



WILSON OKAMOTO
CORPORATION
INNOVATORS • PLANNERS • ENGINEERS

LAND USE COMMISSION
STATE OF HAWAII
2018 JUL -5 A 7:16

7210-03
July 3, 2018

Mr. Daniel E. Orodenker, Executive Officer
State Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Subject: **2018 Annual Report**
 Land Use Commission Docket A05-758
 Pupukea Ridge Preservation Project
 Tax Map Key: 5-9-23: 001; 5-9-24: 001, and 6-1-02: 022

Dear Mr. Orodenker:

In accordance with Condition No. 8 of the “Findings of Fact, Conclusions of Law, and Decision and Order” for the subject project granted by the State Land Use Commission (LUC) on April 24, 2006, transmitted herewith is a report on the progress and status of the project and compliance with the conditions of the Stand Land Use Boundary Amendment. The status of the conditions imposed from the April 21, 2006 approval is as follows:

1. ***Conveyance of Lands for a State Park Reserve.*** *Petitioner shall, upon receiving all necessary entitlements and governmental approvals, proceed with the consolidation, re-subdivision, and conveyance of approximately 79.031 acres of land, which shall include Petition Area A and adjacent Conservation District land, to the DLNR for a State Park Reserve, to be kept in perpetuity for the public good in maintenance and preservation of the view planes, open space, recreational values, and the cultural, historical, and natural qualities of Pupukea Ridge.*

In the 2017 Annual Report we stated construction of the access improvements were completed and Final Subdivision Approval was granted on May 5, 2017.

Since then, the Petitioner has proceeded with the recordation of title to the subdivided lots. On August 9, 2017, a Declaration of Restrictive Covenants (Agricultural Uses) (pertaining to the lots in the “Agriculture” district boundary and zone) was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-64300656 (see Attachment A). On August 21, 2017, a certified plat map was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-64420258 (see Attachment B).

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Letter to Mr. Daniel E. Orodenker, Executive Director

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July 3, 2018

The Petitioner has been coordinating with the State Parks and Land Division, Department of Land & Natural Resources (DLNR) on the conveyance of "Lot A" to the State. The Petitioner has also been providing updates to community organizations, including the North Shore Community Land Trust, Sunset Beach Community Association, and North Shore Neighborhood Board.

DLNR Staff informed the Petitioner that the donation of "Lot A" to DLNR is scheduled for consideration at the Board of Land and Natural Resources' meeting on July 27, 2018.

The Petitioner anticipates conveyance to DLNR will be completed by the 4th Quarter of 2018.

2. **Farm Dwelling.** *Farm dwelling(s) on Petition Area B, if any, shall be consistent with the DOH's sewage disposal rules and regulations. Any single-family dwelling on the lot shall be a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.*

The Petitioner, its successors or assigns will comply with this condition in the event that any farm dwellings are proposed for construction.

3. **Agricultural Uses.** *Any future use of the retained 15.144 acres of land, which include Petition Area B, shall be consistent with City and County zoning, and Petitioner or any future owner shall not subdivide the retained 15.144 acres into more than two zoning or subdivided lots.*

As mentioned in Item No. 1 above, the DRC – Agriculture was recorded with the Bureau of Conveyances on August 9, 2017.

Any agricultural use shall be consistent with the Agricultural DRC. Final Subdivision Approval divides the agricultural portion of Pupukea Ridge into two separate parcels (Lots B and C) with road access (Lot D) to comply with this condition (See Attachment A). Any future use of the retained agricultural land, including Lots B and C encompassing 15.144 acres that includes Petition Area B will be consistent with the City and County zoning and Lots B and C will not be further subdivided into more than two lots.

4. **Maintenance of Trail System.** *With the approval of DLNR, Petitioner shall be responsible for maintaining the existing trail system as currently configured in Petition Area A and the adjacent Conservation District land at its own cost following the conveyance of Petition Area A and the adjacent Conservation District land to the DLNR until such time as the DLNR decides to accept responsibility for the maintenance, or ten years from the date of this Decision and Order, whichever occurs first.*

ACF has been maintaining the existing trail system with assistance from Happy Trails, a horseback riding operation. More than 10 years have passed and this Condition has expired according to its terms. ACF will continue to maintain the trail system with assistance from Happy Trails until such time that ACF conveys Lot A to DLNR.

5. ***Previously Unidentified Burial/Archaeological/Historic Sites.*** *Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations charcoal deposits, stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of development of the Petition Areas, then all development activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.*

This condition is acknowledged and will be complied with should such situations occur. If any burial, archaeological, or historic sites are discovered during the course of development of the area, all development activity will stop until the issuance of an archaeological clearance from the State Historic Preservation Division.

6. ***Compliance with Representations to the Commission.*** *Petitioner shall comply with the representations made to the Commission. Failure to so comply may result in reversion of the Petition Areas to their former classification, or change to a more appropriate classification.*

ACF, its successors or assigns will comply with the representations made to the Commission.

