OF COUNSEL:
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Attorneys for Petitioner
CASTLE & COOKE HOMES HAWAII, INC.

STATE OF HAWAII

#### BEFORE THE LAND USE COMMISSION

#### OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. DR10-42
	)	
CASTLE & COOKE HOMES HAWAII, INC.	)	PETITION FOR DECLARATORY
	)	ORDER TO DESIGNATE
For Declaratory Order to Designate	)	IMPORTANT AGRICULTURAL
Important Agricultural Lands	)	LANDS; VERIFICATION; EXHIBITS
for approximately 902.066 acres at Waialua,	)	"A" – "D"
Wahiawa, and Waikele, Oahu Hawai'i.	)	
	_)	

# PETITION FOR DECLARATORY ORDER TO DESIGNATE IMPORTANT AGRICULTURAL LANDS

Comes now, Petitioner CASTLE & COOKE HOMES HAWAII, INC. ("Petitioner"), by and through its attorneys, MATSUBARA – KOTAKE, and respectfully petitions the Land Use Commission of the State of Hawai'i ("Commission") to issue a declaratory order designating approximately 902.066 acres of land at Waialua, Wahiawa, and Waikele, Oahu, Hawai'i ("Property"), more particularly described

below, as Important Agricultural Lands ("IAL") pursuant to §§ 205-44 and 45 of the <a href="Hawai'i Revised Statutes">Hawai'i Revised Statutes</a> ("HRS") and §§ 15-15-98 and 99 of the <a href="Hawai'i Administrative">Hawai'i Administrative</a> <a href="Rules">Rules</a> ("HAR"). In support of this Petition, Petitioner alleges and avers as follows:

## I. <u>Petition Content Requirements.</u>

Contents requirement for Petition for Declaration Order pursuant to HAR § 15-15-99:

- A. Name, address and telephone number of Petitioner. Petitioner CASTLE & COOKE HOMES HAWAII, INC. is a Hawai'i corporation, whose address is 100 Kahelue Avenue, Second Floor, Mililani, Hawai'i, 96789, and telephone number is (808) 548-4890. Benjamin M. Matsubara, Curtis T. Tabata, Wyeth M. Matsubara and the law firm of Matsubara Kotake have been appointed to represent the Petitioner pursuant to HAR Section 15-15-35(b). All correspondence and communications in regard to this Petition shall be addressed to, and served upon, Benjamin M. Matsubara, Matsubara Kotake, 888 Mililani Street, 8th Floor, Honolulu, Hawai'i 96813.
- B. <u>Signature of each petitioner</u>. This petition is signed below by Petitioner's attorney who is authorized to sign and file this petition on Petitioner's behalf.
- C. <u>Designation of specific question</u>. Whether the lands identified by Petitioner in this Petition should be designated as IAL pursuant to HRS §§ 205-44 and 45.

- D. Statement of Petitioner's interest in the subject matter and reason for the submission. Petitioner's corporate affiliates who have authorized this petition are the owner in fee simple of those lands located on the island of Oahu, Hawai'i, and more specifically identified and described on Exhibit "B" attached hereto ("Property"). Petitioner requests the Commission designate the Property as IAL pursuant to HRS §§ 205-44 and 45.
- E. <u>Statement of Petitioner's position or contention</u>. It is Petitioner's position that the Property meets the qualifications for designation as IAL under HRS § 205-44, and that the Commission should issue a declaratory order designating the Property as IAL pursuant to HRS § 205-45.
- F. Memorandum of authorities, containing a full discussion of reasons and legal authorities in support of Petitioner's position. HRS § 205-45(c) provides that the petition for declaratory order designating IAL shall be submitted in accordance with subchapter 14 of the Commission's rules and the requirements contained in HRS § 205-45(c). The petition for declaratory order content requirements under subchapter 14 are found at HAR § 15-15-99 and are discussed in Sections A-F herein. The requirements of HRS § 205-45(c) include the following:
- 1. Tax Map Key Numbers and verification and authorization from the applicable landowners. Petitioner seeks to designate as IAL approximately 902.066 acres of land on the island of Oahu, Hawai'i. Attached hereto and incorporated herein

by reference as Exhibit "B" is a report identifying the location, Tax Map Key Numbers and acreage of the Property. Ownership of the lands identified by Tax Map Key Numbers stated in Exhibit "B" are held by Petitioner's corporate affiliates. Attached hereto and incorporated herein by reference as Exhibit "C" are the deeds, recorded documents and title reports verifying ownership of the Property. Attached hereto and incorporated herein by reference as Exhibit "D" are the land-owners' authorization for the filing of this petition.

2. Proof of qualification for designation as IAL under HRS § 205-44. HRS § 205-44(c) provides the standards and criteria to identify IAL. HRS § 205-44(a) provides that lands identified as IAL need not meet every standard and criteria listed in HRS § 205-44(c); rather, lands meeting any of the criteria in HRS § 205-44(c) shall be given initial consideration, provided that the designation of IAL shall be made by weighing the standards and criteria with each other to meet the constitutionally mandated purposes in article XI, section 3, of the <u>Hawai'i Constitution</u> and the objectives and policies for IAL in section 205-42 and 205-43.

Attached hereto and incorporated by reference herein as Exhibit "A" is the Agricultural Lands Assessment of Proposed Important Agricultural Lands on Oahu for Castle & Cooke Homes Hawaii, Inc. which describes and illustrates the characteristics of the Property.

The standards and criteria for identifying IAL pursuant to HRS § 205-44(c) are as follows:

a. <u>Land currently used for agricultural production</u>. The Property consists of four separate parcels which are referred to as Waialua, Mililani South, Dole Plantation and Whitmore. Approximately 56% (505 acres) of the proposed IAL lands are currently used for agricultural production. The remainder of the proposed IAL were historically in pineapple or sugar cane cultivation.

The Waialua property (TMK 1-6-8-006:010 por.), consisting of 242 acres, is currently entirely under cultivation and is being leased to six independent farms for the growing of a wide variety of diversified crops: tropical flowers, daikon, tomatoes, okra, long beans, bitter melon, ti leaves, banana, taro, sweet potato, eggplant, sweet peppers, wing beans, sequa, pumpkin, basil, green onion, crown flower, bozo, squash, dragon fruit, asparagus, sweet onion, potatoes, seed corn, peppers and zucchini. Prior to being used for diversified agriculture, the Waialua property was used for growing sugar cane for nearly 100 years from 1898 until the closure of Waialua Sugar Company in 1996.

The Mililani South property (TMK 1-9-4-003:002), consisting of 232 acres, is also completely under cultivation for diversified agriculture and leased to Mililani Ag Park, LLC. Mililani Ag Park, LLC cultivates approximately 60 acres with sweet potatoes, field grown trees, logan, and bananas. The remaining 172 acres are sub-leased to approximately 50 independent farmers who collectively grow bananas, basil, beets,

Chinese cabbages, chives, daikon, eggplants, green onions, kale, lemongrass, long beans, mushrooms, okra, onions, peanuts, pumpkins, seed corn, squash, tapioca, taro, tomatoes, toon (taro), wing beans, yams, ornamental trees, ornamental shrubs, ground cover, mondo grass, and turf grass. Prior use of Mililani South was for the cultivation of pineapple until the early 1990's.

The Dole Plantation property (TMK 1-6-4-004:007), consisting of 223 acres, has the majority of its acreage in use for the Tanada Reservoir and gulch which serves as an important irrigation source for current agricultural activities and drainage. Approximately 14% (31 acres) are in active cultivation of diversified agriculture, including pineapple, plumeria, bananas, mango, star fruit, a'ali'i, bromelaids, cacao, 'iliahi, koa, lychee, moa, ohi'a lehua, papaya, pukiawe, rambutan, ti leaf and tuberose. Pineapple was grown on the property for over 100 years beginning in the early 1900's.

The Whitmore property (TMK 1-7-1-002:032 por.), consisting of 205 acres, is not currently in active agricultural production. The Whitmore property was used for the cultivation of pineapple for nearly 100 years until 2001, and is currently being evaluated for agricultural uses including seasonal crops, sugar cane, biofuel crops, forestry, and ranching. See Exhibit "A" and Figures 2A, 2B and 2C of Exhibit "A", Agricultural Production maps for the Property.

b. <u>Land with soil qualities and growing conditions that support</u>

<u>agricultural production of food, fiber, or fuel- and energy-producing crops.</u> The

University of Hawai'i, Land Study Bureau ("LSB") developed the Overall Productivity Rating, which classified soils according to five (5) levels, with "A" representing the class of highest productivity soils and "E" representing the lowest. These letters are followed by numbers which further classify the soil types by conveying such information as texture, drainage and stoniness. Based on this, approximately 40% of the Property is rated "A" and approximately 37% of the Property is rated "B". Approximately 21% of the Property is rated "C", "D", "E" and approximately 2% is not classified, comprising lands that include essential elements of the active agricultural operation, such as the Tanada reservoir. See Exhibit "A" and Figures 3A, 3B and 3C of Exhibit "A", LSB's Agricultural Soils Productivity Ratings for the Property. Solar radiation received by the Property is described in the Solar Radiation Maps, as shown in Figures 4A, 4B and 4C of Exhibit "A".

c. Lands identified under agricultural productivity ratings systems, such as the agricultural lands of importance to the State of Hawai'i (ALISH) system adopted by the board of agriculture on January 28, 1977. In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawai'i ("ALISH"). The classification system is based primarily, though not exclusively, upon the soil characteristics of the lands. The three (3) classes of ALISH lands are: "Prime", "Unique", and "Other", with all remaining lands termed "Unclassified". When utilized with modern farming methods,

"Prime" agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically. "Unique" agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of a specific crop. "Other" agricultural lands include those that have not been rated as "Prime" or "Unique". The ALISH system classifies approximately 46% of the Property as "Prime", 10% as "Unique", and 19% of the Property as "Other". The balance of the Property, while not classified by ALISH, includes areas that are farmed or contain essential elements of the active agricultural operations, such as the Tanada Reservoir and Gulch. See Exhibit "A" and Figures 5A, 5B and 5C of Exhibit "A", ALISH Maps.

- d. <u>Land types associated with traditional native Hawaiian</u> agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production. Approximately 56% of the Property is currently being cultivated in diversified agriculture, including taro and ti leaf. Most of the Property was in pineapple or sugar cane cultivation for close to 100 years. <u>See</u> Exhibit "A" and Figures 2A, 2B and 2C of Exhibit "A", Agricultural Production maps for the Property.
- e. <u>Lands with sufficient quantities of water to support viable</u>

  agricultural production. Located within the Dole Plantation property is the 158

  million gallon capacity Tanada Reservoir and gulch which supplies irrigation water to

the Dole Plantation property and neighboring lands including over 500 acres of Dole Food Company agricultural lands, 40 acres of diversified agriculture at Helemano Plantation and to 1,965 acres of Dole Food Company pineapple lands. The gulch is west of and adjacent to the reservoir and serves an important drainage function by receiving water flow from neighboring upper east lands and overflow from Tanada Reservoir via a spillway.

The Waialua property is serviced by the Dole Pump 1 which also serves adjacent Dole lands. The Dole Pump 1 capacity is 6 million gallons per day, and the Waialua property's water consumption is approximately 1.2 million gallons per day.

The Mililani South property receives its water from the Waiahole Ditch system which lies just north of the site. The current allocation available for Mililani South is 1.18 million gallons per day, and actual usage is approximately 0.88 million gallons per day.

The Whitmore property is without current water allocation, but is adjacent to the Whitmore Village municipal water system, access to which would require Board of Water Supply approval. See Exhibit "A" and Figures 6A, 6B and 6C of Exhibit "A", Agricultural Infrastructure/Water Resources maps.

f. <u>Land whose designation as Important Agricultural Lands is</u>

consistent with general, development, and community plans of the County. The

Property's agricultural classification is consistent with the North Shore Sustainable

Communities Urban Land Use Map and Central Oahu's Sustainable Communities Urban Land Use Map. Additionally, the Property is situated within the State Agricultural District. See Exhibit "A" and Figures 7A, 7B and 7C of Exhibit "A", North Shore and Central Oahu Sustainable Communities maps, and Figures 8A, 8B and 8C of Exhibit "A", State Land Use maps.

- g. Land that contributes to maintaining a critical land mass important to agricultural operating productivity. Petitioner seeks to designate approximately 902.066 acres of land as IAL on Oahu, approximately 56% of which are currently used for diversified agriculture and the remaining lands constitute a reserve for additional diversified agriculture when the need arises. Petitioner proposes to designate as IAL four separate parcels ranging in size from 205 acres to 242 acres. These distinct land masses are relatively flat and strategically located in central and north Oahu to provide appropriately sized farm operations in close proximity to existing highways and water sources which are ideally suited to accommodate the cultivation of diversified agriculture for local markets. Unlike monocrops, diversified agriculture is normally comprised of smaller farms, and a critical land mass important to diversified agricultural operating productivity does not require a single contiguous land mass.
- h. <u>Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power</u>. Existing infrastructure servicing the Property include irrigation systems, roadways and

transport systems, and markets and necessary facilities to support diversified agriculture. See Exhibit "A" and Figures 6A, 6B and 6C of Exhibit "A", Agricultural Infrastructure/Water Resources maps.

3. The current or planned agricultural use of the area sought to be designated as IAL. As described above the majority of the Property is used for diversified agriculture and the remaining areas constitute a reserve for future diversified agricultural uses. See Exhibit "A" and Figures 2A, 2B and 2C of Exhibit "A", Agricultural Production maps.

# II. Waiver of 85/15 Reclassification Incentive

Petitioner is not seeking a reclassification of land pursuant to HRS 205-45(b) in conjunction with this Petition to designate IAL. Furthermore, Petitioner hereby voluntarily waives any and all rights to assert, claim or exercise any credits pursuant to HRS § 205-45(h), as effective as of the date of this petition, that may be earned by Petitioner in the event of and as a result of this Petition being granted. This waiver is limited to the use of credits for the sole purpose of reclassifying other lands that are not the subject of this Petition to the Urban, Rural or Conservation Districts pursuant to HRS § 205-45(h), as effective as of the date of this petition, and shall not apply to any other credits, incentives, rights or privileges that Petitioner may possess now or in the future, whether known or unknown, which are hereby expressly reserved.

Based on the foregoing, Petitioner respectfully requests that the Commission find that the Petition meets the standards for designating Important Agricultural Lands pursuant to HRS §§ 205-44 and 45, and designates the Property as Important Agricultural Lands.

DATED: Honolulu, Hawai'i, December 29, 2010

Of Counsel: MATSUBARA – KOTAKE A Law Corporation

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
WYETH M. MATSUBARA
Attorneys for Petitioner
CASTLE & COOKE HOMES HAWAII, INC.

# **VERIFICATION**

Laura Kodama, being first duly sworn, on oath, deposes and says that she is Director of Planning and Development of Castle & Cooke Homes Hawaii, Inc., and as such is authorized to make this verification on behalf of said corporation; that she has read the foregoing petition and knows the contents thereof; and that the same are true to the best of her knowledge, information and belief.

Dated: Honolulu, Hawai'i, Dec. 27, 2010

LAURA KODAMA

Castle & Cooke Homes Hawaii, Inc.

Its Director of Planning and

Development

Subscribed and sworn to me	
this <u>27th</u> day of <u>December</u> 2010	MANDA BIE
	AN PURIN
- Rhonda Beffle	NON *
Name Rhinda Biffle	No. 08-271
Notary Public, State of Hawai'i	THE OF HAMME
My commission expires: \$\lambda/3/2010	Ok W.

Rhonda Biffle, First Circuit Doc Date: 12/27/10
# Pages: \_\_\_\_\_ Doc. Description: Verification

Shonde Beffle 12/27/10
Notary Signature NOTARY CERTIFICATION

# **EXHIBIT A**

# Agricultural Lands Assessment

of

Proposed Important Agricultural Lands on Oahu

for

Castle & Cooke Homes Hawaii, Inc.

December 23, 2010

#### Introduction/Purpose

An Agricultural Lands Assessment was prepared for Castle & Cooke Homes Hawaii, Inc. to support a Petition for Declaratory Order to Designate 'Important Agricultural Lands' ('IAL') on Oahu.

HRS § 205-44(c) provides the standards and criteria to identify IAL. HRS § 205-44(a) provides that lands identified as IAL need not meet every standard and criteria listed in HRS § 205-44(c); rather, lands meeting any of the criteria in HRS § 205-44(c) shall be given initial consideration, provided that the designation of IAL shall be made by weighing the standards and criteria with each other to meet the constitutionally mandated purposes in article XI, section 3, of the <u>Hawaii Constitution</u> and the objectives and policies for IAL in section 205-42 and 205-43. The standards and criteria of section 205-44(c) are as follows:

- 1) Land currently used for agricultural production;
- 2) Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel and energy-producing crops;
- 3) Land identified under agricultural productivity rating systems, such as the Agricultural Lands of Importance to the State of Hawaii (ALISH) system adopted by the Board of Agriculture on January 28, 1977;
- 4) Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production;
- 5) Land with sufficient quantities of water to support viable agricultural production;
- 6) Land whose designation as important agricultural lands is consistent with general, development and community plans of the county;
- 7) Land that contributes to maintaining a critical land mass important to agricultural operation productivity;
- 8) Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water or power.

See Table 1 for the standards and criteria that apply to the proposed IAL lands. The following exhibits were prepared to qualify and quantify the agricultural lands being proposed to be designated 'IAL'.

# Figure 1: Location Map

The location of proposed IAL lands on Oahu are depicted on Figure 1. There are four proposed IAL areas located in Waialua, Dole Plantation, Whitmore and Mililani South totaling approximately 902.066 acres of land.

#### Figures 2A, 2B & 2C: Existing Cultivated / Farmed Land

Of the proposed IAL lands, approximately 56% (505 acres) of the lands is actively used for diversified agriculture. Diversified agricultural practices provide for lands used in active cultivation, as well as lands constituting portions for water irrigation systems and lands that remain temporarily fallow to allow soil to regain its fertility.

Waialua, TMK No. 1-6-8-006:010 (portion) (Figure 2A), consisting of approximately 242 acres, is all under cultivation and currently leased by six farms.

- Fifty-50 Farmers, LLC occupies approximately 62 acres and grows tropical flowers (ginger, bird of paradise, heliconia), daikon, tomatoes, okra, long beans, and bitter melon;
- ♦ Hawaii Food Products leases approximately 47 acres and cultivates ti leaves, banana, taro, and sweet potato;
- Keoseng leases approximately 25 acres and grows eggplant, bitter melon, okra, sweet peppers, wing beans, sequa, and pumpkin;
- ♦ King & I Corp. occupies approximately 13 acres and grows basil, green onion, crown flower, bozo (lei flower), eggplant, tomatoes, long beans, pumpkin, and squash;
- ♦ Mokuleia Farm Hui, LLC/Choeum Chuon leases approximately 32 acres and cultivates tomatoes, banana, taro, squash, long beans, pumpkin, and dragon fruit;
- Twin Bridge Farms, Inc. leases approximately 64 acres within the proposed IAL and grows asparagus, sweet onion, potatoes, seed corn, tomatoes, squash, eggplant, peppers, and zucchini.

Sugarcane was grown on this land for nearly 100 years from 1898 until the closure of the Waialua Sugar Company in 1996. Future plans for the proposed Waialua IAL lands are designating it as IAL and continued farming of diversified agriculture crops.

Dole Plantation, TMK No. 1-6-4-004:007 (Figure 2B), consisting of approximately 223 acres, has approximately 14% (31 acres) in cultivation of diversified agricultural uses such as pineapple, orchards, and a botanical garden grown by Dole Plantation. The orchards include plumeria, bananas, mango and star fruit. The botanical garden includes a'ali'i, bromeliads, cacao, 'iliahi, koa, lychee, mango, moa, ohi'a lehua, papaya, pukiawe, rambutan, ti leaf, and tuberose. Pineapple was grown on the land for over 100 years beginning in the early 1900's. This land is suitable to grow vegetable crops, tree crops, livestock ranching, and pasture lands.

The 192 acres of land not in cultivation includes the 158 million gallon Upper Helemano Reservoir (also known as Tanada Reservoir) which impounds water from the upper east region via Helemano Ditch and is an essential component of Petitioner's and surrounding agricultural operations as a water source for irrigation and drainage. The upper gulches to the east of the reservoir serve as a watershed for the reservoir. The irrigation supply provided by the Tanada Reservoir is distributed from the Tanada Reservoir irrigation pump to serve the needs of the 31 acres in diversified agriculture at Dole Plantation, 503

acres of the neighboring land owned by Dole Food Company, Inc., and 40 acres in diversified agriculture at Helemano Plantation. An additional 1,965 acres in pineapple owned by Dole Food Company, Inc. also receives water from Tanada Reservoir through a pump and distribution system that is referred to as Pump #26, located on Dole Food Company, Inc. lands to the west, as well as water from Wahiawa Reservoir via the Wahiawa Ditch which is pumped to the Pump #26 irrigation system.. The lower gulch to the west receives water from the neighboring upper east lands and drains into Poamoho Stream. The gulch serves an essential function to the Tanada Reservoir as it includes an irrigation ditch that receives overflow from the Tanada Reservoir via a spillway. The spillway is a culvert located between the reservoir and the lower gulch. The proposed Dole Plantation IAL lands are to be dedicated as IAL for continued diversified agriculture use.

Whitmore, TMK No. 1-7-1-002:032 (portion) (Figure 2B), consisting of approximately 205 acres is currently leased to Dole Food Company, Inc. and not in cultivation. Historically, pineapple was grown on the land for nearly 100 years until 2001. The proposed Whitmore IAL lands are to be dedicated as IAL and available to be farmed or leased for diversified agriculture. The land has potential for agricultural uses such as cultivation of seasonal crops (e.g. pineapple), sugar cane, biofuel crops, forestry, livestock ranching, and pasture lands.

Mililani South, TMK No. 1-9-4-003:002 (Figure 2C), consisting of approximately 232 acres is under cultivation and leased to Mililani Ag Park, LLC. Historically, the land was initially cultivated with sugar and later replaced with pineapple until the early 1990's. Currently the land supports diversified agricultural uses. Mililani Ag Park, LLC cultivates approximately 60 acres with sweet potatoes, field grown trees, logan, and bananas. The remaining 172 acres are sub-leased to approximately 50 tenant farmers. Of the 50 farmers, 10 farm between 5-45 acres each, and 40 occupy between .5 – 4 acres each. Collectively they grow bananas, basil, beans, beets, Chinese cabbages, chives, daikon, eggplants, green onions, kale, lemongrass, long beans, mushrooms, okra, onions, peanuts, pumpkins, seed corn, squash, tapioca, taro, tomatoes, toon (taro), wing beans, yams, ornamental trees, ornamental shrubs, ground cover, mondo grass, and turf grass. Future plans for the proposed Mililani South IAL lands is designation as IAL and continued leasing for farming of diversified agriculture.

#### Figures 3A, 3B & 3C: Agricultural Soils Productivity Ratings

The Detailed Land Classification System and Agricultural Land Productivity Ratings by the Land Study Bureau (LSB), University of Hawaii are based on a five-class productivity rating system using the letters A, B, C, D, and E, with A representing the class of highest productivity and E the lowest.

Waialua – Nearly 100% of the proposed Waialua IAL lands are rated A (57% or 138 acres), B (43% or 103 acres), with a fraction of a percent or less than an acre rated E, and a fraction of a percent or 1 acre unclassified (Figure 3A).

Dole Plantation - Approximately 38% (84 acres) of the proposed Dole Plantation IAL lands are rated B. The approximate 51% rated C (10 acres) and E (105 acres) are gulches that either serve as a watershed to the reservoir or provide essential drainage, including overflow water from the spillway of the Tanada Reservoir. The balance of the proposed IAL (approximately 11% or 24 acres) not classified by LSB is the Tanada Reservoir which is the source of water for the adjacent agricultural uses (Figure 3B).

Whitmore – Approximately 63% (130 acres) of the proposed Whitmore IAL lands are rated B. 37% (75 acres) rated E are gulch lands utilized for drainage (Figure 3B).

Mililani South – Approximately 97% (225 acres) of the proposed Mililani South IAL lands are rated A (88% or 203 acres) and B (9% or 22 acres). The less than 3% (7 acres) rated D or E is a gulch that provides drainage (Figure 3C).

# Figures 4A, 4B & 4C: Solar Radiation

Based on the Sunshine Maps prepared in 1985 by the State Department of Planning and Economic Development, Energy Division and the State Department of Business, Economic Development and Tourism, 1992, of the proposed IAL lands approximately 46% (413 acres) receive an annual average of 400 calories per square centimeter per day and 53% (480 acres) receive an annual average of 450 calories of solar energy per square centimeter per day.

Waialua – 100% of the proposed 242-acre Waialua IAL lands receive an annual average 450 calories of solar energy per square centimeter per day (Figure 4A).

Dole Plantation - Approximately 50% (111 acres) of the proposed Dole Plantation IAL lands receive an annual average of 400 calories per square centimeter per day and 50% (112 acres) receive an annual average of 450 calories of solar energy per square centimeter per day (Figure 4B).

Whitmore – Approximately 96% (196 acres) of the proposed Whitmore IAL lands receive an annual average of 400 calories per square centimeter per day and 4% (9 acres) receive an annual average of 350 calories of solar energy per square centimeter per day (Figure 4B).

Mililani South - Approximately 46% (106 acres) of the proposed Mililani South IAL lands receive an annual average of 400 calories per square centimeter per day and 54% (126 acres) receive an annual average of 450 calories of solar energy per square centimeter per day (Figure 4C).

# Figure 5A, 5B & 5C: Agricultural Lands of Importance to the State of Hawaii (ALISH)

The Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system was developed in 1977 by the State Department of Agriculture and prepared with the assistance of the Soil Conservation Service, U.S. Department of Agriculture, and the

College of Tropical Agriculture, University of Hawaii. The system consists of the mapped identification of three broad classes of agricultural lands, including Prime Agricultural Land, Unique Agricultural Land, and Other Important Agricultural Land. This system identifies lands not only in current agricultural use but also lands with high value for future use.

Waialua - Approximately 32% (77 acres) of the proposed Waialua IAL lands are classified as Prime, and 66% (160 acres) as Other. The balance representing 2% (5 acres) of the proposed IAL lands are not classified under ALISH. (Figure 5A)

Dole Plantation - Approximately 42% (93 acres) of the proposed Dole Plantation IAL lands are classified as Prime, less than 1% (2 acres) as Unique, and 57% (128 acres) as Unclassified. The Unclassified lands include essential elements of the active agricultural operation, such as the Tanada Resrvoir and the gulches that combined are an essential water source and drainage system, and are not classified under ALISH (Figure 5B).

Whitmore - Approximately 16% (33 acres) of the proposed Whitmore IAL lands are classified as Prime, and 45% (92 acres) as Unique. The balance of 39% (80 acres) of the proposed IAL lands include essential gulches for drainage and are not classified under ALISH (Figure 5B).

Mililani South - Approximately 90% (209 acres) of the proposed IAL lands are classified as Prime, and less than 4% (9 acres) as Other. The balance representing 6% (14 acres) of the proposed IAL lands are farmed and/or include gulches that provide drainage, and are not classified under ALISH (Figure 5C).

#### Figures 6A, 6B & 6C: Agricultural Infrastructure and Water Resources

Waialua – The Dole Pump 1 is the source of water for the proposed Waialua IAL lands (Figure 6A). The Dole Pump 1 also serves adjacent Dole lands. The capacity for Dole Pump 1 is 6 million gallons per day (Waialua Sugar Company Registration of Well and Declaration of Water Use, May 22, 1989). During the 12-month period of November, 2009 to October, 2010, 438 million gallons was drawn from Dole Pump 1 (Dole Food Company pump records).

Dole Plantation – The source of water for the proposed Dole Plantation IAL lands is the Upper Helemano (Tanada) Reservoir with a storage capacity of approximately 158.55 million gallons (Waialua Sugar Company Registration of Stream Diversion Works, May 22, 1989). Water from the Tanada Reservoir is distributed via two pump distribution systems: 1) the Tanada Reservoir Irrigation Pump and 2) Pump #26. The Tanada Reservoir is now owned by Castle & Cooke Properties, Inc. and cooperatively maintained by Dole Food Company Hawaii, a division of Dole Food Company, Inc., and Castle & Cooke Properties, Inc. (Figure 6B).

Whitmore – The water source for the proposed Whitmore IAL lands is rainfall which averages around 60 inches annually (Figure 6B). Municipal supply from the adjacent Whitmore Village is also available subject to Board of Water Supply approval.

Mililani South – Irrigation water for the proposed Mililani South IAL lands is pumped from the Waiahole Ditch system which lies just north of the site. The current allocation available for Mililani South is 1.18 million gallons per day or 430 million gallons annually. Actual use in the 12-month period from August 2009 to July 2010 averaged 0.88 million gallons per day or 320 million gallons annually at Mililani South based on meter reading reports from the State Agribusiness Development Corporation (Figure 6C).

#### Figures 7A, 7B & 7C: Community Plans

The proposed IAL lands are all designated Agriculture on the July, 2000 North Shore Sustainable Communities Plan Land Use Map, and the December, 2002 Central Oahu Sustainable Communities Plan Land Use Map.

# Figures 8A, 8B & 8C: State Land Use District Boundary Map

Based upon the State Land Use District Boundary Maps, all the proposed IAL lands are within the Agricultural District. Where the proposed IAL lands are contiguous to the Urban District boundary, the proposed IAL boundary follows the Urban District boundary.

Table 1

Castle & Cooke Important Agricultural Lands (12-6-10)

· · · · · · · · · · · · · · · · · · ·	Koa	a Ridge, LLC								
Description	TMK	Acres	1	2	3	4	5	9	7	æ
Waialua	(1) 6-8-006-010	242.085	×	×	×		×	×	×	×
Dole Plantation	(1) 6-4-004-007	222.634	×	×	×		×	×	×	×
Whitmore	(1) 7-1-002:032	205.593		×	×		rain	X	×	×
Mililani South	(1) 9-4-003-002	231.754	×	×	×		×	×	×	×
Total		907.066								

	Legend
1	Land currently used for agricultural production
2	Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel and energy producing crops
3	Land identified under agricultural productivity rating systems, such as the Agricultural Lands of Importance to the State of Hawaii (ALISH) system adopted by the Board of Agriculture on January 28, 1977.
4	Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production.
2	Land with sufficient quantities of water to support viable agricultural production.
9	Land whose designation as important agricultural lands is consistent with General, Development, and Community Plans of the County.
7	Land that contributes to maintaining a critical land mass important to agricultural operating productivity .
8	Land with or near support infrastructure conducive to agricultural productivitiy, such as transportation to markets, water or power.

# Castle & Cooke Homes Hawaii LIST OF IAL MAPS

NEW Fig. No.	Old Fig. No.	Proposed IAL Area	Theme/Title
1		all areas	Location Map
	•		
2A	1a	Waialua 333	Agricultural Production
3A	1b	Waialua 333	Agricultural Soils Productivity Ratings (LSB ratings)
4A	1c	Waialua 333	Solar Radiation
5A	1d	Waialua 333	Agricultural Lands of Importance to the State of Hawai'i (ALISH)
6A	1e	Waialua 333	Agricultural Infrastructure/Water Resources
7A	1f	Waialua 333	North Shore Sustainable Communities Urban Land Use Map
8A	1g	Waialua 333	State Land Use Map

2B	За	Whitmore / Dole Plntn	Agricultural Production
3B	3b	Whitmore / Dole Plntn	Agricultural Soils Productivity Ratings (LSB ratings)
4B	3с	Whitmore / Dole Pintn	Solar Radiation
5B	3d	Whitmore / Dole Plntn	Agricultural Lands of Importance to the State of Hawai'i (ALISH)
6B	3e	Whitmore / Dole Pintn	Agricultural Infrastructure/Water Resources
7B	3f	Whitmore / Dole Plntn	North Shore Sustainable Communities Urban Land Use Map/ Central O'ahu Sustainable Communities Urban Land Use Map
8B	<b>3</b> g	Whitmore / Dole Pintn	State Land Use Map
		_	

2a	Mililani South	Agricultural Production
2b	Mililani South	Agricultural Soils Productivity Ratings (LSB ratings)
2c	Mililani South	Solar Radiation
2d	Mililani South	Agricultural Lands of Importance to the State of Hawai'i (ALISH)
2e	Mililani South	Agricultural Infrastructure/Water Resources
2f	Mililani South	Central O'ahu Sustainable Communities Urban Land Use Map
2g	Mililani South	State Land Use Map
	2b 2c 2d 2e 2f	2b Mililani South 2c Mililani South 2d Mililani South 2e Mililani South 2f Mililani South

B1	Wai	alua TMK Plat	
B2	Dole Pl	antation TMK Plat	
B3	Whit	more TMK Plat	
B4	Mililan	i South TMK Plat	

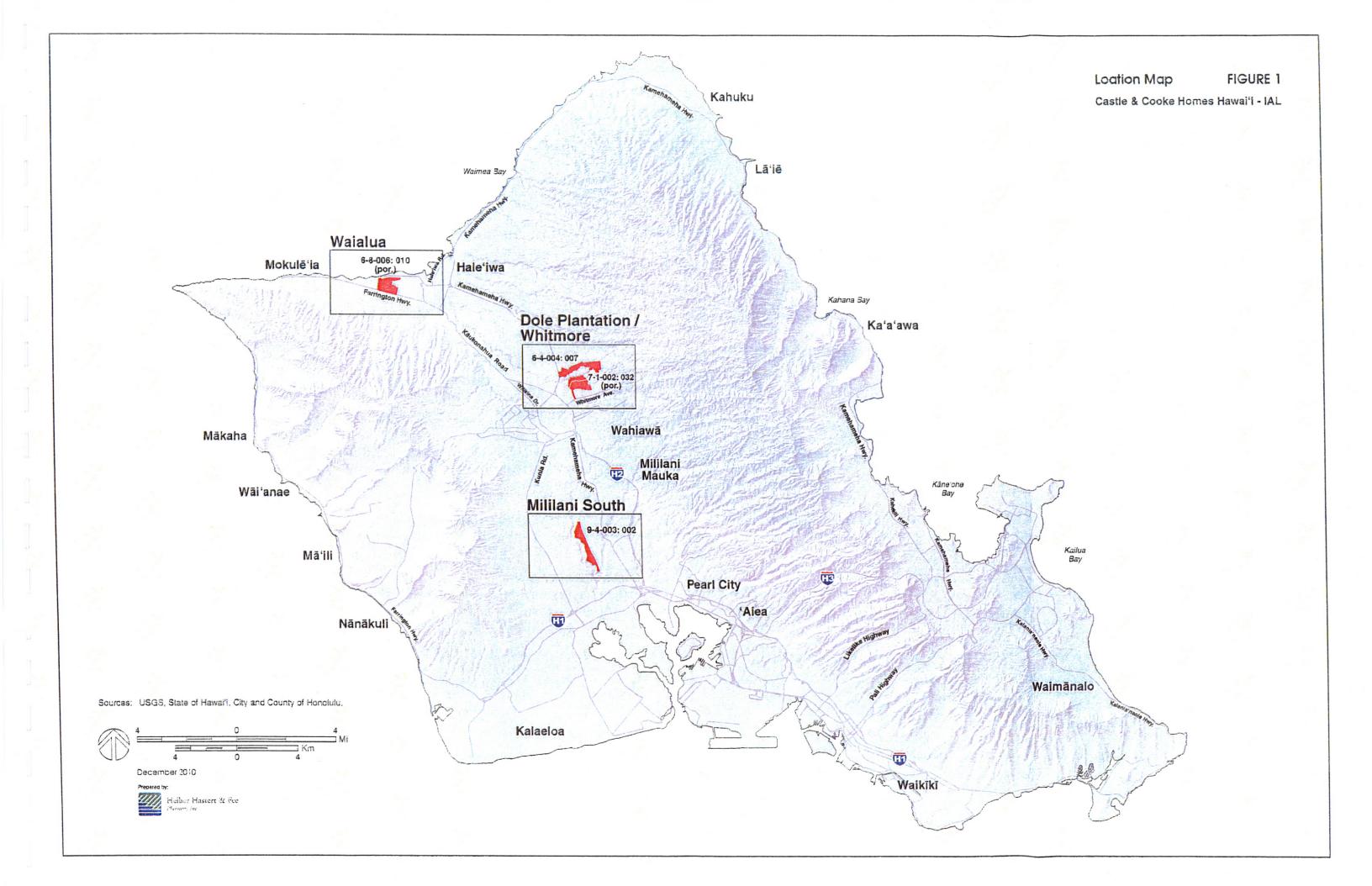
#### Map Code:

