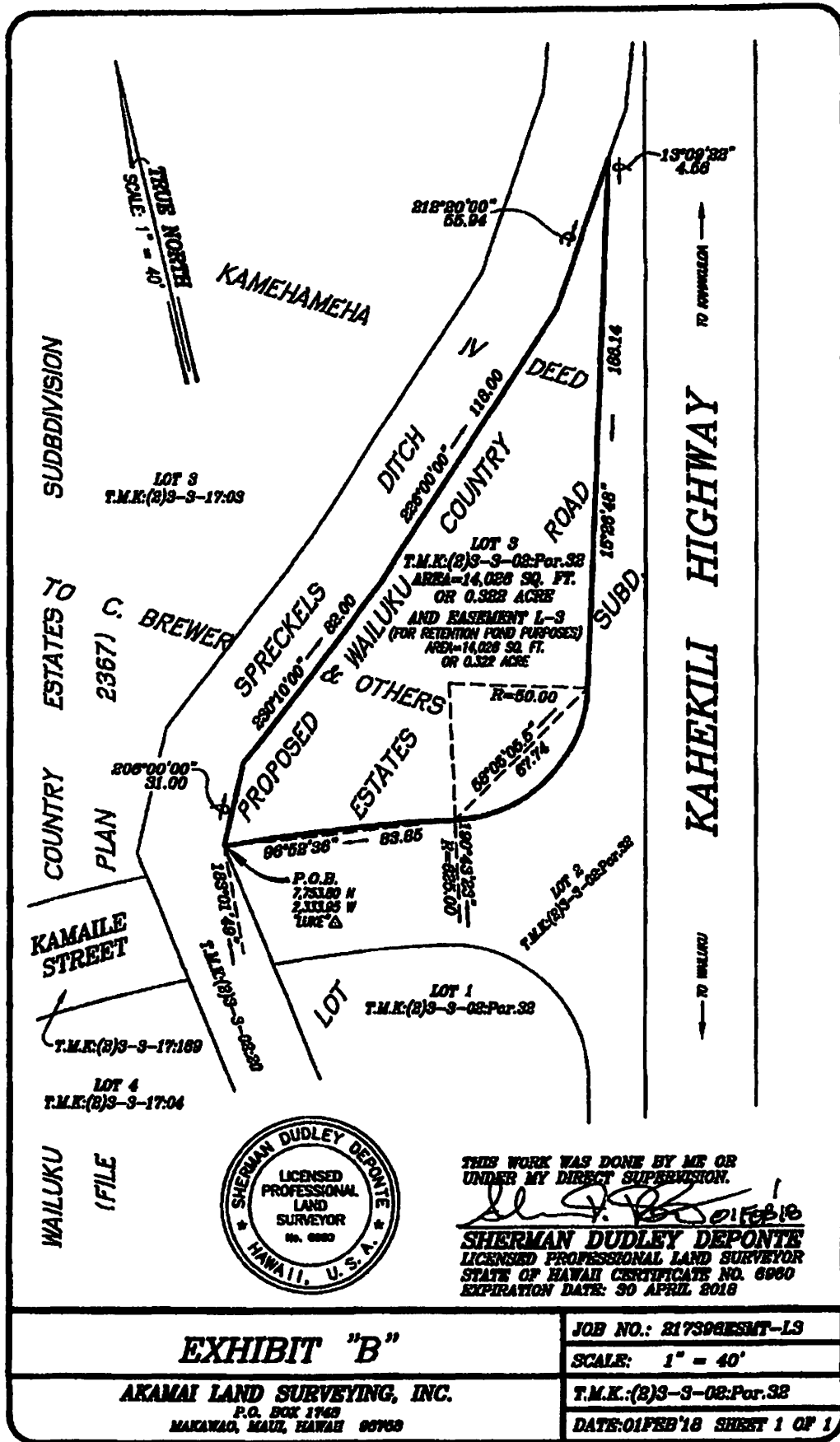
State of Hawaii Certificate No. 6960

Expires: April 30, 2018

217396 (12/06/17 TK)







**LAND DESCRIPTION**  
**Proposed Easement "L-4"**

An easement (forty feet wide) for access and utility purposes in favor of the Wailuku Country Estates Homeowners Association affecting a portion of the Kahakili Highway right-of-way.