7. ***Notice of Change to Ownership Interest.*** *Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Areas, prior to any development of the Petition Areas.*

The condition is acknowledged and will be complied with should this situation arise.

8. ***Annual Reports.*** *Petitioner shall timely provide without any prior notice, annual reports to the Commission, the OP, and the DPP in connection with the status of the Petition Areas and the Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.*

This report constitutes the annual report submittal for the year 2018. A copy of this annual report will be sent to the Office of Planning and the City and County of Honolulu Department of Planning & Permitting.

9. ***Release of Conditions Imposed by the Commission.*** *The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Areas upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.*

Acknowledged.

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Letter to Mr. Daniel E. Orodener, Executive Director

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July 3, 2018

*10. **Recording of Conditions.** Within seven days of the issuance of the Commissioner's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Petition Areas are subject to conditions imposed herein by the Commission in the reclassification of the Petition Areas, and (b) shall file a copy of such recorded statement with the Commission.*

A statement that the Petition areas are subject to conditions imposed by the Commission, along with the Commission's Decision and Order, were recorded with the Bureau of Conveyances on June 7, 2006, and a copy of the recorded statement was filed with the Commission.

*11. **Recording of Conditions.** Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to section 15-15-92, HAR.*

The Commission's Decision and Order was recorded with the Bureau of Conveyances on June 7, 2006.

Please feel free to call me if you should have any questions regarding the status of any of the items above.

Sincerely,



Tracy Fukuda
Project Manager

Attachment

cc: Mr. Dave Druz, A Charitable Foundation
Mr. Leo R. Asuncion, Jr., Office of State Planning
Ms. Kathy Sokugawa, Department of Planning and Permitting
Mr. Dickson Lee, Takushi, Wong, Lee & Yee – ALC

ATTACHMENT A
Declaration of Restrictive Covenants – Agricultural Uses
August 9, 2017

THE ORIGINAL OF THE DOCUMENT
RECORDED AND INDEXED
AT THE OFFICE OF THE
CLERK OF THE HONOLULU
COURT
Doc A - 64300656
August 09, 2017 10:45 AM

Return by Mail (X) Pickup () To: Land Court () Regular (X) Double ()

Dickson C.H. Lee
Takushi Wong Lee & Yee - ALC
841 Bishop Street, Suite 925
Honolulu, Hawaii 96813

Total pages _____

TYPE OF DOCUMENT: DECLARATION OF RESTRICTIVE COVENANTS
(AGRICULTURAL USES)

PARTIES TO DOCUMENT:

Declarant: A Charitable Foundation

PROPERTY DESCRIPTION	DOCUMENT NO.
	DOCUMENT NO. TRANSFER CERTIFICATE OF TITLE NO:

TAX MAP KEY NO. (1)

DECLARATION OF RESTRICTIVE COVENANTS
(AGRICULTURAL USES)

This Declaration made this 17th day of July, 2017, by **A CHARITABLE FOUNDATION**, a Nevada nonprofit corporation, whose mailing address is P.O. Box 909, Haleiwa, Hawaii 96712, hereinafter referred to as "Declarant,"

WITNESSETH:

WHEREAS, as the owner and pursuant to a subdivision application, which was approved by the Department of Planning and Permitting of the City and County of Honolulu, Declarant consolidated and re-subdivided two large lots situate at Pupukea, Koolauloa, City and County of Honolulu, State of Hawaii, into four lots, which are identified as Lot "A", Lot "B", Lot "C" and Lot "D";

WHEREAS, Declarant intends that Lot "A", 79.031 acres, which is designated for preservation use and is in the Land Use District Boundary "Conservation", be a nature preserve, which Declarant plans to convey to the State of Hawaii;

WHEREAS, Lot "B", Lot "C" and Lot "D", which are more particularly described in the exhibits identified below, attached hereto, and incorporated herein by reference, and have the areas, uses and State land use district boundary designations set forth below, shall be collectively referred to herein as the "agricultural subdivision":

<u>Ex. No.</u>	<u>Lot No.</u>	<u>Area</u>	<u>Designated Use</u>	<u>Land Use District</u>
A-1	"B"	9.237 ac	Agricultural Purposes	Agriculture
A-2	"C"	5.691 ac	Agricultural Purposes	Agriculture
A-3	"D"	0.216 ac	50-foot wide right of way for Maulukua Road turnaround	Agriculture

WHEREAS, Chapter 205 of the Hawaii Revised Statutes, as amended, requires that

subdivisions within the Agricultural district having soil classified by the Land Study Bureau's Detailed Land Classification as Overall Productivity Rating Class "A" or "B" shall be restricted to uses primarily in pursuit of an agricultural activity, and further, that any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the conditions as prescribed in said Chapter and shall be encumbrances running with the land; and

WHEREAS, Declarant, as owner, desires to establish restrictive covenants relating to the use of the agricultural subdivision comprised of Lot "B", Lot "C" and Lot "D" in accord with Chapter 205, Hawaii Revised Statutes;