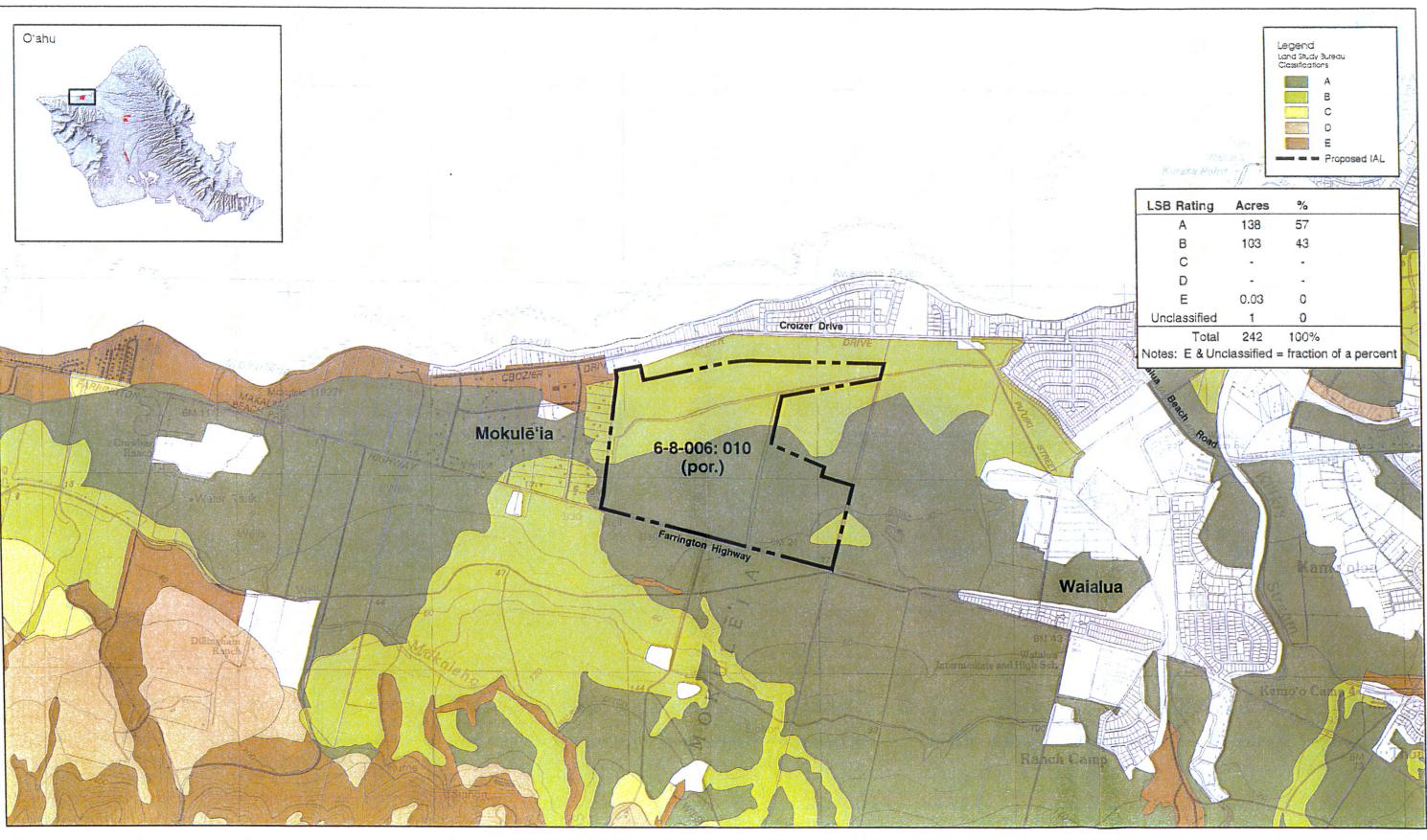
- 1 Index Map
- 2 Agricultural Production
- 3 Agricultural Soils Productivity Ratings (LSB ratings)
- 4 Solar Radiation
- 5 ALISH
- 6 Agricultural Infrastructure/Water Resources
- 7 SCPs
- 8 State Land Use

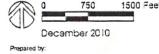
A Waialua

B Whitmore/Dole Plantation

C Mililani South



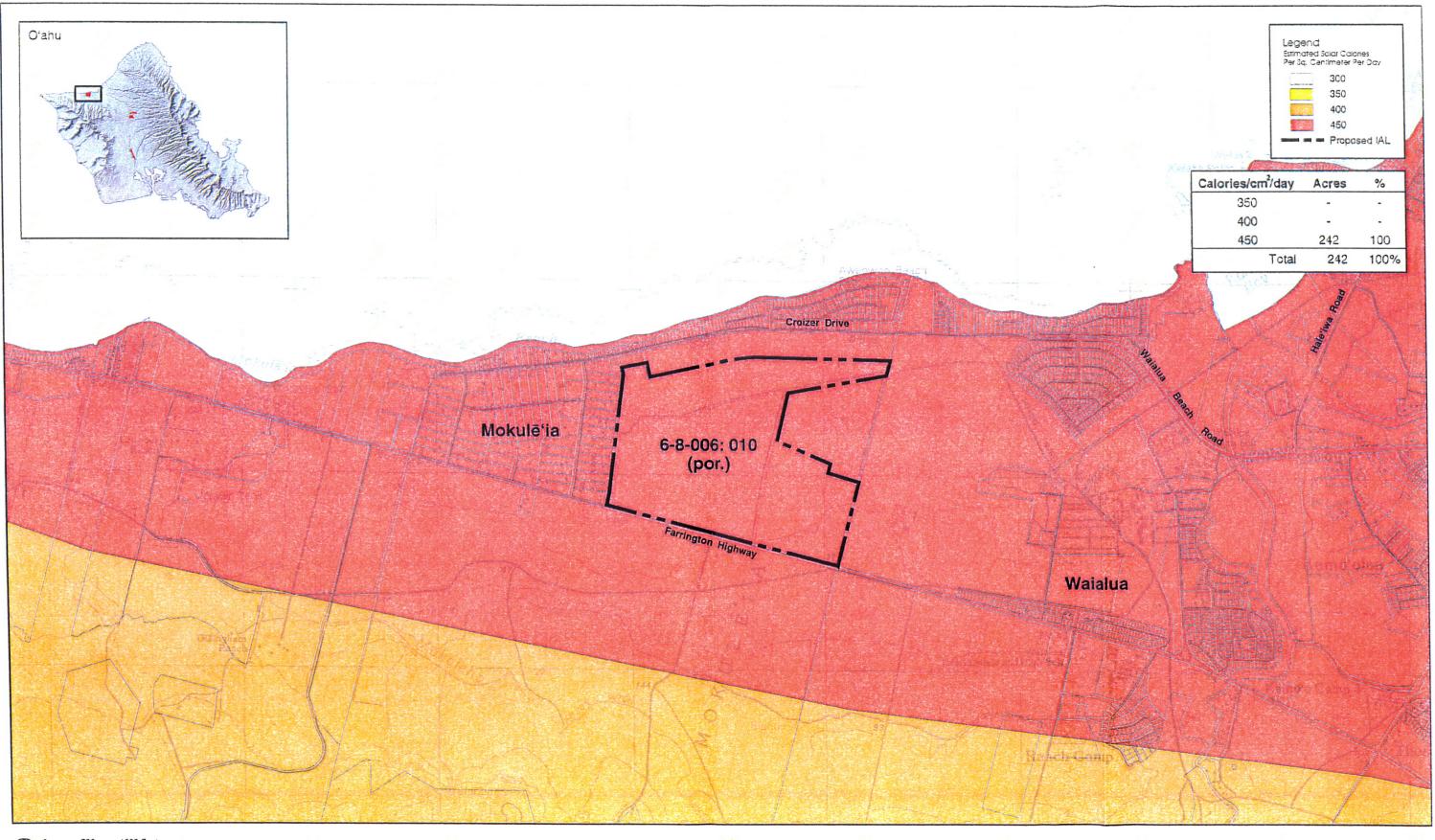




Sources: Land Study Bureau. Detailed Land Classification-Island of O'ahu. Honolulu, Hawai'i, December 1972 and State of Hawai'i Office of Planning, August 2010 (LSB ratings).

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Waialua FIGURE 3A
AGRICULTURAL SOILS PRODUCTIVITY RATINGS
(LSB RATINGS)



0 750 1500 Fe

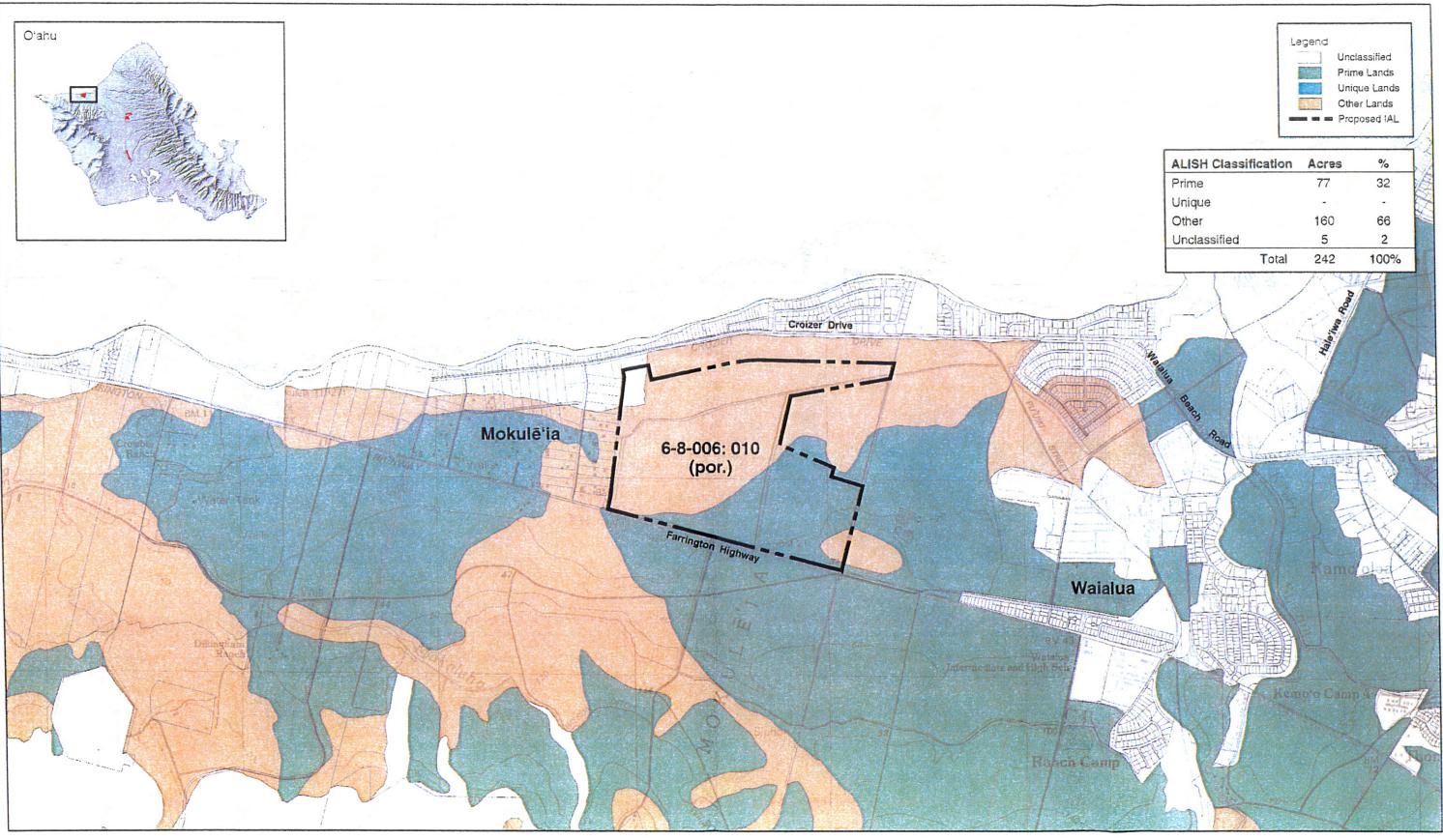
December 2010

Prepared by:
Helber Hastert & Fee
Planners, Inc.

Sources: State of Hawai'i Department of Planning and Economic Development, Energy Division "Sunshine Maps," 1985 and State of Hawai'i Department of Business Economic Development and Tourism, 1992.

City and County of Honolulu, October 2010; adited with Castle and Cocke subdivision survey data (parcel vectors).

Waialua FIGURE 4A SOLAR RADIATION

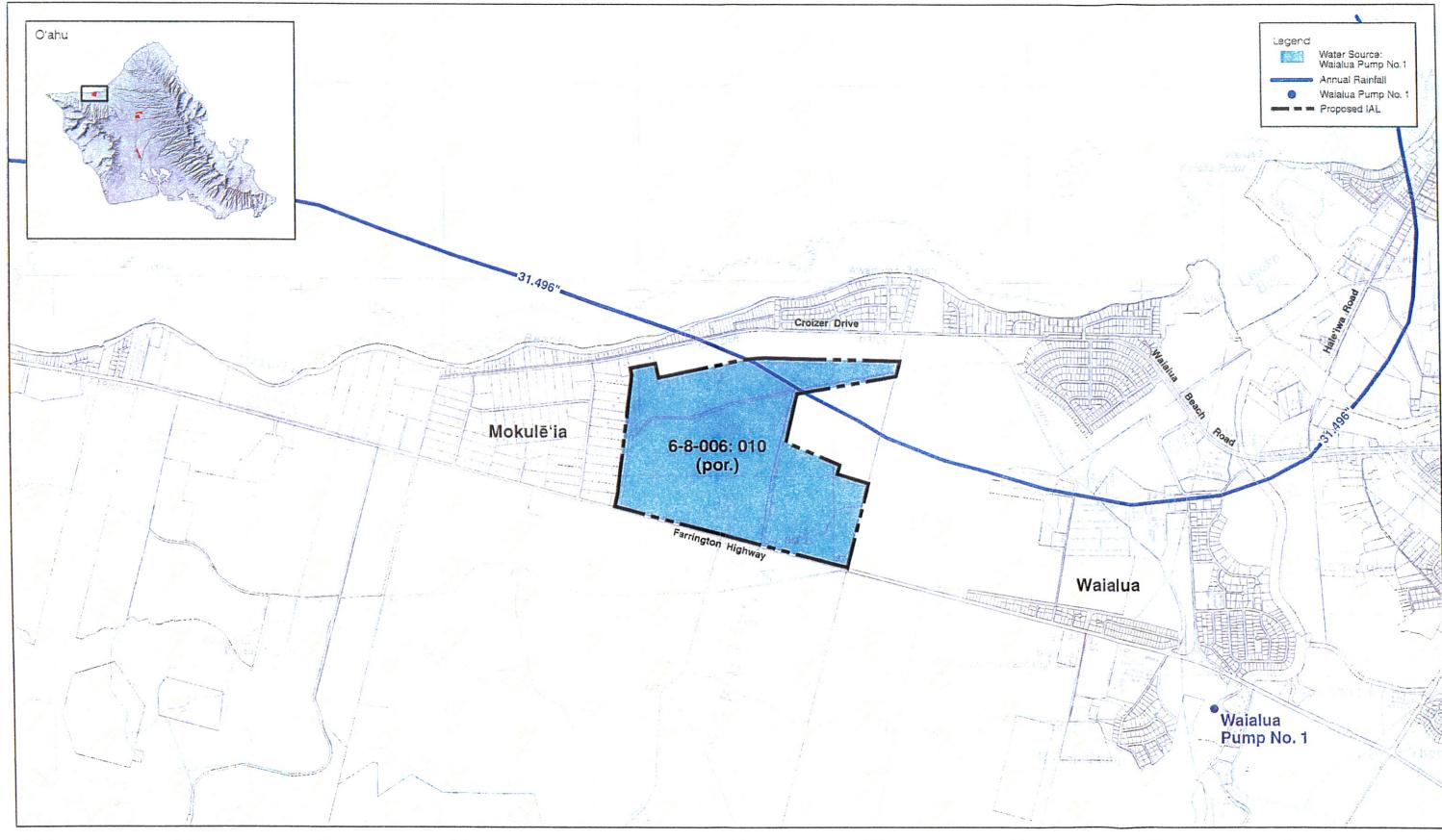




Sources: State of Hawai'i Department of Agriculture 1:24,000 hand drafted blueline maps; compiled and drafted in 1977. Prepared with the assistance of the Soil Conservation Service, U.S. Department of Agriculture, and the College of Tropical Agriculture, University of Hawai'i.

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Waialua FIGURE 5A AGRICULTURAL LANDS OF IMPORTANCE TO THE STATE OF HAWAI'I (ALISH)



0 750 1500 Fee

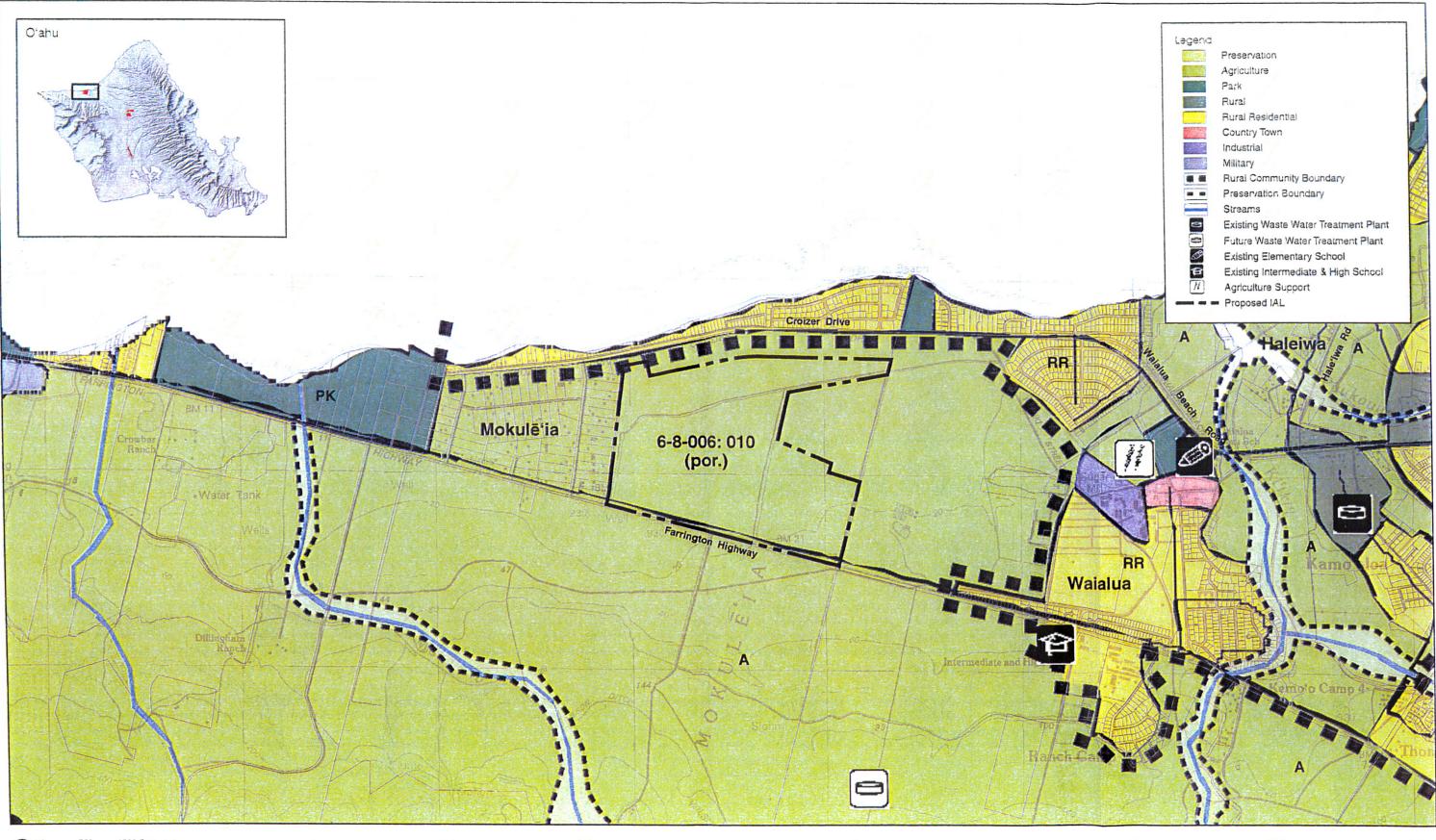
December 2010

Heiher Hastert & Fee

Sources: Giambelluca, T.W., Nullet, M.A., and Schroeder, T.A. 1986. Hawai'i Rainfall Atlas, Report R76 Hawai'i Division of Water and Land Development, Department of Land and Natural Resources, Honolulu, p. vi + 267 (rainfall).

City and County of Honolulu, October 2010; adited with Castle and Cooke subdivision survey data (parcel vectors).

Waialua FIGURE 6A
AGRICULTURAL INFRASTRUCTURE/
WATER RESOURCES
Castle & Cooke Homes Hawaii - IAL



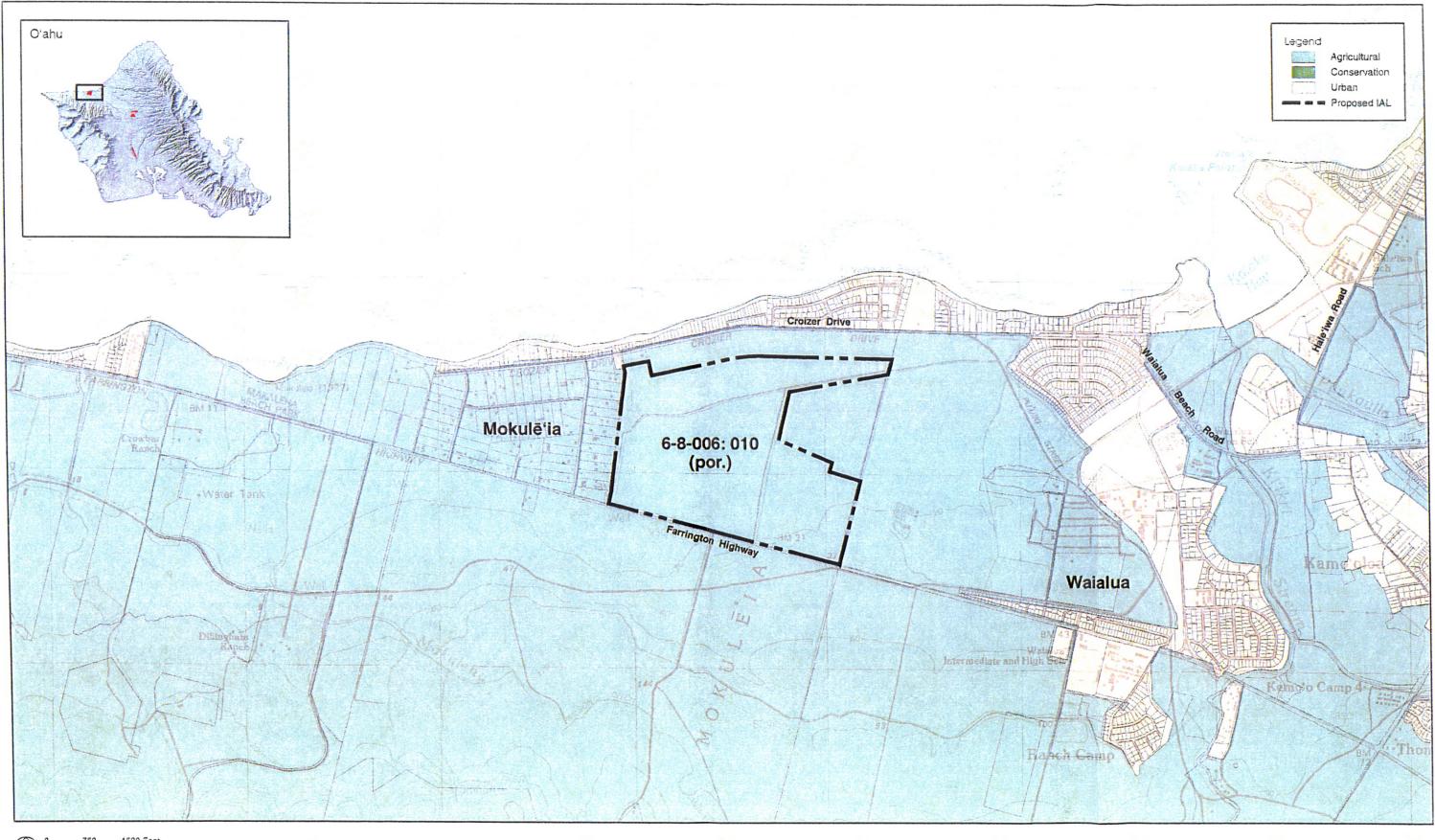
December 2010

Helber Hastert & Fee

Sources: City and County of Honolulu, July 2000 (North Shore SCP Land Use Map).

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Waialua FIGURE 7A NORTH SHORE SUSTAINABLE COMMUNITIES PLAN URBAN LAND USE MAP Castle & Cooke Homes Hawai'i - IAL

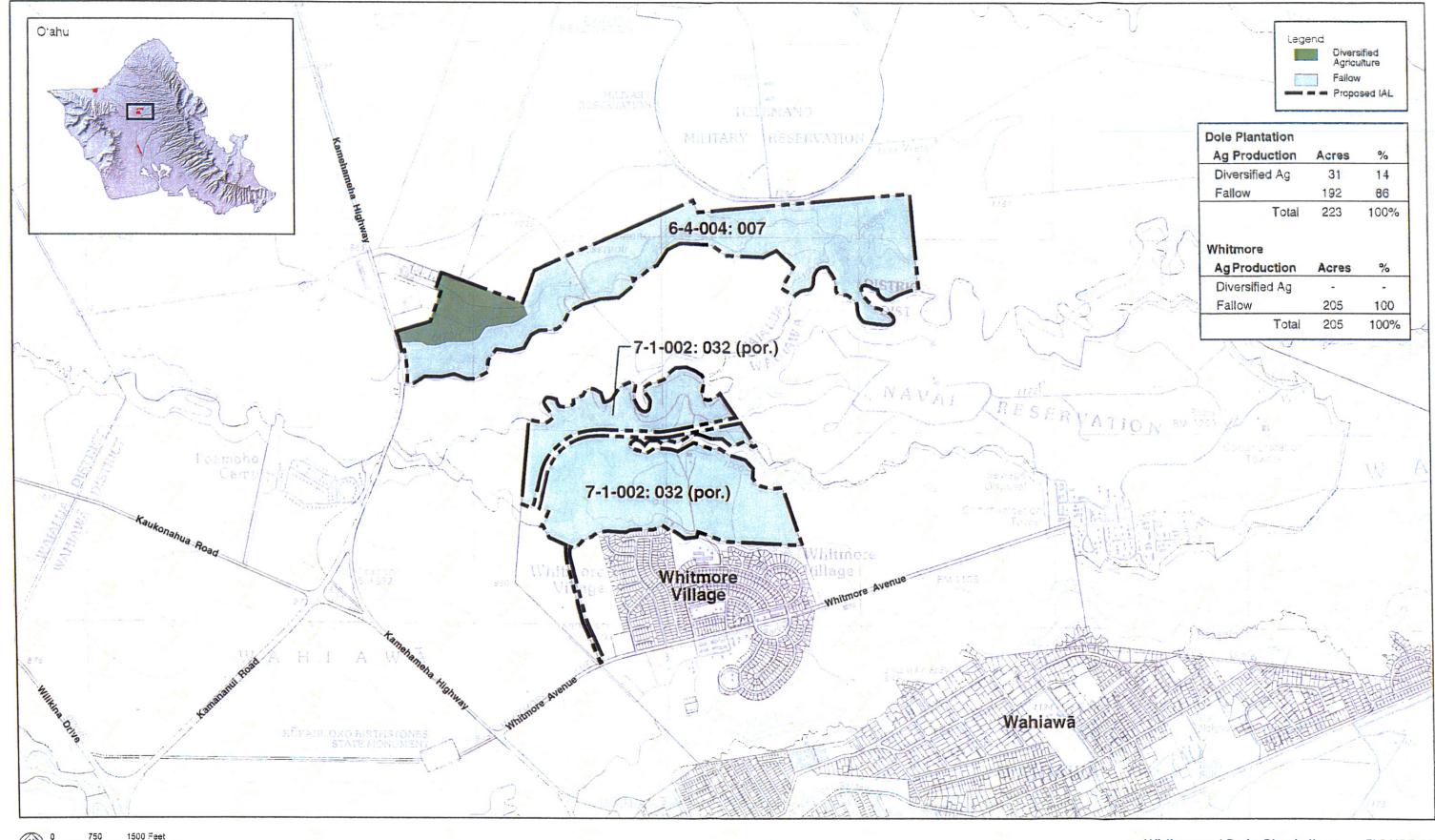




Source: State of Hawai'i, August 2010 (Land Use District boundaries).

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Waialua FIGURE 8A STATE LAND USE

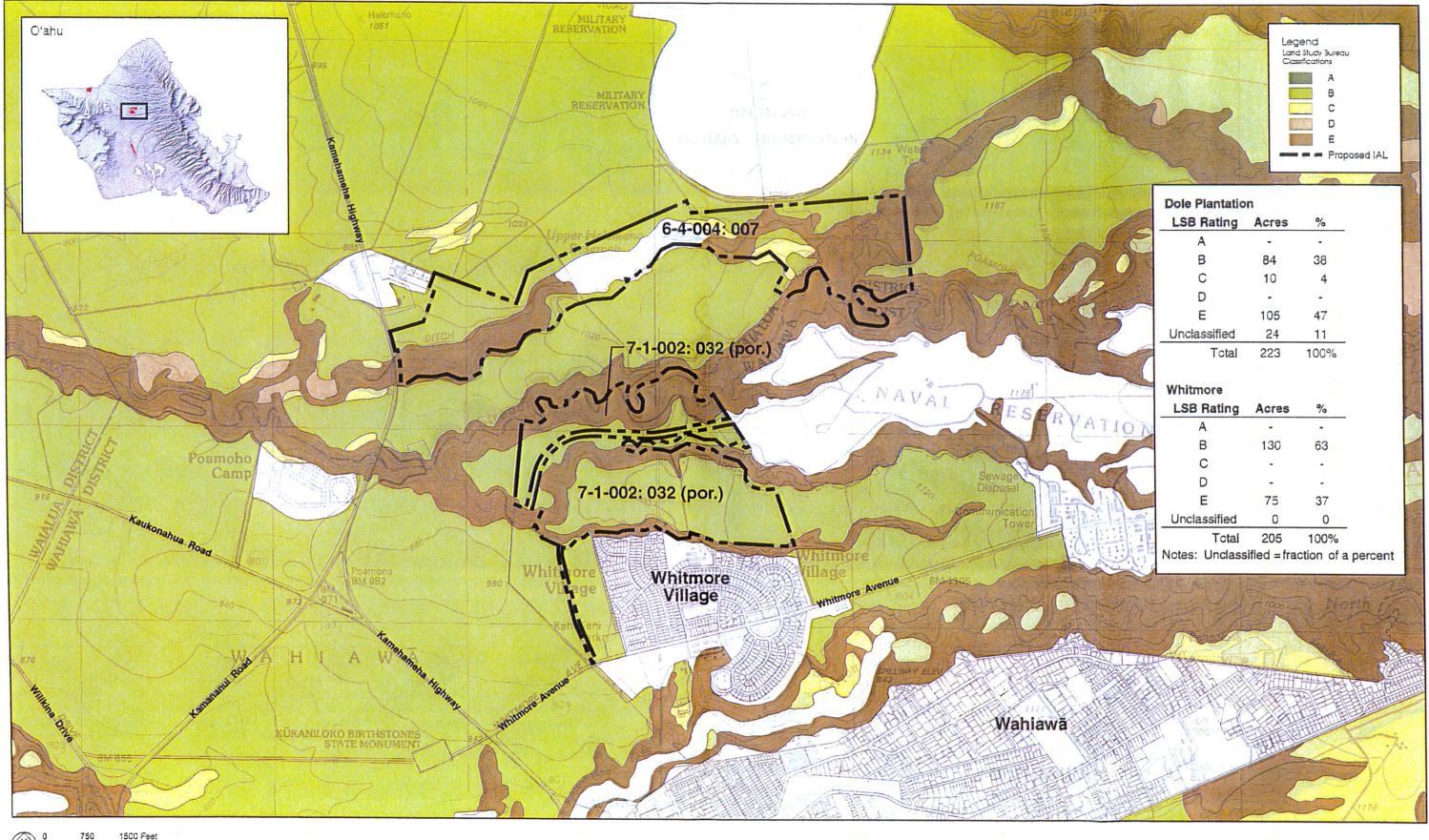


Prepared by:

Helber Hastert & Fee
Planter, Inc.

Source: City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 2B
AGRICULTURAL PRODUCTION



December 2010:

Heiber Hastert & Fee

Sources: Land Study Bureau. Detailed Land Classification-Island of O'ahu. Honolulu, Hawai'i, December 1972 and State of Hawai'i Office of Planning, August 2010 (LSB ratings).

City and County of Honolulu, October 2010; edited with Castle and Cocke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 3B
AGRICULTURAL SOILS PRODUCTIVITY RATINGS
(LSB RATINGS)



0 750 1500 Feet

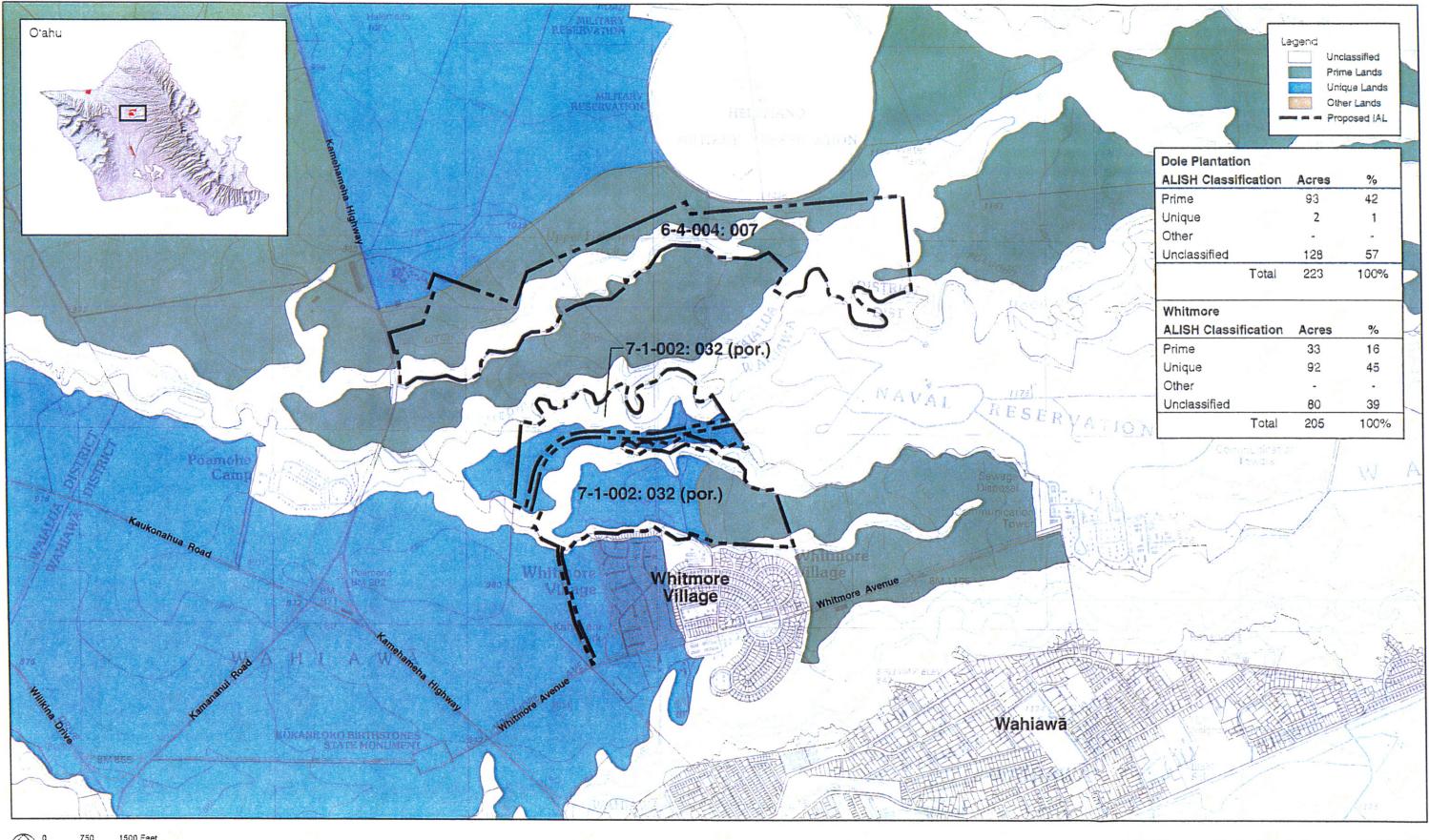
December 2010

Prepared by:
Helber Hastert & Fee
Plumer, In

Sources: State of Hawai'i Department of Planning and Economic Development, Energy Division "Sunshine Maps," 1985 and State of Hawai'i Department of Business Economic Development and Tourism, 1992.

