

COUNCIL OF THE COUNTY OF MAUI
ECONOMIC DEVELOPMENT AND
BUDGET COMMITTEE

June 19, 2020

Committee
Report No. _____

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

Chair and Members:

Your Economic Development and Budget Committee, having met on June 4, 2020, makes reference to County Communication 20-270, from Council Chair Alice L. Lee, relating to the acquisition of Lot 6, Haiku Sugar East Subdivision, in accordance with Resolution 20-28.

By correspondence dated May 12, 2020, the Department of the Corporation Counsel transmitted a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 48.774 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-7-007:005, SITUATED AT HAMAKUALOA, MAKAWAO, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS LOT 6, HAIKU SUGAR EAST SUBDIVISION, FOR AN AMOUNT NOT TO EXCEED \$1,700,000.00."

The purpose of the proposed resolution is to authorize the acquisition of approximately 48.774 acres identified as tax map key (2) 2-7-007:005, Hamakualoa, Makawao, Maui, Hawaii, being more particularly described as Lot 6, Haiku Sugar East Subdivision, for an amount not to exceed \$1,700,000.

Your Committee received information from the Department of Corporation Counsel related to the proposed resolution and the County's pending purchase of the subject property. A Deputy Corporation Counsel advised your Committee the Fiscal Year 2020 funds had been encumbered to acquire the property. The proposed resolution would clarify the property description referenced in Resolution 20-28, according to the Deputy Corporation Counsel, which would facilitate the acquisition and address concerns raised in a lawsuit, a copy of which was provided to your Committee.

COUNCIL OF THE COUNTY OF MAUI
**ECONOMIC DEVELOPMENT AND
BUDGET COMMITTEE**

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Committee
Report No. _____

Your Committee determined it would like the Administration to proceed with the purchase of the property and, therefore, expressed support for the proposed resolution.

Your Committee voted 8-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Rawlins-Fernandez, Vice-Chair King, and members Kama, Lee, Molina, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama was excused.

Your Economic Development and Budget Committee
RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 48.774 ACRES IDENTIFIED AS TAX MAP KEY NO. (2) 2-7-007:005, SITUATED AT HAMAKUALOA, MAKAWAO, MAUI, HAWAII, BEING MORE PARTICULARLY DESCRIBED AS LOT 6, HAIKU SUGAR EAST SUBDIVISION, FOR AN AMOUNT NOT TO EXCEED \$1,700,000.00," be ADOPTED; and
2. That County Communication 20-270 be FILED.

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



KEANI N.W. RAWLINS-FERNANDEZ, Chair

Resolution

No. _____

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

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

WHEREAS, the Council adopted Resolution 20-28 on March 13, 2020, approving the acquisition of the Property and authorizing the Mayor to execute all necessary documents required to purchase the Property; and

WHEREAS, the Council now wishes to clarify the description of the Property; and

WHEREAS, the Council notes that the Property is subject to Easement 1-A, a non-exclusive easement in favor of Lot 2 of the Haiku Sugar East subdivision, as described in Exhibit "B", the terms of which are further described in the Declaration of Easements dated December 22, 2014, recorded with the Bureau of Conveyances as document nos. A-54690744A through A-54690744B, as amended by the Amended and Restated Declaration of Easements, dated September 1, 2016, recorded with the Bureau of Conveyances as Document No. A-60960769; and

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

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

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

Resolution No. _____

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

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

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

1. That the Council finds the acquisition of the Property to be in the public interest; and
2. That pursuant to Section 3.44.015(C), Maui County Code, the Council authorizes the acquisition of the Property for an amount not to exceed ONE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,700,000.00), exclusive of closing costs and expenses; and
3. That it does hereby authorize the Mayor or the Mayor's duly authorized representative, to execute all necessary documents in connection with the acquisition of the Property, which authorization shall apply to any documents executed prior to the effective date of this resolution; and
4. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, and Kary M. Hisashima, Karlee C. Hisashima and Judy Y. Hisashima; and
5. That this Resolution supersedes Resolution 20-28 in its entirety.

APPROVED AS TO FORM
AND LEGALITY:

/s/Michael J. Hopper

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2019-0098/2019-0998
EDB-86 2020-05-12 Resolution

**HAIKU SUGAR EAST
LOT 6**

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

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

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

1. 143° 12' 16.77 feet along Hana Highway;
2. Thence, along same on a curve to the left having a radius of 2684.42 feet, the chord azimuth and distance being:

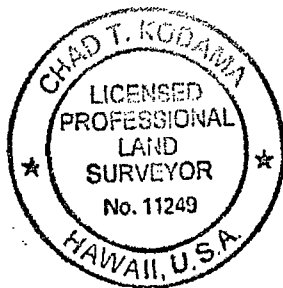
133° 25' 05" 912.16 feet;
3. 213° 38' 10" 10.00 feet along same;
4. Thence, along same on a curve to the left having a radius of 2694.42 feet, the chord azimuth and distance being:

120° 00' 35" 340.85 feet;
5. Thence along Grant 7149 to Anne B. Wilkens, following along the centerline of East Kuiaha Stream for the next seventeen (17) courses, the direct azimuths and distances being:

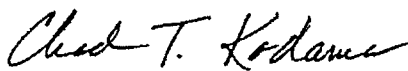
169° 44' 30" 33.15 feet;
6. 193° 42' 47.00 feet ;
7. 213° 27' 47.00 feet ;
8. 269° 03' 47.00 feet ;

9.	320° 34'	150.00 feet ;
10.	297° 18'	57.00 feet ;
11.	280° 24'	54.00 feet ;
12.	294° 35'	52.50 feet ;
13.	300° 52'	43.00 feet ;
14.	294° 35'	46.50 feet ;
15.	285° 15'	47.00 feet ;
16.	271° 02'	92.00 feet ;
17.	215° 32'	42.00 feet ;
18.	152° 57'	50.00 feet ;
19.	125° 22'	171.00 feet ;
20.	138° 11'	42.50 feet ;
21.	144° 01'	53.63 feet ;
22.	273° 37'	65.85 feet along Lot 3 of Haiku Sugar East;
23.	189° 17'	996.54 feet along same;
24.	286° 04'	681.87 feet along Lot 2 of Haiku Sugar East;
25.	281° 56'	196.80 feet along same;
26.	323° 40'	222.00 feet along same;
27.	303° 16'	85.00 feet along same and along Lot 1 of Haiku Sugar East;
28.	346° 00'	1,500 feet along Lot 1 of Haiku Sugar East;

- | | | |
|-----|----------|---|
| 29. | 115° 31' | 67.30 feet along the northerly side of Kahu Road; |
| 30. | 92° 35' | 347.90 feet along same; |
| 31. | 78° 30' | 147.60 feet along same; |
| 32. | 149° 09' | 255.60 feet along same; |
| 33. | 104° 36' | 77.00 feet along same; |
| 34. | 70° 48' | 110.40 feet along same; |
| 35. | 22° 30' | 246.70 feet along same; |
| 36. | 72° 38' | 67.24 feet along same to the point of beginning
and containing an area of 48.774
Acres. |



May 8, 2020
JN 16001-15-1


Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
Exp. 04/30/2022

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

Easement 1A (40-Foot Wide) for access and utility purposes in favor of Lot 2 of Haiku Sugar East.

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

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

Beginning at the South corner of this piece of land, on the North side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,476.28 feet North and 10,667.47 feet West, thence running by azimuths measured clockwise from true South:

1. Along the North side of Hana Highway, on a curve to the left with a radius of 2,684.42 feet, the chord azimuth and distance being:

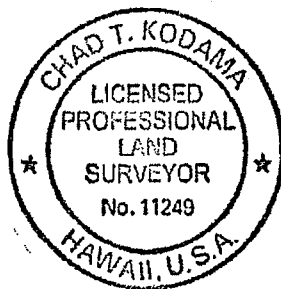
130° 50' 03.5" 40.20 feet;
2. 226° 32' 115.39 feet along the remainder of Grant 6257 to W.R. Patterson;
3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:

186° 16' 248.84 feet;
4. 146° 00' 350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;
5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

193° 00' 146.27 feet;
6. 240° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;

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

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



May 8, 2020
Honolulu, Hawaii

Chad T. Kodama

Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires 4/30/2022

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

R.P. 4490, L.C. 10474, AP 5 TO HAWAII

LOT 1

TRUE NORTH
SCALE: 1 IN. = 200 FT.

GRANT 6257 TO W.R. PATTERSON

LOT 6
48.774 Acs.

LOT 2

LOT 3

GRANT 383 TO RICHARD ARMSTRONG

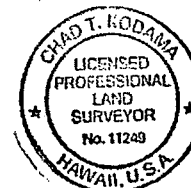
BOUNDARY FOLLOWS ALONG
CENTERLINE OF STREAM

EASEMENT 1A (40 FT. WIDE)
1.615 ACS.

HAIKU SUGAR EAST
LOT 6
BEING PORTIONS OF GRANT 383 TO RICHARD ARMSTRONG
AND GRANT 6257 TO W. R. PATTERSON
EAST KUAHA, HAMAKUALOA, MAKAWAO, MAUI, HAWAII

NOTES:

1. AZIMUTHS AND COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAPUN".
2. EASEMENT 1A (40-FOOT WIDE) FOR ACCESS AND UTILITY PURPOSES IN FAVOR OF LOT 2 OF HAIKU SUGAR EAST.
3. EASEMENT 1A REVISED ON MAY 8, 2020.