NOW, THEREFORE, Declarant hereby declares and agrees that an agricultural subdivision be created and comprised of Lot "B", Lot "C" and Lot "D" which are described in Exhibits "A-1", "A-2" and "A-3" hereto. Said agricultural subdivision is and shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied and improved subject to the following declarations, which declarations shall constitute covenants running with the land for Lot "B", Lot "C" and Lot "D" and shall be binding on and for the benefit of Declarant, its successors and assigns, and all subsequent owners, lessees or occupants of any agricultural lot or any part of the agricultural subdivision and their respective heirs, executors, administrators, successors, and assigns:

1. USE. The agricultural subdivision shall be subject to the restrictions of permissible uses as prescribed in Chapter 205-4.5, Hawaii Revised Statutes, and any deed, lease agreement of sale, mortgage, or other instrument or conveyance covering any land or portion thereof within the agricultural subdivision shall expressly contain the restriction of uses and the conditions as prescribed in the statute, which restriction and condition shall be encumbrances

running with the land.

Lot "B", Lot "C" and Lot "D" shall be subject to the provisions of Section 205-4.5(a) and (b) of the Hawaii Revised Statutes, as amended, where the soil of the land is classified Overall (Master) Productivity Rating Class "A" or "B" under the Detailed Land Classification of the Land Study Bureau of the State of Hawaii, which provisions include the following:

- 1 The condition that with the exception of Lot A which is State land use conservation, the land shall be used primarily in and for the pursuit of an agricultural activity;
- 2 The restriction of the use thereof to those uses specified in Section 205-4.5(a);
- 3 The restriction and condition above mentioned shall be encumbrances running with the land for Lots B, C and D until such time that the land is reclassified to a land use district other than agricultural district; and
- 4 Any deed, lease, agreement of sale, mortgage or other instrument of conveyance of the land shall expressly contain the restriction on uses and the conditions above mentioned.

2. NO RESTRICTIONS ON AGRICULTURAL USE. Lot "B", Lot "C" and Lot "D" shall additionally be subject to the provisions of HRS Section 205-4.6, which prohibits restrictions on agricultural uses and activities by any private agreement contained in a deed, agreement of sale, or other conveyance document, such as easements, covenants, and servitudes; provided that restrictions taken to protect environmental or cultural resources, agricultural leases (leases where the land is primarily used for purposes set forth in HRS Section 205-4.5(a)), utility easements, and access easements shall not be subject to such prohibition.

3. DURATION. The covenants, conditions and restrictions herein contained shall run with the land for Lot "B", Lot "C" and Lot "D" and shall be binding on all parties and all persons claiming under or through them.

4. VIOLATIONS. An owner of Lot "B", Lot "C" and Lot "D", or any part thereof or interest therein, violating any provisions hereof, shall be subject to the violation and penalty clause of applicable State and City laws and regulations. Failure by Declarant, any successor owner or owners of Lot "B", Lot "C" and Lot "D", or their representatives, heirs, successors or assigns, or said City and County of Honolulu to enforce any of the covenants, restrictions, reservations, easements or charges herein contained shall, in no event, be deemed a waiver of the right to do so thereafter, unless otherwise herein provided.

5. AMENDMENTS. It is specifically agreed by Declarant that this Declaration shall continue in full force and effect and shall not be repealed, amended or altered in any way, except with the written consent of the Director of the Department of Planning and Permitting of the City and County of Honolulu or his and/or its successor.

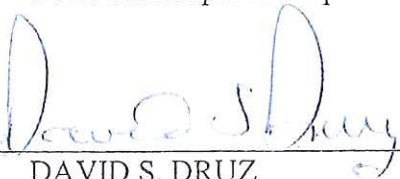
6. COUNTERPARTS. This Declaration may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding that all of the parties may not have executed the same counterpart. 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, Declarant has caused this instrument to be executed the day and year first herein above written.

[signature appear on subsequent page]

Declaration of Restrictive Covenants
(Agriculture Uses)

A CHARITABLE FOUNDATION
a Nevada nonprofit corporation

By: 
DAVID S. DRUZ
Its: Director

“Declarant”

ACKNOWLEDGMENT/NOTARY CERTIFICATION

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

On this July 17, 2017, in the First Circuit of the State of Hawaii, before me personally appeared DAVID S. DRUZ, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed this 12-page Declaration of Restrictive Covenants (Agricultural Uses) dated July 17, 2017, as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



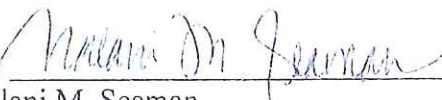
Signature: 
Name: Nalani M. Seaman
Notary Public, State of Hawaii
My commission expires: October 20, 2018

EXHIBIT "A-1"

LOT B

**Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)**

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Southeast corner of Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 6,958.04 feet South and 3,276.92 feet East, and thence running by azimuths measured clockwise from True South:

1. 3° 45' 41.30 feet along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
2. Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being:
 33° 05' 30" 31.36 feet;
3. Thence along same, on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
 25° 18' 15" 51.91 feet;
4. 78° 10' 30" 400.05 feet along Lot C, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
5. 88° 21' 1118.17 feet along the same;
6. 128° 32' 394.54 feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
7. 269° 24' 943.69 feet along Lots 173 and 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);

8. 272° 16' 188.70 feet along Lot 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
9. 258° 38' 30" 168.84 feet along Lot 175 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
10. 254° 58' 20" 211.24 feet along Lot 176 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
11. 284° 15' 208.49 feet along Lot 177 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
12. 289° 50' 30" 165.94 feet along Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), to the point of beginning and containing an area of 9.237 Acres, more or less.

EXHIBIT "A-2"

LOT C

**Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)**

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 13 of "North Shore Heights" Subdivision (FILE PLAN 1049), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 7,160.43 feet South and 3,313.74 feet East, and thence running by azimuths measured clockwise from True South:

1. 50° 00' 190.00 feet along Lot 12 of Land Court Application 561 (Map 11);
2. 90° 00' 420.00 feet along the same;
3. 80° 08' 06" 543.29 feet along the same;
4. 84° 08' 14" 222.57 feet along the same;
5. 128° 32' 339.91 feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
6. 268° 21' 1118.17 feet along Lot B, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
7. 258° 10' 30" 400.05 feet along the same;

8. Thence along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8), on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
265° 57' 45" 85.21 feet;
9. 3° 45' 94.18 feet along Lot 13 of "North Shore Heights" Subdivision (File Plan 1049), to the point of beginning and containing an area of 5.691 Acres, more or less.

EXHIBIT "A-3"

LOT D

ROADWAY LOT

Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Northwest corner of this parcel of land, being also the Southeast corner of Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 6,958.04 feet South and 3,276.92 feet East, and thence running by azimuths measured clockwise from True South:

1. 273° 45' 50.00 feet along the South end of Maulukua Road;
2. 3° 45' 105.37 feet along Lot 13 of "North Shore Heights" Subdivision
(FILE PLAN 1049);
3. Thence along Lot C, being a portion of the consolidation and resubdivision of
Lot 179 of "Pupukea Highlands" Subdivision (FILE
PLAN 860) and Lot 1-B-2 of Land Court Application 561
(Map 8), on a curve to the right with a radius of 43.00
feet, the chord azimuth and distance being:
85° 57' 45" 85.21 feet;
4. Thence along Lot B, being a portion of the consolidation and resubdivision of
Lot 179 of "Pupukea Highlands" Subdivision (FILE
PLAN 860) and Lot 1-B-2 of Land Court Application 561
(Map 8), on a curve to the right with a radius of 43.00
feet, the chord azimuth and distance being:
205° 18' 15" 51.91 feet;
5. Thence along the same, on a curve to the left with a radius of 32.00 feet, the
chord azimuth and distance being:
213° 05' 30" 31.36 feet;

6. 183° 45'

41.30 feet along the same, to the point of beginning and containing an area of 0.216 Acres, more or less.

ATTACHMENT B

Certified plat map was recorded in the Bureau of Conveyances

August 21, 2017

4184

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

August 21, 2017 8:01 AM

Doc No(s) A-64420258



1 1/1 CGG
B-33037262

/s/ LESLIE T. KOBATA
REGISTRAR

Return by Mail (..) Pickup () To:

Land Court () Regular (X) Double ()

TAKUSHI WONG LEE & YEE
DAVIS PACIFIC CENTER
841 BISHOP ST STE 925
HONOLULU HI 96813
ATTN: DICKSON C.H. LEE

TGA-491425-9

RG

Total Number of Pages 15

TMK: (1) 5-9-023-001
(1) 5-9-024-001
(1) 6-1-002-022

AFFIDAVIT

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU)

ss:

DICKSON C.H. LEE, Attorney for A Charitable Foundation Corporation, a Nevada nonprofit corporation duly registered as a foreign nonprofit corporation in the State of Hawaii, Affiant, being first duly sworn on oath deposes and says as follows:

That affiant is the attorney for A Charitable Foundation Corporation, a Nevada nonprofit corporation duly registered as a foreign nonprofit corporation in the State of Hawaii, and makes this affidavit on his knowledge and belief and that he is competent to testify to these facts in a law of court.

That on May 5, 2017, the Department of Planning & Permitting, City and County of Honolulu, File No. 2014/SUB-161 approved the consolidation and resubdivision of Lot 179 of File Plan 860, being portions of Grant 5159 to L.B. Nevin and Grant 5236 to Earl K. Ellsworth, and Lot 1-B-2 as shown on Map 8 of Land Court Application 561, into three lots: Lot A of 79.031 acres(for State Park Reserve), and Lots B of 9.237 acres and C of 5.691 acres (for

agricultural purposes); together with a 50-foot wide private right-of-way (Lot D) for Maulukua Road.