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 4B
SOLAR RADIATION



0 750 1500 Feet

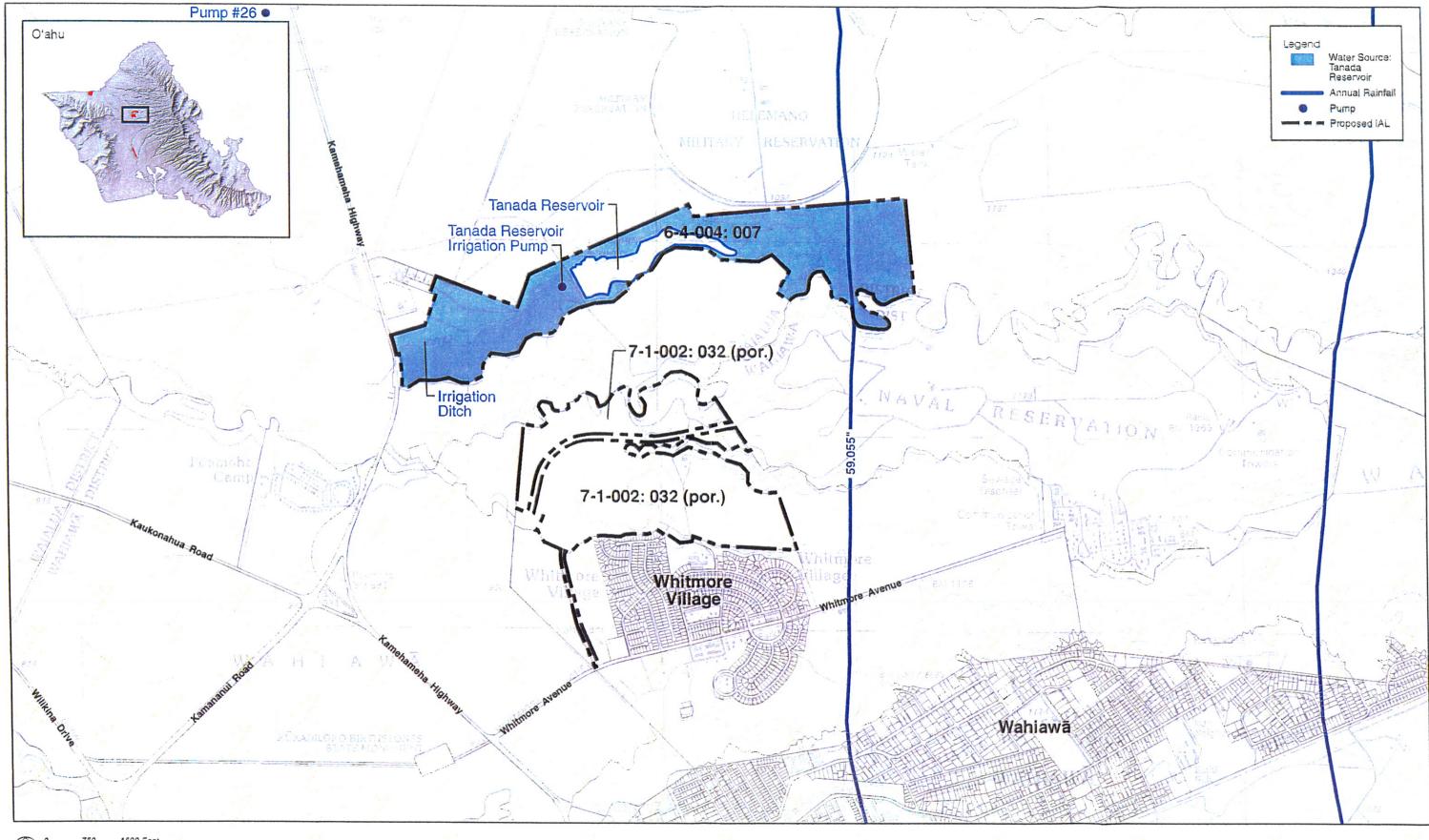
repared by: Helber Hustert & Fee Sources: State of Hawai'i Department of Agriculture 1:24,000 hand drafted blueline maps; compiled and drafted in 1977. Prepared with the assistance of the Soil Conservation Service, U.S. Department of Agriculture, and the Coilege of Tropical Agriculture, University of Hawai'i.

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 5B

AGRICULTURAL LANDS OF IMPORTANCE
TO THE STATE OF HAWAI'I (ALISH)

Castle & Cooke Homes Hawai'i - IAL



0 750 1500 Fee

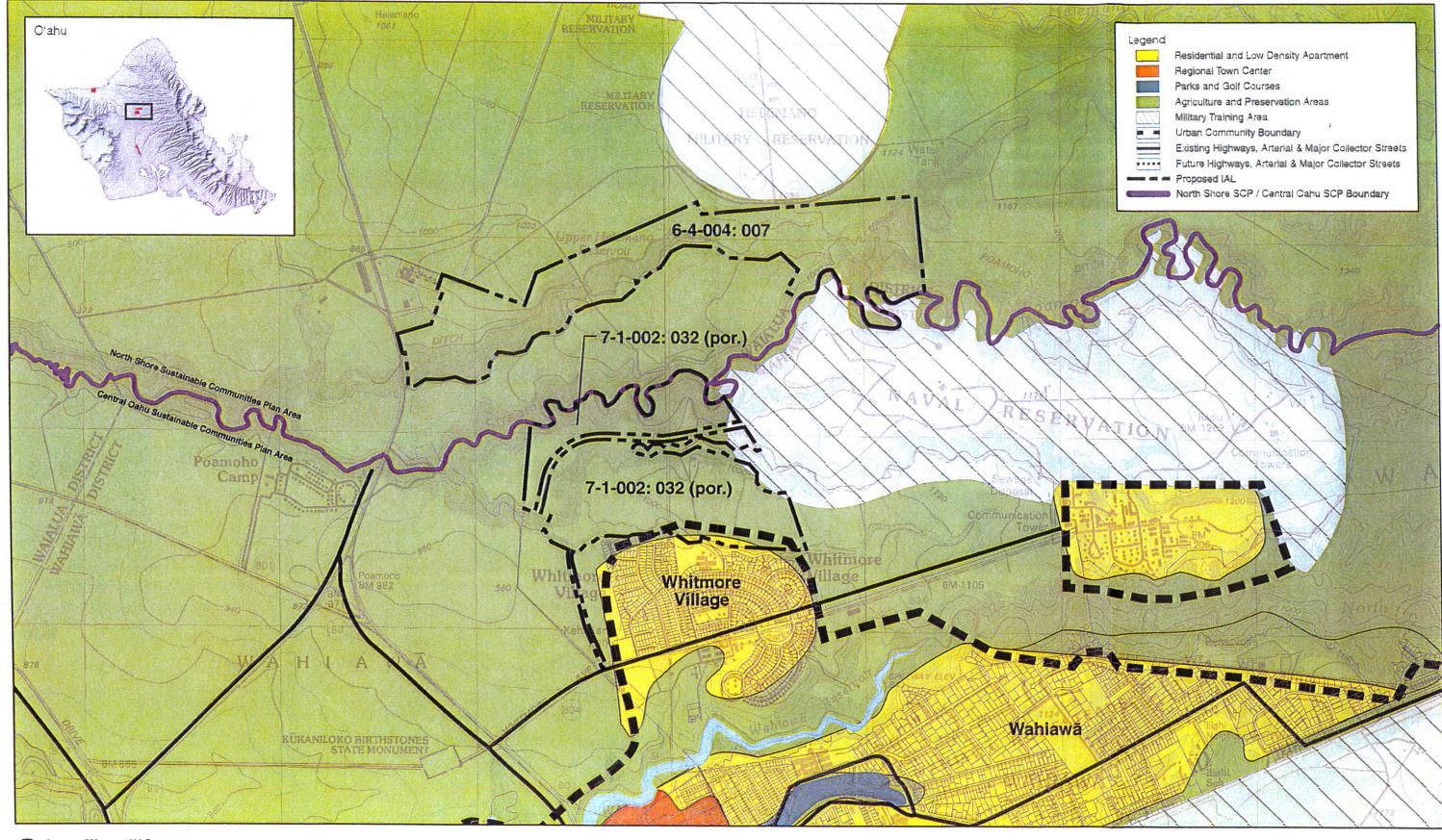
December 2010

Helber Hastert & Fee

Sources: Giambelluca, T.W., Nullet, M.A., and Schroeder, T.A. 1986. Hawai'i Rainfall Atlas. Report R76 Hawai'i Division of Water and Land Development, Department of Land and Natural Resources. Honolulu. p. vi + 267 (rainfall).

City and County of Honolulu, October 2010; adited with Castle and Cooke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 6B
AGRICULTURAL INFRASTRUCTURE / WATER RESOURCES





December 2010

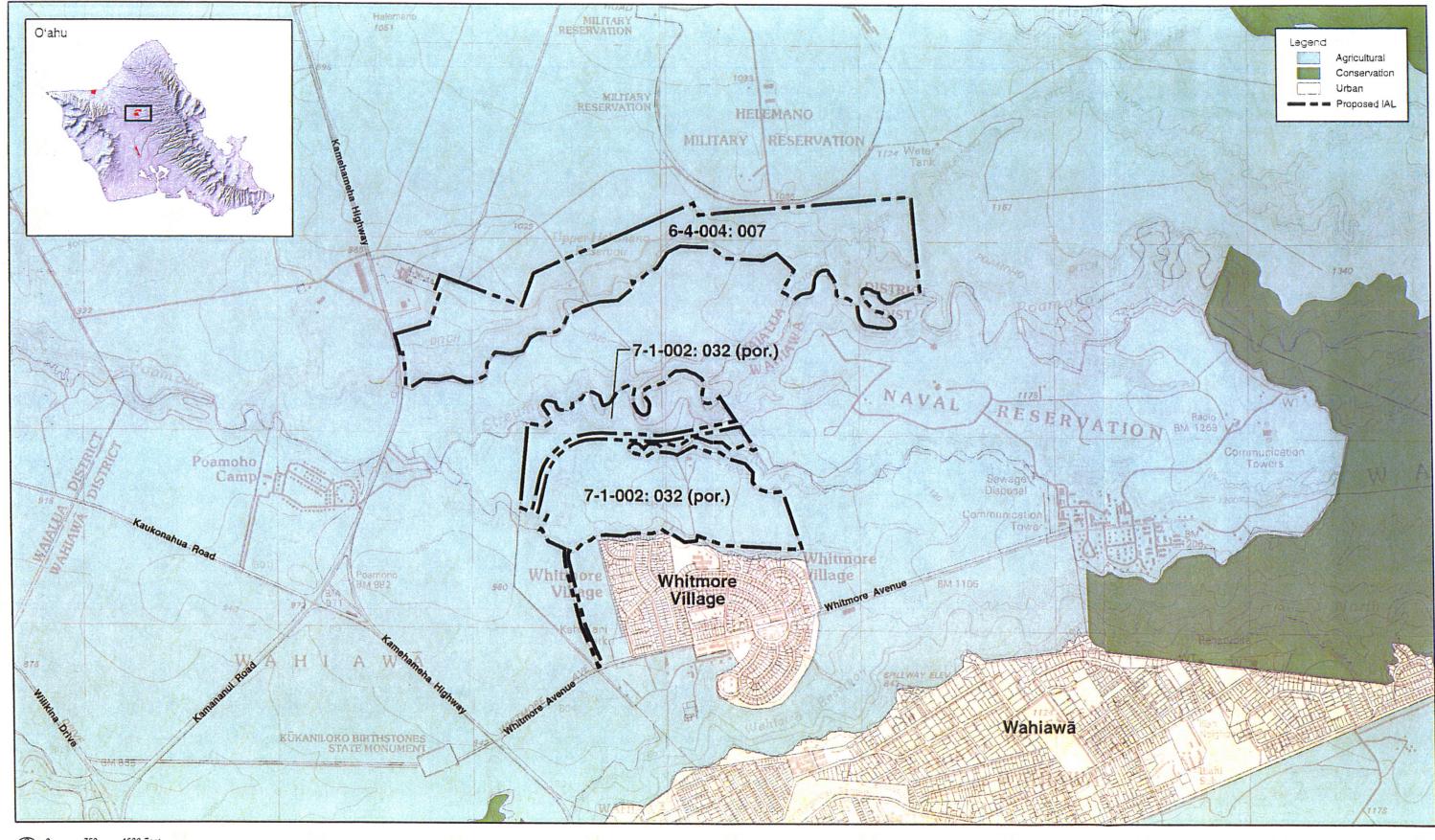
Helber Hastert & Fee

Sources: City and County of Honolulu, July 2000 (North Shore SCP Land Use Map) and December 2002 (Central Oahu SCP Land Use Map).

City and County of Honolulu, October 2010; adited with Castle and Cooke subdivision survey data (parcel vectors).

Whitmore / Dole Plantation FIGURE 7B

NORTH SHORE & CENTRAL O'AHU SUSTAINABLE COMMUNITIES PLAN URBAN LAND USE MAPS



0 750 1500 Feet

December 2010

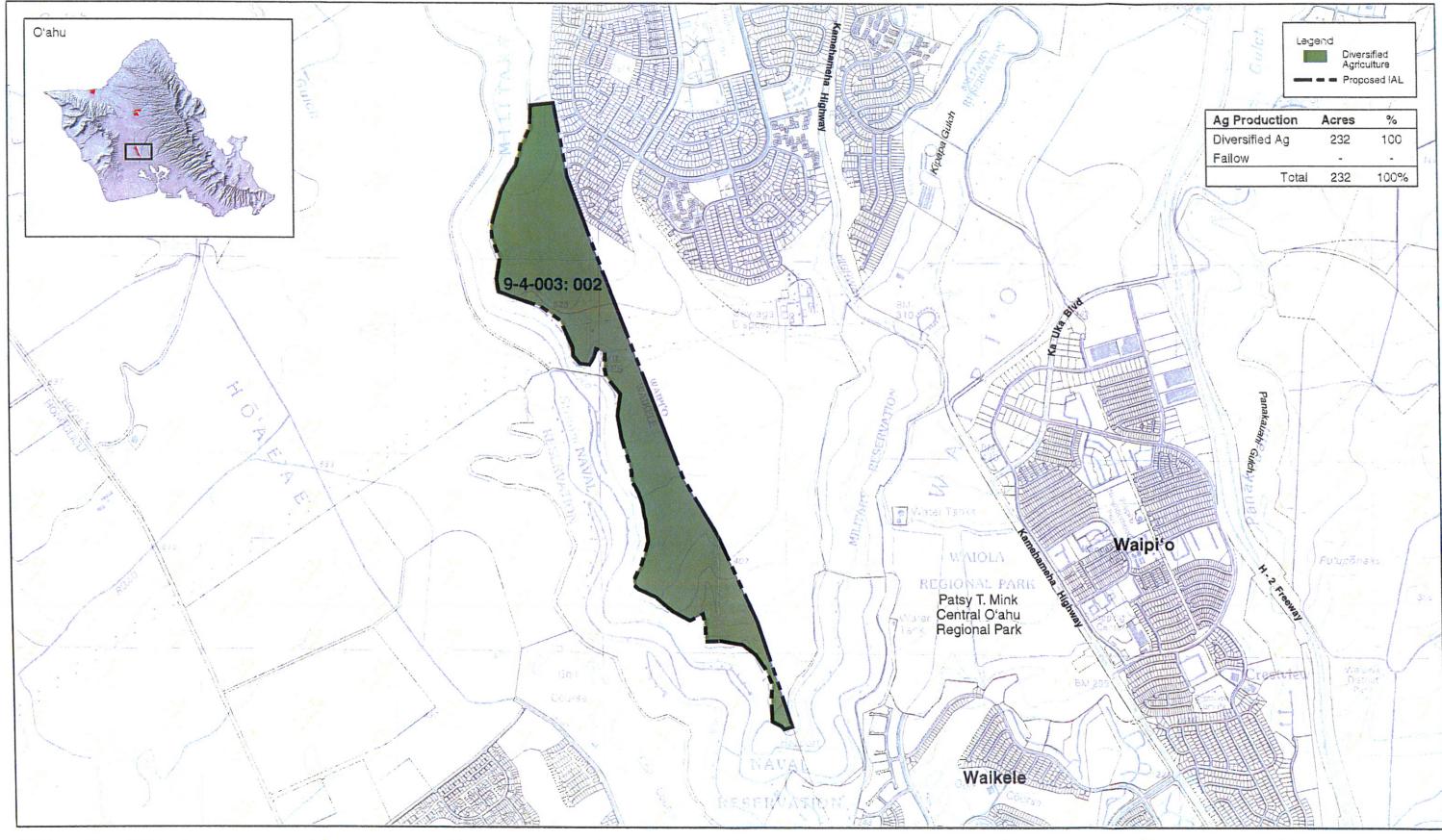
Sources: State of Hawai'i, August 2010 (Land Use District boundaries).

City and County of Honolulu, October 2010; edited with Castle and Cooke subdivision survey data (parcel vectors).

Prepared by:

Helber Hastert & Fee Planner, Inc.

Whitmore / Dole Plantation FIGURE 8B STATE LAND USE





Helber Hastert & Fee

Source: City and County of Honolulu, October 2010 (parcel vectors); Castle and Cooke 2010 (agricultural production).

AGRICULTURAL PRODUCTION

Mililani South FIGURE 2C



0 750 1500 Feet

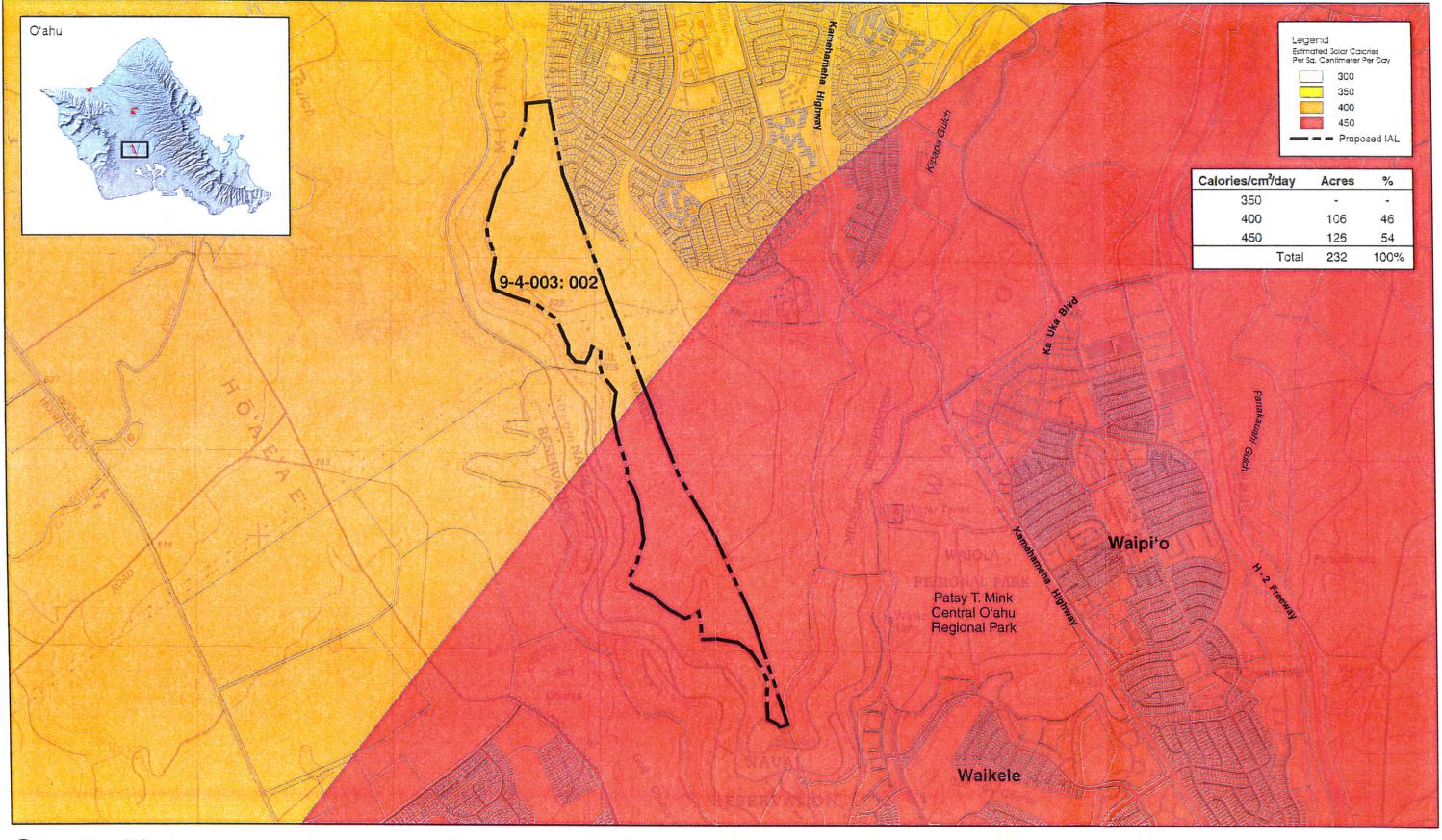
December 2010

Helber Hastert & Fee

Sources: Land Study Bureau. Detailed Land Classification-Island of O'ahu. Honolulu, Hawai'i, December 1972 and State of Hawai'i Office of Planning, August 2010 (LSB ratings).

City and County of Honolulu, October 2010 (parcel vectors).

Miliani South FIGURE 3C
AGRICULTURAL SOILS PRODUCTIVITY RATINGS
(LSB RATINGS)



0 750 1500 Feet

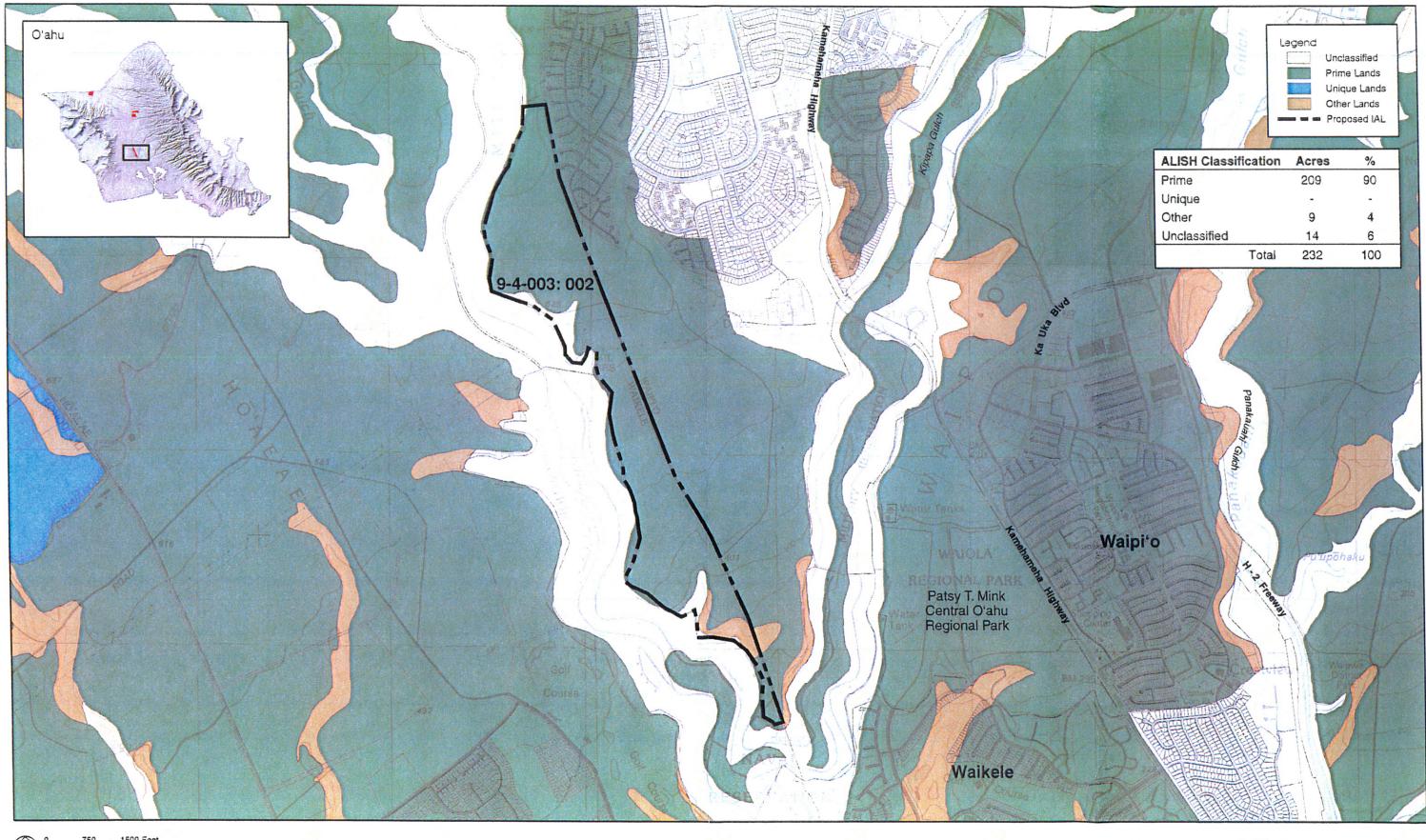
December 2010

Prepared by:
Helber Hastert & Fee
Planten, Inc.

Sources: State of Hawai'i Department of Planning and Economic Development, Energy Division "Sunshine Maps," 1985 and State of Hawai'i Department of Business Economic Development and Tourism, 1992.

City and County of Honolulu, October 2010 (parcel vectors).

Mililani South FIGURE 4C SCLAR RADIATION

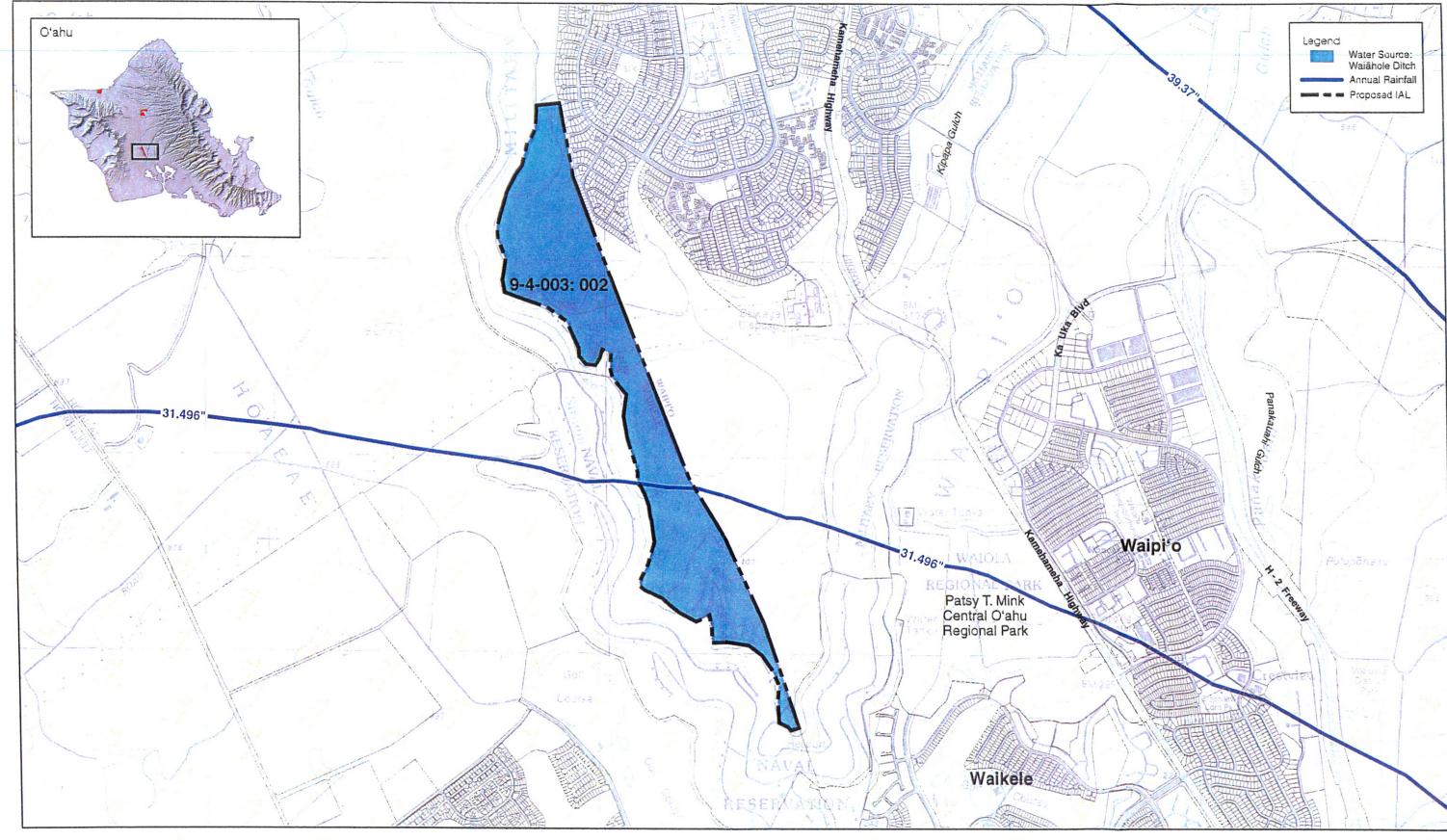


December 2010

Sources: State of Hawai'i Department of Agriculture 1:24,000 hand drafted blueline maps; compiled and drafted in 1977. Prepared with the assistance of the Soil Conservation Service, U.S. Department of Agriculture, and the College of Tropical Agriculture, University of Hawai'l.

City and County of Honolulu, October 2010 (parcel vectors).

Militani South FIGURE 5C
AGRICULTURAL LANDS OF IMPORTANCE
TO THE STATE OF HAWAI'I (ALISH)



0 750 1500 Fee

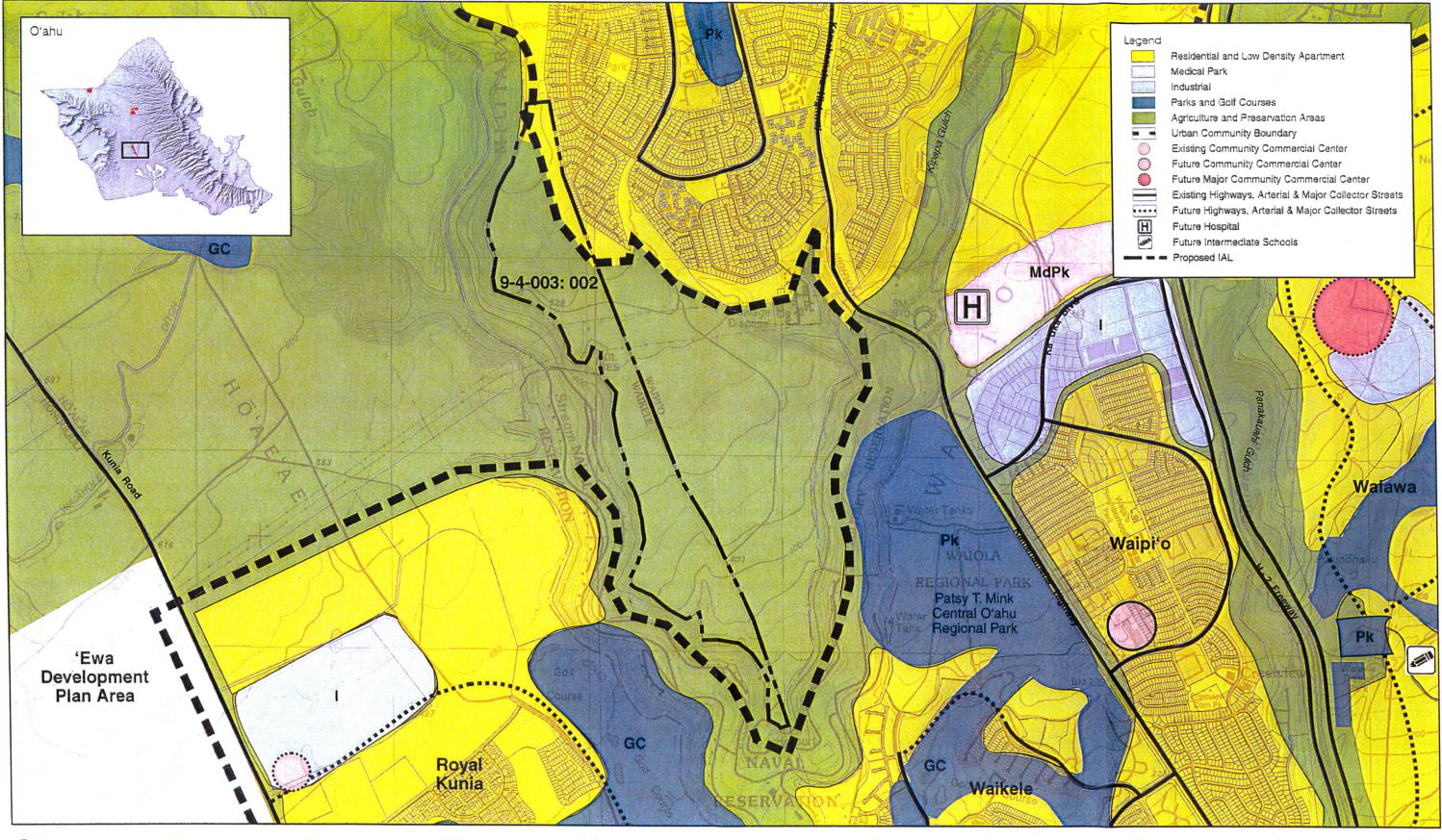
December 2010

Helber Hastert & Fee

Sources: Giambelluca, T.W., Nullet, M.A., and Schroeder, T.A. 1986. Hawai'i Rainfall Atlas, Report R76 Hawai'i Division of Water and Land Development, Department of Land and Natural Resources, Honolulu. p. vi + 267 (rainfall).

City and County of Honolulu, October 2010 (parcel vectors).

Miliani South FIGURE 6C
AGRICULTURAL INFRASTRUCTURE/
WATER RESOURCES



1500 Feet December 2010

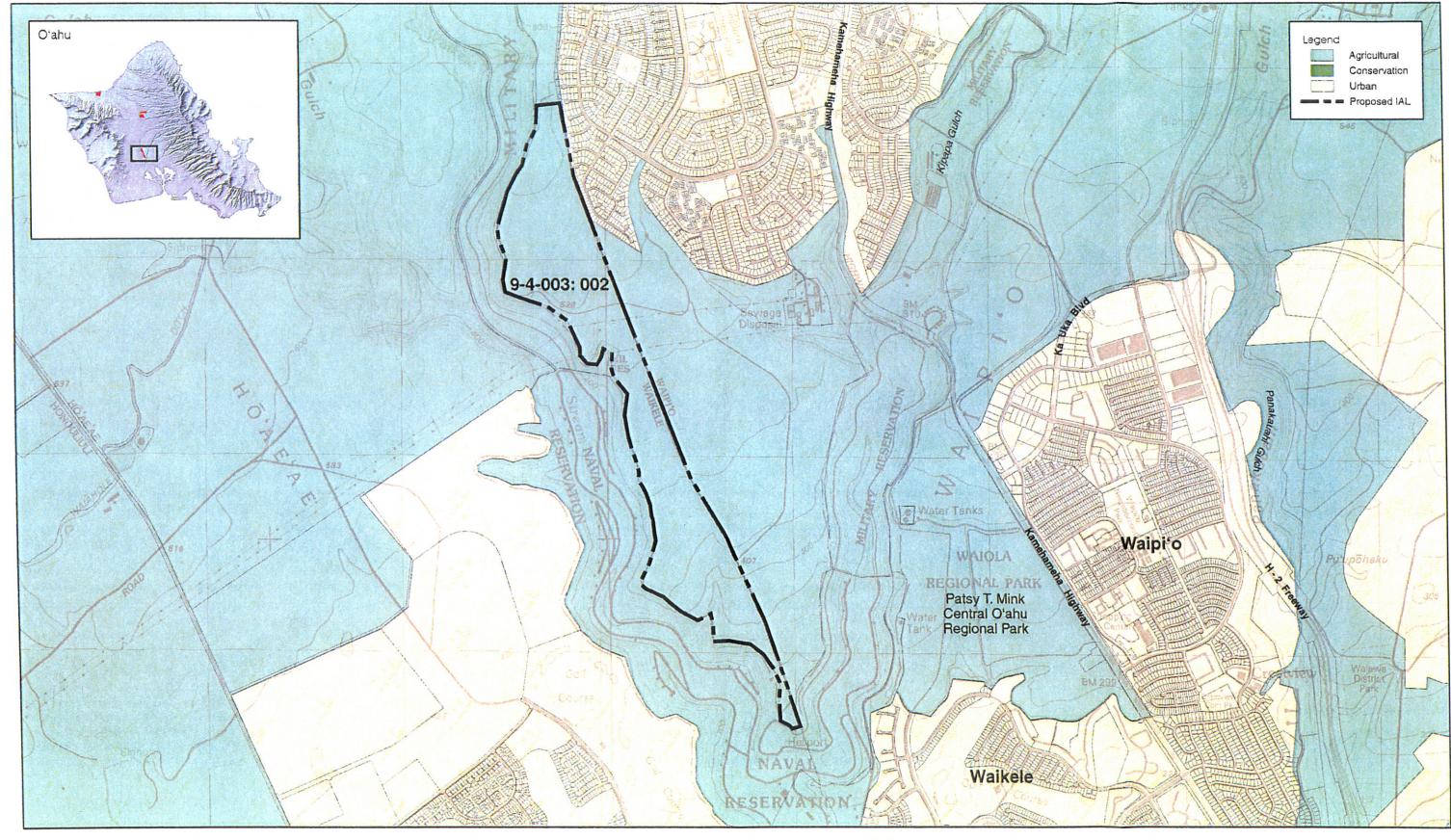
Helber Hastert & Fee

Sources: City and County of Honolulu, December 2002 (Central O'ahu SCP Land Use Map). City and County of Honolulu, October 2010 (parcel vectors).

