

9. R-1199

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

JAN 28, 1993 02:05 PM

Doc No(s) 93-014788

/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

LAND COURT

REGULAR SYSTEM

After Recordation Return By: Mail () Pickup (X) To:

Foley Mashara Judge Nip & Chang
2700 Grosvenor Center
737 Bishop Street
Honolulu, Hawaii 96813
Telephone: 526-3011
Attn: Jordan Wagner

(Title of Document:)

DECLARATION OF CONDITIONS

(Parties to Document:)

Declarant: C. BREWER PROPERTIES, INC., a Hawaii corporation

Liber/Page:

Property: The subject land is situate in Maalaea, Island and
County of Maui, State of Hawaii, Tax Map Key No.
(2) 3-6-01: por. 18

DECLARATION OF CONDITIONS

THIS DECLARATION made this 25th day of January, 1993,
by C. BREWER PROPERTIES, INC., a Hawaii corporation, having its
principal place of business and post office address at ⁸²⁷~~745~~ Fort
Street Mall, ~~Suite 1700~~, Honolulu, Hawaii, 96813, hereinafter
called the "Declarant", sam
np

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property
situated at Maalaea, Island and County of Maui, State of Hawaii,
more particularly described in Exhibit "A" attached hereto and by
this reference made a part hereof; and

WHEREAS, by Order Adopting Hearing Officer's Proposed
Findings of Fact, Conclusions of Law, and Decision and Order dated
December 1, 1992 in Docket No. A91-672, the State Land Use
Commission amended the land use district boundaries and
reclassified approximately 20.644 acres of land described in
Exhibit "A" from the Conservation District to the Agricultural
District; and

WHEREAS, pursuant to Section 205-4(g), Hawaii Revised
Statutes, and Section 15-15-92 of the State Land Use Commission
Rules, the conditions imposed by the State Land Use Commission in
Docket No. A91-672 are to run with the land and are to be recorded
by the Declarant at the State of Hawaii Bureau of Conveyances;

NOW THEREFORE, Declarant hereby declares that all of the
property described in Exhibit "A" attached hereto and described

above shall be subject to the following conditions, which conditions were imposed by the State Land Use Commission in Docket No. A91-672:

1.0 Petitioner shall continue agricultural use of the Property, in compliance with the representations made to the Land Use Commission.

2. Any development of the subject Property and surrounding lands owned by the Petitioner shall conform to a community plan that has been approved by the County of Maui.

3. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property.

4. Petitioner shall immediately stop work and contact the State Historic Preservation Division should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during crop cultivation or any subsequent development activity.

5.0 Petitioner shall provide for access through the subject parcel (TMK:3-6-01:18) to the Old Lahaina Pali Trail, provided that conditions and restrictions regarding public use of the access shall be developed in conjunction with the Department of Land and Natural Resources Na Ala Hele Trail and Access Program.

6. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Maui Planning Department in connection with the status of the

subject project and the Petitioner's progress in complying with the conditions imposed.

7. The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

8. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

9. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

The above stated conditions contained in this Declaration shall operate as covenants running with the land and shall be binding upon all owners and their respective heirs, personal representatives, successors and assigns.

The limitations, restrictions, covenants and conditions of this Declaration shall continue and remain in full force and effect at all times with respect to all property included in this Declaration until such time that the State Land Use Commission removes or releases the conditions relating to the subject Property established through its order dated December 1, 1992 in Docket No.

A91-672.

The term "Petitioner", as and when used herein shall mean and include the Declarant herein, and the terms "Declarant" and "Petitioner", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context hereof.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on the day and year first above written.

C. BREWER PROPERTIES, INC.

By B.G. Myrland
Its President

Declarant

EXHIBIT "A"

DESCRIPTION

PARCEL 1

Being portions of Grant S-13975 to Wailuku Sugar Company, Grant 11067 to Wailuku Sugar Company, Grant 10962 to Wailuku Sugar Company, Grant 10745 to Wailuku Sugar Company, and Grant 3152 to Henry Cornwell, situated at Ukumehame and Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the South corner of this parcel, on the Northwesterly side of Honoapiilani Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being:

7,468.99 feet South

2,962.21 feet West

and running by azimuths measured clockwise from True South:

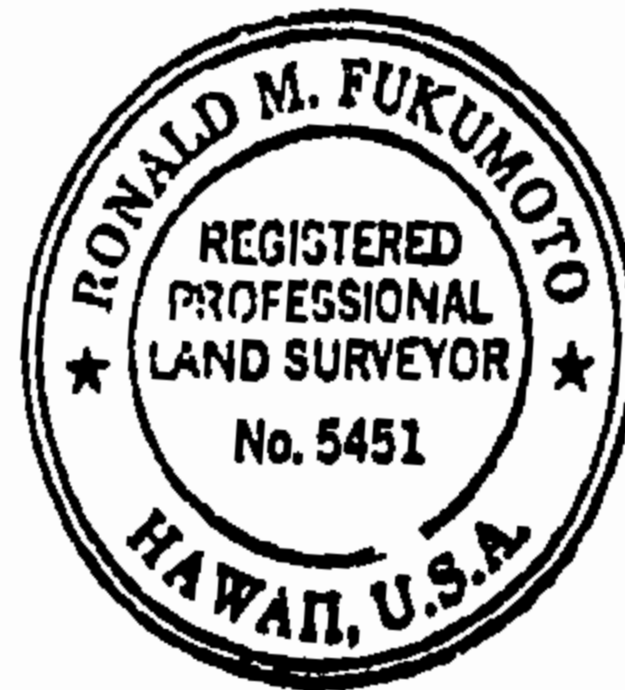
- | | | | |
|-----|--------------|---------|---|
| 1. | 153° 38' 30" | 221.82 | feet along Government (Crown) Land of Ukumehame to a point; |
| 2. | 169° 47' | 376.44 | feet along Government (Crown) Land of Ukumehame to a point; |
| 3. | 165° 06' | 112.44 | feet along Government (Crown) Land of Ukumehame to a point; |
| 4. | 167° 30' | 394.87 | feet along Government (Crown) Land of Ukumehame to a point; |
| 5. | 105° 50' | 103.85 | feet along Government (Crown) Land of Ukumehame to a point; |
| 6. | 184° 07' | 400.00 | feet along Government (Crown) Land of Ukumehame to a point; |
| 7. | 176° 23' | 1520.00 | feet along Government (Crown) Land of Ukumehame to a point; |
| 8. | 177° 15' | 246.00 | feet along Government (Crown) Land of Ukumehame to a point; |
| 9. | 216° 08' | 413.00 | feet along Government (Crown) Land of Ukumehame to a point; |
| 10. | 185° 13' | 254.00 | feet along Government (Crown) Land of Ukumehame to a point; |

11.	177° 21'	69.83	feet along Government (Crown) Land of Ukumehame to a point;
12.	347° 00'	64.06	feet along the remainder of Grant 10745 to Wailuku Sugar Company to a point;
13.	352° 00'	205.00	feet along the remainder of Grant 10745 to Wailuku Sugar Company to a point;
14.	0° 30'	175.00	feet along the remainder of Grant 10745 to Wailuku Sugar Company to a point;
15.	11° 00'	160.00	feet along the remainders of Grant 10745 to Wailuku Sugar Company and Grant 10962 to Wailuku Sugar Company to a point;
16.	20° 00'	175.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
17.	33° 00'	110.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
18.	359° 30'	345.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
19.	4° 00'	120.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
20.	10° 00'	310.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
21.	1° 00'	95.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
22.	344° 00'	120.00	feet along the remainder of Grant 10962 to Wailuku Sugar Company to a point;
23.	340° 20'	260.00	feet along the remainders of Grant 10962 to Wailuku Sugar Company and Grant 11067 to Wailuku Sugar Company to a point;
24.	351° 00'	95.00	feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;
25.	359° 30'	100.00	feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;
26.	2° 40'	200.00	feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;
27.	353° 30'	90.00	feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;

28. 333° 00' 75.00 feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;
29. 315° 00' 65.00 feet along the remainder of Grant 11067 to Wailuku Sugar Company to a point;
30. 310° 20' 760.00 feet along the remainders of Grant 11067 to Wailuku Sugar Company, Grant S-13975 to Wailuku Sugar Company, and Grant 3152 to Henry Cornwell to a point;
31. 31° 05' 30" 295.00 feet along the Northwesterly side of Honoapiilani Highway to a point;
32. Thence along the Northwesterly side of Honoapiilani Highway on a curve to the left with a radius of 11,524.55 feet, the chord azimuth and distance being:
29° 41' 22" 564.03 feet to the point of beginning and containing an area of 17.498 Acres.

Note: This description and the attached map were prepared from compiled data.
No field survey was performed.