That attached hereto are metes and bounds descriptions, a certified plat map and a letter from Robert K. Y. Lee, Registered Surveyor, certifying that the metes and bounds descriptions conform to the accompanying plat map.

That affiant request that the original certified plat map which size is 44 x 32 inches submitted herewith, and does not comply to recording requirement, be returned and the reduced version of said map be substituted in lieu thereof.

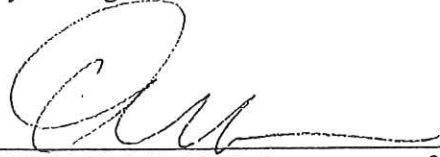
That the current owner of land hereinabove described is A Charitable Foundation Corporation, a Nevada nonprofit corporation duly registered as a foreign nonprofit corporation in the State of Hawaii, whose address is P.O. Box 909, Haleiwa, Hawaii 96712.

That I declare, under penalty and perjury, that all matters herein stated are true to my knowledge, information and belief.

[SIGNATURE ON NEXT PAGE]

Further, affiant sayeth not.

DATED: Honolulu, Hawaii this 15th day of August, 2017.

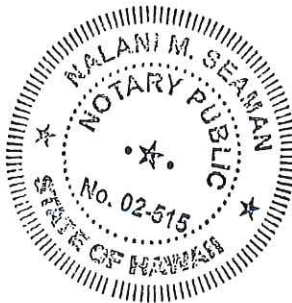


DICKSON C.H. LEE, Attorney as aforesaid

This 15-page Affidavit dated August 15, 2017
was subscribed and sworn to before me on
August 15, 2017 in the First Circuit,
State of Hawai'i by Dickson C.H. Lee.



Print Name: Nalani M. Seaman
Notary Public, State of Hawai'i
My commission expires: October 20, 2018



Phone: (808) 538-3857
Fax: (808) 537-9478
E-mail: survey@towillshigeoka.com

TOWILL, SHIGEOKA & ASSOCIATES, INC.
LAND SURVEYORS
2153 North King Street, Suite 308
Honolulu, Hawaii 96819

July 21, 2017

I, Robert K.Y. Lee, am a Licensed Professional Land Surveyor, Certificate Number 5075, in the State of Hawaii.

Attached hereto, is a true and correct copy of the letter from the Planning Director, City and County of Honolulu, dated May 5, 2017, granting final approval for the Consolidation and Resubdivision of Lot 179 of File Plan 860, and Lot 1-B-2 as shown on Map 8 of Land Court Application 561, into three Lots: Lots A, B and C; together with a 50-foot wide private right-of-way (Lot D) for Maulukua Road turnaround. [FILE NO. 2014/SUB-161].

Attached hereto, also, is a true and correct reduced copy of the approved map depicting the Consolidation and Resubdivision and copies of the metes and bounds description for Lots A, B, C and D. Said metes and bounds descriptions conforms to the approved survey map and is accurate and correct to the best of my knowledge.



Sincerely yours,

TOWILL, SHIGEOKA & ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Robert K.Y. Lee".

Robert K.Y. Lee
Licensed Professional Land Surveyor
Certificate Number 5075

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET * HONOLULU, HAWAII 96813
 Phone: (808) 768-8000 * Fax: (808) 768-4950

KIRK CALDWELL
 MAYOR



KATHY K. SOKUGAWA
 ACTING DIRECTOR
 TIMOTHY F. T. HIU
 DEPUTY DIRECTOR

SUBDIVISION		
File Number	:	2014/SUB-161
Project	:	SUB / Pupukea -- Maulukua Rd. (Pupukea Ridge Preservation Project) /
Location	:	
Tax Map Key	:	5-9-023:001 (various)
Owner	:	A Charitable Foundation Corporation
Surveyor	:	Towill, Shigeoka & Associates, Inc.
Agent	:	WILSON OKAMOTO & ASSOCIATES

Description of the Proposal: Consolidation and resubdivision of Lot 179 of File Plan 860, being portions of Grant 5159 to L.B. Nevin and Grant 5236 to Earl K. Ellsworth, and Lot 1-B-2 as shown on Map 8 of Land Court Application 561, into three lots: Lot A of 79.031 acres (for State Park Reserve), and Lots B of 9.237 acres and C of 5.691 acres (for agricultural purposes); together with a 50-foot wide private right-of-way (Lot D) for Maulukua Road turnaround.

The existing water system is not designed for agricultural demands. The proposed subdivision does not increase the existing number of zoning lots for agricultural uses. However, no further subdivision of Lots B and C to create additional agricultural lots will be permitted.

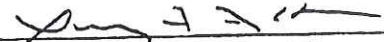
The applicant is responsible for recording the Declaration of Restrictive Covenants for agricultural uses with the Bureau of Conveyances and submitting a certified copy of the recorded document to the Department of Planning and Permitting.

Approval was granted to the proposal.