The Urban Community Boundary alignment shown on the map should be considered conceptual; the Plan's text officially describes the boundary as following the urbanized areas of Mililani (COSCP pg. 2-9). Note:

Mililani South FIGURE 7C

CENTRAL O'AHU SUSTAINABLE COMMUNITIES PLAN URBAN LAND USE MAP



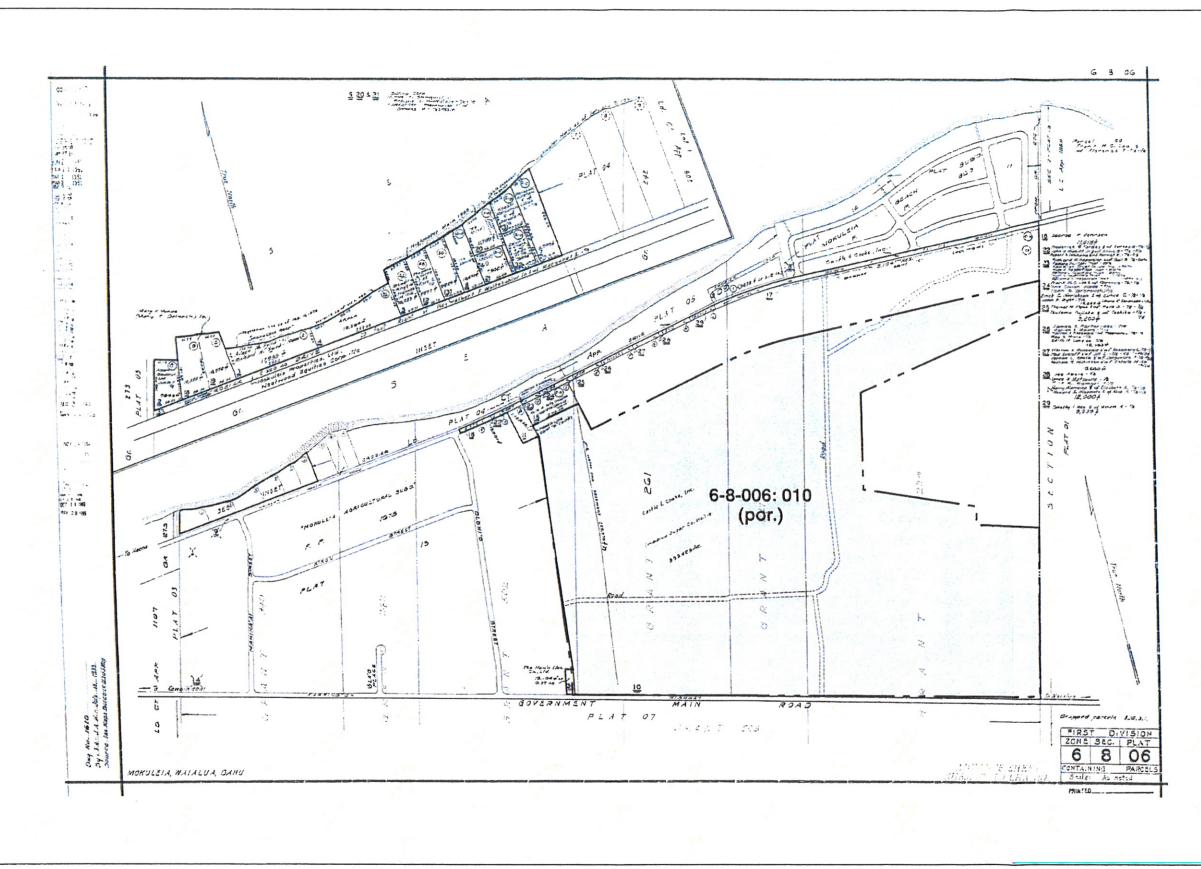
0 750 1500 Fee

Sources: State of Hawai'i, August 2010 (Land Use District boundaries).

City and County of Honolulu, October 2010 (parcel vectors).

Mililani South FIGURE 8C STATE LAND USE



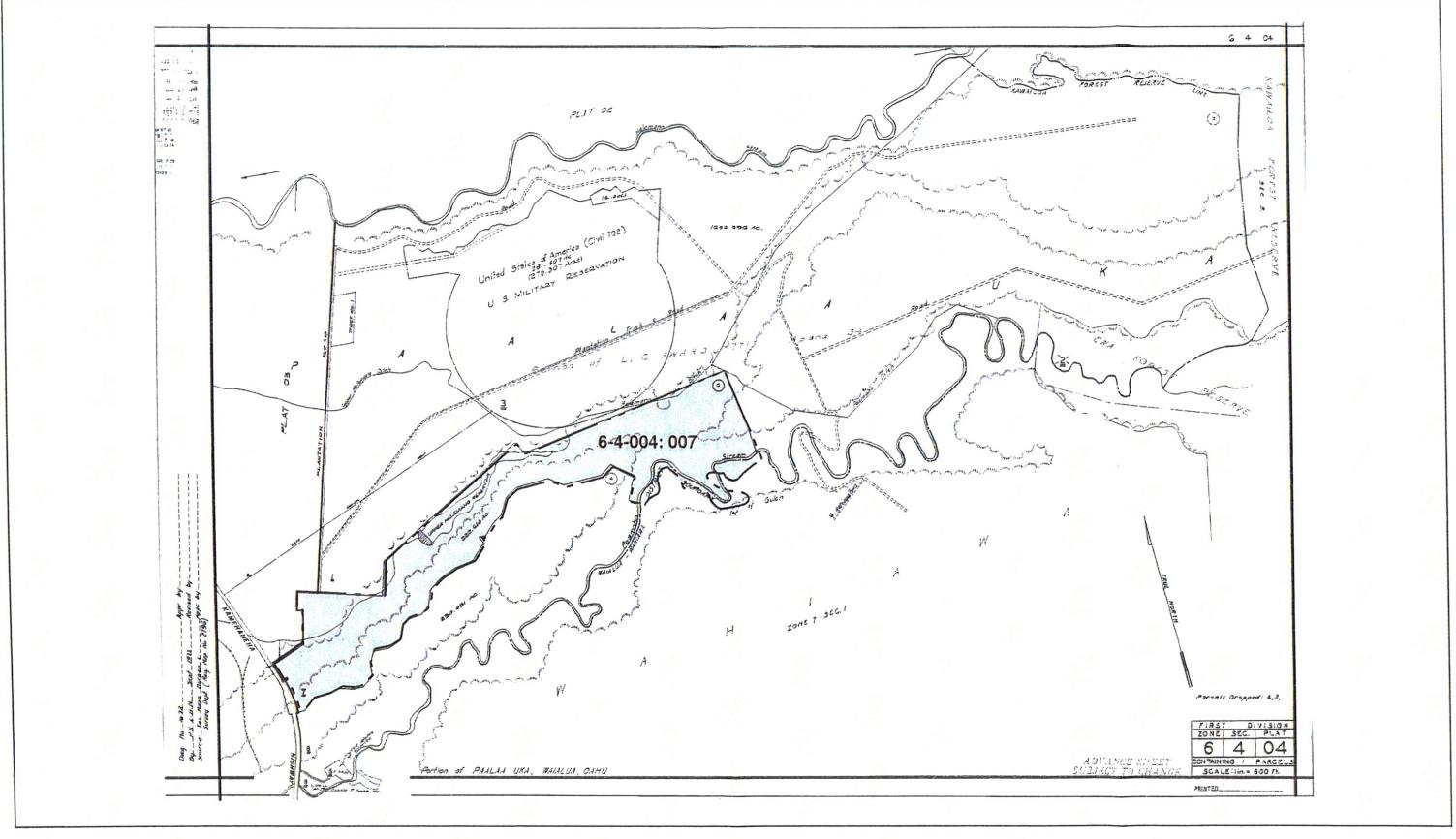




Source: City and County of Honolulu.

Prepared by:
Helber Hastert & Fee
Planners, Inc.

Waialua FIGURE B1 TMK PLAT 6-8-06



0 750 1500 Feet

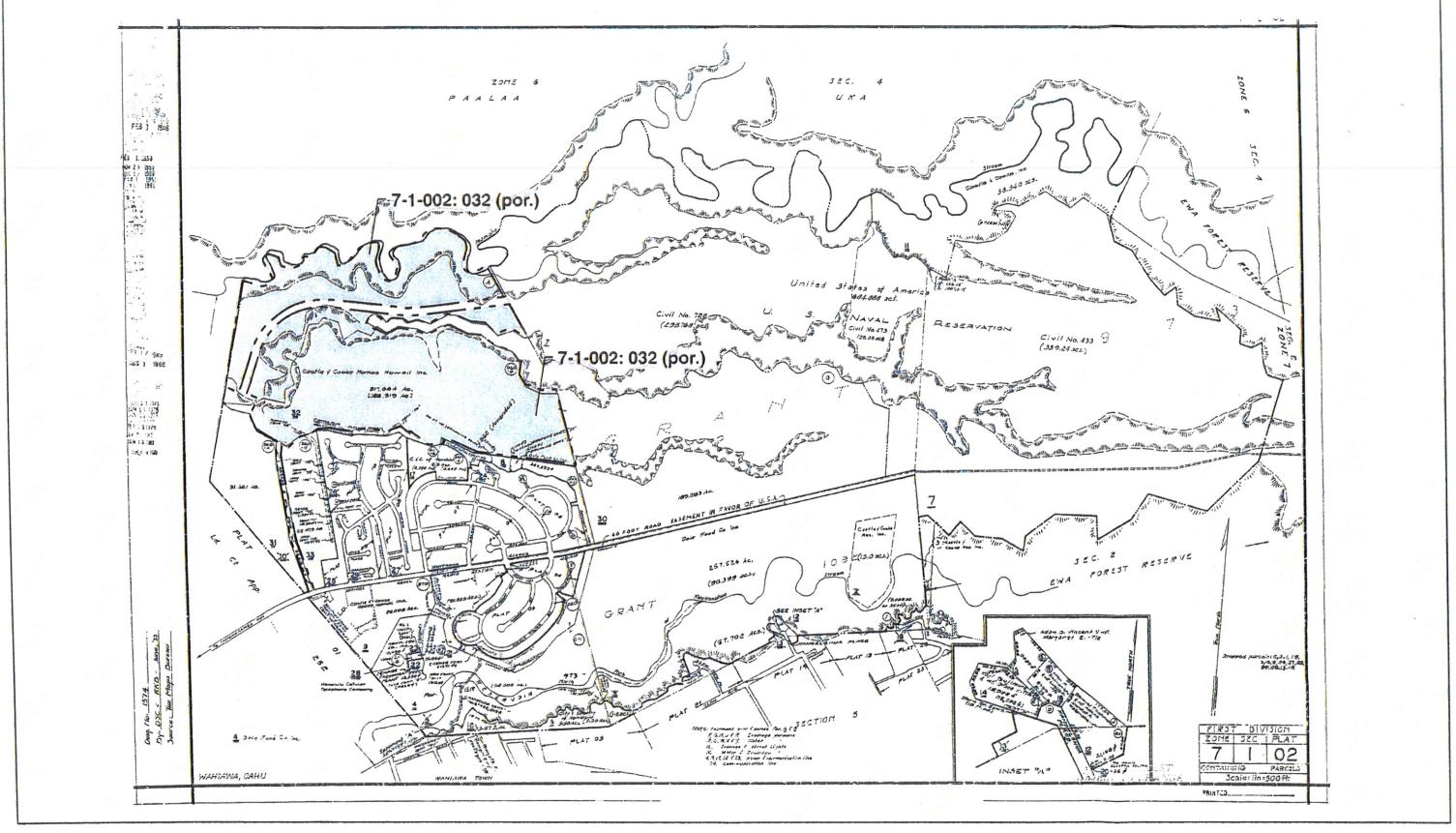
December 2010

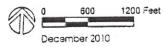
Source: City and County of Honolulu.

Disclaimer: Map prepared for planning and illustrative purposes only.

Prepared by:
Helber Hastert & Fee
Planners, Inc.

Dole Plantation FIGURE B2
TMK PLAT 6-4-04





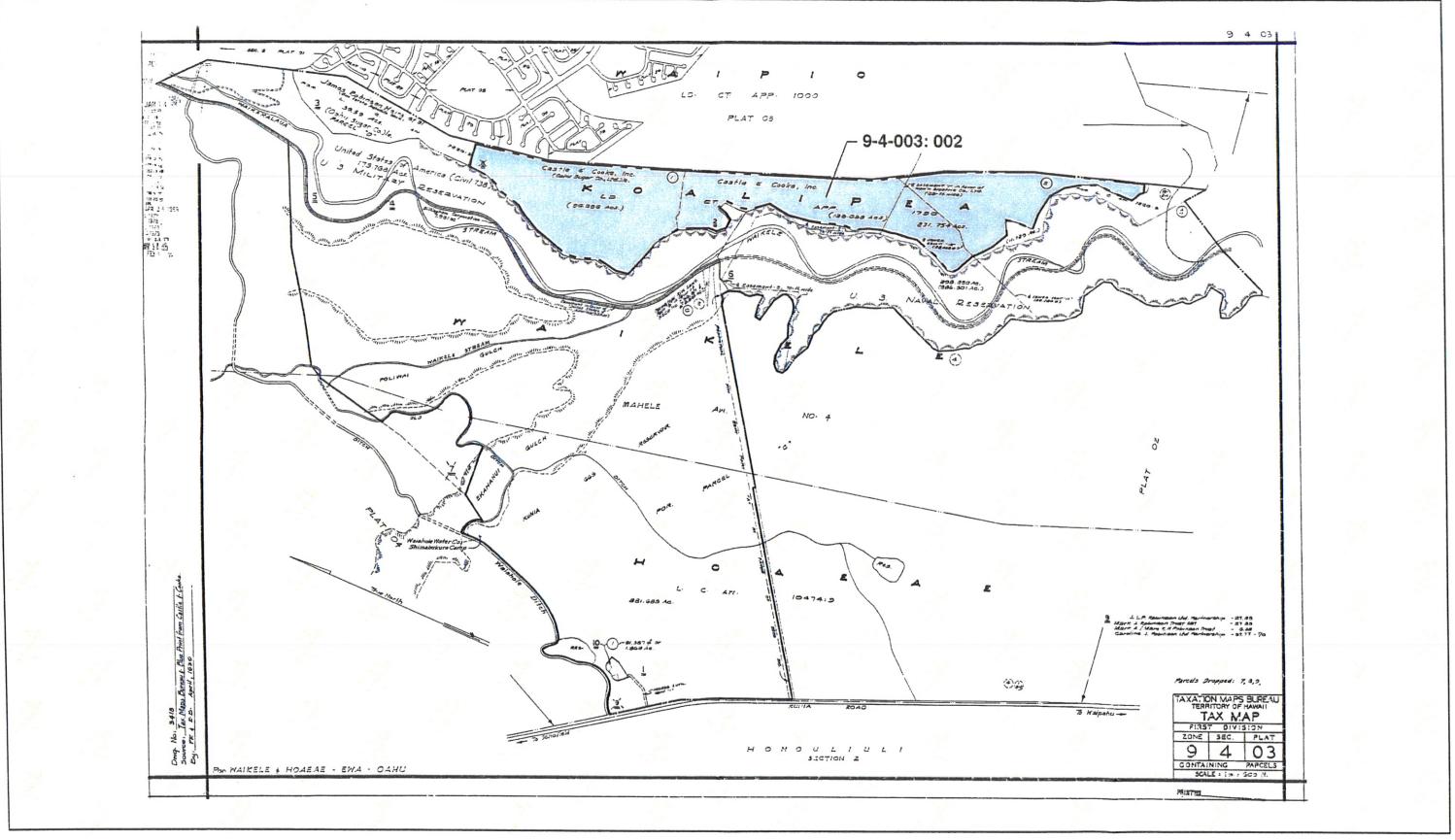
Source: City and County of Honolulu.

Disclaimer: Map prepared for planning and illustrative purposes only.

Whitmore

FIGURE B3 TMK PLAT 7-1-02







Source: City and County of Honolulu.

Disclaimer: Map prepared for planning and illustrative purposes only.

Mililani South FIGURE B4
TMK PLAT 9-4-03

## **EXHIBIT B**

# Proposed Important Agricultural Lands

Tax Map Key Parcels

for

Castle & Cooke Homes Hawaii, Inc.

December 23, 2010

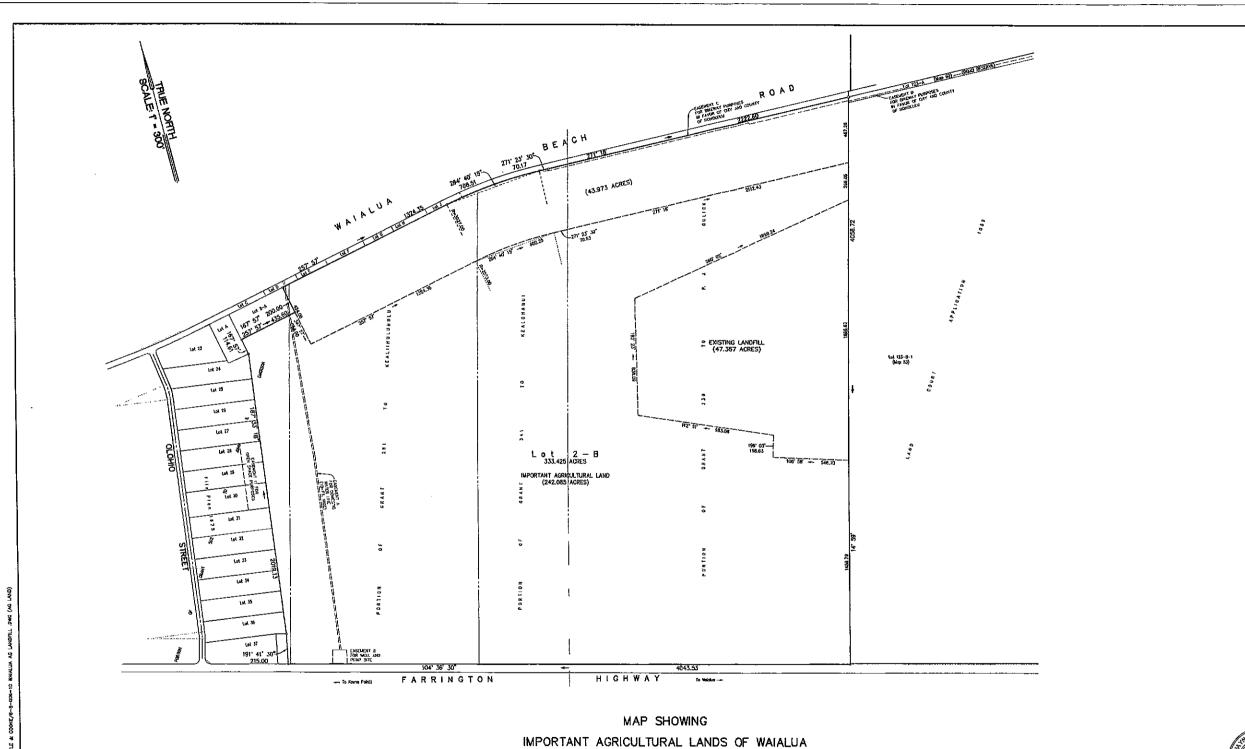
### Exhibit B: Tax Map Key Description

Approximately 902 acres of land owned by Petitioner's affiliated companies, Castle & Cooke, Inc., Castle & Cooke Properties, Inc. and Castle & Cooke Waialua, LLC are proposed to be designated as Important Agricultural Lands. The parcels are specifically described as TMK numbers: 1-6-8-006:010 (portion) (owned by Castle & Cooke Waialua, LLC); 1-6-4-004:007 (owned by Castle & Cooke Properties, Inc.); 1-7-1-002:032 (portion) (owned by Castle & Cooke, Inc.); and 1-9-4-003:002 (owned by Castle & Cooke, Inc.).

The following table shows a summary of TMK numbers and approximate acreage for proposed IAL lands:

	TMK Number	Approximate Acreage		
Waialua	1-6-8-006:010 (POR.)	242.085		
Dole Plantation	1-6-4-004:007	222.634		
Whitmore	1-7-1-002:032 (POR.)	205.593		
Mililani South	1-9-4-003:002	231.754		
	902.066			

Exhibit B illustrates the proposed IAL lands and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits B-1 to B-4 identify the individual TMK parcels and portions thereof that are proposed to be designated IAL.



AND EXISTING LANDFILL

BEING A PORTION OF LOT 2-B, SAME BEING PORTIONS OF GRANT 502 TO JOHN S. EMERSON, GRANT 261 TO KEALIHULUHULU, GRANT 341 TO KEALOHANUI AND GRANT 239 TO P. J. GULICK

AT MOKULEIA, WAIALUA, OAHU, HAWAII

OWNER: CASTLE AND COOKE WAIALUA LLC

TAX MAP KEY: 6-8-06:10

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 973 to Robinson, Lawrence and Holt) situate, lying and being at Wahiawa, Waialua, City and County of Honolulu, State of Hawaii, being LOT A, and thus bounded and described as per survey dated April 21, 1995 of Laurence M. Masuda, Land Surveyor, with M & E Pacific Inc., to-wit;

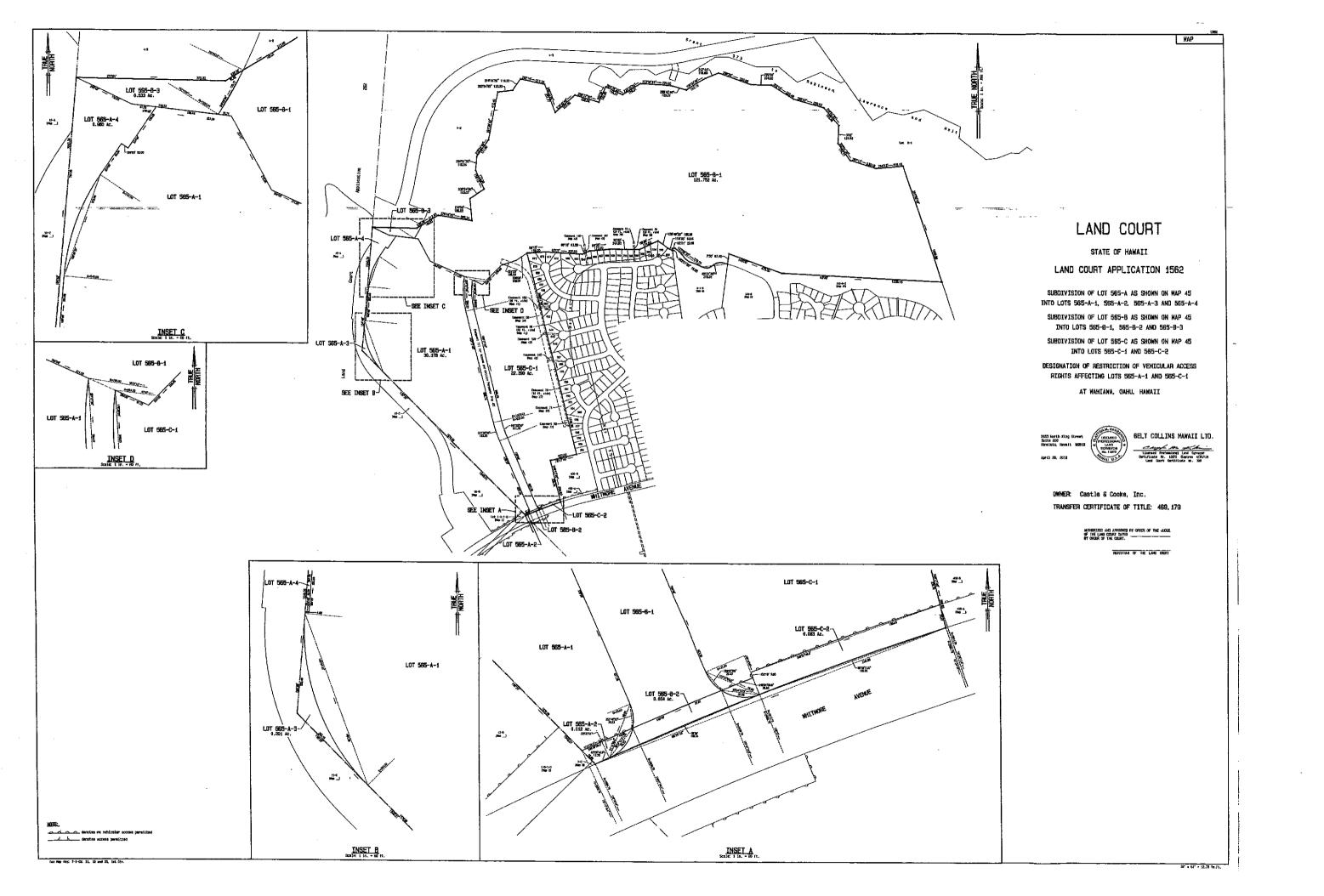
Beginning at the southwesterly corner of this parcel of land, being, also, the northwesterly corner of Lot 565 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2,185.29 feet south and 20,786.29 feet east, thence running by azimuths measured clockwise from true South:

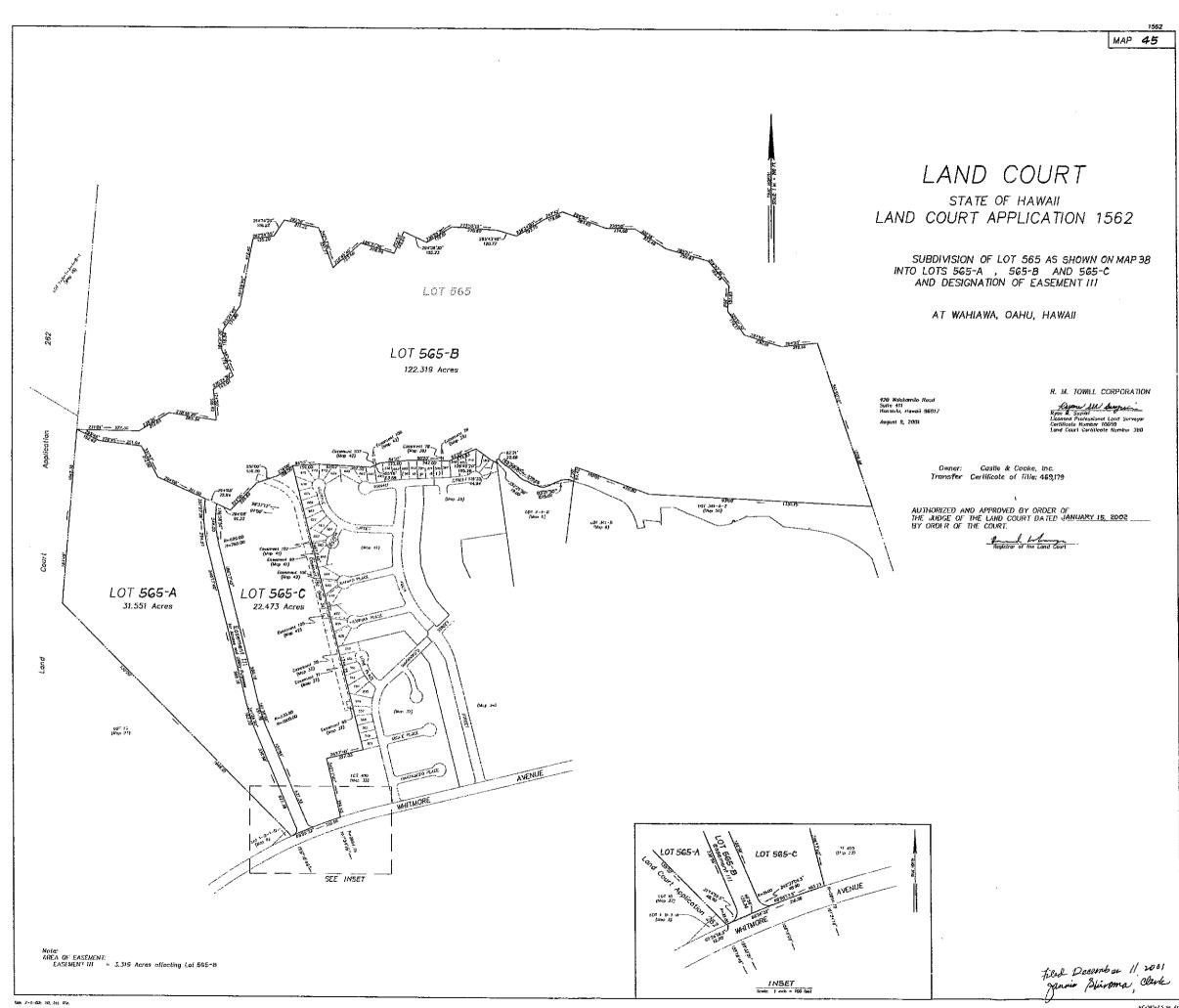
- 1. 184° 49' 1,714.64 feet along Lot 1-A-1-A-1-B-1 of Land Court Application 262;
- Thence along the centerline of Poamoho Stream being the boundary in all its turns and windings, the direct azimuth and distance between points being:

					the direct azimuth and distance between points being:
	262°	38'	40"	3,249.55	feet;
3.	324°	18 1		318.00	feet along the remainder of Grant 973 to Robinson, Lawrence and Holt;
4.	325°	11'	30"	744.44	feet along same;
5.	65°	00'		35.53	feet along same;
6.	118°	00'		190.00	feet along same;
7.	66°	30'		215.00	feet along same;
8.	130°	00'		200.00	feet along same;
9.	90°	00'		190.00	feet along same;
10.	109°	00'		250.00	feet along same;
11.	89°	00'		105.00	feet along same;
12.	58°	00'		270.00	feet along same;
13.	103°	30'		155.00	feet along same;
14.	69°	30'		140.00	feet along same;

15.	125°	30 <b>'</b>		85.00	feet along same;
16.	89°	00'		150.00	feet along same;
17.	49°	00'		105.00	feet along same;
18.	133°	30'		110.00	feet along same;
19.	106°	30'		90.00	feet along same;
20.	53°	30'		90.00	feet along same;
21.	21°	30 <b>'</b>		70.00	feet along same;
22.	359°	50'		11.91	feet along same;
23.	293°	55'		148.30	feet along same;
24.	23°	55'		129.60	feet along same;
25.	106°	37 <b>'</b>	50"	208.04	feet along same;
26.	48°	45'	40"	223.60	feet along same;
27.	160°	13'	50"	251.77	feet along same;
28.	102°	18 '		211.25	feet along same;
29.	34°	14'	20"	116.22	feet along same;
30.	82°	54'	55"	125.20	feet along same;
31.	11°	09'	40"	412.40	feet along same;
32.	35°	24'	40"	171.80	feet along same;
33.	4 °	51'	30"	118.54	feet along same;
34.	336°	13'		172.26	feet along same;
35.	55°	24'	50 <b>"</b>	143.07	feet along same;
36.	354°	50'		186.82	feet along same;
37.	98°	46'	20"	285.34	feet along same;
38.	58°	36'		212.65	feet along same;
39.	<del>91°</del>	<del>01</del> '		372.30	feet along same to the beginning and containin area of 95.565 acres, m

e point of area of 95.565 acres, more or less.





Proposed Lot:

# SCHEDULE "B" LEGAL DESCRIPTION OF PROPERTY

#### PARCEL 1

All that certain piece or parcel of land (being a portion of Lot 565-A as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the South corner of this parcel of land, on the northwesterly side of Whitmore Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,610.33 feet South and 22,063.13 feet East, thence running by azimuths measured clockwise from True South:

- 1. 135° 20' 15.96 feet along Lots 2-C and 1-D-1-D as shown on Map 8 of Land Court Application 262:
- 2. Thence along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 2,909.79 feet, the chord azimuth and distance being:

  245° 39' 59.3"

  46.86 feet:
- 3. Thence along Let 565-B as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 35.00 feet, the chord azimuth and distance being:

  38° 07' 47.5"

  32.25 feet:
- 4. Thence along the northwesterly side of Whitmore Avenue, on a curve to the left with a radius of 2,894.79 feet, the chord azimuth and distance being:

  65° 26' 18.5"

  12.70 feet to the point of beginning and containing an Area of 0.012 Acre, more or less.

565-A-3

#### PARCEL 2

All that certain piece or parcel of land (being a portion of Lot 565-A as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the South corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 3,406.58 feet South and 20,873.30 feet East, thence running by azimuths measured clockwise from True South:

- 135° 20'
   253.46 feet along Lot 10 as shown on Map 27 of Land Court Application 262;
- 2. 184° 49' 253.46 feet along Lot 10 as shown on Map 27 of Land Court Application 262;
- 3. Thence along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562, on a curve to the left with a radius of 550.00 feet, the chord azimuth and distance being:

340° 04' 30" 460.38 feet to the point of beginning and containing an Area of 0.201 Acre.

565-A-4

#### PARCEL 3

All that certain piece or parcel of land (being a portion of Lot 565-A as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the Northwest corner of this parcel of land, being, also, the Northwest corner of 565-A as shown on Map 45 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2,184.64 feet South and 20,782.91 feet East, thence running by azimuths measured clockwise from True South:

1.	295° 46'	152.62	feet along Lot 565-B as shown on Map 45 of Land Court Application 1562;
2.	276° 45'	61.55	feet along Lot 565-B as shown on Map 45 of Land Court Application 1562;
3.	34° 00'	126.22	feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562;
4.	124° 00'	20.00	feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562;
5.	34° 00′	95.34	feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562;
6.	Thence along the remains	inder of ]	Lot 565-A as shown on Map 45 of Land Court Application 1562, on a curve to the left with a radius of 540.00 feet, the chord azimuth and distance being:  19° 24' 30"  272.08 feet;
7.	<b>4° 49'</b>	283.66	feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562;
8.	94° 49'	10.00	feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562;
9.	1 <b>84° 49'</b>	787.30	feet along Lot 10 as shown on Map 27 of Land Court Application 262 to the point of beginning and containing an Area of 0.960 Acre, more or less.

565-8-2

#### PARCEL 4

All that certain piece or parcel of land (being a portion of Lot 565-B as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the East corner of this parcel of land, on the northwesterly side of Whitmore Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,550.84 feet South and 22,201.97 feet East, thence running by azimuths measured clockwise from True South:

- 1. Along the northwesterly side of Whitmore Avenue, on a curve to the left with a radius of 2,894.79 feet, the chord azimuth and distance being: 66° 56′ 138.34 feet:
- 2. Thence along Lot 565-A as shown on Map 45 of Land Court Application 1562, on a curve to the left with a radius of 35.00 feet, the chord azimuth and distance being:

  218° 07' 47.5"

  32.25 feet:
- 3. Thence along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 2,909.79 feet, the chord azimuth and distance being:

  246°.56'

  81.81 feet:
- 4. Thence along Lot 565-C as shown on Map 45 of Land Court Application 1562, on a curve to the left with a radius of 35.00 feet, the chord azimuth and distance being:

  275° 44' 12.5" 32.25 feet to the point of beginning and containing an Area of 0.034 Acre, more or less.

#### PARCEL 5

All that certain piece or parcel of land (being a portion of Lot 565-B as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the West corner of this parcel of land, being, also, the West corner of Lot 565-B as shown on Map 45 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2,184.64 feet South and 20,782.91 feet East, thence running by azimuths measured clockwise from True South:

- 271° 01' 372.30 feet along Lot A, being a portion of Grant 973 to Robinson, Lawrence and Holt;
   238° 36' 52.62 feet along Lot A, being a portion of Grant 973 to Robinson, Lawrence and Holt;
   Thence along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 1,220.00 feet, the chord azimuth and distance being:
   29° 08' 26" 129.17 feet:
- 4. 96° 45' 218.33 feet along Lot 565-A as shown on Map 45 of Land Court Application 1562;
- 115° 46'
   152.62 feet along Lot 565-A as shown on Map 45 of Land Court Application 1562 to the point of beginning and containing an Area of 0.533 Acre, more or less.