This work was prepared by me
or under my supervision.

Chad T. Kodama
Chad T. Kodama
Licensed Professional Land Surveyor
Certificate Number 11249
License Expires 4/30/2022

NOVEMBER 13, 2014
REVISED AUGUST 12, 2015
REVISED JUNE 29, 2016
REVISED MAY 8, 2020

CONTROLPOINT SURVEYING, INC.
615 PINE STREET, SUITE 700 · HONOLULU HI 96814

11" X 17" = 1.3 Sq. Ft.

PRELIMINARY REPORT
(No Liability Hereunder)

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

SCHEDULE A

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

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

This report is dated as of March 17, 2020 at 8:00 a.m.

Inquiries concerning this report should be directed to:
Title Officer - Ofelia C. Lopez; Office: (808) 533-5831

EXHIBIT " D "

SCHEDULE A CONTINUED

Email: olopez@tghawaii.com

Inquiries concerning escrow should be directed to:

Escrow Officer - Gwen Vida; Office: (808) 871-2296

Email: gvida@tghawaii.com

Please reference Order No. 201928890, Escrow No. 19129812.

**SCHEDULE B
EXCEPTIONS**

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

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

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

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

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

SCHEDULE B CONTINUED

7. Free flowage of East Kuiaha Stream.

8. LEASE OF RIGHT OF WAY

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

DATED : August 5, 1960

RECORDED : Liber 3906 Page 64

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

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

10. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION
POTENTIAL

DATED : June 16, 2014

RECORDED : Document No. A-53950753

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

SCHEDULE B CONTINUED

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

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

1. Along the north side of Hana Highway, on a curve to the left with a radius of 2684.42 feet, the chord azimuth and distance being:

130° 50' 03.5" 40.20 feet;
2. 226° 32' 115.39 feet along the remainder of Grant 6257 to W.R. Patterson;
3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:

186° 16' 248.84 feet;
4. 146° 00' 350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;
5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

193° 00' 146.27 feet;
6. 240° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;

SCHEDULE B CONTINUED

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

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

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

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

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

SCHEDULE B CONTINUED

17. Thence along same, on a curve to the right with a radius of 152.50 feet, the chord azimuth and distance being:

333° 33' 81.76 feet;

18. 349° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;

19. Thence along same, on a curve to the right with a radius of 215.00 feet, the chord azimuth and distance being:

24° 33' 249.40 feet;

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21. Thence along same, on a curve to the left with a radius of 60.00 feet, the chord azimuth and distance being:

13° 00' 87.76 feet;

22. 326° 00' 350.00 feet along the remainders of Grant 383 to Richard Armstrong and Grant 6257 to W.R. Patterson;

23. Thence along the remainder of Grant 6257 to W.R. Patterson, on a curve to the right with a radius of 232.50 feet, the chord azimuth and distance being:

6° 16' 300.55 feet;

24. 46° 32' 111.39 feet along the remainder of Grant 6257 to W.R. Patterson to the point of beginning and containing an area of 70,344 square feet, or 1.615 acres, more or less.

SCHEDULE B CONTINUED

12. The terms and provisions contained in the following:

INSTRUMENT : LIMITED WARRANTY DEED WITH COVENANTS AND
RESTRICTIONS

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

13. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF EASEMENTS (Haiku Sugar East)

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

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

14. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.
15. Claims arising out of or relating to pending civil action Courtlandt Dixon Gates and Natalie Gates, Trustees v. County of Maui, et al., Civil No. 2CCV-20-0000111 (Second Circuit Court, State of Hawaii) including without limitation any impairment of any right of access, damages, penalties, costs and fees of any nature, injunctive relief, and any alleged failure of or non-compliance with Resolution 20-28 referenced in said litigation.
16. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
17. Any unrecorded leases and matters arising from or affecting the same.

END OF SCHEDULE B

SCHEDULE C

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

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

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

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

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

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

4. 120° 00' 35" 340.85 feet;

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

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

SCHEDULE C CONTINUED

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

SCHEDULE C CONTINUED

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

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

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

END OF SCHEDULE C

GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

BUYER(S) LIEN INFORMATION

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

GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
- B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
- C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
- D. If the transaction involves a construction loan, the following is required:
 - (1) a letter confirming that there is no construction prior to recordation; or
 - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from the Company.

- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
- F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
- G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at www.tghawaii.com.
- H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

DATE PRINTED: 4/29/2020

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

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

CLASS: AGRICULTURAL

AREA ASSESSED: 48.774 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2019

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

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

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

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2019	2	5,387.28				5,387.28	PAID
2019	1	5,387.29				5,387.29	PAID
2018	2	5,966.70				5,966.70	PAID
2018	1	5,966.70				5,966.70	PAID

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