



R-767 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
APR 02, 2008 10:00 AM
Doc No(s) 2008-050838



Is/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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After recording return by pick up to:
Hawaiian Telcom, Inc.
P. O. Box 2200
Honolulu, HI 96841
Attention: Karen Sunahara-Teruya (808) 546-7830

This document contains 9 pages.

Property description:

TMK: (2) 4-7-1-27

Makila Ranches, Phase 1
Launiupoko, Maui

MECO Document No. M08-21

2

Utility Easement

This indenture, made this March 14, 2008, by and between *Makila Land Co., LLC*, a Hawaii limited liability company, whose address is 33 Lono Avenue, Suite 450, Kahului, Maui, Hawaii 96732, hereinafter called the "Grantors", and *Maui Electric Company, Limited*, a Hawaii corporation, whose principal place of business is at 210 Kamehameha Avenue, Kahului, Maui, Hawaii, and whose post office address is P.O. Box 398, Kahului, Maui, Hawaii, and *Hawaiian Telcom, Inc.*, a Hawaii corporation, whose principal place of business is 1177 Bishop Street, Honolulu, Hawaii and whose post office address is P.O. Box 2200, Honolulu, Hawaii 96841, hereinafter called the "Grantees",

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WITNESSETH

That the Grantor, for good and sufficient consideration to it paid, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the Grantees,

14

16 their successors and assigns, a perpetual right and easement to build, construct,
18 reconstruct, rebuild, repair, maintain and operate pole and wire lines and
20 underground power lines, and to use such poles, wires, guys, conduits and other
22 appliances and equipment as may be necessary for the transmission of electricity to
24 be used for light and power and communication and control circuits, *together with*
26 the right to trim and keep trimmed any trees near said lines and equipment to a
reasonable distance therefrom, and *together also with* a right of entry upon the
Grantor's property, for the construction, maintenance, repair and operation of said
pole and wire lines and underground power lines, in efficient use and condition. The
easement hereby granted is over, across, through and under that certain parcel of
land situate at Launiupoko, Lahaina, Maui, Hawaii, TMK: (2) 4-7-1-27, being the
land described in Exhibit "A" annexed hereto.

To have and to hold the same unto the Grantees, their successors and assigns.

28 *And each Grantee* does hereby covenant and agree for itself and not for the other
that:

- 30 1. It will use due care and diligence to keep the said lines and appurtenances
32 installed in good and safe condition and repair, and that it will exercise its
34 rights hereunder in such manner as to occasion as little interference as
reasonably necessary with the use of the said property by the owners and
occupants thereof.
- 36 2. It will indemnify the Grantors for any and all damage to the said property
38 caused by any failure of the Grantees to properly maintain or operate any of the
40 said lines and appurtenances as provided in §1 above, and it will indemnify and
defend the Grantors against all loss, liability, claims, suits and actions by
whomsoever suffered or brought on account of any injury to person or property
caused, by any failure on the part of the Grantees to observe the covenants in §1
above.

42 *It is hereby mutually understood and agreed* by and between the Grantor and
Grantees and on behalf of their respective successors and assigns that:

- 44 3. If at any time the property across which rights and easements are hereby
46 granted, or any part thereof, be condemned or taken by any authority exercising
48 the power of eminent domain, each Grantee shall have the right to claim and
recover from such condemnor, but not from the Grantor, such compensation as
may be payable for its easement, poles, wires, guys, conduits and other
appliances and equipment installed upon the said property, or any part thereof.
- 50 4. The Grantor, for itself, its successors and assigns, covenants with the Grantees,
52 their successors and assigns, that the Grantor is seized in fee simple of the
54 property in which the easement is granted and has good right to grant the
same; that the Grantees shall enjoy the easement without hindrance and free
56 from all encumbrances; and that the Grantor will warrant and defend the
Grantees against the lawful claims and demands of all persons claiming the
whole or any part of the said land.
- 56b 5. If and when the land described in Exhibit "A", or a portion or portions thereof
56d 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 a
portion or portions thereof, so conveyed or acquired, shall automatically terminate.

88 State Of Hawaii)
90 City & County Of Honolulu) ss

92 On this April 1, 2008 before me personally appeared
Wayne L. Cabral to me personally known who being by me duly sworn,
94 did say that he is the Manager-OSP Engineering of *Hawaiian Telecom, Inc.*, a
96 Hawaii corporation, and that said instrument was signed in behalf of said
corporation by authority of its board of directors, and the said officer acknowledged
said instrument to be the free act and deed of said corporation.

98 Elaine R. Perry
Elaine R. Perry
Notary Public, State of Hawaii
100 My commission expires: Sept. 5, 2011

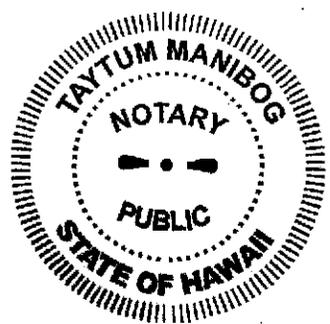
L.S.

102

104 State Of Hawaii)
County Of Maui) ss

106 On this July 16, 2007 before me personally appeared *Peter K. Martin*, to me
108 personally known who being by me duly sworn, did say that he is the president of
110 *Makila Land Co, LLC*, a Hawaii limited liability company, and that said instrument
was signed in behalf of said company by authority of its members, and the said
officer acknowledged said instrument to be the free act and deed of said company.