565-C-2

#### PARCEL 6

All that certain piece or parcel of land (being a portion of Lot 565-C as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the East corner of this parcel of land, on the northwesterly side of Whitmore Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,494.19 feet South and 22,357.08 feet East, thence running by azimuths measured clockwise from True South:

- 1. Along the northwesterly side of Whitmore Avenue, on a curve to the left with a radius of 2,894.79 feet, the chord azimuth and distance being: 69° 56' 13.5" 165.15 feet:
- Thence along Lot 565-B as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 35.00 feet, the chord azimuth and distance being:
   95° 44′ 12.5″
   32.25 feet;
- 3. Thence along the remainder of Lot 565-C as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 2,909.79 feet, the chord azimuth and distance being:

  248° 01' 09.9"

  28.50 feet:
- 4. 158° 18' 5.00 feet along the remainder of Lot 565-C as shown on Map 45 of Land Court Application 1562;
- 5. Thence along the remainder of Lot 565-C as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 2,914.79 feet, the chord azimuth and distance being:

  249° 57' 06.9"

  168.05 feet;
- 6. 346° 17' 40" 20.07 feet along Lot 400 as shown on Map 33 of Land
  Court Application 1562 to the point of beginning
  and containing an Area of 0.083 Acre, more or less.

PARCEL 7

All that certain piece or parcel of land (being a portion of Grant 973 to Robinson, Lawrence and Holt, being, also, a portion of Lot A)) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the Southwest corner of this parcel of land, being, also, the west corner of Lot 565-B as shown on Map 45 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2,184.65 feet South and 20,782.90 feet East, thence running by azimuths measured clockwise from True South:

ř	•		<u>~</u> .		$\sim$	•	
			,			· .	
	1.	184° 49'	260.39	feet along Lot 10 as sh shown on Map 19 of L	own on Map 27 ar and Court Applica	nd Lot 1-A-1-B-1 ation 262:	as
	2.	293° 03' 54"	188.91	feet along the remainded Lawrence and Holt;			inson,
	3.	Thence along the re	mainders of	Lot A and Grant 973 to curve to the left with a and distance being: 197° 01' 57"	Robinson, Lawren radius of 950.00 f	ace and Holt, on eet, the chord az	a imuth
-	4.	191° 00'	336.90	feet along the remainde Lawrence and Holt;	ers of Lot A and G	rant 973 to Robi	nson,
	5.	Thence along the re	mainders of	Lot A and Grant 973 to curve to the right with azimuth and distance b 231° 39' 30"	a radius of 1,000.0	nce and Holt, on 0 feet, the chord	a
	6.	272° 19'	<b>96</b> 5.21	feet along the remainde Lawrence and Holt;	ers of Lot A and G	rant 973 to Robi	nson,
	7.	Thence along the re	mainders of	Lot A and Grant 973 to curve to the left with a and distance being: 265° 38' 30"	Robinson, Lawrer radius of 950.00 for 220.85 feet;	nce and Holt, on eet, the chord az	a muth
	8.	258° 58'	1,154.39	feet along the remainded Lawrence and Holt;	ers of Lot A and G	rant 973 to Robi	ason,
	9.	325° 11' 30"	109.27	feet along U.S. Naval F remainder of Grant 973	keservation (Civil)	No. 726), along to	he
	10.	78° 58'	1,198.44	feet along the remainde Lawrence and Holt;		·	nson,
	11.	Thence along the re	mainders of	Lot A and Grant 973 to curve to the right with a azimuth and distance be 85° 38' 30"	radius of 1,050.0	nce and Holt, on 0 feet, the chord	<b>a</b>
	12.	92° 19'	965.21	feet along the remainde Lawrence and Holt;	rs of Lot A and G	rant 973 to Robi	ison,
	13.	Thence along the re		Lot A and Grant 973 to curve to the left with a and distance being: 51° 39' 30"	Robinson, Lawren radius of 900.00 fe 1,172.78 feet;	ce and Holt, on set, the chord azi	a muth
	14.	11° 00'	336.90	feet along the remainde Lawrence and Holt;	rs of Lot A and G	rant 973 to Robin	ison,
	15.	Thence along the re	-	Lot A and Grant 973 to curve to the right with a azimuth and distance be 15° 36′ 01"	radius of 1,050.0	ce and Holt, on a O feet, the chord	
					•		
	•			5			

16.	290° 12' 02"	170.00	feet along the remainders Lawrence and Holt;	of Lot A and Grant 973 to Robinson,
17.	Thence along the remai	nders of	curve to the right with a razimuth and distance being	obinson, Lawrence and Holt, on a addius of 1,220.00 feet, the chord ag: 25.69 feet;
18.	58° 36'	52.62	feet along Lot 565-B as sh Application 1562;	nown on Map 45 of Land Court
19.	91° 01'	372.30	feet along Lot 565-B as sk Application 1562 to the p Area of 11.724 Acres, mo	nown on Map 45 of Land Court oint of beginning and containing an ore or less.

#### PARCEL 8

All that certain piece or parcel of land (being a portion of Lot 370 as shown on Map 23 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the Northwest corner of this parcel of land, being, also, the Northwest corner of Lot 370 as shown on Map 23 of Land Court Application 1562, and on the southerly side of Whitmore Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILP" being 4,655.79 feet South and 22,108.09 feet East, thence running by azimuths measured clockwise from True South:

-			
1.	Along the southerly side	of Whi	itmore Avenue, on a curve to the right with a radius of 2,834.79 feet, the chord azimuth and distance being:  247° 11' 38"  142.42 feet;
2.	338° 38'	25.00	feet along the remainder of Lot 370 as shown on Map 23 of Land Court Application 1562;
3.	Thence along the remain	der of I	Lot 370 as shown on Map 23 of Land Court Application 1562, on a curve to the left with a radius of 2,809.79 feet, the chord azimuth and distance being:  67° 17' 20"  131.85 feet;
4.	135° 20'	26.69	feet along Lot 2-A as shown on Map 8 of Land Court Application 262 to the point of beginning and containing an Area of 0.079 Acre, more or less.

Drainage Easement F

#### PARCEL 9

A strip of land 50 feet wide (being a portion of Grant 973 to Robinson, Lawrence and Holt, being, also, a portion of Lot A) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 854.00 feet South and 23,357.78 feet East, thence running by azimuths measured clockwise from True South:

I.	103° 30'	50.13	feet along Lot B, being a portion of Grant 973 to Robinson, Lawrence and Holt;		
2.	197° 33'	10.27	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;		
3.	168 ° 58'	39.53	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;		
4.	Thence along the remain		Lot A and Grant 973 to Robinson, Lawrence and Holt, on a curve to the left with a radius of 1,050.00 feet, the chord azimuth and distance being:  259° 35' 37"  22.98 feet;		
5.	258° 58'	27.02	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;		
6.	348° 58'	52.01	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;		
<b>7.</b>	17° 33'	19.46	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt, to the point of beginning and containing an Area of 3,028 Square Feet or 0.070 Acre, more or less.		

Temporary access easement > PARCEL IC

All that certain piece or parcel of land (being portions of Lots 565-A and 565-B as shown on Map 45 of Land Court Application 1562) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the South corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILF" being 4,598.98 feet South and 22,051.91 feet East, thence running by azimuths measured clockwise from True South:

135° 20' 1. 1,663.44 feet along Lots 1-D-1-D as shown on Map 8 and Lot 10 as shown on Map 27 of Land Court Application 262; Thence along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562, 2. on a curve to the right with a radius of 550.00 feet, the chord azimuth and distance being: 160° 04' 30" 460.38 feet; 184° 49' 3. 271.18 feet along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562; Thence along the remainder of Lot 565-A as shown on Map 45 of Land Court Application 1562, on a curve to the right with a radius of 350.00 feet, the chord azimuth and distance being: 239° 24' 30" 570.53 feet; 294° 00' 5. 194.53 feet along the remainders of Lots 565-A and 565-B as shown on Map 45 of Land Court Application 1562; Thence along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562, 6. on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being: 252° 00' 200.74 feet; 7. 210° 00' 96.79 feet along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562: Thence along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562, 8. on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being: 195° 30' 75.11 feet; 181° 00' ġ. 242.49 feet along the remainder of Lot 565-B as shown on Map 45 of Land Court Application 1562;

•	•					$\dot{\frown}$		
-		•						
	10.	Thence along the	remainder of	Lot 565-B as she	own on Man 4	5 of Land Cour	t Application 1562	,
							0 feet, the chord	<b>*</b> >
		•	•	azimuth and di				٠
		•		220° 29'	317.9	93 feet;		•
	11.	259° 58'	1.518.02	feet along the t	remainder of I	of 565 D as she	own on Map 45 of	ı
•			**** 2 U. U.	Land Court Ap			own on Map 45 of	•
•	12.	Thence along the	remainder of	Lot 565-B as sho	own on Máp 4	of Land Cour	t Application 1562	,
		•		on a curve to th			•	•
				azimuth and di			,	
	-			208° 13'	-	60 feet;		•
	13.	156° 28'	206.34	feet along the r	emainder of L	ot 565-B as sho	wn on Map 45 of	
•				Land Court Ap			on Map 45 01	
	14.	Thence along the	remainder of	Lot 565-B as sho	own on Map 45	of Land Court	Application 1562	!.
							0 feet, the chord	
				azimuth and dis	stance being:	,		
				172° 26' 59"	137.6	8 feet;		
	15.	285° 43' 40°	34.18	feet along Lot I	B, being a port	ion of Grant 97	3 to Robinson,	
		•		Lawrence and I				
-	<b>16</b> .	239° 34' 30"	100.14	feet along Lot I	B, being a port	ion of Grant 97	3 to Robinson	•
			•	Lawrence and I				
	17.	Thence along the	remainder of I	Lot 565-B as sho	wn on Man 44	of Land Court	Application 1562	
	÷	· ·		on a curve to th				
				azimuth and dis		74 40 0100	me onoru	
				3° 55' 15"		l feet;		
	18.	336° 28'	206.34	feet along the re		•	wn on Map 45 of	
				Land Court App			wи он мар 45 от	
	19.	Thence along the	emainder of I				A1!	
				on a curve to the				•
-			•	azimuth and dis		.wasua Uz ZJV.U(	, icer, me chord	
				.28° 13'	392.6	6 feet:		
	_				<i>472.</i> 0	,		
•			•				-	

20.	79° 58′	1,518.02	feet along the Land Court A		···	shown on Map 45 of
21.	Thence along the	remainder of I	ot 565-B as sl	nown on	Map 45 of Land C	ourt Application 1562,
•					vith a radius of 150	
	•		azimuth and o			
			40° 29'	•	190.76 feet;	•
22.	1° 00'	242.49	feet along the	remaind	er of Lot 565-B as	shown on Map 45 of
-		-	Land Court A	pplicatio	on 1562;	
23.	Thence along the	remainder of L	ot 565-B as sl	no nwoi	Map 45 of Land C	ourt Application 1562,
			on a curve to	the right	with a radius of 25	0.00 feet, the chord
	•		azimuth and d	listance l	eing:	
		٠.	15° 30'		125.19 feet;	
24.	30° 00'	96.79	feet along the	remaind	er of Lot 565-B as	shown on Map 45 of
.=		•	Land Court A	pplicațio	n 1562;	
25.	Thence along the	remainders of	Lots 565-B an	d 565-A	as shown on Map	15 of Land Court
•			Application 1	562, on a	curve to the right	with a radius of 250.00
	• -		feet, the chord	i azimutl	n and distance bein	g:
	•		72° 00'		334.57 feet;	•.
26.	114° 00'	194.53	feet along the	remaind	er of Lot 565-A as	shown on Map 45 of
			Land Court A	pplicatio	n 15 <b>6</b> 2;	·
27.	Thence along the	remainder of L	ot 565-A as sl	nown on	Map 45 of Land C	ourt Application 1562,
	•		on a curve to	the left w	vith a radius of 250	.00 feet, the chord
			azimuth and d	listance t	peing:	
			59° 24′ 30″ .		407.52 feet;	-
28.	4º 49'	271.18	feet along the	remaind	er of Lot 565-A as	shown on Map 45 of
	,		Land Court A	pplicatio	on 1562;	
29.	Thence along the	remainder of L	ot 565-A as sl	nown on	Map 45 of Land C	ourt Application 1562,
	· · · · · · · · · · · · · · · · · · ·		on a curve to	the left w	vith a radius of 450	.00 feet, the chord
		· ·	azimuth and d	listance t	eing:	
		•	340° 04' 30"	i,	376.67 feet;	

30.	- 315° 20'	<b>869.8</b> 4		emainder of Lot 565-A as shown on Map 45 of
31.	Thence along th	ne remainder of ]	Land Court Ap Lot 565-A as sho	own on Map 45 of Land Court Application 1562,
				ne right with a radius of 250.00 feet, the chord
			azimuth and di	stance being:
			325° 20'	86.82 feet;
32.	335° 20'	107.47	feet along the r	emainder of Lot 565-A as shown on Map 45 of
			Land Court Ap	
33.	Thence along th	e remainder of I	Lot 565-A as sho	own on Map 45 of Land Court Application 1562,
				e left with a radius of 150.00 feet, the chord
			azimuth and dis	stance being:
			325° 20'	52.09 feet;
34.	315° 20'	454.10	feet along the re	emainder of Lot 565-A as shown on Map 45 of
-		-	Land Court App	plication 1562;
35.	Thence along th	e remainder of I	Lot 565-A as sho	wn on Map 45 of Land Court Application 1562,
				e left with a radius of 150.00 feet, the chord
			azimuth and dis	stance being:
-			310° 20'	26.15 feet;
36.	305° 20'	99.05	feet along the re	emainders of Lots 565-A and 565-B as shown on
			Map 45 of Land	I Court Application 1562;
37.	Thence along th	e remainders of	Lots 565-B and	565-A as shown on Map 45 of Land Court
			Application 156	52, on a curve to the left with a radius of
			2,909.79 feet, ti	ne chord azimuth and distance being:
			65° 49" 15.5"	62.55 feet to the point of beginning and

# 

All that certain piece or parcel of land (being a portion of Grant 973 to Robinson, Lawrence and Holt, being, also, a portion of Lot A) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

containing an Area of 13.686 Acres, more or less.

Beginning at the East corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILP" being 649.93 feet South and 24,565.83 feet East, thence running by azimuths measured clockwise from True South:

1.	78° 58'	662.28	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;
2.	109° 00'	139:93	feet along Lot B, being a portion of Grant 973 to Robinson, Lawrence and Holt;
3.	89° 00'	105.00	feet along Lot B, being a portion of Grant 973 to Robinson, Lawrence and Holt;
4.	5 <b>8°</b> 00'	269.00	feet along Lot B, being a portion of Grant 973 to Robinson, Lawrence and Holt;
5.	Thence along the remai	nders of	Lot A and Grant 973 to Robinson, Lawrence and Holt, on a curve to the right with a radius of 250.00 feet, the chord azimuth and distance being:  227° 47° 01"  62.81 feet;
6.	235° 00'	132.58	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;
<b>7.</b>	Thence along the remai	nders of	Lot A and Grant 973 to Robinson, Lawrence and Holt, on a curve to the right with a radius of 250.00 feet, the chord azimuth and distance being:  246° 59' 103.81 feet;
8.	258° 58′	817.52	feet along the remainders of Lot A and Grant 973 to Robinson, Lawrence and Holt;
9.	325° 11' 30"	109.27	feet along U.S. Naval Reservation (Civil No. 726), being a portion of Grant 973 to Robinson, Lawrence and Holt to the point of beginning and containing an Area of 1.782 Acres, more or less.

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
(Bureau of Conveyances)

The original of this document was recorded as follows:

DATE DEC - 5 2005 TIME 3:29

CT: 782691

THE ORIGINAL OF THE DOCUMENT RECORDED AS FOLLOWS: STATE OF HAWAII

**BUREAU OF CONVEYANCES** 

DATE DEC - 5 2005 TIME 3:29

DOCUMENT NO. 2005 - 248241

LAND COURT SYSTEM

Return by Mail ( ) Pickup ( X ) To:

Castle & Cooke Land Company P. O. Box 898900 Mililani, HI 96789-8900 C. Kurasaki 548-2909 **REGULAR SYSTEM** 

Tax Map Key No.: various

Total pages: 10

#### WARRANTY DEED

THIS Deed is made as of this 14th day of September, 2004, by **DOLE FOOD COMPANY**, **INC.**, a Delaware corporation, successor by merger to Waialua Sugar Company, Inc., a Hawaii corporation, whose address is 1116 Whitmore Avenue, Wahiawa, Hawaii 96786, hereinafter called the "Grantor," and CASTLE & COOKE WAIALUA, LLC, a Hawaii limited liability company, whose address is 100 Kahelu Avenue, 2<sup>nd</sup> Floor, Mililani, Hawaii 96789-3997, hereinafter called the "Grantee."

#### WITNESSETH:

That for Ten Dollars (\$10.00) and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, all of Grantor's right, title and interest in and to the following interests in the parcels of land more particularly described in **Exhibit A** attached hereto and made a part hereof:

As for the parcel of land described as Item One in Part I of said Exhibit A, being Lot 530-A as shown on Map 95 of Land Court Application No. 1089, an undivided 49.11% interest therein:

As for the parcel of land described as Item Two in Part I of said Exhibit A, being Lot 248-C-1 as shown on Map 69 of Land Court Application No. 1089, an undivided 28.94% interest therein; and

As for the parcels of land described in Part II of said Exhibit A, the whole of the same;

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee, forever.

AND, in consideration of the premises, except as may be agreed to in writing by Castle & Cooke Commercial - CA, Inc., the Grantor does hereby covenant with Castle & Cooke Waialua, LLC that the Grantor is seized of the real property described in said Exhibit A in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet required by law to be paid; that the Grantor has good right to sell and convey said property as aforesaid; and that the Grantor will WARRANT AND DEFEND the same unto Castle & Cooke Waialua, LLC against the lawful claims and demands of all persons, except as aforesaid. Notwithstanding any provision herein to the contrary, the foregoing provisions of this paragraph shall be enforceable only by Castle & Cooke Waialua, LLC and such of its Affiliates which may acquire an interest in said property. As used herein, the term "Affiliates" shall mean entities that directly or indirectly, control, are controlled by, or are under common control with, either directly or indirectly, Castle & Cooke Waialua, LLC. The warranties and covenants in this paragraph shall not be assignable or run with the land except to an Affiliate of Castle & Cooke Waialua, LLC.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals, partnerships, limited liability companies or corporations and their and each of their respective, heirs, personal representatives, successors, successors in trust, and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

This Deed may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Grantor has executed these presents as of the day and year first above written.

## DOLE FOOD COMPANY, INC., a

Delaware corporation, successor by merger to Waialua Sugar Company, Inc., a Hawaii corporation

1 かりつ

Name: C. MICHAEL CARTER

Title: ExecuTIVE VICE PLESIDENT

Grantor

STATE OF CALIFORNIA	)
	) ss
COUNTY OF LOS ANGELES	)

On <u>September 28, 2004</u>, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared <u>O. Michael Cartes</u>, personally known to me -or- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that, by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted executed the instrument.

WITNESS my hand and official seal.

[Seal]

Commission # 1344955

#### EXHIBIT A

#### PART I

(Land Court Property)

ITEM ONE: (Tax Map Key (1) 6-7-001-005 portion):

That certain parcel of land situate at Kamananui, Waialua, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT 530-A, area 122.004 acres, as shown on Map 95, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1089 of Waialua Agricultural Company, Limited;

Being land(s) described in Transfer Certificate of Title No. 42,477 issued to WAIALUA SUGAR COMPANY, INC., a Hawaii corporation. Waialua Sugar Company, Inc. merged with and into Dole Food Company, Inc., as set forth in Land Court Order No. 157840, filed on August 30, 2004.

ITEM TWO: (Tax Map Key (1) 6-7-009-003)

That certain parcel of land situate at Kamananui, Waialua, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT 248-C-1, area 26.525 acres, as shown on Map 69, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1089 of Waialua Agricultural Company, Limited;

Being land(s) described in Transfer Certificate of Title No. 42,477 issued to WAIALUA SUGAR COMPANY, INC., a Hawaii corporation. Waialua Sugar Company, Inc. merged with and into Dole Food Company, Inc., as set forth in Land Court Order No. 157840, filed on August 30, 2004.

PART II

(Unregistered Property)

Waialua District, Oahu, State of Hawaii

TAX MAP KEY	TITLE DESCR	IPTION		Lot	ACREAGE
6-6-009-002	R.P. 7	958 LCAW	2726:1		0.530
	R.P. 4	475 LCAW	7713:34	D	1.160
	R.P. 8	90 LCAW	3706:1		1.423
	R.P. 1	486 LCAw	8095:1		0.160
				·	3.273
6-6-010-003	R.P. 9	00 LCAw	2796		2.173
	Por. R.P. 4	475 LCAW	7713:34	,	1.420
	-				3.593
6-6-034-075	Gr. 5	60			1.459
6-8-006-010	Por. Gr. 2	39, 341, 261,	502		333.425

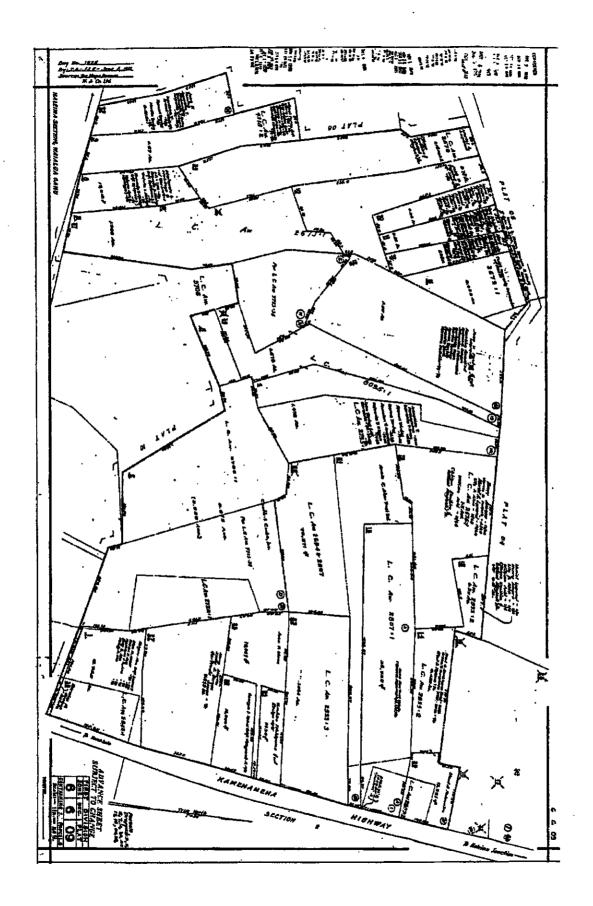
NOTE: Tax Map Keys referred to in PART II are approximately shown on the Tax Maps attached hereto.

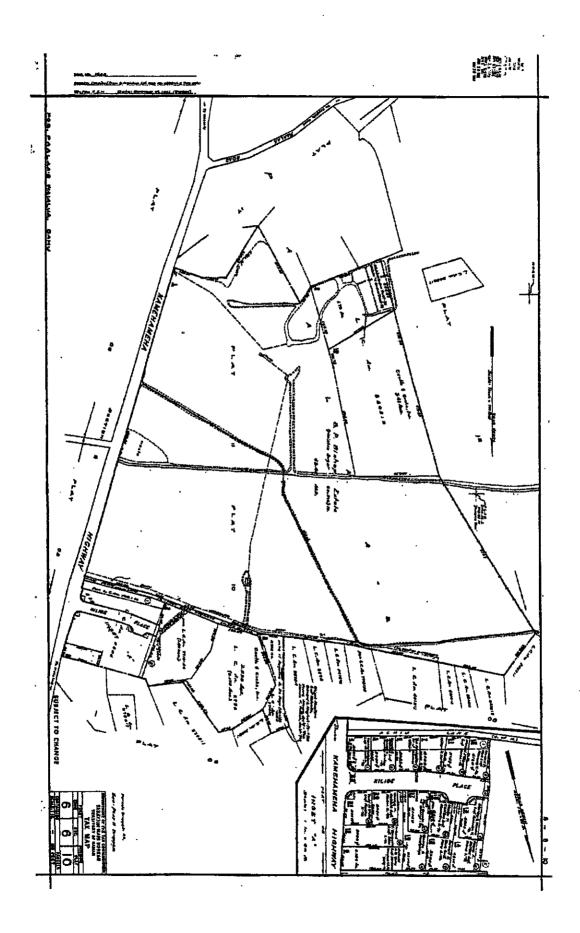
Definition: Gr. = Grant

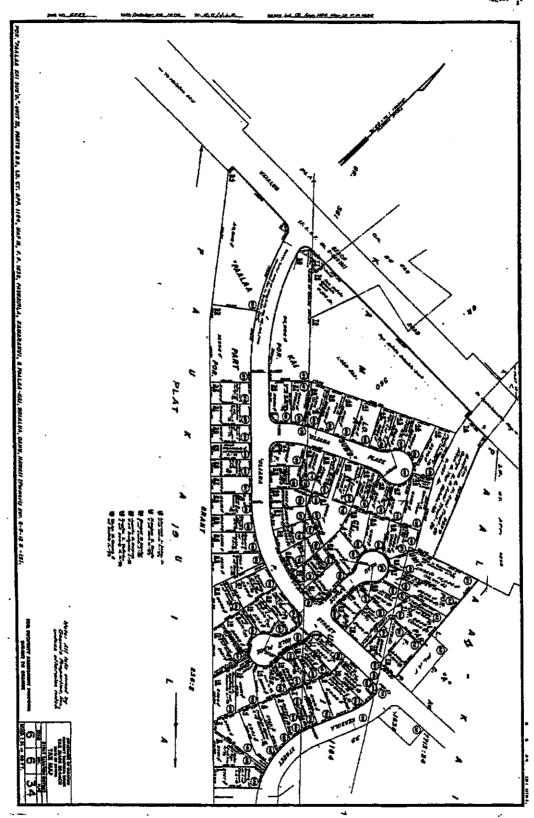
LCAw = Land Commission Award Mahele Aw = Mahele Award

For. = Portion
R.P. = Royal Patent

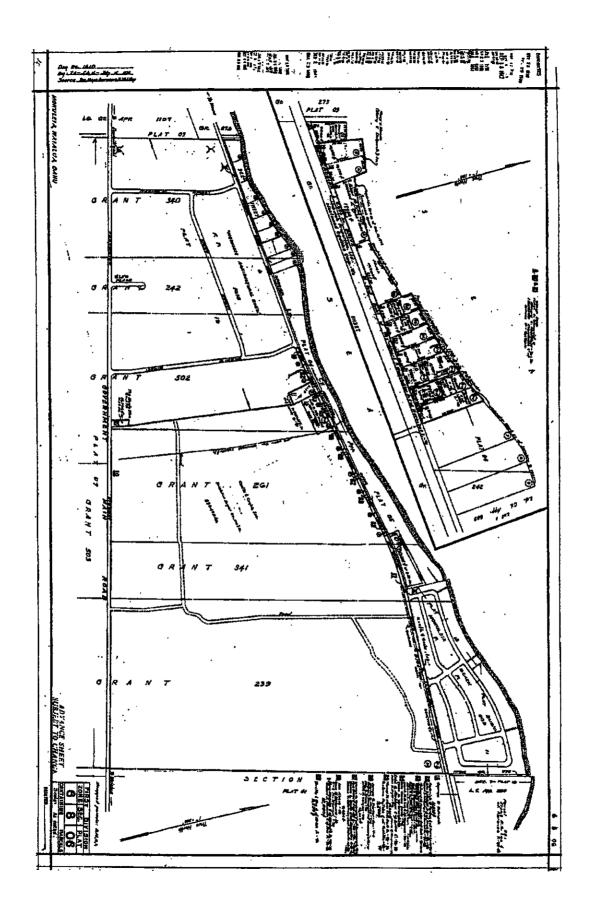
END OF EXHIBIT A







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#### 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 and no liability will arise under this report.

## SCHEDULE A

Title Guaranty of Hawaii, Incorporated, 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:

CASTLE & COOKE, INC., a Hawaii corporation, as Fee Owner

This report is dated as of December 17, 2001 at 8:00 a.m.

Inquiries concerning this report should be directed to BEVERLY TOMITA.

Email btomita@tghawaii.com
Fax (808) 521-0287
Telephone (808) 539-7705.

Refer to Order No. 200143305Z.

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# SCHEDULE B EXCEPTIONS

Real Property Taxes, Second Installment, Fiscal Year July 1, 2002
 June 30, 2002.

Tax Key: (1) 7-1-002-009 Area Assessed: 24.092 acres -

coves Parcel First

Tax Key: (1) 7-1-002-010 Area Assessed: 271.908 acres -

covers Parcels Second & Third

Tax Key: (1) 9-4-003-002 Area Assessed: 231.754 acres -

covers Parcel Fourth

Tax Key: (1) 9-4-005-048 Area Assessed: 378.363 acres -

covers Parcel Fifth

Payable on or before February 20, 2002.

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

- 2. -AS TO PARCEL FIRST (LOT 370):-
  - (A) A Lease of an easement ten feet in width for the construction and operation of pole and wire line, for a term of 18 years from November 22, 1949 to and including November 21, 1967, and thereafter from year to year until cancelled, in favor of Hawaiian Electric Company, Inc. and GTE Hawaiian Telephone Company Incorporated, as set forth in unrecorded instrument dated November 22, 1949.
  - (B) DESIGNATION OF EASEMENT "Q" (10 feet wide, area 17,134 square feet) for water easement purposes, as shown on Maps 2 and 23, as set forth by Land Court Order No. 11887, filed March 30, 1953.
  - (C) Grant in favor of Wahiawa Water Company, Limited, dated February 20, 1953, filed as Land Court Document No. 147490; granting an easement to install, etc. underground water pipelines over Easement Q. Said Grant was amended by instrument dated March 17, 1953, filed as Land Court Document No. 147491.

- (D) DESIGNATION OF EASEMENT "29" for road, sewer and utility purposes, as shown on Maps 16 and 23, as set forth by Land Court Order No. 29383, filed December 30, 1968.
- (E) Easement in favor of City and County of Honolulu, by Final Order of Condemnation dated October 17, 1969, filed as Land Court Document No. 486766 (Civil No. 23872), condemning Easement "29".
- (F) Grant in favor of Hawaiian Electric Company, Inc. dated August 4, 1970, filed as Land Court Document No. 508070; granting an easement for road and utility purposes over Easement 29.
- (G) DESIGNATION OF EASEMENT "109" (10 feet wide, area 900 square feet) for waterline purposes, as shown on Map 43, as set forth by Land Court Order No. 99660, filed October 3, 1990.
- (H) Grant in favor of City and County of Honolulu dated October 16, 1989, filed as Land Court Document No. 1698169; granting an easement to construct, install, maintain, operate, repair and remove an underground water pipeline or pipelines, etc. over said Easement "109". Said Grant was amended by Land Court Order No. 99660, filed October 3, 1990.
- (I) Grant in favor of Honolulu Cellular Telephone Company, a New York partnership, dated June 2, 1987, filed as Land Court Document No. 1536702, recorded in Liber 20802 at Page 271; granting an easement for road, sewer and utility purposes, over said Easement "29".
- (J) DESIGNATION OF EASEMENT "110" (area 14,059 square feet)

PURPOSE : sanitary sewer facility and roadway

SHOWN : on Map 44, as set forth by Land Court Order

No. 119682, filed February 9, 1995

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(K) GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : March 21, 1995

FILED: Land Court Document No. 2270105

GRANTING : an easement for sewer system purposes over

said Easement "110"

- 3. -AS TO PARCEL SECOND (LOT A):-
  - (A) Gulch(s) shown on Tax Map and on survey map prepared by Laurence N. Masuda, Land Surveyor, with M & E Pacific, Inc., dated January 3, 1995.
  - (B) Free flowage of Poamoho Stream as shown on Tax Map and on survey map prepared by Laurence N. Masuda, Land Surveyor, with M & E Pacific, Inc., dated January 3, 1995.
  - (C) Centerline of Poamoho Stream along the northern boundary line shown on Tax Map and on survey map prepared by Laurence N. Masuda, Land Surveyor, with M & E Pacific, Inc., dated January 3, 1995.
  - (D) Location of the boundary of the "Poamoho Stream" and the effect, if any, upon the area of the land described herein.
  - (E) The land has no recorded access to a public roadway.
- 4. -AS TO PARCEL THIRD (LOT 565):-

- (A) CERTIFICATE AND AUTHORIZATION dated December 10, 1985, filed as Land Court Document No. 1357955, by CASTLE & COOKE, INC., a Hawaii corporation, and OCEANIC PROPERTIES, INC., a Hawaii corporation; re: reclassification from Agricultural District to Urban District, subject to the conditions set forth therein. (Not noted on Transfer Certificate(s) of Title referred to herein)
- (B) Unilateral Agreement and Declaration for Conditional Zoning dated December 10, 1986, recorded in Liber 20128 at Page 453, by OCEANIC PROPERTIES, INC., a Hawaii corporation, "Declarant". (Not noted on Transfer Certificate(s) of Title referred to herein)
- (C) Unilateral Agreement and Declaration for Conditional Zoning dated March 24, 1988, recorded in Liber 21760 at Page 140, by OCEANIC PROPERTIES, INC., a Hawaii corporation, "Declarant". (Not noted on Transfer Certificate(s) of Title referred to herein)
- (D) DESIGNATION OF EASEMENT "58" for flowage purposes, as shown on Maps 34 and 38, as set forth by Land Court Order No. 89181, filed April 13, 1988.
- (E) DESIGNATION OF EASEMENT "69" (area 1,247 square feet) for drainage purposes, as shown on Maps 37 and 38, as set forth by Land Court Order No. 91253, filed September 23, 1988.
- (F) DESIGNATION OF EASEMENT "70" (10 feet wide, area 1,330 square feet) for sanitary sewer purposes, as shown on Maps 37 and 38, as set forth by Land Court Order No. 91253, filed September 23, 1988.
- (G) DESIGNATION OF EASEMENT "71" (area 18,901 square feet) for flowage purposes, as shown on Map 37 and 38, as set forth by Land Court Order No. 91253, filed September 23, 1988.

- (H) Grant in favor of City and County of Honolulu, dated February 13, 1989, filed as Land Court Document No. 1746131; granting an easement over said Easement "69".
- (I) Grant in favor of City and County of Honolulu, dated February 22, 1989, filed as Land Court Document No. 1746133; granting an easement over said Easement "71".
- (J) Grant in favor of City and County of Honolulu, dated February 13, 1989, filed as Land Court Document No. 1746135; granting an easement over said Easement "70".
- (K) DESIGNATION OF EASEMENT "78" (10 feet wide, area 172 square feet) for drainage purposes, as shown on Map 39, as set forth by Land Court Order No. 92999, filed March 20, 1989.
- (L) DESIGNATION OF EASEMENT "79" (10 feet wide, area 500 square feet) for flowage purposes, as shown on Map 39, as set forth by Land Court Order No. 92999, filed March 20, 1989.
- (M) Grant in favor of City and County of Honolulu dated April 3, 1989, filed as Land Court Document No. 1746138; granting an easement over said Easement "78".
- (N) Grant in favor of City and County of Honolulu dated April 3, 1989, filed as Land Court Document No. 1746139; granting an easement over said Easement "79".
- (O) DESIGNATION OF EASEMENT "99" (10 feet wide, area 5,282 square feet) for sanitary sewer purposes, as shown on Map 41, as set forth by Land Court Order No. 96498, filed January 9, 1990.
- (P) DESIGNATION OF EASEMENT "102" (10 feet wide, area 303 square feet) for drainage purposes, as shown on Map 41, as set forth by Land Court Order No. 96498, filed January 9, 1990.

- (Q) DESIGNATION OF EASEMENT "105" (area 1,020 square feet) for drainage purposes, as shown on Map 42, as set forth by Land Court Order No. 98917, filed August 7, 1990.
- (R) DESIGNATION OF EASEMENT "106" (area 330 square feet) for drainage purposes, as shown on Map 42, as set forth by Land Court Order No. 98917, filed August 7, 1990.
- (S) DESIGNATION OF EASEMENT "107" (area 295 square feet) for drainage purposes, as shown on Map 42, as set forth by Land Court Order No. 98917, filed August 7, 1990.
- (T) DESIGNATION OF EASEMENT "108" (area 500 square feet) for flowage purposes, as shown on Map 42, as set forth by Land Court Order No. 98917, filed August 7, 1990.
- (U) GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : February 14, 1990

FILED : Land Court Document No. 2014391

GRANTING : an easement for sewer system purposes over

said Easement "99"

(V) GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : April 13, 1993

FILED : Land Court Document No. 2014393

GRANTING : an easement for drainage system purposes over

said Easement(s) "102", "105", "106" and "107"

(W) The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : AGREEMENT

DATED : April 18, 1990

FILED : Land Court Document No. 2014394

PARTIES: DOLE FOOD COMPANY, INC., formerly known as CASTLE & COOKE, INC., a Hawaii corporation, "Owner", CASTLE & COOKE PROPERTIES, INC., formerly known as OCEANIC PROPERTIES, INC., a Hawaii corporation, "Developer", and CITY AND

the State of Hawaii, "City"

RE : a perpetual easement to discharge the waters

from the drainage system granted to the City

by the Owner as follows: (a) from said

Easements "102", "105", "106" and "107" onto and upon said Easement "58"; and (b) from said Easement "107" onto and upon said Easement

COUNTY OF HONOLULU, a municipal corporation of

"108"

- 5. -AS TO PARCEL FOURTH (LOTS 1 AND 2):-
  - (A) Reservation in favor of the State of Hawaii of all mineral and metallic mines.
  - (B) -AS TO LOT 2 ONLY:-
    - (1) DESIGNATION OF EASEMENT "1" (25 feet wide)

SHOWN : on Map 1 of Land Court Application No. 1790

IN FAVOR OF: HAWAIIAN ELECTRIC COMPANY, INC.