The completion of the private road turnaround improvements has been verified.

Copies of the final survey map with the stamp of approval are enclosed.

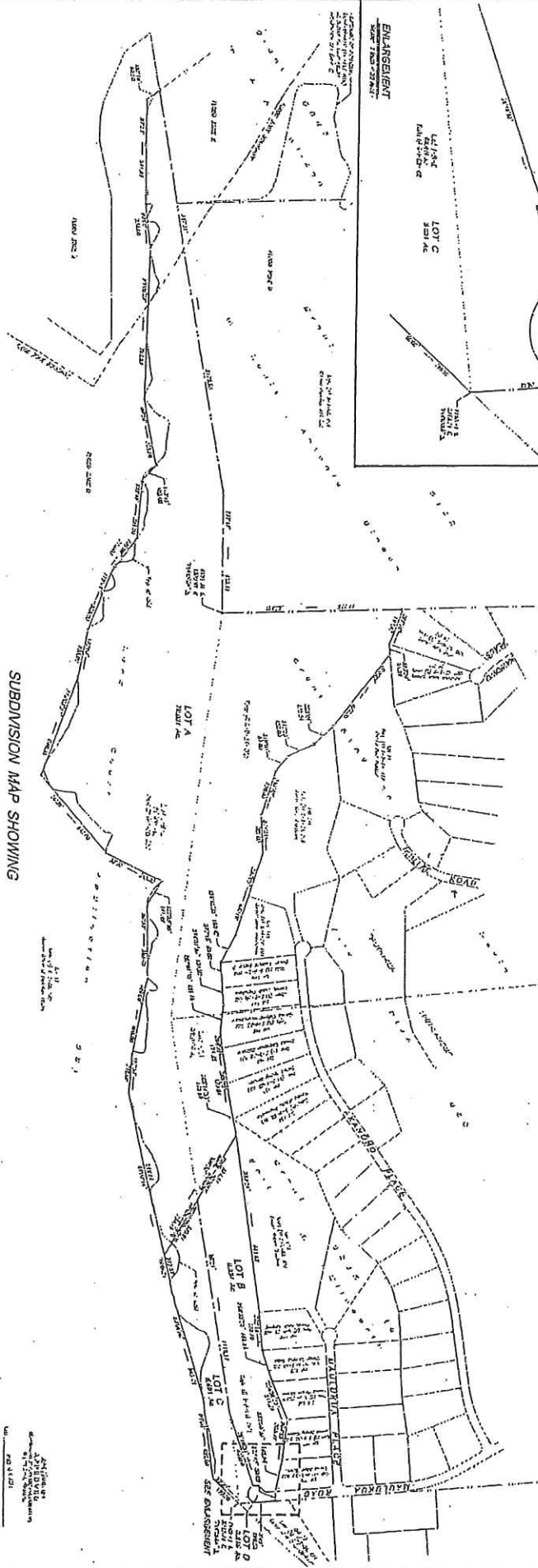
THIS COPY IS NOTIFICATION OF THE ACTION TAKEN AND THE DATE IT WAS SIGNED.


FR
ACTING DIRECTOR
May 5, 2017

SIGNATURE
TITLE
DATE

This action does not constitute approval of any other required permits, such as building or sign permits. Should you have any questions, please call the Subdivision Branch at 768-8100 or 768-8099.

1. All lots and parcels are shown as they exist on the date of the filing of this map.
2. The boundaries of the lots and parcels are shown as they exist on the date of the filing of this map.
3. The names of the owners of the lots and parcels are shown as they exist on the date of the filing of this map.
4. The names of the owners of the lots and parcels are shown as they exist on the date of the filing of this map.
5. The names of the owners of the lots and parcels are shown as they exist on the date of the filing of this map.

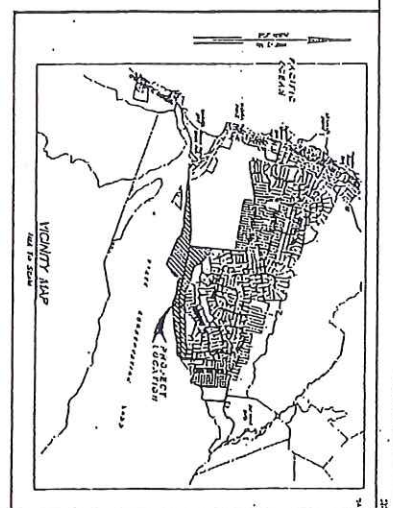


SUBDIVISION MAP SHOWING
CONSOLIDATION OF LOT 179 OF FILE PLAN 850
(BEING PORTIONS OF GRANT 5753 TO L. G. HEWITT AND
GRANT 5346 TO EARL K. ELLIOTT) AND
LOT 1-8-2 OF LAND COURT APPLICATION SET MAP 8)
AND THE RESUBDIVISION OF SAID CONSOLIDATION
INTO LOTS A THRU D, INCLUSIVE
 AT PUNAHU, KONA, HAWAII
 TAX MAP AREA (1) 2-8-28-001, 5-2-28-001 AND 8-1-28-002



Lot Area Calculations

Lot No.	Area (Acres)	Area (Sq. Ft.)
Lot A	1.12	48,000
Lot B	1.12	48,000
Lot C	1.12	48,000
Lot D	1.12	48,000
Total	4.48	192,000



NOTICE: This subdivision map and plan are subject to the provisions of the Hawaii Land Use Law, Chapter 215, Hawaii Revised Statutes, and the rules and regulations of the Department of Land and Natural Resources, Hawaii.