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Taytum Manibog
Taytum Manibog
Notary Public, State of Hawaii
My commission expires: 2-29-2008

Launiupoko (Large-Lot) Subdivision No. 2
Description of Lot 4

Land situated on the easterly side of Honoapiilani Highway (F.A.P. No. F-030-1(1)) at Launiupoko, Polanui, Lahaina, Maui, Hawaii

Being a portion of L.C. Aw. 8559-B Apana 2 to Wm. C. Lunalilo, R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10), and R.P. 1358, L.C. Aw. 82 to Thomas Phillips.

Beginning at a point at the northwesterly corner of this lot, being also the northeasterly corner of Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2, the coordinates of said point of beginning referred to Government survey Triangulation Station "Launiupoko" being 7364.07 feet North and 7406.90 feet West and running by azimuths measured clockwise from True South:

1. 241° 08' 44" 1656.30 feet along Lot 15 of Pu'uona Subdivision, being also along the remainder of R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;
2. 241° 21' 44" 31.34 feet along Lot 15 of Pu'uona Subdivision being also along the remainder of R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;
3. Thence along Lot 5 of Launiupoko (Large Lot) Subdivision No. 2 being also along the remainder of R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) on a curve to the left with the point of curvature azimuth from the radial point being: 239° 58' 09" and the point of tangency azimuth from the radial point being: 214 ° 07', having a

radius of 2834.79 feet, the chord azimuth and distance being: 317° 02' 34.5" 1268.27 feet to a point;

4. 34° 07' 60.00 feet along Lot 5 of Launiupoko (Large Lot) Subdivision No. 2 being also along the remainder of R.P. 1358, L.C. Aw. 82 to Thomas Phillips to a point;
5. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 214° 07' and the point of tangency azimuth from the radial point being: 203° 30', having a radius of 2894.79 feet, the chord azimuth and distance being: 298° 48' 30" 535.63 feet to a point;
6. 293° 30' 374.50 feet along same to a point;
7. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 23° 30' and the point of tangency azimuth from the radial point being: 35° 38' 22", having a radius of 2834.79 feet, the chord azimuth and distance being: 299° 34' 11" 599.49 feet to a point;
8. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 35° 38' 22" and the point of tangency azimuth from the radial point being: 60° 00', having a radius of 970.00 feet, the chord azimuth and distance being: 317° 49' 11" 409.32 feet to a point;
9. 330° 00' 672.39 feet along same and along the westerly side of Haniu Street to a point;

10. Thence along the westerly side of Haniu Street on a curve to the right with the point of curvature azimuth from the radial point being: $60^{\circ} 0'$ and the point of tangency azimuth from the radial point being: $71^{\circ} 0'$, having a radius of 470.00 feet, the chord azimuth and distance being: $335^{\circ} 30'$ 90.10 feet to a point;
11. $341^{\circ} 00'$ 130.05 feet along same to a point;
12. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: $251^{\circ} 0'$ and the point of tangency azimuth from the radial point being: $233^{\circ} 0'$, having a radius of 2230.00 feet, the chord azimuth and distance being: $332^{\circ} 0'$ 697.70 feet to a point;
13. $323^{\circ} 00'$ 150.95 feet along same to a point;
14. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: $53^{\circ} 0'$ and the point of tangency azimuth from the radial point being: $89^{\circ} 0'$, having a radius of 720.00 feet, the chord azimuth and distance being: $341^{\circ} 0'$ 444.98 feet to a point;
15. $359^{\circ} 00'$ 212.13 feet along same to a point;
16. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: $269^{\circ} 0'$ and the point of tangency azimuth from the radial point being: $254^{\circ} 0'$, having a radius of 1030.00 feet, the chord azimuth and distance being: $351^{\circ} 30'$ 268.88 feet to a point;
17. $344^{\circ} 00'$ 195.23 feet along same to a point;

18. 66° 00' 965.57 feet along Lot 6 of Makila Plantation, being also along the remainder of R.P. 1358, L.C. Aw. 82 to Thomas Phillips to a point;
19. 343° 01' 1247.00 feet along Lots 6 and 5 of Makila Plantation, being also along the remainder of R.P. 1358, L.C. Aw. 82 to Thomas Phillips to a point;
20. 73° 01' 602.04 feet along the northerly side of Kai Hele Ku Street (Lot B-2) of Mahanalua Nui Subdivision, being also along the remainder of R.P. 1358, L.C. Aw. 82 to Thomas Phillips to a point;
21. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 163° 01' and the point of tangency azimuth from the radial point being: 252° 0', having a radius of 30.00 feet, the chord azimuth and distance being: 117° 30' 30" 42.05 feet to a point;
22. 162° 00' 854.46 feet along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2, also being along the remainder of R.P. 1358, L.C. Aw. 82 to Thomas Phillips to a point;
23. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 72° 0' and the point of tangency azimuth from the radial point being: 46° 0', having a radius of 4854.65 feet, the chord azimuth and distance being: 149° 0' 2184.12 feet to a point;
24. 136° 00' 2436.56 feet along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2

and the remainders of R.P. 1358, L.C. Aw. 82 to Thomas Phillips and R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;

25. Thence along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2 and the remainder of R.P. 8395, L.C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) on a curve to the right with the point of curvature azimuth from the radial point being: $226^{\circ} 0'$ and the point of tangency azimuth from the radial point being: $238^{\circ} 0'$, having a radius of 4012.56 feet, the chord azimuth and distance being: $142^{\circ} 0'$ 838.85 feet to a point;

26. $148^{\circ} 00'$ 500.47 feet along same to the point of beginning and containing an area of 271.175 acres.