This work was prepared by me or
under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

Ronald M. Fukumoto

Ronald M. Fukumoto
Registered Professional Land Surveyor
Certificate Number 5451

840 Alua Street, Suite 202
Wailuku, Hawaii 96793-1442
March 19, 1992
File No. CBP02

DESCRIPTION

PARCEL 2

Being portions of Grant 10497 to Wailuku Sugar Company and Grant 10745 to Wailuku Sugar Company, situated at Ukumehame, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, being also the Northwest corner of Grant 10497 to Wailuku Sugar Company, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being:

1,207.85 feet South

2,468.44 feet West

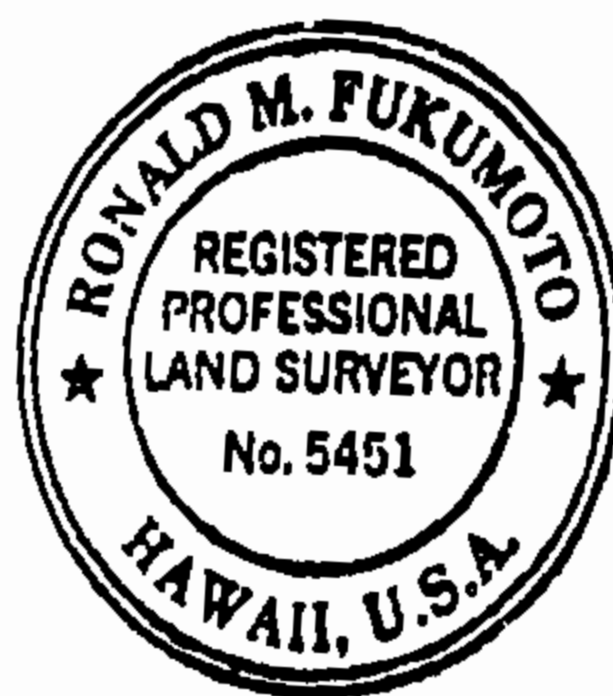
and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|---|
| 1. | 357° 30' | 339.09 feet along the remainder of Grant 10497 to Wailuku Sugar Company to a point; |
| 2. | 7° 00' | 317.47 feet along the remainder of Grant 10497 to Wailuku Sugar Company to a point; |
| 3. | 11° 00' | 220.00 feet along the remainder of Grant 10497 to Wailuku Sugar Company to a point; |
| 4. | 20° 30' | 265.00 feet along the remainder of Grant 10497 to Wailuku Sugar Company to a point; |
| 5. | 26° 00' | 250.00 feet along the remainder of Grant 10497 to Wailuku Sugar Company to a point; |
| 6. | 36° 40' | 560.00 feet along the remainders of Grant 10497 to Wailuku Sugar Company and Grant 10745 to Wailuku Sugar Company to a point; |
| 7. | 27° 00' | 80.00 feet along the remainder of Grant 10745 to Wailuku Sugar Company to a point; |
| 8. | 17° 30' | 210.17 feet along the remainder of Grant 10745 to Wailuku Sugar Company to a point; |
| 9. | 177° 21' | 148.04 feet along Government (Crown) Land of Ukumehame to a point; |
| 10. | 217° 15' | 437.00 feet along Government (Crown) Land of Ukumehame to a point; |

11. 210° 01' 470.00 feet along Government (Crown) Land of Ukumehame to a point;
12. 190° 13' 30" 1179.70 feet along Government (Crown) Land of Ukumehame to the point of beginning and containing an area of 2.316 Acres.

Note: This description and the attached map were prepared from compiled data.
No field survey was performed.

This work was prepared by me or
under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

Ronald M. Fukumoto

840 Alua Street, Suite 202
Wailuku, Hawaii 96793-1442
March 19, 1992
File No. CBP02

Ronald M. Fukumoto
Registered Professional Land Surveyor
Certificate Number 5451

DESCRIPTION

PARCEL 3

Being portions of Grant 10294 to Wailuku Sugar Company and Grant 9794 to Wailuku Sugar Company, situated at Ukumehame, Island and County of Maui, State of Hawaii.