(2) GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC.

DATED : August 21, 1957

RECORDED : Liber 3360 Page 282

GRANTING : a perpetual right and easement for an

electrical transmission line over and across

said Easement "1"

(3) GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC.

DATED : November 30, 1961

FILED: Land Court Document No. 283541

GRANTING : a perpetual right and easement for electrical

purposes (100 feet wide, extending fifty (50)

feet on either side of centerline)

(4) DESIGNATION OF EASEMENT "2"

SHOWN : on Map 2, as set forth by Land Court Order No.

65494, filed April 8, 1983

(5) GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : July 5, 1983

FILED : Land Court Document No. 1185091

GRANTING : an easement for sewer system purposes over

said Easement "2"

(C) The land has no recorded access to a public highway.

- 6. -AS TO PARCEL FIFTH (LOTS 6432 AND 6435):-
  - (A) -AS TO LOT 6432 ONLY:-
    - (1) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC. dated November 30, 1961, filed as Land Court Document No. 283541; granting an easement for pole and wire lines.
    - (2) DESIGNATION OF EASEMENT "427" (10 feet wide, area 3,533 square feet) and EASEMENT "428" (15 feet wide) as shown on Maps 245 and 466, as set forth by Land Court Order No. 27816, filed December 6, 1967.
    - (3) Grant in favor of MILILANI TOWN, INC. dated July 17, 1968, filed as Land Court Document No. 448838; granting an easement for sewer purposes over said Easements "427" and "428".

Said Grant was assigned to CITY AND COUNTY OF HONOLULU, by instrument filed as Land Court Document No. 493000.

(4) DESIGNATION OF EASEMENT "1362" (15 feet wide) for drainage and roadway purposes, as shown on Maps 378 and 466, as set forth by Land Court Order No. 37859, filed July 13, 1973.

Said Easement was amended by Land Court Order No. 38361, filed September 27, 1973.

- (5) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated August 2, 1973, filed as Land Court Document No. 651770; granting an easement for drainage purposes over said Easement "1362".
- (6) DESIGNATION OF EASEMENT(S) "1877" and "1878", as shown on Maps 444 and 466, as set forth by Land Court Order No. 43098, filed October 22, 1975.
- (7) Rights of access in favor of Lot 4203-B-1, over said Easement "1877", as set forth by Land Court Order No. 43098, filed October 22, 1975.
- (8) Access rights in favor of Lots 6434 and 6435, as set forth by Land Court Order No. 45646, filed October 18, 1976.
- (9) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC. dated October 30, 1975, filed as Land Court Document No. 741665; granting an easement for access purposes over said Easement "1877".
- (10) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated December 2, 1975, filed as Land Court Document No. 747918; granting an easement for water pipeline purposes.

- (11) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated November 6, 1975, filed as Land Court Document No. 749352; granting an easement for water pipeline purposes over said Easement "1877".
- (12) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC. dated January 9, 1976, filed as Land Court Document No. 750266; granting an easement for electric purposes over said Easement "1877".
- (13) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated October 31, 1975, filed as Land Court Document No. 764754; granting an easement for drainage purposes over said Easement "1877".
- (14) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated December 2, 1975, filed as Land Court Document No. 764755; granting an easement for sewer purposes over said Easement "1877".
- (15) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated October 28, 1975, filed as Land Court Document No. 764927; granting an easement for drainage purposes over said Easements "1877" and "1878".
- (16) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated October 28, 1975, filed as Land Court Document No. 764928; granting an easement for sewer purposes over Easement "1877".
- (17) DESIGNATION OF EASEMENT "2926", as shown on Map 515, as set forth by Land Court Order No. 52668, filed March 14, 1979.
- (18) Grant in favor of THE CITY AND COUNTY AND COUNTY OF HONOLULU dated December 4, 1978, filed as Land Court Document No. 929037; granting an easement for sewer purposes over said Easement "2926".

(19) DESIGNATION OF EASEMENT "4723", as shown on Map 711, as set forth by Land Court Order No. 89694, filed May 13, 1988.

(20) GRANT

TO : CITY AND COUNTY OF HONOLULU

DATED : July 16, 1991

FILED : Land Court Document No. 1996740

GRANTING : an easement for sewer system purposes over

said Easement "4723"

#### (B) -AS TO LOT 6435 ONLY:-

- (1) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC., dated November 30, 1961, filed as Land Court Document No. 283541; granting an easement to build etc. pole and wire lines etc. over and across said Lot.
- (2) DESIGNATION OF EASEMENT "47", as shown on Maps 33 and 466, as set forth by Land Court Order No. 11366, filed July 11, 1952.
- (3) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC. dated August 21, 1957, filed as Land Court Document No. 209937; granting an easement for utility purposes over and across said Lot. Consent thereto by instrument filed as Land Court Document No. 209938.
- (4) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC. dated August 28, 1978, filed as Land Court Document No. 695109.
- (5) DESIGNATION OF EASEMENT "1875", as shown on Maps 444 and 466, as set forth by Land Court Order No. 43098, filed October 22, 1975.

- (6) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated October 31, 1975, filed as Land Court Document No. 764754; granting an easement for drainage purposes over said Easement "1875".
- (7) DESIGNATION OF EASEMENT "1923", as shown on Maps 463 and 466, as set forth by Land Court Order No. 45375, filed September 13, 1976.
- (8) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated August 5, 1977, filed as Land Court Document No. 829930; granting an easement for drainage purposes over said Easement "1923".
- (9) DESIGNATION OF EASEMENTS "2406", "2407" and "2408", as shown on Map 491, as set forth by Land Court Order No. 49122, filed January 5, 1978.
- (10) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated February 15, 1978, filed as Land Court Document No. 876039; granting an easement for sewer purposes over said Easement "2408".
- (11) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated February 15, 1978, filed as Land Court Document No. 876040; granting an easement for drainage purposes over said Easement "2407".
- (12) DESIGNATION OF EASEMENT(S) "2561" (area 6,710 square feet), "2562" (area 2,832 square feet) and "2563" (area 2,523 square feet), as shown on Map 498, as set forth by Land Court Order No. 50995, filed August 22, 1978.
- (13) Grant in favor of MILILANI TOWN CLUSTER 38 ASSOCIATION dated October 31, 1978, filed as Land Court Document No. 906098; granting an easement for drainage purposes over said Easement "2561" and for sewer purposes over said Easement "2562".

- (14) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated September 14, 1978, filed as Land Court Document No. 911661; granting an easement for drainage purposes over said Easement "2563".
- (15) DESIGNATION OF EASEMENT(S) "3612" and "3613", as shown on Map 610, as set forth by Land Court Order No. 66275, filed June 20, 1983.
- (16) Grant in favor of THE CITY AND COUNTY OF HONOLULU dated July 5, 1983, filed as Land Court Document No. 1185091; granting an easement for sewer purposes over said Easements "3612" and "3613".
- (17) The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : ENCROACHMENT AGREEMENT

DATED

: December 31, 1997

FILED

: Land Court Document No. 2431005

PARTIES

: ALEJANDRO ANDY RAGASA, JR. and DEBORAH RUTH RAGASA, husband and wife, and CASTLE & COOKE,

INC., a Hawaii corporation

RE

: hollow tile wall and concrete sidewalk encroaching from Lot 7888 (shown on Map 511)

into Easement "1923" (shown on Map 463)

affecting Lot 6435 (shown on Map 466) of said

application

-NOTE:-

- 1) Joinder by Robert Carvalho, Jr. and Dana Yurie Higuchi Carvalho; and
- No joinder or variance given by the City and County of Honolulu.
- (18) Grant in favor of HAWAIIAN ELECTRIC COMPANY, INC., dated August 8, 2001, filed as Land Court Document No. 2730177; granting a right and easement for utility purposes as shown on the map attached thereto.

- 7. 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.
- 8. Any unrecorded leases and matters arising from or affecting the same.
- 9. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

END OF SCHEDULE B

#### SCHEDULE C

-FIRST:- TAX KEY (1) 7-1-002-009

All of that certain parcel of land situate at Wahiawa, District of Wahiawa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 370, area 24.092 acres, more or less, as shown on Map 23, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1562 of Hawaiian Pineapple Company, Limited;

Being the land(s) described in Transfer Certificate of Title No. 469,179 issued to CASTLE & COOKE, INC., a Hawaii corporation.

-SECOND:-TAX KEY (1) 7-1-002-POR. 010

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 973 to Robinson, Lawrence and Holt) situate, lying and being at Wahiawa, Waialua, City and County of Honolulu, State of Hawaii, being LOT A, and thus bounded and described as per survey dated April 21, 1995 of Laurence M. Masuda, Land Surveyor, with M & E Pacific Inc., to-wit;

Beginning at the southwesterly corner of this parcel of land, being, also, the northwesterly corner of Lot 565 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2,185.29 feet south and 20,786.29 feet east, thence running by azimuths measured clockwise from true South:

- 1. 184° 49' 1,714.64 feet along Lot 1-A-1-A-1-B-1 of Land Court Application 262;
- 2. Thence along the centerline of Poamoho Stream being the boundary in all its turns and windings, the direct azimuth and distance between points being:

262° 38' 40" 3,249.55 feet;

3.	324°	18 '		318.00	feet along the remainder of Grant 973 to Robinson, Lawrence and Holt;
4.	325°	11'	30"	744.44	feet along same;
5.	65°	00'		35.53	feet along same;
6.	118°	00'		190.00	feet along same;
7.	66°	30'		215.00	feet along same;
8.	130°	00'		200.00	feet along same;
9.	90°	00'		190.00	feet along same;
10.	109°	00'		250.00	feet along same;
11.	89°	00'		105.00	feet along same;
12.	58°	00'		270.00	feet along same;
13.	103°	30'		155.00	feet along same;
14.	69°	30'		140.00	feet along same;
15.	125°	30'		85.00	feet along same;
16.	89°	00'		150.00	feet along same;
17.	<b>4</b> 9°	00'		105.00	feet along same;
18.	133°	30'		110.00	feet along same;
19.	106°	30'		90.00	feet along same;
20.	53°	30'		90.00	feet along same;
21.	21°	30'		70.00	feet along same;
22.	359°	50'		11.91	feet along same;
23.	293°	551		148.30	feet along same;
24.	23°	55'		129.60	feet along same;
25.	106°	37'	50"	208.04	feet along same;

26.	48°	45'	40"	223.60	feet along same;
27.	160°	13'	50"	251.77	feet along same;
28.	102°	18'		211.25	feet along same;
29.	34°	14'	20"	116.22	feet along same;
30.	82°	54 <b>'</b>	55"	125.20	feet along same;
31.	11°	09'	40"	412.40	feet along same;
32.	35°	24'	40"	171.80	feet along same;
33.	4°	51'	30"	118.54	feet along same;
34.	336°	13'		172.26	feet along same;
35.	55°	24'	50"	143.07	feet along same;
36.	354°	50'		186.82	feet along same;
37.	98°	46'	20"	285.34	feet along same;
38.	58°	36'		212.65	feet along same;
39.	91°	01'		372.30	feet along same to the point of beginning and containing an area of 95.565 acres, more or less.

-THIRD:- TAX KEY (1) 7-1-002-POR. 010

All of that certain parcel of land situate at Wahiawa, District of Wahiawa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 565, area 176.343 acres, more or less, as shown on Map 38, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1562 of Hawaiian Pineapple Company, Limited;

Being the land(s) described in Transfer Certificate of Title No. 469,179 issued to CASTLE & COOKE, INC., a Hawaii corporation.

-FOURTH:- TAX KEY (1) 9-4-003-002

All of those certain parcels of land situate at Koalipea, Waikele, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT	AREA						
1	96.696 acres, and						
2	135.058 acres, more or less.						

as shown on Map 1, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1790 of Hawaiian Pineapple Company, Limited;

As an appurtenance to Lot 1; together with the right in the nature of an easement for underground water pipeline or pipelines, and underground cables, etc., through, under, across and on Easement "2114", as shown Map 483 of Land Court Application No. 1000, as granted by instrument dated October 25, 1977, filed as Land Court Document No. 842059; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

As an appurtenance to Lot 1; together the right in the nature of an easement for underground water pipeline or pipelines, and underground cables, etc., through, under, across and on Easement "4602" as shown Map 685, and Easement "3048" as shown on Map 531, of Land Court Application No. 1000, as granted by instrument dated May 12, 1987, filed as Land Court Document No. 1462775; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

Being the land(s) described in Transfer Certificate of Title No. 469,178 issued to CASTLE & COOKE, INC., a Hawaii corporation.

-FIFTH:- TAX KEY (1) 9-4-005-048

All of those certain parcels of land situate at Waipio, Waikele, Waikakalaua, Ulu, Auiole Poopalupalu, Hopenui, Kahuaiki, Hanuhanu, Kanupoo, Kapakahi and Ewa, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows

LOT AREA

6432 23.768 acres, and 6435 354.595 acres, more or less,

as shown on Map 466, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1000 of John Ii Estate, Limited;

-AS TO LOT 6435:- Together with access over Lot 6432, as set forth by Land Court Order No. 45646, filed October 10, 1976.

Being the land(s) described in Transfer Certificate of Title No. 469,177 issued to CASTLE & COOKE, INC., a Hawaii corporation.

Together with the following described rights and easements:

- 1. Easements over, across and along Lot 12 of said Land Court Application No. 1000, more particularly described in Declaration of Taking, Civil No. 489, Land Court Document No. 87139, noted on Original Certificate of Title No. 13,843, and mentioned in Transfer Certificate of Title No. 39,784 issued to the United States of America.
- 2. Easement "1" to "17", inclusive, over and across Lots 2-A-2 and 2-A-3 of said Land Court Application No. 1000, more particularly described in Declaration of Taking, Civil No. 759, Land Court Document No. 98268, as amended by order and Judgment, Land Court Document No. 133619, noted on said Original Certificate of Title No. 13,843, and mentioned in Transfer Certificate of Title No. 39,784 issued to the United States of America.
- 3. Easements over and across Lot 8-L, more particularly described in Exchange Deed with the Territory of Hawaii (now State of Hawaii), being Land Court Document No. 64387, noted on said Original Certificate of Title No. 13,843, and mentioned in Transfer Certificate of Title No. 26,429 issued to the Territory of Hawaii (now State of Hawaii).
- 4. Easements over Lot 2-C, more particularly described in Exchange Deed in favor of the Territory of Hawaii (now State of Hawaii), being Land Court Document No. 64386, noted on said Original Certificate of Title No. 13,843, mentioned in Transfer Certificate of Title No. 26,428 issued to the said Territory of Hawaii (now State of Hawaii).

- 5. Easement appurtenant to lands now owned by Castle & Cooke, Inc. mauka of Lot 1-A-12-C for road and utility purposes, over the existing roads within said Lot 1-A-12-C from the northeastern boundary of said Lot 1-A-12-C to connect with Easement "128" as shown on Map 68, within Lot 537, as reserved in Deed dated July 11, 1963, filed as Land Court Document No. 311761.
- 6. A perpetual nonexclusive easement for road purposes (for vehicles not in excess of two and one-half (2 1/2) tons in weight) over and across the existing and any and all road or roads within Lots 328 and 532, as shown on Map 68 of said Land Court Application No. 1000; provided, however, that said easement shall cease as to any portion or portions of said road or roads if and when the same are dedicated to public use by conveyance thereof to the State of Hawaii or the City and County of Honolulu for road purposes; as set forth in Land Court Documents Nos. 200457 and 200458, respectively.
- 7. A perpetual nonexclusive easement for road purposes over, across, along and upon Easements 127 and 128 of Lots 535 and 537, respectively, as shown on Map 68 of Land Court Application No. 1000; and a perpetual easement for water pipelines across, along and under Easement 126 of Lots 535, 538 and 539, as reserved in Land Court Document No. 200457.
- 8. A perpetual nonexclusive easement for road purposes over, along, across and upon Easements "215", "216", "217", "218" and "228", within Lot 1276, as shown on Map 100 of Land Court Application No. 1000; provided, however, that said easements shall automatically cease as to any portion or portions of said road or roads if and when the same are dedicated to public use by conveyance thereof the the State of Hawaii or the City and County of Honolulu for road purposes; and a perpetual easement to lay, construct, maintain, renew, repair and remove water pipelines along and under Easement "219" within said Lot 1276; as reserved in Land Court Document No. 254783.
- 9. A non-exclusive right-of-way easement for pedestrian and vehicular traffic over and across such road as shall from time to time exist on, over and across Lots 11-A-1 and 97-A of Certificate of Title No. 83,392, as granted by Land Court Document No. 290295.

## -AS TO PARCELS FIRST THROUGH FIFTH:-

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : CASTLE & COOKE HOMES HAWAII, INC., a Hawaii

corporation

GRANTEE : CASTLE & COOKE, INC., a Hawaii corporation

DATED : December 8, 1995

FILED : Land Court Document No. 2277106

RECORDED : Document No. 95-159450

## 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, handicap, familial status or national origin, unless and only to the extent that said covenant (i) is exempt under Chapter 42, Section 3607 of the United States Code or (ii) relates to handicap but does not discriminate against handicapped persons.

## 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 Title Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from Title Guaranty of Hawaii.

- 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 of the policy. Copies of the policy forms are available upon request from Title Guaranty of Hawaii.

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE INC

LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO. (1) 7 1 002 009 0000

CLASS: 5

AREA ASSESSED: 24.092 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2001

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

BUILDING	\$ 987,500			
EXEMPTION	\$ 0			
NET VALUE	\$ 987,500			
LAND	\$ 22,500	AGRICULTURAL	USE	VALUE
EXEMPTION	\$ 0			
NET VALUE	\$ 22,500			
TOTAL NET VALUE	\$ 1,010,000			

CURRENT YEAR TAXES:	AMOUNT	DUE	CREDIT						
•	20-2001) \$ 20-2002) \$	4,994.46 \$ 4,994.45	4,994.46 PENDING						
TOTAL	TAXES: \$ 9,	988.91							
PRIOR YEAR TAXES: NONE									
1ST INSTALLMENT (DUE 8- 2ND INSTALLMENT (DUE 2-	20-2000) \$ -20-2001) \$	5,022.14 \$ 5,022.14 \$	5,022.14 5,022.14						

TOTAL TAXES: \$ 10,044.28

CURRENT YEAR TAXES:

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE INC

LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO. (1) 7 1 002 010 0000

CLASS: 5

AREA ASSESSED: 271.908 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2001

This certifies that 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	\$	200,900	AGRICULTURAL	USE	VALUE
EXEMPTION	\$	0			
NET VALUE	\$	200,900			
TOTAL NET VALUE	Ŝ	200.900			

AMOUNT DUE CREDIT

1ST INSTALLMENT (DUE 8-20-200 2ND INSTALLMENT (DUE 2-20-200 TOTAL TAXES:	2) \$	993.45 993.45 1,986.90	\$	993.45 PENDING						
PRIOR YEAR TAXES: NONE										
1ST INSTALLMENT (DUE 8-20-200 2ND INSTALLMENT (DUE 2-20-200		994.44 994.44	\$ \$	994.44 994.44						
TOTAL TAXES:	\$	1,988.88								

)

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE INC

LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO. (1) 9 4 003 002 0000

CLASS: 5 AREA ASSESSED: 231.754 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2001

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

BUILDING		\$ 57,000			
EXEMPTION		\$ 0			
NET VALUE		\$ 57,000			
LAND		\$ 548,100	AGRICULTURAL	USE	VALUE
EXEMPTION		\$ 0			
NET VALUE		\$ 548,100			
TOTAL NET	VALUE	\$ 605,100			

CURRENT YEAR TAXES:	AMOUNT	DUE	CREDIT						
1ST INSTALLMENT (DUE 8-20-2001) 2ND INSTALLMENT (DUE 2-20-2002)	*	2,992.22 \$ 2,992.22	2,992.22 PENDING						
TOTAL TAXES: \$									
PRIOR YEAR TAXES: NONE									
1ST INSTALLMENT (DUE 8-20-2000) 2ND INSTALLMENT (DUE 2-20-2001)		3,008.05 \$ 3,008.04 \$	-,						

TOTAL TAXES: \$ 6,016.09

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE INC

LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO. (1) 9 4 005 048 0000

CLASS: 5

AREA ASSESSED: 378.363 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2001

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

BUILDING	\$	52,100			
EXEMPTION	\$	0			
NET VALUE	S	52,100			
LAND	\$	808,800	AGRICULTURAL	USE	VALUE
EXEMPTION	\$	0			
NET VALUE	\$	808,800			
TOTAL NET VALUE	Ś	860.900			

CURRENT YEAR TAXES:		UNT DUE	CREDIT
1ST INSTALLMENT (DUI 2ND INSTALLMENT (DUI	· / '	4,257.15 4,257.15	\$ 4,257.15 PENDING
To	TAL TAXES: \$	8,514.30	
PRIOR YEAR TAXES: NONE			
100 71700777717070 (200			
1ST INSTALLMENT (DU	, ,	4,272.98	\$ 4,272.98
2ND INSTALLMENT (DU	Z 2-20 <b>-</b> 2001) \$	4,272.97	\$ 4,272.97
T	TAL TAXES: \$	8,545.95	

2277106

New TCT: 466,408

95-159450

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL ( )

PICK-UP ( ):

CASTLE & COOKE LAND COMPANY P. C. Dev. 1990 Houself, Hundi 95502

#### DEED

THIS DEED, made this <u>SHU</u> day of <u>Necessian</u>,

1995, by and between CASTLE & COOKE HOMES HAWAII, INC., a Hawaii
corporation, whose business and post office address is 650 Iwilei
Road, Honolulu, Hawaii 96817, hereinafter called the "Grantor",
and CASTLE & COOKE, INC., a Hawaii corporation, whose business
and post office address is 650 Iwilei Road, Honolulu, Hawaii
96817, hereinafter called the "Grantee",

A:DSO.2D (Waipio por.; Whitmore; Koalipea) 12/6/95

# WITNESSETH:

For Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby remise, release and quitclaim unto the Grantee, all of the Grantor's right, title and interest in and to the property described in <a href="Exhibit A">Exhibit A</a> attached hereto and made a part hereof (the "Property");

in and to any and all transferable covenants, warranties and assurances made in favor of or held by the Grantor, or given by or applicable to predecessors in title and/or other third parties, with respect to the Property or any part thereof or any interest therein, including but not limited to the right to recourse against Grantor's predecessors in interest and other third parties, excluding Grantor's affiliated entities but including the State of Hawaii pursuant to Hawaii Revised Statutes Chapter 501 and Grantor's actual title insurance coverage, if any;

TO HAVE AND TO HOLD the same, together with all the buildings and improvements thereon, and the tenements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, its successors and assigns, forever.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number,

individuals or corporations and each of their respective successors, successors in trust, heirs, devisees, legal representatives and assigns, according to the context thereof.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents as of the day and year first above written.

CASTLE & COOKE HOMES

HAWAII, INC.,

a Hawaii corporation

WALLACE MIYAHIRA

Its Exec. Vice President

KEVIN R. SHANEZ

Its Secretary

CASTLE & COOKE, INC., a Hawail corporation

THOMAS C. LEPPERT
Its Vice President

WALLACE MIYAHIRA

Its Sr. Vice President

Grantor

Grantee

CITY AND COUNTY OF HONOLULU

On this Mu day of Accurate, 19 M, before me appeared WALLACE MIYAHIRA and KEVIN R. SHANEY, to me personally known, who being by me duly sworn, did say that they are the Exec. Vice President and Secretary, respectively, of CASTLE & COOKE HOMES HAWAII, INC., a Hawaii corporation; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officers acknowledged the instrument to be the free act and deed of said corporation.

Notary Public, State of Hawaii

My commission expires: 3/22/98

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS.

On this the day of Alexander, 19 T, before me appeared THOMAS C. LEPPERT and WALLACE MIYAHIRA, to me personally known, who being by me duly sworn, did say that they are the Vice President and Sr. Vice President, respectively, of CASTLE & COOKE, INC., a Hawaii corporation; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officer acknowledged the instrument to be the free act and deed of said corporation.

Notary Public, State of Hawaii

My commission expires: 3/22/98

#### EXHIBIT A

# FIRST:

THOSE certain parcels of lands situate at Koalipea, Waikele, District of Ewa, City and County of Honolulu, State of Hawaii, being more particularly described as follows:

Lot No.	Map No.	Land Court  Application No.	TCT No.
1	1	1790	408545
2	1	1790	408545

# SECOND:

THOSE certain parcels of lands situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, being more particularly described as follows:

Lot No.	Map No.	Land Court  Application No.	TCT No.
6432	466	1000	408544
6435	466	1000	408544

## THIRD:

THOSE certain parcels of lands situate at Wahiawa, Oahu, City and County of Honolulu, State of Hawaii, being more particularly described as follows:

Lot No.	Map No.	Land Court  Application No.	TCT No.
370	23	1562	408546
565	38	1562	408546

#### FOURTH:

ALL of that certain parcel of land situate at Wahiawa, Waialua, Oahu, Hawaii, being portion of Grant 973 to Robinson, Lawrence and Holt, and being more particularly described as follows:

Beginning at the southwesterly corner of this parcel of land, being, also, the northwesterly corner of Lot 565 of Land Court Application 1562, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 2185.29 feet South and 20,786.29 feet East, thence running by azimuths measured clockwise from True South:

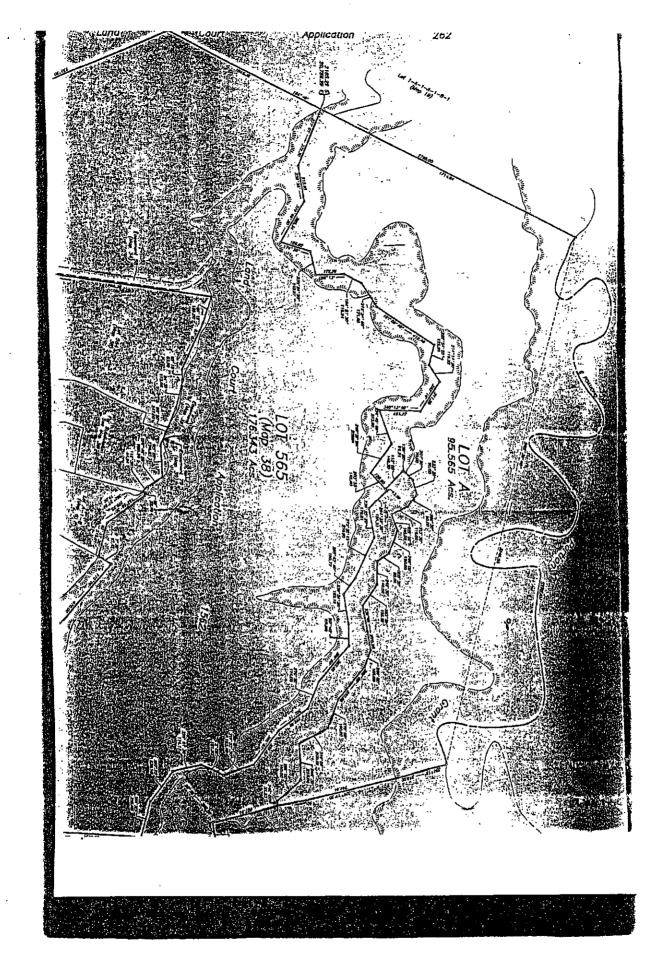
- 1. 189° 49' 1714.64 feet along Lot 1-A-1-A-1-B-1 of Land Court Application 262;
- 2. Thence along the centerline of Poamoho Stream being the boundary in all its turns and windings, the direct azimuth and distance between points being:

262° 38′ 40" 3249.55 feet;

- 3. 324° 18' 318.00 feet along the remainder of Grant 973 to Robinson, Lawrence and Holt;
- 4. 325° 11′ 30" 744.44 feet along same;
- 5. 65° 00' 35.53 feet along same;
- 6. 118° 00' 190.00 feet along same;
- 7. 66° 30′ 215.00 feet along same;
- 8. 130° 00' 200.00 feet along same;
- 9. 90° 00' 190.00 feet along same;
- 10. 109° 00' 250.00 feet along same;
- 11. 89° 00' 105.00 feet along same;
- 12. 58° 00' 270.00 feet along same;
- 13. 103° 30′ 155.00 feet along same;
- 14. 69° 30′ 140.00 feet along same;
- 15. 125° 30′ 85.00 feet along same;
- 16. 89° 00' 150.00 feet along same;
- 17. 49° 00' 105.00 feet along same;
- 18. 133° 30' 110.00 feet along same;
- 19. 106° 30′ 90.00 feet along same;
- 20. 53° 30′ 90.00 feet along same;
- 21. 21° 30′ 70.00 feet along same;
- 22. 359° 50' 11.91 feet along same;
- 23. 293° 55′ 148.30 feet along same;

24.	23° 55	; <b>/</b>	129.60	feet along Lot 565 of Land Court Application 1562;
25.	106° 37	77 50 <sup>41</sup>	208.04	feet along same;
26.	48° 45	40"	223.60	feet along same;
27.	160° 13	<b>′</b> 50"	251.77	feet along same;
28.	102° 18	, *	211.25	feet along same;
29.	34° 14	20"	116.22	feet along same;
30.	82° 54	<b>'</b> 55"	125.20	feet along same;
31.	11° 09	/ 40 <sup>H</sup>	412.40	feet along same;
32.	35° 24	40"	171.80	feet along same;
33.	4° 51	.′ 30"	118.54	feet along same;
34.	336° 13	•	172.26	feet along same;
35.	55° 24	<b>'</b> 50"	143.07	feet along same;
36.	354° 50	) *	186.82	feet along same;
37.	98° 46	20"	285.34	feet along same;
38.	58° 36	; *	212.65	feet along same;
39.	91° 01	.'	372.30	feet along same to the point of beginning and containing an Area of 95.565 Acres, as shown on Exhibit A-1.

# END OF EXHIBIT A



L-271 STATE OF HAWAII OFFICE OF ASSISTANT REGISTRAR RECORDED

FEB 14, 2002 09:30 AM

L.C. Order No(s) 144900 /

on Cert(s) 469,179

may 45 LCA 1562

/s/ CARL T. WATAMABE ASSISTANT REGISTRAR (1)

LAND COURT SYSTEM

REGULAR SYSTEM

RETURN BY MAIL ( ) PICK UP (X): Castle & Cooke Land Company 100 Kahelu Ave., 2nd Floor Mililani, HI 96789 B. Kaku 548-2945

Total Pages:

AMENDED AND RESTATED PETITION FOR SUBDIVISION AND DESIGNATION OF EASEMENT

Petitioner: Castle & Cooke, Inc.

LOTS: 565-A - 31.551 Acres. 565-B-122.319 Acres 565-C-22,473 Lives 176.343 teres

# IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application	)	SUBDIVISION			
of	)	of Application 1562	H <sub>O</sub>	HYF	418
	j ,	(Map 45)	NA PAR	<u>~</u>	***
HAWAIIAN PINEAPPLE	)		"	=	7
COMPANY, LIMITED	)		2.2	· <del></del>	
	)		(HAH	55	- 🚉
to register and confirm title to lands	)		***		金ぎ
situate at Wahiawa, Oahu, State of	)		<u>စ</u> ်	្សី	j
Hawaii	)		· *	r.J	

Petition of CASTLE & COOKE, INC., Owner, subdivision of Lot 565 as shown on Map 38 into Lots 565-A, 565-B and 565-C and designation of Easement 111

# ORDER OF SUBDIVISION

Upon the record and the evidence herein, and the map or plan filed with the application for subdivision in this matter having been referred to the Surveyor of the State of Hawaii, and he having examined and checked the same and certified the same to be correct. Copy of said petition and the Return of the Surveyor by reference made a part hereof,

IT IS ORDERED, ADJUDGED AND DECREED, that the said subdivision, as certified by the Surveyor of the State of Hawaii, is hereby authorized and approved, and the Assistant Registrar of this court is hereby directed to endorse on Owner's Certificate of Title No. 469,179

a reference to said map or plan as approved, and, upon presentation to him of proper deeds of transfer, to issue a new certificate, or certificates, for the lots conveyed, and enter same on said Owner's Certificate of Title No. 469,179

, in accordance with Hawaii Revised Statutes, Sections 501-89 and 501-109.

Dated: Honolulu, Hawaii, \_\_\_\_\_\_ January 15, 2002

HOWARD NOOUNAGA

Registrate

for Judge of the Land Course

A TRICK SOLATION WITH THE EXPLOR SAID LOURT.

JANNIS SHROMA

# IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application	)	SUBDIVISION			
	)	of		<b>د_</b>	
of	)	Application 1562		33 12	တု
	)	(Map 45)		5	<u> </u>
HAWAIIAN PINEAPPLE	)	• •	7		711
COMPANY, LIMITED	)			-	
•	)		± .	Ο*; <del>() 1</del>	,
to register and confirm title to lands	)		S	<u> </u>	÷ €1
situate at Wahiawa, Oahu, State of	)			20.	,5 = **** ) F= 1
Hawaii	)		*	7	ł•

Petition of CASTLE & COOKE, INC., Owner, subdivision of Lot 565 as shown on Map 38 into Lots 565-A, 565-B and 565-C and designation of Easement 111

#### RETURN OF THE STATE LAND SURVEYOR

To the Honorable Judge of the Land Court, State of Hawaii.

Pursuant to an Order duly made and issued out of said Honorable Court on the 11th day of December, 2001, referring the map filed for approval of subdivision in the above entitled matter, to the State Land Surveyor for verification, check on the ground if necessary and report.

The undersigned, the State Land Surveyor begs to report that the same has been examined and checked as to form and mathematical correctness and found to be in order.

And further, that said map has been compared with Certificate of Title No. 469,179 and found to be in accord therewith.

Ld.Ct.App. 1562 Map 45 Return of the State Land Surveyor Page 2

# NOTE:

Examined by:

Allegations in the petition have been checked and found to be in accord therewith except for the following:

- 1. Easement A has been changed to Easement 111.
- 2. The status of Document 1357955 should be clarified (not shown in TCT).

Only encumbrances as noted in the petition have been checked.

APPROVED by the City Department of Planning and Permitting on June 29, 2001.

And pending approval of the Court, the map and said Certificate of Title will be held for further instructions.

DATED at Honolulu, this 15th day of January, 2002.

Assistant.	Randale n Hoshimits
cv	State Land Surveyor
	ate Land Surveyor blueprints of, and the approved ntitled matter and Certificate of Title No.

# IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Applic	ation )
of	j
HAWAIIAN PINEAPPLE COMPANY,	LIMITED ) APPLICATION NO. 1562
to register and confirm title lands situate in Wahiawa, On State of Hawaii	le to ) ahu, ))  = = = = = = = = = = = = = = = = = = =
	DED AND RESTATED ON FOR SUBDIVISION GNATION OF EASEMENT
PETITIC	DED AND RESTATED ON FOR SUBDIVISION GNATION OF EASEMENT
	Referred to the Surveyor of the State for check and report.  Map filed
	Seven (7) white prints required.
	Dated
	BY ORDER OF THE COURT

Q:PET (1/23/02) Whitmore Village Subdivision

A TRUE-COPY, ATTEST WITH THE SEAL OF SAID COURT.

IANNIS SHIROMA Clerk Registrar

# IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HAWAIIAN PINEAPPLE COMPANY, LIMITED

APPLICATION NO. 1562

to register and confirm title to lands situate in Wahiawa, Oahu, State of Hawaii

# AMENDED AND RESTATED PETITION FOR SUBDIVISION AND DESIGNATION OF EASEMENT

TO: THE HONORABLE JUDGE OF THE LAND COURT OF THE STATE OF HAWAII

Comes now CASTLE & COOKE, INC., a Hawaii corporation, hereinafter called the "Petitioner", and respectfully shows unto this Court as follows:

- 1. <u>LANDS</u>. Petitioner is the owner of Lot 565 as shown on Map 38, filed with the Office of the Assistant Registrar of the Land Court with Land Court Application No. 1562 and described in Transfer Certificate of Title No. 469179.
- 2. MAP. Filed herewith is a Map showing the subdivision of Lot 565 into Lots 565-A, 565-B and 565-C and Designation of Easement 111.
- 3. APPROVAL. Said land lies within the area covered by the General Plan of the City and County of Honolulu, and the approval of said Map by the Department of Planning and Permitting of the City and County of Honolulu is shown on the front of a print of said Map filed herewith.