APPROVED: [Signature]

DATE: 11/15/2011

LOT A

**Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)**

**Being also portions of Grant 5159 to L. B. Nevin
and Grant 5236 to Earl K. Ellsworth**

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Northerly corner of this parcel of land, being also the Southwest corner of Lot 65 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 5,732.87 feet South and 1,193.96 feet West, and thence running by azimuths measured clockwise from True South:

1. 299° 10' 197.47 feet along Lot 65 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
2. 272° 20' 51.26 feet along Lot 66 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
3. 315° 20' 477.35 feet along Lot 74 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
4. 325° 01' 138.54 feet along Lot 144 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
5. 342° 20' 150.00 feet along the same;
6. 318° 00' 97.00 feet along the same;
7. 295° 40' 250.00 feet along the same;
8. 274° 35' 205.00 feet along the same;
9. 296° 05' 450.00 feet along Lots 144 and 145 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
10. 306° 15' 30" 160.67 feet along Lot 145 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
11. 272° 15' 90.00 feet along Lot 146 of "Pupukea Highlands" Subdivision (FILE PLAN 860)

- | | | |
|-----|--------------|--|
| 12. | 274° 01' 30" | 134.62 feet along Lots 146 and 147 of "Pupukea Highlands" Subdivision (FILE PLAN 860); |
| 13. | 283° 01' 30" | 151.76 feet along Lots 147 and 148 of "Pupukea Highlands" Subdivision (FILE PLAN 860); |
| 14. | 268° 22' | 174.23 feet along Lots 148 and 149 of "Pupukea Highlands" Subdivision (FILE PLAN 860); |
| 15. | 268° 55' | 173.94 feet along Lots 149 and 150 of "Pupukea Highlands" Subdivision (FILE PLAN 860); |
| 16. | 265° 14' 30" | 178.97 feet along Lots 150 and 173 of "Pupukea Highlands" Subdivision (FILE PLAN 860); |
| 17. | 308° 32' | 734.45 feet along Lots B and C, being portions of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8); |
| 18. | 84° 08' 14" | 866.64 feet along Lot 12 of Land Court Application 561 (Map 11); |
| 19. | 102° 30' | 215.00 feet along the same; |
| 20. | 109° 00' | 400.00 feet along the same; |
| 21. | 96° 30' | 380.00 feet along the same; |
| 22. | 129° 55' 30" | 141.48 feet along the same; |
| 23. | 33° 00' | 340.00 feet along the same; |
| 24. | 56° 30' | 545.00 feet along the same; |
| 25. | 118° 05' 37" | 548.35 feet along the same; |
| 26. | 109° 00' | 255.00 feet along the same; |
| 27. | 119° 45' | 325.00 feet along the same; |
| 28. | 135° 00' | 228.00 feet along the same; |
| 29. | 102° 45' | 305.00 feet along the same; |

- | | | |
|-----|-------------|--|
| 30. | 140° 45' | 108.00 feet along the same; |
| 31. | 86° 30' | 355.00 feet along the same; |
| 32. | 99° 05' 05" | 792.23 feet along the same; |
| 33. | 90° 00' | 233.00 feet along the same; |
| 34. | 97° 30' | 541.93 feet along the same; |
| 35. | 152° 18' | 80.00 feet along the same; |
| 36. | 267° 31' | 2129.68 feet along the South side of Grant 5087 to A. A. Wilson and Grant 5162 to Louis Antonie Ginaca; |
| 37. | 277° 17' | 639.11 feet along the South side of Grant 5162 to Louis Antonie Ginaca; |
| 38. | 186° 22' | 964.44 feet along the East side of Grant 5162 to Louis Antonie Ginaca, to the point of beginning and containing an area of 79.031 Acres, more or less. |

TOGETHER With:

An Easement being 1.481 Acres, more or less, as set forth by Land Court Order No. 22150, filed January 10, 1964. Said easement grants a perpetual right of way over the wagon road over Lots 14 and 15, Pupukea Homesteads, the centerline of which is more particularly described by direct azimuth and distance.



2153 North King Street, Suite 308
 Honolulu, Hawaii 96819
 Revised July 27, 2017
 Job No. 4496

TOWILL, SHIGEOKA & ASSOCIATES

A handwritten signature in cursive script that reads "Robert K.Y. Lee".