Situate at,  
Waiehu, Wailuku, Maui, Hawaii  
Tax Map Key: (2) 3-3-02

Beginning at the Northwestern corner of this easement, and the Northeasterly corner of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision, being an Easterly corner of Spreckels Ditch right-of-way [Tax Map Key: (2) 3-3-02:20] being also a point on the Westerly right-of-way line of Kahakili Highway, the coordinates of said point of beginning are based on record information and referred to Government Survey Triangulation Station "LUKE" being 8,044.93 feet North and 2,110.15 feet West, and running by azimuths measured clockwise from True South; thence,

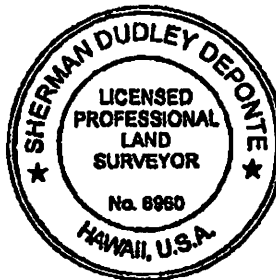
- |    |              |        |   |
|----|--------------|--------|---|
| 1. | 283° 09' 22" | 40.00  | feet along the remainder of Kahakili Highway right-of-way to a point; thence,   |
| 2. | 13° 09' 22"  | 685.69 | feet along the Easterly right-of-way line of Kahakili Highway to a point; thence,   |
| 3. | 103° 09' 22" | 40.00  | feet along the remainder of the Kahakili Highway right-of-way to a point; thence,   |
| 4. | 193° 09' 22" | 685.69 | feet along the Easterly property boundary line of Lot 2 of the Proposed Wailuku Country Estates Road Lot Subdivision to the point of beginning, containing an area of 27,428 square feet or 0.630 acre. |

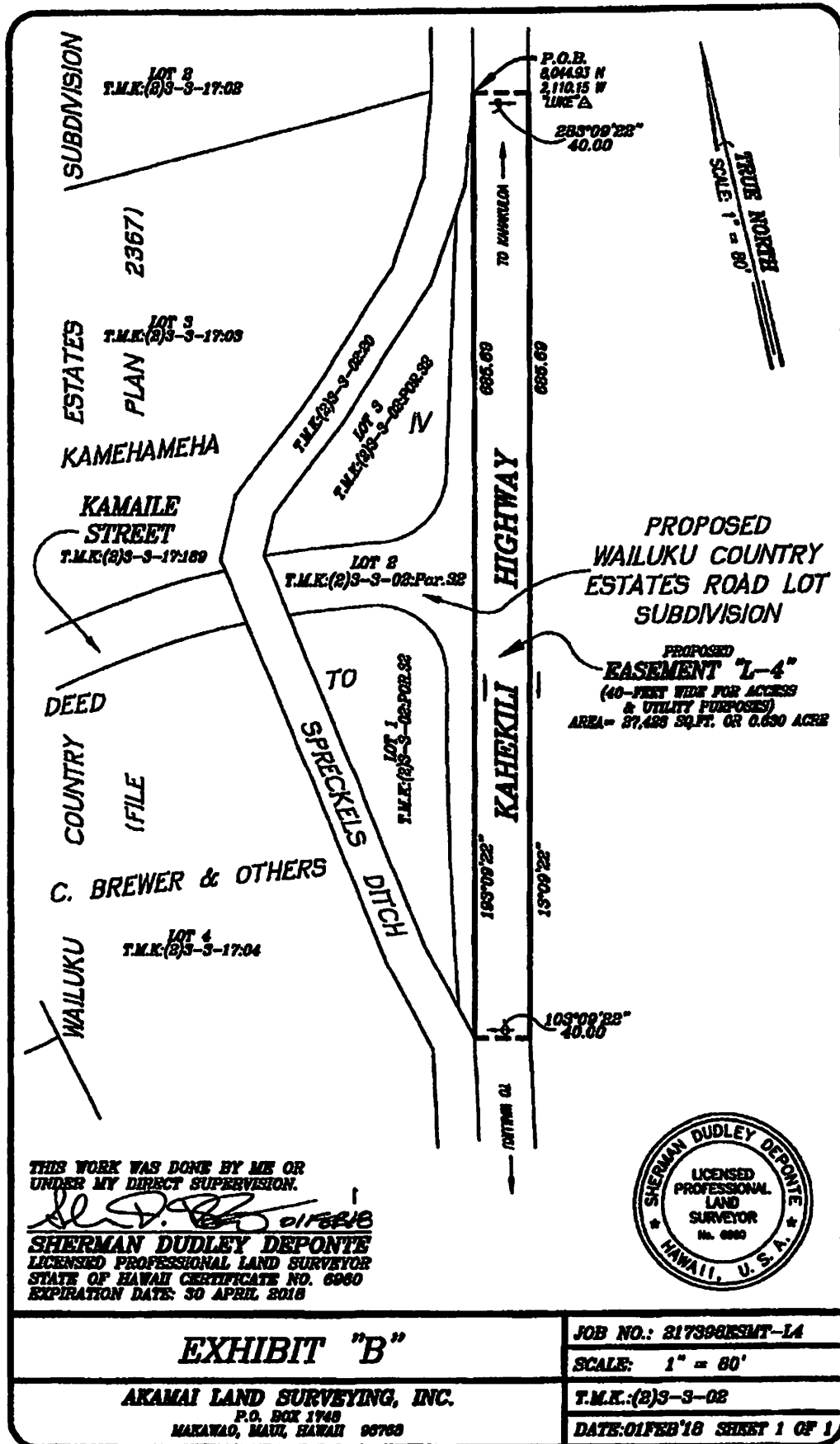
This work was done by me or  
under my direct supervision.