- 4. ACCESS. Said Lots 565-A, 565-B and 565-C all have direct access to a public road. In addition, Lot 565-B will have access over Easement 111 to a public road.
- 5. ACCESS RIGHTS. The right of access set forth in the previous paragraph shall supersede all previous provisions for access with respect to the area included within said Lot 565 as may have been provided in Land Court Orders issued prior to the order approving this Petition. Each such right of access herein provided over a certain lot shall cease automatically upon the conveyance of said lot or lots to the State of Hawaii or the City and County of Honolulu for road purposes. Until such conveyance to the State of Hawaii or the City and County of Honolulu of a lot or lots so encumbered or until the sale, lease or conveyance to any other party of any lot specified herein as requiring access over such lot or lots, Petitioner reserves the right to change and modify said Map filed herewith and to delete and delineate any of said rights of access over said lot or lots so encumbered. Nothing in this Petition or in the Order issued herein or on said Map filed herewith shall be deemed a dedication of said road lots to the public or to create in any person any right, title or interest by way of right of access or otherwise.
- 6. ENCUMBRANCES. Lots 565-A, 565-B and 565-C are subject to the following encumbrances and only to the following encumbrances:
  - A. Lots 565-B and 565-C are subject to:
- 1) Easement 58 as shown on Maps 34 and 38 as set forth by Land Court Order No. 89181, filed April 13, 1988.
- 2) Said Easement 58 is subject to Agreement in favor of City and County of Honolulu, for flowage purposes, dated

- April 18, 1990, filed as Document No. 2014394.
  - B. Lot 565-B is subject to the following:
- 1) Easements 78 and 79 as shown on Map 39 as set forth by Land Court Order No. 92999, filed March 20, 1989.
- 2) Said Easement 78 is subject to grant of easement in favor of City and County of Honolulu, for drainage purposes, dated April 3, 1989, filed as Document No. 1746138.
- 3) Said Easement 79 is subject to Agreement in favor of City and County of Honolulu, for flowage purposes, dated April 3, 1989, filed as Document No. 1746139.
- 4) Easements 107 and 108 as shown on Map 42 as set forth by Land Court Order No. 98917, filed August 7, 1990.
- 5) Said Easement 107 is subject to grant of easement in favor of City and County of Honolulu, for drainage purposes, dated February 14, 1990, filed as Document No. 2014393.
- 6) Said Easement 108 is subject to Agreement in favor of City and County of Honolulu, for flowage purposes, dated April 18, 1990, filed as Document No. 2014394.
  - C. Lot 565-C is subject to the following:
- 1) Easements 69, 70 and 71 as shown on Maps 37 and 38 as set forth by Land Court Order No. 91253, filed September 23, 1988.
- 2) Said Easement 69 is subject to grant of easement in favor of City and County of Honolulu, for drainage purposes, dated February 13, 1989, filed as Document No. 1746131.
  - 3) Said Easement 71 is subject to Agreement in

favor of City and County of Honolulu, for flowage purposes, dated February 22, 1989, filed as Document No. 1746133.

- 4) Said Easement 70 is subject to grant of easement in favor of City and County of Honolulu, for sewer purposes, dated February 13, 1989, filed as Document No. 1746135.
- 5) Easements 99 and 102 as shown on Map 41 as set forth by Land Court Order No. 96498, filed January 9, 1990.
- 6) Easements 105 and 106 as shown on Map 42 as set forth by Land Court Order No. 98917, filed August 7, 1990.
- 7) Said Easement 99 is subject to grant of easement in favor of City and County of Honolulu, for sewer purposes, dated February 14, 1990, filed as Document No. 2014391.
- 8) Said Easements 102, 105 and 106 are subject to grant of easement in favor of City and County of Honolulu, for drainage purposes, dated February 14, 1990, filed as Document No. 2014393.

Petitioner understands that the State Land Surveyor will not be examining encumbrances noted in this Petition which are not filed in the Office of the Assistant Registrar of the Land Court.

7. <u>EASEMENT</u>. Lot 565-B is subject to the designation of Easement 111 as shown on said Map filed herewith.

WHEREFORE, Petitioner respectfully prays as follows:

- A. That said Map filed herewith be examined and if found correct, that an Order issue approving this Petition and approving and authorizing said Map.
- B. That an Order issue directing the Assistant
  Registrar of the Court to endorse, upon approval of the Petition
  for Subdivision, reference to the Map filed herewith and to this

Order on Transfer Certificates of Title No. 469179 in accordance with Chapter 501 of the Hawaii Revised Statutes, as amended.

Seven (7) white prints of said Map filed herewith are required by Petitioner.

Dated:

Honolulu, Hawaii,

Ermany >8, 2002.

CASTLE & COOKE, INC.

8

HARRY A. SAUNDERS
Its Sr. Vice President

By Ash

RICHARD K. MTRIKITANI Its Assistant Secretary

Subscribed and sworn to before me this 28th day of \_\_\_\_\_\_\_, 2002

Cynthia Kadalawa

Cynthfa Kadekawa

Notary Public, State of Hawaii

My commission expires: 3/22/2002

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#### 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 and no liability will arise under this report.

#### SCHEDULE A

Title Guaranty of Hawaii, Incorporated, 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:

CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, as Fee Owner

This report is dated as of November 29, 2006 at 8:00 a.m.

Inquiries concerning this report should be directed to BEVERLY TOMITA.
Email btomita@tghawaii.com
Fax (808) 521-0287
Telephone (808) 539-7705.
Refer to Order No. 200667467.

# SCHEDULE B EXCEPTIONS

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

Item I is (are) covered by Tax Key: (1) 6-4-003-008. Item II is (are) covered by Tax Key: (1) 6-4-004-007.

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

- Reservation in favor of the State of Hawaii of all mineral and metallic mines.
- 3. SETBACK (20 feet wide)

PURPOSE : road widening

SHOWN : on File Plan No. 2133

- 4. -AS TO ITEM I:-
  - (A) DESIGNATION OF EASEMENT "R-2"

PURPOSE : access and utility SHOWN : on File Plan 2133

(B) GRANT

TO : OPPORTUNITIES FOR THE RETARDED, INC., a Hawaii non-

profit corporation

DATED : October 11, 1983

RECORDED : Liber 17447 Page 550

GRANTING : an easement over Easement "W-1" (15 feet wide) for

water purposes

(C) DESIGNATION OF EASEMENT "R-4" (60 feet wide)

PURPOSE

: access and utility

SHOWN

on survey map prepared by Miles S. Horie, Land Surveyor, with Engineers Surveyors Hawaii. Inc., dated July 25, 2003, revised December 23, 2004

(D) DESIGNATION OF EASEMENT "R-5" (70 feet wide)

**PURPOSE** 

: access and utility

SHOWN

: on survey map prepared by Miles S. Horie, Land Surveyor, with Engineers Surveyors Hawaii. Inc., dated July 25, 2003, revised December 23, 2004

#### 5. -AS TO ITEM II:-

- (A) Location of the boundary of Helemano and Poamoho Streams and the effect, if any, upon the area of the land described herein, and the free flowage thereof.
- Upper Helemano Ditch, Helemano Ditch and Poamoho Ditch as shown on tax map.
- (C) LEASE OF RIGHT OF WAY

TO

: UNITED STATES OF AMERICA

DATED

December 14, 1935

RECORDED

: Liber 1325 Page 227

LEASING

an easement for a road for military purposes, for a term of ninety-nine (99) years from the date hereof

(D) GRANT

TO

: UNITED STATES OF AMERICA

DATED RECORDED November 21, 1935

Liber 1326 Page 264

GRANTING

a perpetual easement for a road for military

purposes

(E) GRANT

TO: : UNITED STATES OF AMERICA

DATED : November 25, 1935 RECORDED : Liber 1326 Page 269

GRANTING : a perpetual easement for a road for military

purposes

(F) LEASE OF RIGHT OF WAY

TO : UNITED STATES OF AMERICA

DATED : November 16, 1953 RECORDED : Liber 2786 Page 365

LEASING : a right of way in the nature of an easement for

underground pipelines, over and across that certain parcel of land containing an area of 0.181 acre,

more particularly described therein

(G) The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in unrecorded RESERVOIR LEVEL AGREEMENT dated December 7, 1995, between DOLE FOOD COMPANY, INC., a Hawaii corporation, and CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, as contained in DEED dated October 6, 1999, recorded as Document No. 99-165200.

6. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : WATER USE AGREEMENT

DATED : October 11, 1983 RECORDED : Liber 17447 Page 514

PARTIES : DEL MONTE CORPORATION, a New York corporation,

"DMC", CASTLE & COOKE, INC., a Hawaii corporation, "CCI", and OPPORTUNITIES FOR THE RETARDED, INC., a

Hawaii non-profit corporation, "ORI"

7. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : UNRECORDED LICENSE AGREEMENT

DATED : May 14, 1984

PARTIES : CASTLE & COOKE, INC., "Licensor", and OPPORTUNITIES

FOR THE RETARDED, INC., a Hawaii non-profit

corporation, "Licensee"

RE : to use the property for parking of vehicles,

agricultural and landscaping purposes

8. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : DECLARATION

DATED : February 8, 1993

RECORDED : Document No. 93-021687

9. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT: DEED WITH COVENANTS

DATED : December 8, 1995

RECORDED : Document No. 95-159454

10. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT: DEED WITH COVENANTS

DATED : October 6, 1999

RECORDED : Document No. 99-165200

The foregoing includes, but is not limited to, matters relating to agricultural activities, including sugar cane burning, on nearby lands.

- 11. 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.
- 12. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
- 13. The terms and provisions contained in the following:

INSTRUMENT: AMENDMENT TO AGREEMENT FOR ISSUANCE OF CONDITIONAL

USE PERMIT UNDER SECTION 21-5.380 OF THE LAND USE

ORDINANCE (LUO)

DATED : November 7, 2002

RECORDED : Document No. 2002-205977

PARTIES : CASTLE & COOKE PROPERTIES, INC., a Hawaii

corporation, and CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, and DOLE FOOD COMPANY, INC., a

Delaware corporation, "Declarants"

14. The terms and provisions contained in the following:

INSTRUMENT: DEED WITH COVENANTS (LOT 3)

DATED : February 12, 2003

RECORDED : Document No. 2003-031657

15. MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT

MORTGAGOR : CASTLE & COOKE PROPERTIES, INC. (f/k/a CASTLE &

COOKE COMMERCIAL HAWAII, INC.), a Hawaii

corporation

MORTGAGEE : BANKERS TRUST COMPANY, a New York corporation, as

administrative agent for the Lenders under the Credit Agreement dated as of September 19, 2000

DATED : as of September 19, 2000

FILED : Land Court Document No. 2652426 on September 21,

2000 at 2:00 p.m.

RECORDED : Document No. 2000-132863 on September 21, 2000 at

2:00 p.m.

AMOUNT : \$300,000,000.00

FIRST AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT dated as of December 27, 2001, filed as Land Court Document No. 2767932, recorded as Document No. 2002-003164, by and between CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, "Mortgagor", and BANKERS TRUST COMPANY, as administrative agent for the Lenders under the Credit Agreement dated as of September 19, 2000, "Mortgagee"; re: maximum amount of principal indebtedness is \$310,000,000.00 and Exhibit "A" deleted in its entirety and replaced with Exhibit "A" attached thereto, etc.

Said Mortgage was assigned to WELLS FARGO BANK, N.A., a national association, as replacement administrative agent for the Lenders under unrecorded Amended and Restated Credit Agreement dated as of December 27, 2001, by instrument dated effective as of January 8, 2002, filed as Land Court Document No. 2767933, recorded as Document No. 2002-003165.

SECOND AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT dated as of February 12, 2003, recorded as Document Nos. 2003-031658 and 2003-031659, by and between CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, "Mortgagor", and WELLS FARGO BANK, N.A., a national association, as administrative agent for the Lenders under the Credit Agreement dated as of September 19, 2000, "Mortgagee"; resubstitution of security and release of security, etc.

THIRD AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT dated as of March 25, 2003, filed as Land Court Document No. 2910516, recorded as Document No. 2003-060017, by and between CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, "Mortgagor", and WELLS FARGO BANK, N.A., as administrative agent and collateral agent for the lenders under the Credit Agreement dated as of September 19, 2000, "Mortgagee"; re: maximum amount of principal indebtedness is \$325,000,000.00, etc.

FOURTH AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT dated as of December 22, 2003, filed as Land Court Document No. 3050191, recorded as Document No. 2003-290093, by and between CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, "Mortgagor", and WELLS FARGO BANK, N.A., as administrative agent and collateral agent for the lenders under the Credit Agreement dated as of September 19, 2000, "Mortgagee"; re: maximum amount of principal indebtedness is \$375,000,000.00, etc.

#### 16. FINANCING STATEMENT

DEBTOR : CASTLE & COOKE PROPERTIES, INC.

SECURED

PARTY : BANKERS TRUST COMPANY, as Administrative Agent

RECORDED : Document No. 2000-132864

RECORDED ON: September 21, 2000

(Not noted on Transfer Certificate(s) of Title referred to

herein)

AMENDMENT recorded as Document No. 2002-003168 on January 8, 2002; re: assigns said Financing Statement to WELLS FARGO BANK, N.A., as Administrative Agent.

(Not noted on Transfer Certificate(s) of Title referred to herein)

AMENDMENT recorded as Document No. 2002-003169 on January 8, 2002; re: Exhibit A attached to original Financing Statement is amended by and replaced with Exhibit A-1 attached thereto.

(Not noted on Transfer Certificate(s) of Title referred to herein)

AMENDMENT recorded as Document No. 2003-031662 on February 21, 2003; re: Partial release of collateral as described therein.

(Not noted on Transfer Certificate(s) of Title referred to herein)

AMENDMENT recorded as Document No. 2003-031663 on February 21, 2003; re: Addition of collateral as described therein.

(Not noted on Transfer Certificate(s) of Title referred to herein)

17. ASSIGNMENT OF LEASES AND RENTS dated and effective as of September 19, 2000, recorded as Document No. 2000-139599, by and between CASTLE & COOKE PROPERTIES, INC. (f/k/a CASTLE & COOKE COMMERCIAL HAWAII, INC.), a Hawaii corporation, "Assignor", and BANKERS TRUST COMPANY, as administrative agent, "Assignee", assigning all of Assignor's right, title and interest in and to all Leases covering or affecting all or any part of the premises described herein, to secure the repayment of that certain Mortgage filed as Land Court Document No. 2652426, recorded as Document No. 2000-132863, in the principal sum of \$300,000,000.00.

(Not noted on Transfer Certificate(s) of Title referred to herein)

FIRST AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS dated and effective as of December 27, 2001, recorded as Document No. 2002-003166, made by and between CASTLE & COOKE PROPERTIES, INC. (f/n/a CASTLE & COOKE COMMERCIAL HAWAII, INC.), a Hawaii corporation, "Assignor", and BANKERS TRUST COMPANY, as administrative agent for the Lenders under the Credit Agreement dated as of September 19, 2000, "Assignee"; re: amends description, etc.

(Not noted on Transfer Certificate(s) of Title referred to herein)

Said Assignment of Leases and Rents, as amended, was assigned to WELLS FARGO BANK, N.A., a national association, as replacement administrative agent for the Lenders under the unrecorded Credit Agreement dated as of December 27, 2001, by instrument dated effective as of January 8, 2002, recorded as Document No. 2002-003167.

(Not noted on Transfer Certificate(s) of Title referred to herein)

SECOND AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS dated as of February 14, 2003, recorded as Document Nos. 2003-031660 and 2003-031661, made by and between CASTLE & COOKE PROPERTIES, INC. (f/n/a CASTLE & COOKE COMMERCIAL HAWAII, INC.), a Hawaii corporation, "Assignor", WELLS FARGO BANK, N.A., a national association, as administrative agent for the Lenders under the Credit Agreement dated as of September 19, 2000, "Assignee"; resubstitution of security and release of security.

(Not noted on Transfer Certificate(s) of Title referred to herein)

18. The terms and provisions contained in the following:

INSTRUMENT: NOTICE OF DEDICATION

DATED : December 17, 2003

RECORDED : Document No. 2003-280338

PARTIES : CASTLE & COOKE PROPERTIES, INC.

19. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF RESTRICTIVE COVENANTS

DATED : May 9, 2006

RECORDED: Document No. 2006-087078

PARTIES : CASTLE & COOKE PROPERTIES, INC.

20. Any unrecorded leases and matters arising from or affecting the same.

END OF SCHEDULE B

#### SCHEDULE C

#### -ITEM I:-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4475, Land Commission Award Number 7713, Apana 34 to V. Kamamalu) situate, lying and being at Paalaa Uka, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT "B", containing an area of 14.443 acres, more or less, as shown on map dated July 25, 2003, revised December 23, 2004, prepared by Miles S. Horie, Licensed Professional Land Surveyor, with Engineers Surveyors Hawaii, Inc., and more particularly described on Exhibit "A", attached hereto.

#### -ITEM II:-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4475, Land Commission Award Number 7713, Apana 34 to V. Kamamalu) situate, lying and being at Paalaa Uka, District of Waialua, City and County of Honolulu, State of Hawaii, being LOT "C", containing an area of 222.634 acres, more or less, as shown on map dated July 25, 2003, revised December 23, 2004, prepared by Miles S. Horie, Licensed Professional Land Surveyor, with Engineers Surveyors Hawaii, Inc., and more particularly described on Exhibit "B", attached hereto.

Said above described parcel of land having been acquired by the following Deeds:

- DEED WITH COVENANTS from DOLE FOOD COMPANY, INC., a Hawaii corporation, to CASTLE & COOKE COMMERCIAL HAWAII, INC., a Hawaii corporation, dated December 8, 1995, recorded as Document No. 95-159454;
- 2. DEED WITH COVENANTS from DOLE FOOD COMPANY, INC., a Hawaii corporation, to CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation, dated October 6, 1999, recorded as Document No. 99-165200; and
- 3. DEED WITH COVENANTS (LOT 3) from DOLE FOOD COMPANY, INC., a
  Delaware corporation, to CASTLE & COOKE PROPERTIES, INC., a
  Hawaii corporation, dated February 12, 2003, recorded as Document
  No. 2003-031657.

#### END OF SCHEDULE C

#### GENERAL NOTES

- 1. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the change of name of CASTLE & COOKE COMMERCIAL HAWAII, INC. to CASTLE & COOKE PROPERTIES, INC. on December 8, 1995.
- 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.

#### 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 subcontractors must be submitted to the Title Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from Title Guaranty of Hawaii.

- 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 Title Guaranty of Hawaii or on our website at www.tghawaii.com.

DATE PRINTED: 12/18/2006

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE PROPERTIES INC

LEASED TO

#### TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO. (1) 6 4 003 008 0000

CLASS: 3

AREA ASSESSED:

14.443 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2006

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

BUILDING	\$ 3,265,100			
EXEMPTION	\$ 0			
NET VALUE	\$ 3,265,100			
LAND	\$ 3,814,700	AGRICULTURAL	USE	VALUE
EXEMPTION	\$ 0			
NET VALUE	\$ 3,814,700			
TOTAL NET VALUE	\$ 7,079,800			

Installment (1 - due 8/20; 2 - due 2/20)

Tax Year	Inst	allment Tax Amount	Penalty Amount	Intere Amou		Other Amount	Total Amount	
2006	2	42,372.60					42,372.60	PENDING
2006	1	42,372.61					42,372.61	PAID
2005	2	16,427.37					16,427.37	PAID
2005	1	16,427.38					16,427.38	PAID
2004	2	15,500.15					15,500.15	PAID
2004	1	15,500.16					15,500.16	PAID
				Total	Amount	Due:	42,372.60	

Penalty and Interest Computed to: 10/26/2006

DATE PRINTED: 12/18/2006

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: CASTLE & COOKE PROPERTIES INC

LEASED TO

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.
(1) 6 4 004 007 0000

CLASS: 5

AREA ASSESSED:

233.026 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2006

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

BUILDING	Ş	0			
EXEMPTION	\$	0			
NET VALUE	\$	0			
LAND	\$	4,840,800	AGRICULTURAL	USE	VALUE
EXEMPTION	\$	0			
NET VALUE	\$	4,840,800			
TOTAL NET VALUE	\$	4,840,800			

Installment (1 - due 8/20; 2 - due 2/20)

Tax Year	Inst	allment Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2006	2	20,742.83				20,742.83	PENDING
2006	1.	20,742.83				20,742.83	PAID
2005	2	19,705.86				19,705.86	PAID
2005	1	19,705.86				19,705.86	PAID
2004	2	29,161.70				29,161.70	PAID
2004	1	29,161.71				29,161.71	PAID
				Total Amoun	t Due:	20,742.83	

Penalty and Interest Computed to: 10/26/2006

#### LOT B

#### DOLE FARM LOT SUBDIVISION

# LAND SITUATED ON THE EASTERLY SIDE OF KAMEHAMEHA HIGHWAY

AT PAALAA UKA, WATALUA, OAHU, HAWAII

BRING ALL OF LOT 1 AND A PORTION OF LOT 3

OF DOLE FARM LOT SUBDIVISION

BEING, ALSO, PORTIONS OF LOTS 1 AND 2

OF DOLE PAVILION SUBDIVISION (FILE PLAN 2133)

BEING A PORTION OF ROYAL PATENT 4475,

# LAND COMMISSION AWARD 7713, APANA 34 TO VICTORIA KAMAMALU

Beginning at the Southwest corner of this parcel of land, on the Easterly side of Kamehameha Highway, being also the Northwest corner of Lot C, the coordinates of which referred to Government Survey Triangulation Station "MAILI" being 982.32 feet North and 18,708.15 feet East and running by azimuths measured clockwise from true South:

1.	163°	11'	57 <b>*</b>	431.44	feet along the Easterly side of Kamehameha Highway;
2.	163°	11'	57*	70.00	feet along the Easterly side of Kamehameha Highway;
3.	163°	11'	57*	390.03	feet along the Easterly side of Kamehameha Highway;
4.	163°	11'	57 ×	75.28	feet along the Easterly side of Kamehameha Highway;

thence along Lot A, along the remainder of R. F. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

5.	274°	06'	16.5*	21.41	feet;
6. ·	253°	11*	57*	202.12	feet along Lot A, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
<b>7.</b>	2 <b>9</b> 0°	10'		875.00	feet along Lot A, Lot 1 of the former Helemano School Site (C.S.F. No. 19533), and Lot C, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
8.	20°	10'		541.84	feet along Lot C, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
9.	73°	11'	57*	595.38	feet along Lot C, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu to the point of beginning and containing an area of 14.443 Acres.

#### LOT C

# LAND SITUATED ON THE EASTERLY SIDE OF KAMEHAMEHA HIGHWAY

# AT PAALAA UKA, WALALUA, OAHU, HAWAII

## BEING A PORTION OF ROYAL PATENT 4475,

#### LAND COMMISSION AWARD 7713, APANA 34 TO VICTORIA KAMAMALU,

Beginning at the Southwest corner of this parcel of land, on the Easterly side of Kamehameha Highway, being also the Northwest corner of Lot 4, the coordinates of which referred to Government Survey Triangulation Station "MAILI" being 101.65 feet North and 18,889.11 feet East and running by azimuths measured clockwise from true South:

Along the Easterly side of Kamehameha Highway, on a curve to to the left with a radius of 2367.00 feet, the chord azimuth and distance being:

					and distance being:
1.	175°	071	39"	566.63	feet;
2.	78 <b>°</b>	15'	11	45.00	feet along a jog to the left on the Easterly side of Kamehameha Highway;
					thence along the Easterly side of Kamehameha Highway, on a curve to to the left with a radius of 2322.00 feet, the chord azimuth and distance being:
3.	165°	431	34"	204.75	feet;
4.	163°	11'	57"	132.47	feet along the Easterly side of Kamehameha Highway;
5.	253°	11'	57"	595.38	feet along Lot B, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;

# **EXHIBIT "B"**

6.	200°	10'		541.84	feet along Lot B, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
7.	110°	10'		99.11	feet along Lot B, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
8.	200°	10'	·	300.00	feet along Lots 1 and 4 of Former Helemano School Site (C.S.F. Nos. 19533 to 19536), along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
9.	290°	10 *		1458.00	feet along Lots A and 2, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
10.	200°	10'		585.31	<pre>feet along Lot 2, along the remainder   of R. P. 4475, L. C. Aw. 7713, Ap.   34 to Victoria Kamamalu;</pre>
11.	246°	30'		2955.00	feet along Lot 2, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
12.	336°	30'		214.60	<pre>feet along Lot 2, along the remainder   of R. P. 4475, L. C. Aw. 7713, Ap.   34 to Victoria Kamamalu;</pre>
13.	265°	00'		3616.01	feet along Lot 2, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
14.	355°	00'		1624.00	feet along Lot 2, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
					thence along the South bank of Poamoho Stream, along U.S. Naval Reservation (Civil No. 726), the direct azimuth and distance:
15.	87°	291	30"	2148.70	feet;
16.	120°	001		219.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
17.	210°	001		428.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;

18.	133°	00'	404.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
19.	63°	00'	250.00	<pre>feet along Lot 4, along the remainder   of R. P. 4475, L. C. Aw. 7713, Ap.   34 to Victoria Kamamalu;</pre>
20.	93°	00'	637.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
21.	127°	00'	300.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
22.	92°	001	535.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
23.	64°	00'	235.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
24.	35°	00'	325.00	<pre>feet along Lot 4, along the remainder   of R. P. 4475, L. C. Aw. 7713, Ap.   34 to Victoria Kamamalu;</pre>
25.	64°	00'	165.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
26.	48°	00'	235.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
27.	95°	00'	85.24	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
28.	343°	00'	125.36	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
29.	73°	00'	69.83	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
30.	50°	00'	290.00	feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;

31.	85°	00'	325.00 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
32.	73°	00'	300.00 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
33.	61°	00'	260.00 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
34.	25°	13'	234.40 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
35.	52°	00'	126.00 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
36.	77°	23'	100.40 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
37.	87°	34'	214.60 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
38.	61°	29'	156.70 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
39.	29°	04'	253.50 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
40.	76°	44'	219.40 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
41.	96°	28'	256.30 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
42.	35°	40'	233.30 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
43.	4 °	30'	201.30 feet along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;

44.	61°	46'	239.40 f	1	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
45.	88°	34'	138.70 f	(	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
46.	111°	12'	232.60 f	4	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
47.	78 <b>°</b>	04'	222.50 f	1	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
48.	91°	20'	281.70 f	ļ	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
49.	56°	25 '	200.51 f	I	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu;
50.	84°	40'	124.47 f	E	along Lot 4, along the remainder of R. P. 4475, L. C. Aw. 7713, Ap. 34 to Victoria Kamamalu, to the point of beginning and containing an area of 222.634 Acres.

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THE ORIGINAL OF THE DOCUMENT RECORDED AS FOLLOWS: STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE DEC - 8 199

90-15945

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL ( ) PICK-UP (X):

LAND COURT SYSTEM

CASTLE & COOKE LAND COMPANY
P. O. Box 2P90
Honolulu, Hawaii 96802

ú2.

#### DEED WITH COVENANTS

THIS DEED, made this & day of December, 1995, by and between DOLE FOOD COMPANY, INC., a Hawaii corporation, whose business and post office address is 650 Iwilei Road, Honolulu, Hawaii 96817, hereinafter called the "Grantor", and CASTLE & COOKE COMMERCIAL HAWAII, INC., a Hawaii corporation, whose business and post office address is 650 Iwilei Road, Honolulu, Hawaii 96817, hereinafter called the "Grantee",

## WITNESSETH:

For Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby remise, release and quitclaim unto the Grantee, all of the Grantor's right, title and interest in and to the property described in <a href="Exhibit A">Exhibit A</a> attached hereto and made a part hereof (the "Property");

A:D50.2A (Plantation) 12/6/95

TOGETHER WITH all of the Grantor's rights and interests in and to any and all transferable covenants, warranties and assurances made in favor of or held by the Grantor, or given by or applicable to predecessors in title and/or other third parties, with respect to the Property or any part thereof or any interest therein, including but not limited to the right to recourse against Grantor's predecessors in interest and other third parties, excluding Grantor's affiliated entities but including the State of Hawaii pursuant to Hawaii Revised Statutes Chapter 501 and Grantor's actual title insurance coverage, if any;

TOGETHER WITH the right to designate and use perpetual, non-exclusive easements for drainage and drain line purposes, easements for waterline purposes, easements for electrical purposes, easements for flowage purposes, easements for sanitary sewer purposes, easements for other utility purposes, easements for access purposes, and easements for all other purposes, over, under, across, along, upon and through other property currently owned by Grantor, its successors or assigns ("Other Property"), which easements must benefit the use and/or development of the Property and/or other land being transferred contemporaneously herewith by Dole Food Company, Inc. ("Dole") or any of its subsidiaries to Castle & Cooke, Inc. or any of its subsidiaries, and which are or may be so designated on any subsequent Land Court Map or Maps and/or on any subdivision map which includes all or any portion of such Other Property, and together also with rights of reasonable access thereto in connection with the exercise of said easement rights, and together also with the right to grant or assign to the State of Hawaii, the City and County of Honolulu, any appropriate governmental agency, public or private utility, and/or any other corporation, partnership or individual, perpetual, non-exclusive easement(s) for any such purposes over, under, across, along, upon and through such Other Property; provided, however, that no new easements may be designated pursuant to this paragraph for the first time more than twenty (20) years after the recordation of this Deed; provided further, however, that the aforesaid easement rights must be exercised in such manner as to not unreasonably interfere with the use or development of such Other Property by Grantor;

TOGETHER WITH the right in the nature of perpetual easements to continue using water lines, sewer lines, ditches, drainage improvements or areas, and similar infrastructure or improvements (collectively "Facilities") on Other Property of Grantor, its successors and assigns as currently or customarily used for the operation or benefit of the Property and/or other land being transferred contemporaneously hereunder by Dole or its subsidiaries to Castle & Cooke, Inc. or any of its subsidiaries.

EXCEPTING AND RESERVING, HOWEVER, unto the Grantor and its successors and assigns, the right to designate and use perpetual, non-exclusive easements for drainage and drain line purposes, easements for waterline purposes, easements for electrical purposes, easements for flowage purposes, easements for sanitary sewer purposes, easements for other utility purposes, easements for access purposes, and easements for all other purposes, over, under, across, along, upon and through the Property, which easements must benefit the use of Other Property of Grantor for agricultural or related purposes, and which are or may be so designated on any existing or subsequent Land Court Map or Maps and/or on any subdivision map which includes all or any portion of the Property, and together also with rights of reasonable access thereto in connection with the exercise of said easement rights, and together also with the right to grant or assign to the State of Hawaii, the City and County of Honolulu, any appropriate governmental agency, public or private utility, and/or any other corporation, partnership or individual, perpetual, nonexclusive easement(s) for any such purposes over, under, across, along, upon and through the Property; provided. however, that no new easements may be designated pursuant to this paragraph for the first time more than twenty (20) years after the recordation of this Deed; provided further, however, that the aforesaid easement rights must be exercised in such manner as to not unreasonably interfere with the use or development of the Property by Grantee.

TO HAVE AND TO HOLD the same, together with all the buildings and improvements thereon, and the tenements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, its successors and assigns, forever.

THE GRANTOR AND GRANTEE understand, acknowledge, covenant and agree to the following:

1. The Property is located on or is near or adjacent to lands and easements used for or in connection with the cultivation of pineapple and diversified agricultural operations, which may include, but are not limited to, open burning, trucking, plowing, hauling, fertilizing, grading, storing, herbicide and pesticide spraying, crop dusting, water diversion, irrigation, millwash, all other activities incidental to the planting, cultivating, harvesting, and processing of crops, including night time activities, which may from time to time cause surface water runoff, noise, soot, smoke, dust, light, heat, vapors, odors, chemicals, vibrations, insects, rodents and other pests, and other substances and phenomena of every description (the "Agricultural Effects") to be discharged, emitted, dispersed or transmitted over and upon the Property

which may bother the Grantee and to persons or property on or within the Property. Grantee hereby releases Grantor from any and all claims it may have for loss or damage resulting from the Agricultural Effects. Grantee also acknowledges that the Hawaii Right To Farm Act (Chapter 165 of the Hawaii Revised Statutes) and Hawaii law limit the circumstances under which farming operations may be deemed to be a nuisance.

- and all of the Grantor's rights and reservations and the Grantee's rights and covenants contained herein are perpetual and intended to run with the land, and are expressly binding upon the Property, and each portion thereof, and Grantor's Other Property, and each portion thereof, and each successive owner of the Property and such Other Property and each person having any right, title or interest in the Property or such Other Property, or any portion thereof. Notwithstanding the foregoing, the rights of either Grantee or Grantor to designate new easements shall not automatically run in favor of successive owners unless the holder of such rights assigns such rights, in whole or in part, through a written instrument expressly referring to this Deed and the rights hereunder being assigned.
- 3. Grantor and Grantee shall each have the right, at any time, and from time to time, to relocate any easements and Facilities then located on its land on the conditions that: (i) such right of relocation will be exercisable only after thirty (30) days' prior written notice of the intention to relocate has been given to the other party; (ii) such relocation will not unreasonably interrupt any business or operations conducted on such other party's land; (iii) such relocation will not reduce or unreasonably impair the usefulness or function of the easement or Facilities to be relocated; and (iv) all costs of such relocation will be borne by the party relocating such easements or Facilities.
- 4. Grantee and Grantor each agree and covenant that they and any person claiming any interest by, through or under them in real property affected by this Deed will, at no cost to the other, promptly execute and deliver such instruments and take such other actions as the other or the other's successors or assigns may request in order to effectuate such grants and reservations of easement and other rights contained herein and to carry out the terms hereof. Without limiting the generality of the foregoing, the Grantor and the Grantee further covenant and agree to, at no cost to the other, join in and execute, upon request, any and all documents designating, confirming and/or granting any easements that have been reserved in favor of the Grantor or granted to Grantee, as the case may be, or in

effecting or obtaining any required subdivision or other approvals. Any matters or covenants in this Deed that require subdivision or other governmental approvals in order to be legally effective shall be deemed to be conditioned upon the obtaining of such subdivision or other approval. The invalidity of any provision of this Deed shall not affect any other provision of this Deed.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and each of their respective successors, successors in trust, heirs, devisees, legal representatives and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents as of the day and year first above written.

DOLE FOOD COMPANY, INC., a Hawaik corporation

By

Its Vice President

By KEVIN R. SHANEX

Its Assistant Secretary

Grantor

CASTLE & COOKE COMMERCIAL

HAWAII, AND . a Hawaii

corporation

LUCIEN P. WONG

Its President

SUSAN M.

Its Assistant Controller

Grantee

SS.

CITY AND COUNTY OF HONOLULU

On this &H day of Merante, 19 %, before me appeared THOMAS C. LEPPERT and KEVIN R. SHANEY, to me personally known, who being by me duly sworn, did say that they are the Vice President and Assistant Secretary, respectively, of DOLE FOOD COMPANY, INC., a Hawaii corporation; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officers acknowledged the instrument to be the free act and deed of said corporation.

Notary Public, State of Hawaii

My commission expires: 3/22/98

STATE OF HAWAII

SS.

CITY AND COUNTY OF HONOLULU

On this & day of Decade, 19 77, before me appeared LUCIEN P. WONG and SUSAN M. FUJIOKA, to me personally known, who being by me duly sworn, did say that they are the President and Assistant Controller, respectively, of CASTLE & COOKE COMMERCIAL HAWAII, INC., a Hawaii corporation; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officers acknowledged the instrument to be the free act and deed of said corporation.

Notary Public, State of Hawaii

4

My commission expires: 3/22/98

## EXHIBIT A

THOSE certain parcels of lands situate at Paalaa Uka, Waialua, Oahu, State of Hawaii, more particularly described as LOTS 1 and 2, as shown on FILE PLAN 2133 of the Dole Pavilion Subdivision.

**END OF EXHIBIT A** 

THE ORIGINAL OF THE ECCUMENT RECOPDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE DEC 2 0 1995

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL ( ) PICK-UP (X):

CK-IID (V):

CASTLE & COOKE LAND COMPANY, INC. P. O. Box 2990 Honolulu, Hawaii 96802

3

ARTICLES OF AMENDMENT TO CHANGE CORPORATE NAME

FROM

CASTLE & COOKE COMMERCIAL HAWAII, INC.

TO

CASTLE & COOKE PROPERTIES, INC.

# STATE OF HAWAII DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS



THE DIRECTOR'S OFFICIAL CERTIFICATION APPEARS ON THE BACK OF THE FIRST PAGE OF THE ATTACHED DOCUMENT.