Robert K.Y. Lee
 Licensed Professional Land Surveyor
 Certificate Number 5075

TOWILL, SHIGEOKA & ASSOCIATES, INC.
 LAND SURVEYORS

2153 NORTH KING STREET • SUITE 308 • HONOLULU, HAWAII 96819

LOT B

**Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)**

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Northeast corner of this parcel of land, being also the Southeast corner of Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 6,958.04 feet South and 3,276.92 feet East, and thence running by azimuths measured clockwise from True South:

1. 3° 45' 41.30 feet along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
2. Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being:
 33° 05' 30" 31.36 feet;
3. Thence along same, on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
 25° 18' 15" 51.91 feet;
4. 78° 10' 30" 400.05 feet along Lot C, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
5. 88° 21' 1118.17 feet along the same;
6. 128° 32' 394.54 feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);

7. 269° 24' 943.69 feet along Lots 173 and 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
8. 272° 16' 188.70 feet along Lot 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
9. 258° 38' 30" 168.84 feet along Lot 175 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
10. 254° 58' 20" 211.24 feet along Lot 176 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
11. 284° 15' 208.49 feet along Lot 177 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
12. 289° 50' 30" 165.94 feet along Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), to the point of beginning and containing an area of 9.237 Acres, more or less.



2153 North King Street, Suite 308
 Honolulu, Hawaii 96819
 March 09, 2012
 Job No. 4496

TOWILL, SHIGEOKA & ASSOCIATES

A handwritten signature in cursive script that reads "Robert K.Y. Lee".

Robert K.Y. Lee
 Licensed Professional Land Surveyor
 Certificate Number 5075

LOT C

Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 13 of "North Shore Heights" Subdivision (FILE PLAN 1049), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 7,160.43 feet South and 3,313.74 feet East, and thence running by azimuths measured clockwise from True South:

1. 50° 00' 190.00 feet along Lot 12 of Land Court Application 561 (Map 11);
2. 90° 00' 420.00 feet along the same;
3. 80° 08' 06" 543.29 feet along the same;
4. 84° 08' 14" 222.57 feet along the same;
5. 128° 32' 339.91 feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
6. 268° 21' 1118.17 feet along Lot B, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
7. 258° 10' 30" 400.05 feet along the same;

8. Thence along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8), on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
265° 57' 45" 85.21 feet;

9. 3° 45' 94.18 feet along Lot 13 of "North Shore Heights" Subdivision (File Plan 1049), to the point of beginning and containing an area of 5.691 Acres, more or less.



2153 North King Street, Suite 308
Honolulu, Hawaii 96819
March 09, 2012
Job No. 4496

TOWILL, SHIGEOKA & ASSOCIATES

A handwritten signature in cursive script that reads "Robert K.Y. Lee".

Robert K.Y. Lee
Licensed Professional Land Surveyor
Certificate Number 5075

LOT D

Roadway Lot

**Being a portion of the Consolidation and Resubdivision
of Lot 179 of Pupukea Highlands (File Plan 860)
and Lot 1-B-2 of Land Court Application 561 (Map 8)**

Being also a portion of Grant 5236 to Earl K. Ellsworth

Situated at Pupukea, Koolauloa, Oahu, Hawaii

Beginning at the Northwest corner of this parcel of land, being also the Southeast corner of Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 6,958.04 feet South and 3,276.92 feet East, and thence running by azimuths measured clockwise from True South:

1. 273° 45' 50.00 feet along the South end of Maulukua Road;
2. 3° 45' 105.37 feet along Lot 13 of "North Shore Heights"
 Subdivision (FILE PLAN 1049);
3. Thence along Lot C, being a portion of the consolidation and
 resubdivision of Lot 179 of "Pupukea Highlands"
 Subdivision (FILE PLAN 860) and Lot 1-B-2 of
 Land Court Application 561 (Map 8), on a curve
 to the right with a radius of 43.00 feet, the chord
 azimuth and distance being:
 85° 57' 45" 85.21 feet;
4. Thence along Lot B, being a portion of the consolidation and
 resubdivision of Lot 179 of "Pupukea Highlands"
 Subdivision (FILE PLAN 860) and Lot 1-B-2 of
 Land Court Application 561 (Map 8), on a curve
 to the right with a radius of 43.00 feet, the chord
 azimuth and distance being:
 205° 18' 15" 51.91 feet;
5. Thence along the same, on a curve to the left with a radius of 32.00 feet,
 the chord azimuth and distance being:
 213° 05' 30" 31.36 feet;

6. 183° 45'

41.30 feet along the same, to the point of beginning and containing an area of 0.216 Acres, more or less.



2153 North King Street, Suite 308
Honolulu, Hawaii 96819
March 09, 2012
Job No. 4496

TOWILL, SHIGEOKA & ASSOCIATES

A handwritten signature in cursive script, appearing to read "Robert K. Y. Lee", written over a horizontal line.

Robert K. Y. Lee
Licensed Professional Land Surveyor
Certificate Number 5075