AKAMAI LAND SURVEYING, INC. |

*[Signature]*

Sherman Dudley DePonte  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 6960  
Expires: April 30, 2018  
217396 (12/08/17 TK)





# Resolution

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

ACCEPTING THE GRANT OF NON-EXCLUSIVE  
EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE  
DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, Wailuku Water Company, LLC, a Hawaii limited liability company ("Grantor"), wishes to grant non-exclusive easements to the County of Maui ("Grantee") for access purposes, over, under, across, and through those portions of that certain real property situate at Wailuku, Maui, Hawaii, and designated as Tax Map Key No. (2) 3-3-017:186 (Lot 186), as more particularly identified as Easements R-1 and R-2 and described in Exhibits "A-1" and "B-1" as shown in Exhibit "1", attached hereto and made a part hereof, including the right to construct, reconstruct, install, maintain, operate, repair, replace, and remove the roadway, culverts, and related facilities therein, including any other equipment and appurtenances necessary or expedient for the proper maintenance, operation, or repair of such improvements; and

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

WHEREAS, a Grant of Easements over Waihee Ditch is attached hereto as Exhibit "1"; and

WHEREAS, Exhibits "A-1" and "B-1" of Exhibit "1" describe the easements and shall be hereinafter referred to collectively as the "Easement Areas"; 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) of the 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 does hereby accept dedication of the Easement Areas, in accordance with the terms and conditions of the Grant of Easements as described in Exhibit "1"; and

2. That it does hereby authorize the Mayor of the County of Maui, or the Mayor's duly authorized representative, to execute all necessary documents in connection with the granting of the easements; and

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

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

APPROVED AS TO FORM  
AND LEGALITY:

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

DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui  
2017-0092/2017-0086  
IEM-66 2018-10-10 Resolution

LAND COURT

REGULAR SYSTEM

Return by Mail ☒ Pick-Up ☐ To:

COUNTY OF MAUI  
Department of Public Works  
200 South High Street  
Wailuku, Maui, Hawaii 96793

TITLE OF DOCUMENT:

GRANT OF EASEMENTS OVER WAIHEE DITCH

PARTIES TO DOCUMENT:

GRANTOR: WAILUKU WATER COMPANY, LLC  
P.O. Box 2790  
Wailuku, HI 96793

GRANTEE: COUNTY OF MAUI  
200 South High Street  
Wailuku, HI 96793

TAX MAP KEY: (2) 3-3-017:186

## GRANT OF EASEMENTS OVER WAIHEE DITCH

THIS GRANT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between WAILUKU WATER COMPANY, LLC, a Hawaii limited liability company, the mailing address of which is P.O. Box 2790, Wailuku, HI 96793 (hereinafter referred to as the "Grantor") and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, the principal office and mailing address of which is 200 South High Street, Wailuku, Hawaii 96793 (hereinafter referred to as the "Grantee").

### WITNESSETH:

That Grantor, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to the Grantor by the Grantee, and other valuable consideration, the receipt whereof is hereby acknowledged, and subject to the terms, conditions and covenants contained herein and pursuant to Section 3.44.015(D) of the Maui County Code, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, perpetual, nonexclusive easements over, under, across and through those portions of that certain real property situate at Wailuku, Maui, State of Hawaii and designated as Tax Map Key No. (2) 3-3-017:186 ("Lot 186"), as more particularly identified as Easements R-1, consisting of approximately 8,768 sq. ft., and R-2, consisting of approximately 6,976 sq. ft., and described in Exhibit "A", and further shown on Exhibits "A-1" and "B-1" attached hereto and made a part hereof (collectively, the "Easement Areas"). The easements granted hereunder shall be for access purposes, including the right to construct, reconstruct, install, maintain, operate, repair, replace, and remove the roadway, culverts and related facilities (collectively, the "Improvements") therein, including any other equipment and appurtenances necessary or expedient for the proper maintenance, operation or repair of such Improvements; provided, however, that in no way will such easements interfere with the flow of water in the Waihee Ditch and Grantor's rights to the ditch and the water therein shall be preserved.