#### STATE OF HAWAII

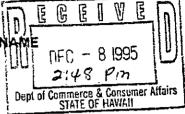
# DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS Business Registration Division

1010 Richards Street

Mailing Address: P. O. Box 40, Honolulu, Hawaii 95810

# ARTICLES OF AMENDMENT TO CHANGE CORPORATE I

(Section 415-61, Hawaii Revised Statutes)



The undersigned, duly authorized officers of the corporation submitting these Articles of Amendment, certify as follows:

CASTLE & COOKE	COMMERCIAL HAWAII, I	NC.	
The name of the corporation is char	nged to:		
CASTLE & COOKE	PROPERTIES, INC.		
Total number of shares outstanding	ıs:1,000		
if adoption of the amendment to	change the corporate name was a	t a meeting, co	mplete the follo
The meeting of the shareholders wa	s held on(Munih		
	(Month	Day	Year)
Class/Series	Number of Shares Voting For Amendment	Number Again	of Shares Voting st Amendment
		<u> </u>	
If adoption of the amendment to shareholders, complete the folio	change the corporate name was	by unanimous	written consen
shareholders, complete the folio	wing: December 4,	by unanimous	written consent
shareholders, complete the folio	ewing: December 4, (Month Day	, , , , , , , , , , , , , , , , , , , ,	
shareholders, complete the folio  By written consent dated  the shareholders unanimously adop	December 4,  (Month Day sted the amendment to change the con	, Yoporate name.	1995 par)
shareholders, complete the folio  By written consent dated  the shareholders unanimously adop  tify under the penalties of Section 4	ewing: December 4, (Month Day	, Yoporate name.	1995 par)
shareholders, complete the folio  By written consent dated  the shareholders unanimously adop  tify under the penalties of Section 4 same are true and correct	December 4,  (Month Day sted the amendment to change the con	, Yoporate name. we have read to	1995 par)
shareholders, complete the folion by written consent dated	December 4,  (Month Day sted the amendment to change the con-	, Yoporate name. we have read to	1995 par) ne above stateme
shareholders, complete the follows:  By written consent dated	December 4,  (Month Day sted the amendment to change the con-	porate name.  we have read to	1995 ne above stateme President
shareholders, complete the foliomation by written consent dated	December 4,  (Month Day sted the amendment to change the con-	porate name.  we have read to  . 19 95  Kido, Vice	1995 ne above stateme President

(See Reverse Side For Instructions)

t MERELY CONTENT that this is a first and looking only or the copy or reported in this office.

any The
DEC - 8 1995

R-707

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

OCT 14, 1999 11:00 AM

Doc No(s) 99-165200

/s/CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$21.30

LAND COURT SYSTEM

AFTER RECORDATION, RETURN BY MAIL ( )

PICK-UP (V): TOTAL

TOTAL PAGES: 19

CASTLE & CORD LAND COMPANY
POLITIC SUPPRISON
POLITIC SUPPRISON

B. Kaku 1482965

Tax Map Key: 6-4-04-07

#### DEED WITH COVENANTS

THIS DEED, made this 6th day of October

1999, by and between DOLE FOOD COMPANY, INC., a Hawaii
corporation, whose business and post office address is 1116
Whitmore Avenue, Wahiawa, Hawaii 96786, hereinafter called the
"Grantor", and CASTLE & COOKE PROPERTIES, INC., a Hawaii
corporation, whose business and post office address is 100 Kahelu
Avenue, 2nd Floor, Mililani, Hawaii 96789, hereinafter called the
"Grantee",

#### WITNESSETH:

For Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby

A:D50.2H (9/18/96) Rev. 7/21/99 Plantation Expansion

THIS DOCUMENT DESCRIBES 19 PAGES

acknowledged, the Grantor does hereby remise, release and quitclaim unto the Grantee, all of the Grantor's right, title and interest in and to the property described in <a href="Exhibit A">Exhibit A</a> attached hereto and made a part hereof (the "Property");

TOGETHER WITH all of the Grantor's rights and interests in and to any and all transferable covenants, warranties and assurances made in favor of or held by the Grantor, or given by or applicable to predecessors in title and/or other third parties, with respect to the Property or any part thereof or any interest therein, including but not limited to the right to recourse against Grantor's predecessors in interest and other third parties, excluding Grantor's affiliated entities but including the State of Hawaii pursuant to Hawaii Revised Statutes Chapter 501 and Grantor's actual title insurance coverage, if any;

TOGETHER WITH the right to designate and use perpetual, non-exclusive easements for drainage and drain line purposes, easements for waterline purposes, easements for electrical purposes, easements for flowage purposes, easements for sanitary sewer purposes, easements for other utility purposes, easements for access purposes, and easements for all other purposes, over, under, across, along, upon and through the property described in Exhibit B attached hereto and made a part hereof, currently owned by Grantor, its successors or assigns ("Other Property"), which easements must benefit the use and/or development of the Property and/or other land transferred previously by Dole Food Company, Inc. ("Dole") or any of its subsidiaries to Castle & Cooke, Inc. or any of its subsidiaries and which are or may be so designated on any subsequent Land Court Map or Maps and/or on any subdivision map which includes all or any portion of such Other Property, and together also with rights of reasonable access thereto in connection with the exercise of said easement rights, and together also with the right to grant or assign to the State of Hawaii, the City and County of Honolulu, any appropriate governmental agency, public or private utility, and/or any other corporation, partnership or individual, perpetual, non-exclusive easement(s) for any such purposes over, under, across, along, upon and through such Other Property; provided, however, that no new easements may be designated pursuant to this paragraph for the first time more than twenty (20) years after the recordation of this Deed; provided further, however, that the aforesaid easement rights must be exercised in such manner as to not

unreasonably interfere with the use or development of such Other Property by Grantor;

TOGETHER WITH the right in the nature or perpetual easements to continue using water lines, sewer lines, ditches, drainage improvements or areas, and similar infrastructure or improvements (collectively "Facilities") on Other Property of Grantor, its successors and assigns as currently or customarily used for the operation or benefit of the Property and/or other land transferred previously by Dole or its subsidiaries to Castle & Cooke, Inc. or any of its subsidiaries.

EXCEPTING AND RESERVING, HOWEVER, unto the Grantor and its successors and assigns, the right to designate and use perpetual, non-exclusive easements for drainage and drain line purposes, easements for waterline purposes, easements for electrical purposes, easements for flowage purposes, easements for sanitary sewer purposes, easements for other utility purposes, easements for access purposes, and easements for all other purposes, over, under, across, along, upon and through the Property, which easements must benefit the use of Other Property of Grantor for agricultural or related purposes, and which are or may be so designated on any existing or subsequent Land Court Map or Maps and/or on any subdivision map which includes all or any portion of the Property, and together also with rights of reasonable access thereto in connection with the exercise of said easement rights, and together also with the right to grant or assign to the State of Hawaii, the City and County of Honolulu, any appropriate governmental agency, public or private utility, and/or any other corporation, partnership or individual, perpetual, non-exclusive easement(s) for any such purposes over, under, across, along, upon and through the Property; provided, however, that no new easements may be designated pursuant to this paragraph for the first time more than twenty (20) years after the recordation of this Deed; provided, however, that the aforesaid easement rights must be exercised in such manner as to not unreasonably interfere with the use or development of the Property by Grantee; provided further, however, that Grantor's rights and obligations with respect to the Reservoir referred to in the Reservoir Level Agreement referenced below shall be governed by said Agreement and shall not be enlarged or diminished by the foregoing reservation.

TO HAVE AND TO HOLD the same, together with all the buildings and improvements thereon, and the tenements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, its successors and assigns, forever.

THE GRANTOR AND GRANTEE understand, acknowledge, covenant and agree to the following:

- The Property is located on or is near or adjacent to lands and easements used for or in connection with the cultivation of pineapple and diversified agricultural operations, which may include, but are not limited to, open burning, trucking, plowing, hauling, fertilizing, grading, storing, herbicide and pesticide spraying, crop dusting, water diversion, irrigation, millwash, all other activities incidental to the planting, cultivating, harvesting, and processing of crops, including night time activities, which may from time to time cause surface water runoff, noise, soot, smoke, dust, light, heat, vapors, odors, chemicals, vibrations, insects, rodents and other pests, and other substances and phenomena of every description (the "Agricultural Effects") to be discharged, emitted, dispersed or transmitted over and upon the Property which may bother the Grantee and to persons or property on or within the Property. Grantee hereby releases Grantor from any and all claims it may have for loss or damage resulting from the Agricultural Effects. Grantee also acknowledges that the Hawaii Right To Farm Act (Chapter 165 of the Hawaii Revised Statutes) and Hawaii law limit the circumstances under which farming operations may be deemed to be a nuisance.
- 2. Except as otherwise expressly provided herein, each and all of the Grantor's rights and reservations and the Grantee's rights and covenants contained herein are perpetual and intended to run with the land, and are expressly binding upon the Property, and each portion thereof, and Grantor's Other Property, and each portion thereof, and each successive owner of the Property and such Other Property and each person having any right, title or interest in the Property or such Other Property, or any portion thereof. Notwithstanding the foregoing, the rights of either Grantee or Grantor to designate new easements shall not automatically run in favor of successive owners unless the holder of such rights assigns such rights, in whole or in

part, through a written instrument expressly referring to this Deed and the rights hereunder being assigned.

- 3. Grantor and Grantee shall each have the right, at any time, and from time to time, to relocate any easements and Facilities then located on its land on the conditions that: (i) such right of relocation will be exercisable only after thirty (30) days' prior written notice of the intention to relocate has been given to the other party; (ii) such relocation will not unreasonably interrupt any business or operations conducted on such other party's land; (iii) such relocation will not reduce or unreasonably impair the usefulness or function of the easement or Facilities to be relocated; and (iv) all costs of such relocation will be borne by the party relocating such easements or Facilities.
- 4. Grantor and Grantee each agree and covenant that the unrecorded Reservoir Level Agreement dated December 7, 1995 between Grantor and Grantee shall remain in full force and effect and shall survive this conveyance.
- Grantee and Grantor each agree and covenant that 5. they and any person claiming any interest by, through or under them in real property affected by this Deed will, at no cost to the other, promptly execute and deliver such instruments and take such other actions as the other or the other's successors or assigns may request in order to effectuate such grants and reservations of easement and other rights contained herein and to carry out the terms hereof. Without limiting the generality of the foregoing, the Grantor and the Grantee further covenant and agree to, at no cost to the other, join in and execute, upon request, any and all documents designating, confirming and/or granting any easements that have been reserved in favor of the Grantor or granted to Grantee, as the case may be, or in effecting or obtaining any required subdivision or other approvals. Any matters or covenants in this Deed that require subdivision or other governmental approvals in order to be legally effective shall be deemed to be conditioned upon the obtaining of such subdivision or other approval. The invalidity of any provision of this Deed shall not affect any other provision of this Deed.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and

include the masculine or feminine, the singular or plural number, individuals or corporations and each of their respective successors, successors in trust, heirs, devisees, legal representatives and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents as of the day and year first above written.

DOLE FOOD COMPANY, INC., a Hawaii corporation

Print Name: David W. Ferrigo Its Vice President-Taxes

Βv

Print Name: Janice M. Nicols
Its Assistant Corporate Secretary

Grantor

Contents: OK

Form: STANDARD

CASTLE & COOKE PROPERTIES, INC., a Hawaii corporation

HARRY A. SAUNDERS

Its Exec. Vice President

RICHARD K. MĬRIKITANI

Its Sr. Vice President/Secretary

Grantee

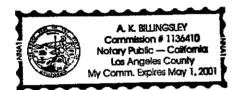
STATE OF CALIFORNIA	)				
	)	ss.			_
COUNTY OF	)				
On this	day c	of		, 19	, before
me appeared		and		<del></del>	, to me
personally known, who be	eing k	me duly	sworn,	did say t	that they
are the	an			, resp	pectively,
of DOLE FOOD COMPANY, I	NC., ε	a Hawaii Co	rporati	ion; that	said
instrument was signed in	n beha	alf of said	i corpor	ration by	authority
of ita Board of Dimonto				_ , _ , _ ,	

#### **JURAT**

State of <u>California</u>

County of <u>Los Angeles</u>

State of <u>California</u>



Subscribed and sworn to (or affirmed) before me

this 6th day of October 1999, by

Month Year

(1) David W. Perrigo

Name of Signer(s)

(2) Janice M. Nicols

Name of Signer(s)

Signalure of Natary Public

OPTIONAL .

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

#### **Description of Attached Document**

Title or Type of Document: Deed With Covenants

Document Date: October 6, 1999 Number of Pages: 19

Signer(s) Other Than Named Above: Harry A. Saunders and

Richard K. Mirikitani

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here
Top of thumb here

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Reorder: Call Toll-Free 1-800-876-6827

STATE	OF	HAWAII			)	
					)	ss.
CITY	AND	COUNTY	OF	HONOLULU	)	

Cynthia Kadekawa
Notary Public, State of Hawaii

My commission expires: 3/22/2002

#### EXHIBIT A

## **DESCRIPTION OF**

#### LOT D

# Being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 34 to Victoria Kamamalu

At Paalaa Uka, Waialua, Oahu, Hawaii

Beginning at the northwesterly corner of this parcel of land, being also the northeasterly corner of Lot 2 of Dole Pavilion Subdivision (File Plan 2133), the coordinates of said point of beginning referred to Government Survey Triangulation Station "Maili" being 1940.60 feet North and 21,330.60 feet East, thence running by azimuths measured clockwise from True South:

1.	198º	19'	257.00 feet	along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 34 to V. Kamamalu;
2.	246°	30'	1696.00 feet	along same;
3.	255°	00'	400.00 feet	along same;
4.	265°	00'	4106.00 feet	along same;
5.	355°	00'	1624.00 feet	along same;
6.	Theno	ce along the ce	nterline of Poarr	toho Stream being the boundary in all its turns and windings, the direct azimuth and distance between points being:
				87° 29' 30" 2148.70 feet;
7.	120°	00'	790.00 feet	along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 34 to V. Kamamalu;
8.	106°	00'	375.00 feet	along same;
9.	123º	00'	400.00 feet	along same;
10.	970	00'	300.00 feet	along same;
11.	66º	00'	188.00 feet	along same;

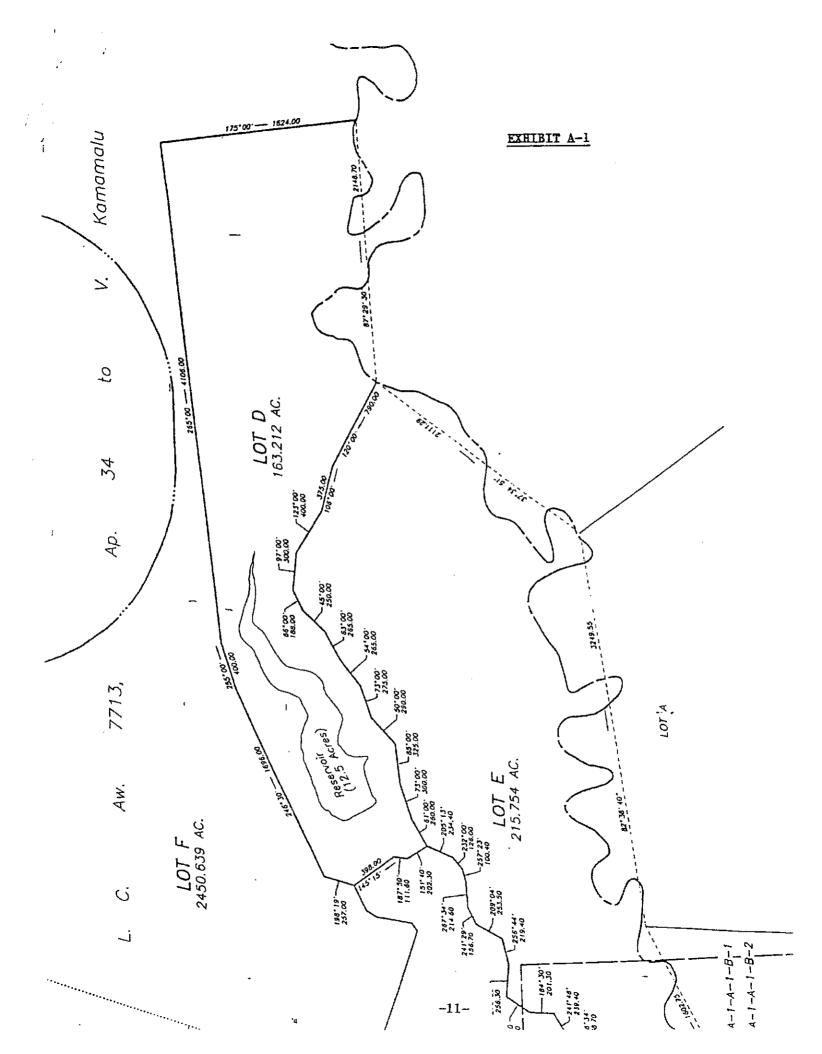
12.	45°	00'		250.00 feet	along same;
13.	63°	00'	•	265.00 feet	along same;
14.	540	00,		265.00 feet	along same;
15.	73°	00'		275.00 feet	along same;
16.	50°	00'	_	290.00 feet	along same;
17.	85°	00'		325.00 feet	along same;
18.	730	00'		300.00 feet	along same;
19.	61°	00'		260.00 feet	along same;
20.	1510	40'		202.30 feet	along Lot 2 of Dole Pavilion Subdivision (File Plan 2133);
21.	1870	50'		111.60 feet	along same;
22.	145º	15'		398.00 feet	along same to the point of beginning and containing an Area of 163.212 Acres, as more particularly shown on Exhibit A-1 attached hereto.

1001 Bishop Street Honolulu, Hawaii August 26, 1996



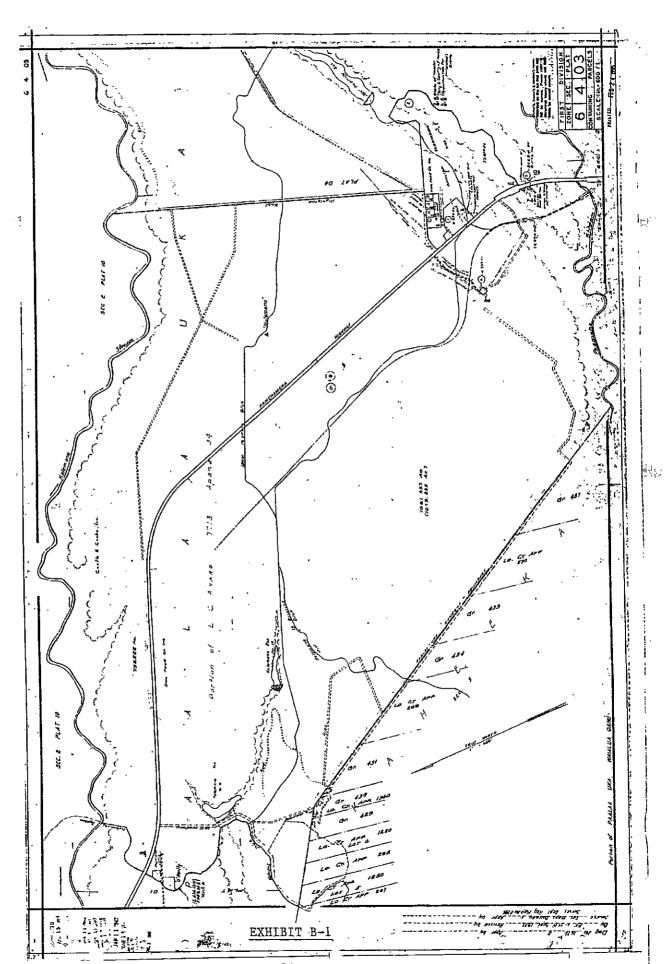
M&E Pacific, Inc.

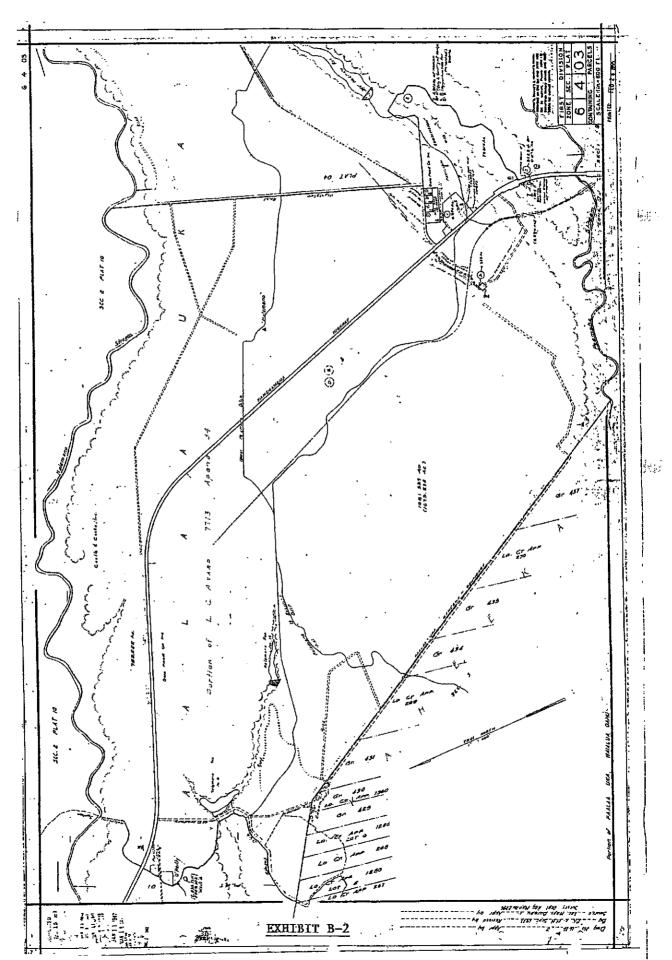
Licensed Professional Land Surveyor Certificate No. 4722

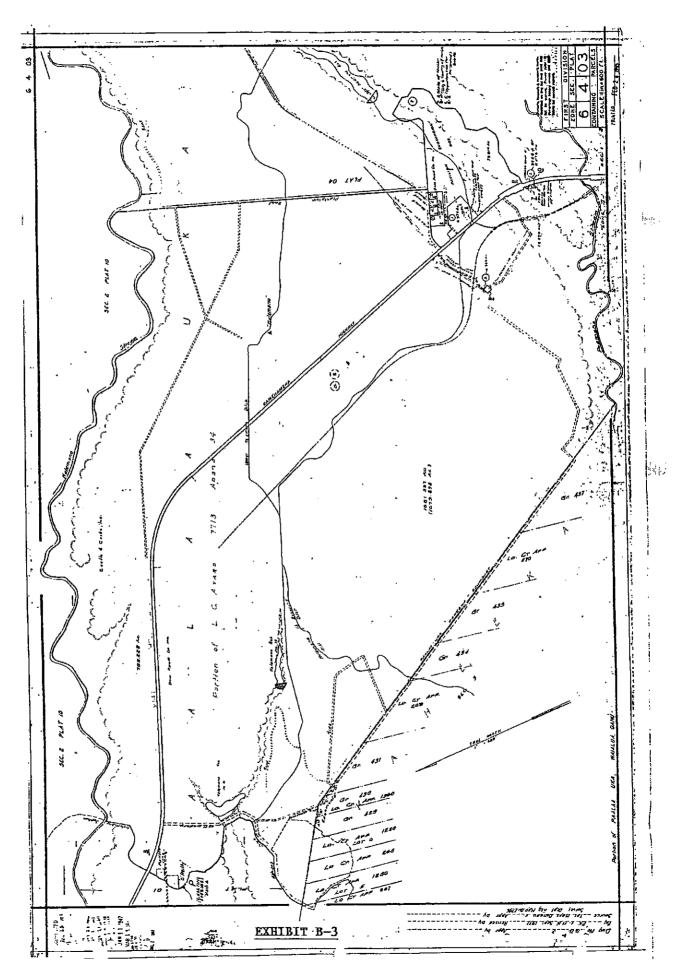


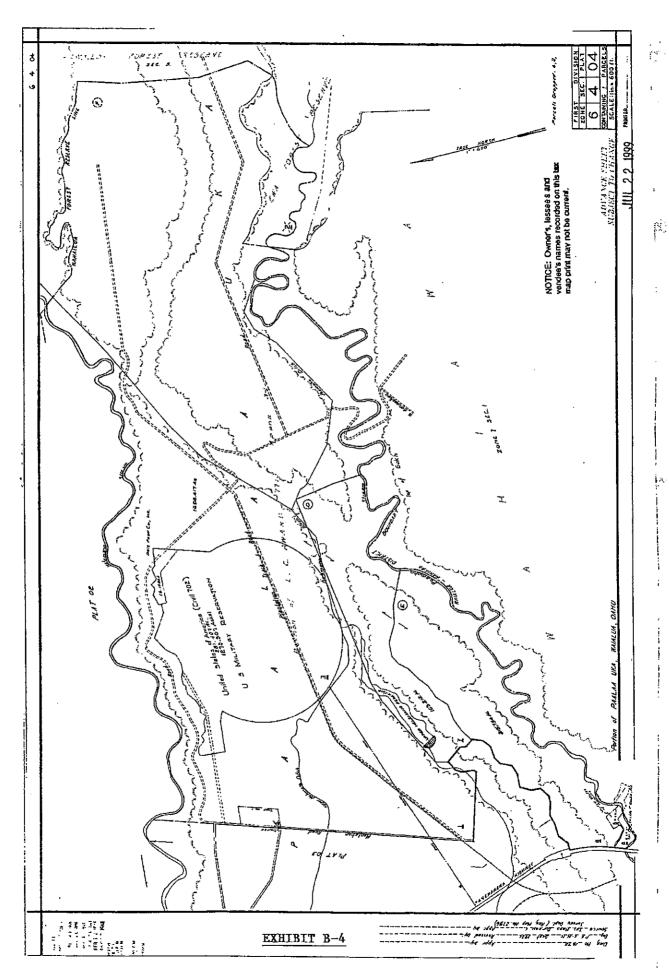
#### EXHIBIT B

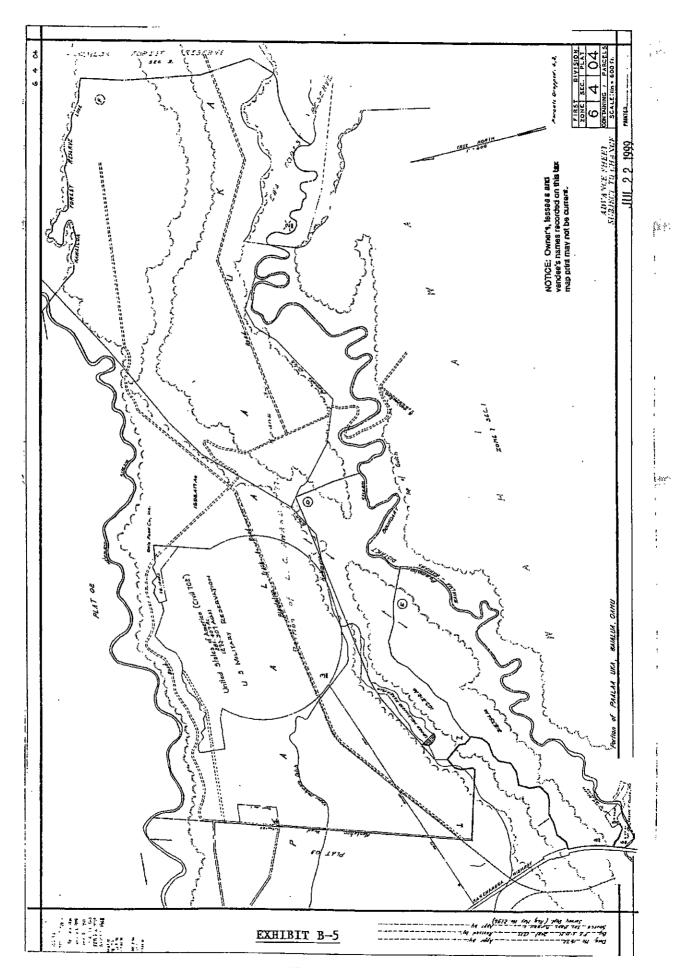
- 1. Tax Parcel 6-4-03-01, as shown highlighted in yellow on the map attached hereto as <a href="Exhibit B-1">Exhibit B-1</a>.
- 2. Tax Parcel 6-4-03-03, as shown highlighted in yellow on the map attached hereto as Exhibit B-2.
- 3. Tax Parcel 6-4-03-07, as shown highlighted in yellow on the map attached hereto as Exhibit B-3.
- 4. Tax Parcel 6-4-04-01, as shown highlighted in yellow on the map attached hereto as <a href="Exhibit B-4">Exhibit B-4</a>.
- 5. Tax Parcel 6-4-04-06, as shown highlighted in yellow on the map attached hereto as <a href="Exhibit B-5"><u>Exhibit B-5</u></a>.
- 6. Tax Parcel 6-4-04-08, as shown highlighted in yellow on the map attached hereto as Exhibit B-6.
- 7. Tax Parcel 7-1-02-04, as shown highlighted in yellow on the map attached hereto as <a href="Exhibit B-7">Exhibit B-7</a>.

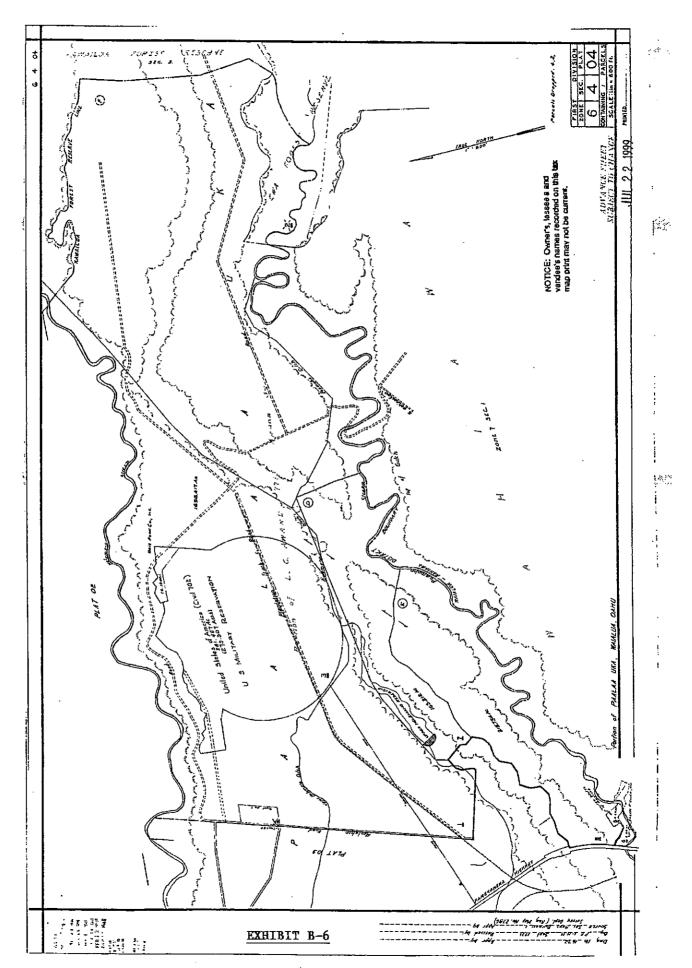












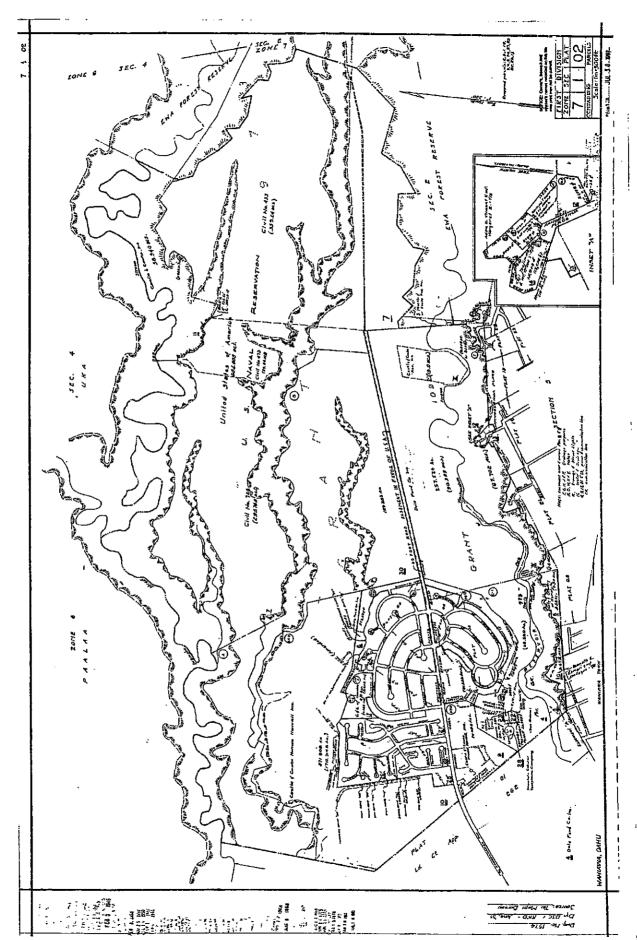


EXHIBIT B-7

# Castle & Cooke, Inc.

P.O. Box 898900, Mililani, Hawaii 96789-8900 Telephone: (808) 548-4811 FAX: (808) 548-2975

December 22, 2010

Castle & Cooke Homes Hawaii, Inc. 100 Kahelu Avenue Mililani, Hawaii 96789

RE: Authorization for Castle & Cooke Homes Hawaii, Inc. to Designate Lands as Important

**Agricultural Lands** 

TMK: 1-7-1-002:032 (portion)

TMK: 1-9-4-003:002

#### Ladies and Gentlemen:

Castle & Cooke, Inc. ("Owner") is the owner of the following agricultural lands ("Lands"):

1. Approximately 205.593 acres of land located in Whitmore, Oahu, being a portion of TMK: 1-7-1-002:032; and

2. Approximately 231.754 acres of land located in Mililani, Oahu, TMK: 1-9-4-003:002.

#### Owner hereby:

 Consents to the filing by Castle & Cooke Homes Hawaii, Inc. ("Petitioner") with the Land Use Commission of the State of Hawaii of a petition for a declaratory order to designate the Lands as important agricultural lands pursuant to Section 205-45 of the Hawaii Revised Statutes, as amended; and

2. Authorizes Petitioner to make all such further filings and take all such further actions as may be necessary or advisable to process the petition to completion so as to voluntarily designate the Lands as "important agricultural lands" as contemplated by Section 205-45.

Sincerely,

Richard K. Mirikitani

Vice President, Assistant Secretary and Corporate Counsel

Castle & Cooke, Inc.

EXHDII "D"



100 Kahelu Avenue, 2nd Floor, Mililani, Hawaii 96789
 P.O. Box 898900, Mililani, Hawaii 96789-8900
 Telephone: (808) 548-4811 FAX: (808) 548-2975

December 22, 2010

Castle & Cooke Homes Hawaii, Inc. 100 Kahelu Avenue Mililani, Hawaii 96789

RE: Authorization for Castle & Cooke Homes Hawaii, Inc. to Designate Lands as Important

Agricultural Lands TMK: 1-6-4-004:007

#### Ladies and Gentlemen:

Castle & Cooke Properties, Inc. ("Owner") is the owner of the following agricultural land ("Land"):

Approximately 222.634 acres of land located in Wahiawa, Oahu, TMK: 1-6-4-004:007.

#### Owner hereby:

- Consents to the filing by Castle & Cooke Homes Hawaii, Inc. ("Petitioner") with the Land Use Commission of the State of Hawaii of a petition for a declaratory order to designate the Lands as important agricultural lands pursuant to Section 205-45 of the Hawaii Revised Statutes, as amended; and
- 2. Authorizes Petitioner to make all such further filings and take all such further actions as may be necessary or advisable to process the petition to completion so as to voluntarily designate the Lands as "important agricultural lands" as contemplated by Section 205-45.

Sincerely,

Richard K. Mirikitani

Senior Vice President, Secretary and Corporate Counsel

Castle & Cooke Properties, Inc.



100 Kahelu Avenue, 2nd Floor, Mililani, Hawaii 96789
 P.O. Box 898900, Mililani, Hawaii 96789-8900
 Telephone: (808) 548-4811 FAX: (808) 548-2975

December 22, 2010

Castle & Cooke Homes Hawaii, Inc. 100 Kahelu Avenue Mililani, Hawaii 96789

RE: Authorization for Castle & Cooke Homes Hawaii, Inc. to Designate Lands as Important

Agricultural Lands

TMK: 1-6-8-006:010 (POR)

Ladies and Gentlemen:

Castle & Cooke Waialua, LLC ("Owner") is the owner of the following agricultural land ("Land"):

Approximately 242.085 acres of land located in Waialua, Oahu, being a portion of TMK: 1-7-1-002:032.

#### Owner hereby:

- 1. Consents to the filing by Castle & Cooke Homes Hawaii, Inc. ("Petitioner") with the Land Use Commission of the State of Hawaii of a petition for a declaratory order to designate the Lands as important agricultural lands pursuant to Section 205-45 of the Hawaii Revised Statutes, as amended; and
- 2. Authorizes Petitioner to make all such further filings and take all such further actions as may be necessary or advisable to process the petition to completion so as to voluntarily designate the Lands as "important agricultural lands" as contemplated by Section 205-45.

Sincerely,

Richard K. Mirikitani

Senior Vice President, Secretary and Corporate Counsel

Castle & Cooke Waialua, LLC