Beginning at the South corner of this parcel, being also the Southwest corner of Grant 10294 to Wailuku Sugar Company, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being:

1,207.85 feet South

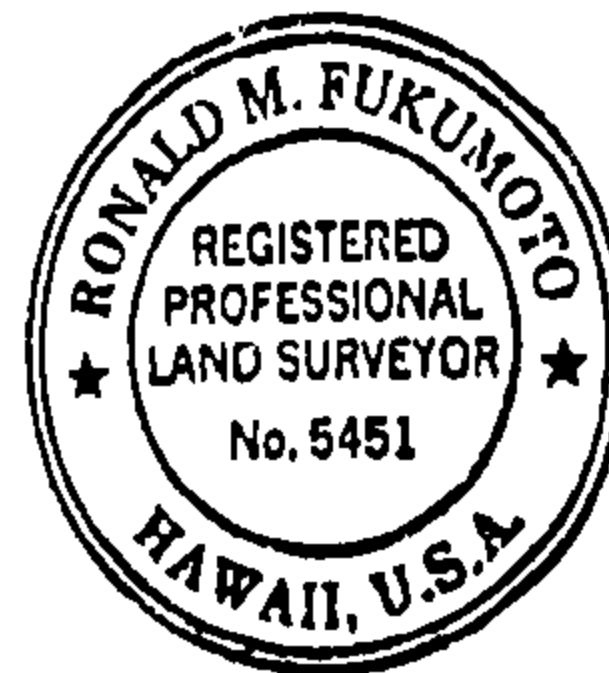
2,468.44 feet West

and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 197° 00' | 467.15 | feet along Government (Crown) Land of Ukumehame to a point; |
| 2. | 235° 54' | 272.78 | feet along Government (Crown) Land of Ukumehame to a point; |
| 3. | 40° 40' | 165.89 | feet along the remainder of Grant 9794 to Wailuku Sugar Company to a point; |
| 4. | 37° 00' | 140.00 | feet along the remainder of Grant 9794 to Wailuku Sugar Company to a point; |
| 5. | 25° 10' | 400.00 | feet along the remainders of Grant 9794 to Wailuku Sugar Company and Grant 10294 to Wailuku Sugar Company to the point of beginning and containing an area of 24,660 Square Feet. |

Note: This description and the attached map were prepared from compiled data.
No field survey was performed.

This work was prepared by me or
under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

Ronald M. Fukumoto

Ronald M. Fukumoto
Registered Professional Land Surveyor
Certificate Number 5451

840 Alua Street, Suite 202
Wailuku, Hawaii 96793-1442
March 19, 1992
File No. CBP02

DESCRIPTION

PARCEL 4

Being a portion of Grant 9794 to Wailuku Sugar Company, situated at Ukumehame, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, on the Northwesterly side of Grant 9794 to Wailuku Sugar Company, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being:

544.77 feet North

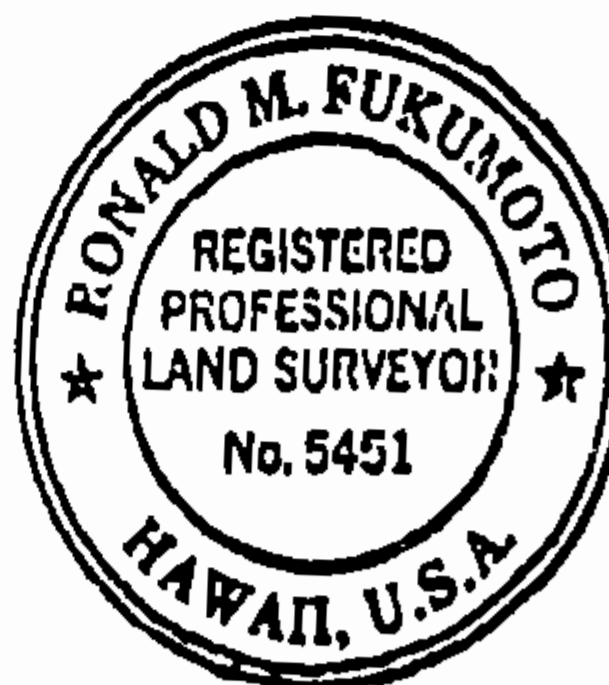
1,562.00 feet West

and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 9° 20' | 212.34 | feet along the remainder of Grant 9794 to Wailuku Sugar Company to a point; |
| 2. | 22° 30' | 274.01 | feet along the remainder of Grant 9794 to Wailuku Sugar Company to a point; |
| 3. | 193° 08' | 320.18 | feet along Government (Crown) Land of Ukumehame to a point; |
| 4. | 203° 48' | 164.90 | feet along Government (Crown) Land of Ukumehame to the point of beginning and containing an area of 11,513 Square Feet. |

Note: This description and the attached map were prepared from compiled data. No field survey was performed.

This work was prepared by me or under my supervision.



RONALD M. FUKUMOTO ENGINEERING, INC.

Ronald M. Fukumoto

Ronald M. Fukumoto
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Certificate Number 5451

840 Alua Street, Suite 202
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File No. CBP02