THE PARTIES HERETO DO FURTHER MUTUALLY COVENANT AND AGREE:

That Grantor shall not at any time during the term of this indenture erect any building foundation or any other physical improvements in the Easement Areas. This provision shall prohibit Grantor from planting grass or shrubs, including trees, within said Easement Areas; provided, however, that Grantor shall have the right to maintain and replace the landscaping existing as of the date of this Easement that may be located in the Easement Areas.

That Grantee shall exercise the rights herein granted in such manner as will not unreasonably interfere, except during the period of construction, reconstruction, maintenance, operation, repair or removal of any Improvements, with the use of said Easement Areas by Grantor, and that after the completion of any work by Grantee, Grantee shall restore the surface of the ground above said Easement Areas to an appropriate condition to the extent that such restoration is reasonably possible.



That Grantee agrees that Grantor shall have perpetual easement rights for use, operation, maintenance, repair, improvement and/or replacement of the waterways, pipelines, systems, and related water transmission facilities in the Waihee Ditch, and the right to use water therefrom, together with the right of access thereto and thereon reasonably required or convenient for such purposes and Grantee shall not obstruct, divert or otherwise interfere with the full and free flowage of water within and through the Waihee Ditch (the "Reserved Rights"). Grantee agrees to comply with requests from Grantor with respect to the Reserved Rights and the Grantee's obligations with respect to said Reserved Rights.

That Grantor shall indemnify and save harmless Grantee, its legal successors and assigns, against loss or damage to the property of Grantee or to the property of others and from liability for injury to or death of persons in the manner provided by law when and to the extent such loss, damage, injury or death proximately results from the negligence of Grantor, its successors and assigns.

That Grantee shall indemnify and save harmless Grantor, its legal successors and assigns, against loss or damage to the property of Grantor or to the property of others and from liability for injury to or death of persons in the manner provided by law when and to the extent such loss, damage, injury or death proximately results from the negligence of Grantee, its successors and assigns, to the extent that Grantee's liability for such damage or injury has been determined by a court or otherwise agreed to by Grantee, and Grantee shall pay for such damages and injury to the extent permitted by law and approved by the Maui County Council pursuant to Maui County Code Chapter 3.16, as amended.

That any Improvements constructed, reconstructed or installed within the Easement Areas, and maintained, operated or repaired by Grantee, shall be the property of Grantee.

This Agreement shall be binding upon and inure to the parties, their heirs, personal representatives and assigns.

It is understood and agreed 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.

This Agreement may be executed in counterparts, each of which shall be deemed an original and said counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed on the day and year first written above.

GRANTOR:

WAILUKU WATER COMPANY, LLC

By

  
President

Its

APPROVAL RECOMMENDED:



DAVID GOODE  
Director of Public Works

GRANTEE:

COUNTY OF MAUI

By

ALAN M. ARAKAWA  
Its Mayor

APPROVED AS TO FORM  
AND LEGALITY:



for MICHAEL HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII  
COUNTY OF MAUI

)  
) SS:  
)

On this 10<sup>th</sup> day of October, 2018, before me personally appeared Avery B. Chumbley, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

[Signature]  
Notary Public, State of Hawaii

Printed Name: Tenianne L. Furukawa

My commission expires: August 15, 2022

V.S.

(Official Stamp or Seal)

**NOTARY CERTIFICATION STATEMENT**

Document Identification or Description: Real Property  
Purchase and Sale Agreement

Doc. Date: \_\_\_\_\_ or ☒ Undated at time of  
notarization.

No. of Pages: 9 Jurisdiction: Seventh Circuit  
(in which notarial act is performed)

[Signature] 10/10/18  
Signature of Notary Date of Notarization and  
Certification Statement

Tenianne L. Furukawa  
Printed Name of Notary

V.S.  
(Official Stamp or Seal)

)

)

)

Exhibit "A"

Easement over portions of the Waihee Ditch, designated on the tax maps of the Second Taxation Division of the State of Hawaii as Tax Map Key No. (2) 3-3-17-186 (the "Property"), being:

- a. The KAMAILE STREET AT WAIHEE DITCH crossing, described by reference to File Plan 2367 as:

A Roadway and Utility Easement affecting a portion of LOT 186 of WAILUKU COUNTRY ESTATES, at Wailuku, Maui, Hawaii, as shown on File Plan No. 2367 filed in the Bureau of Conveyances of the State of Hawaii, and more particularly described as EASEMENT R-1, as shown on said File Plan No. 2367 and further shown on Exhibit A-1 attached hereto, and

- b. The MAIKA STREET AT WAIHEE DITCH crossing described by reference to File Plan 2367 as:

A Roadway and Utility Easement affecting a portion of LOT 186 of WAILUKU COUNTRY ESTATES, at Wailuku, Maui, Hawaii, as shown on File Plan No. 2367 filed in the Bureau of Conveyances of the State of Hawaii, and more particularly described as EASEMENT R-2, as shown on said File Plan No. 2367 and further shown on Exhibit B-1 attached hereto.



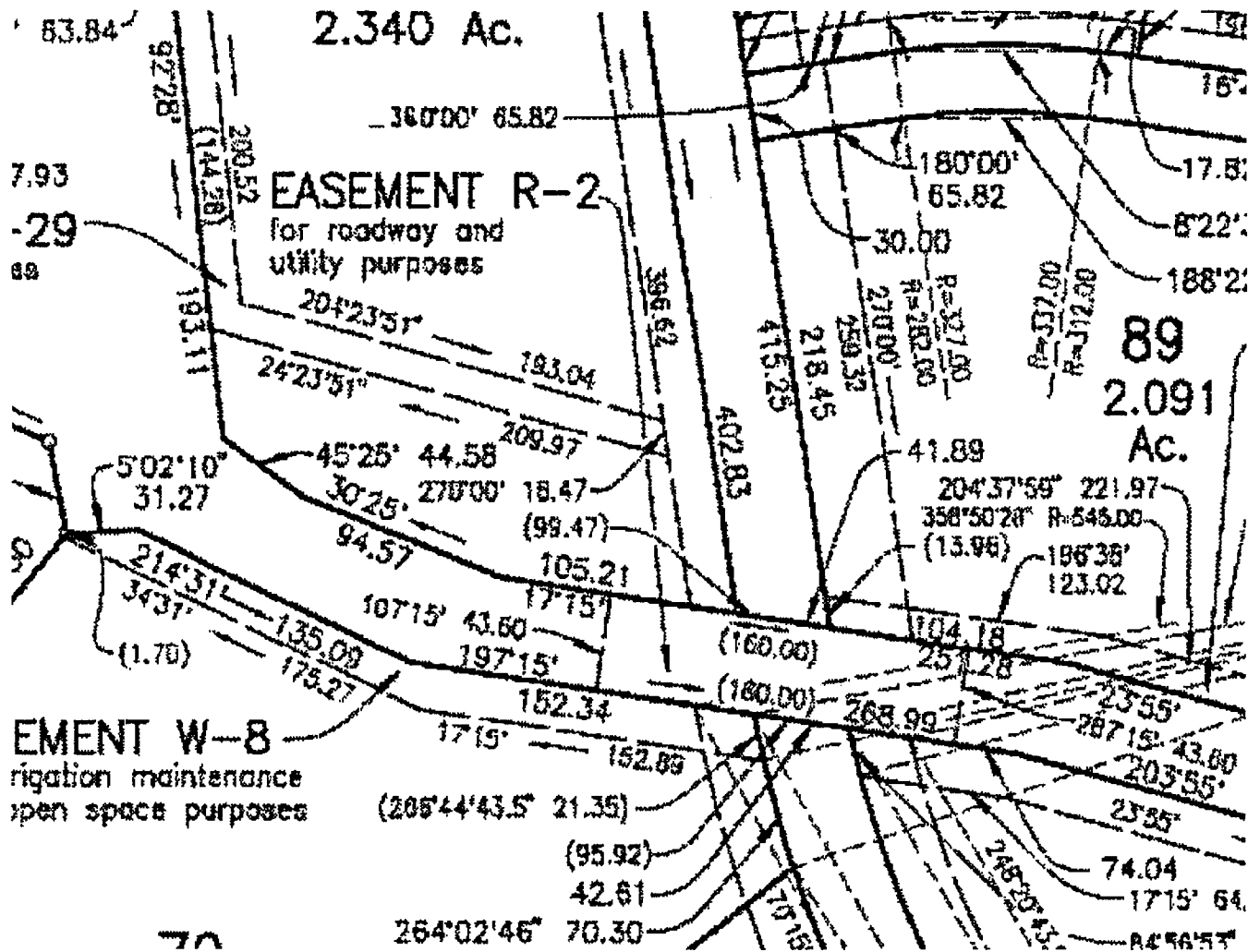


Exhibit "B-1"