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**STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED**

**November 22, 2016 8:02 AM
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B - 32903058

/s/ LESLIE T. KOBATA
ACTING REGISTRAR

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LAND COURT

REGULAR SYSTEM

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FILL IN NAME AND ADDRESS BELOW:

CORPORATION COUNSEL (RK)
101 Aupuni Street, Suite 325
Hilo, Hawai'i 96720

DOCUMENT CONTAINS 12 PAGES

TITLE OF DOCUMENT: DISCLAIMER OF INTEREST IN REAL PROPERTY	
PARTIES TO DOCUMENT	
DISCLAIMANT:	COUNTY OF HAWAI'I 25 Aupuni Street Hilo, Hawai'i 96720
AFFECTS TAX MAP KEY NOS.: (3) 7-6-024-025, (3) 7-6-024-112, and (3) 7-6-024-113	

DISCLAIMER OF INTEREST IN REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS:

That as of this 14th day of November, 2016, the COUNTY OF HAWAI‘I, a municipal corporation of the State of Hawai‘i, whose principal place of business and mailing address is 25 Aupuni Street, Hilo, Hawai‘i 96720, hereinafter called the “County,” does file the present document affirming that the County disclaims, releases, remises, and/or quitclaims any and all right, title and/or interest in and to that certain property situated at Hōlualoa 1st and 2nd, North Kona, Island, County, and State of Hawai‘i, identified as Tax Map Key Nos. (3) 7-6-024-025, (3) 7-6-024-112, and (3) 7-6-024-113, hereinafter called the “Property,” as further described in Exhibit “A” which is attached hereto and made a part hereof by reference; and

WHEREAS, KONA VISTAS, LLC, a Delaware limited liability company, hereinafter called “Kona Vistas,” owned fee simple title to the Property by Deed dated October 29, 2004, and recorded in the Bureau of Conveyances of the State of Hawai‘i as Document No. 2005-027955; and

WHEREAS, Kona Vistas and the County had agreed that Kona Vistas could dedicate the Property to the County in order to work towards Kona Vistas satisfying certain affordable housing requirements from a rezoning application for a different property, after Kona Vistas had constructed drainage improvements on the Property; and

WHEREAS, the Bureau of Conveyances recorded a Warranty Deed on June 2, 2016, as Document No. A-59970469, which stated that Kona Vistas was conveying the Property to the County; and

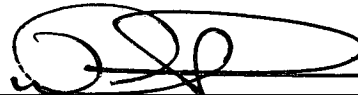
WHEREAS, Kona Vistas had not yet constructed the required drainage improvements on the Property; and

WHEREAS, for the County to accept the Property it must go through processes and procedures required by the Hawai'i County Code, which include having a number of County departments review and comment on the proposed dedication and having the County Council authorize the acceptance of the dedication;

THEREFORE, the County has not accepted this Property and wishes to presently disclaim, release, remise, and/or quitclaim any and all right, title and/or interest thereto.

IN WITNESS WHEREOF, the County has caused these presents to be executed this 14th day of November, 2016.

COUNTY OF HAWAI'I

By 

WILLIAM P. KENOI
Its **MAYOR**

APPROVED AS TO FORM
AND LEGALITY:



RONALD KIM
Deputy Corporation Counsel

STATE OF HAWAI'I)
)
COUNTY OF HAWAI'I) SS.

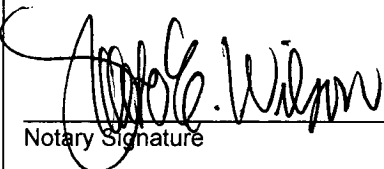
On this 14th day of November, 2016 before me personally appeared WILLIAM P. KENOI, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Hawai'i, a municipal corporation of the State of Hawai'i; that the seal affixed to the foregoing instrument is the corporate seal of said County of Hawai'i; that the foregoing instrument was signed and sealed in behalf of the County of Hawaii by authority given to said Mayor of the County of Hawai'i by Section 5-1.3 and 13-13 of the County Charter, County of Hawai'i (2010), as amended; and said WILLIAM P. KENOI acknowledged said instrument to be the free act and deed of said County of Hawai'i.

 L.S.

Notary Public, State of Hawai'i, 3rd Jud. Cir.

Printed Name: Paulette E. Wilson

My Commission Expires: 12/16/2017

<u>NOTARY CERTIFICATION</u>	
<u>Document Description:</u> Disclaimer of Interest in Real Property	
(Disclaimant: County of Hawaii) (TMK Nos.: (3) 7-6-024-025, 7-6-024-112, and 7-6-024-113)	
Doc. Date: <u>November 14, 2016</u>	<input checked="" type="checkbox"/> undated at time of notarization.
No. of Pages: <u>4 + Exhibit</u>	Circuit: Third
 _____ Notary Signature	<u>November 14, 2016</u> Date
Notary Name: Paulette E. Wilson	

L.S.

EXHIBIT "A"

PARCEL ONE: Tax Map Key Number (3) 7-6-024-025

All of that certain parcel of land (being a portion of the land(s) described in and covered by Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu, and Royal Patent 8217, Land Commission Award 3660 to John P. Munn) situate, lying and being at Holualoa 1st and 2nd, North Kona, Island and County of Hawaii, State of Hawaii, being LOT 46-B-1, and thus bounded and described per survey dated April 21, 2004, and being more particularly described as follows:

Beginning at the southeast corner of this parcel of land, being also the northeast corner of Drainage Lot 2 and on the southwesterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALEHO", being 1,912.03 feet south and 5,620.86 feet east, thence running by azimuths measured clockwise from true South:

1. 67° 28' 475.68 feet along Drainage Lot 2;
2. Thence along same on a curve to the left with a radius of 630.09 feet, the chord azimuth distance being:
45° 10' 30" 478.01 feet;
3. 22° 53' 105.47 feet along Drainage Lot 2;
4. 147° 35' 54.06 feet along Lot 46-A-8-A;
5. 238° 13' 18.41 feet along Lot 46-A-8-B;
6. 198° 31' 44" 67.90 feet along same;
7. Thence along same on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
166° 30' 52" 31.81 feet;
8. 134° 30' 63.97 feet along Lot 46-A-8-B;
9. Thence along same on a curve to the right with a radius of 625.00 feet, the chord azimuth and distance being:
45° 53' 02" 51.05 feet;

- | | | | |
|-----|---|--------|---|
| 10. | 138° 15' 28" | 50.00 | feet along Royal Poinciana Drive; |
| 11. | Thence along Lot 5, Kalani Makai Subdivision, Unit 1 on a curve to the left with a radius of 575.00 feet, the chord azimuth and distance being: | | |
| | 225° 52' 40" | 47.76 | feet; |
| 12. | 147° 35' | 149.35 | feet along Lot 5, Kalani Makai Subdivision, Unit 1; |
| 13. | 237° 35' | 72.00 | feet along Lot 6, Kalani Makai Subdivision, Unit 1; |
| 14. | 147° 35' | 116.60 | feet along Lots 6 and 7, Kalani Makai Subdivision, Unit 1; |
| 15. | 103° 25' | 53.10 | feet along Lot 7, Kalani Makai Subdivision, Unit 1; |
| 16. | 147° 35' | 86.99 | feet along Lot 8, Kalani Makai Subdivision, Unit 1; |
| 17. | 237° 00' 30" | 760.19 | feet along Kuakini Makai Subdivision, Increment 2; |
| 18. | Thence along Kuakini Highway on a curve to the right with a radius of 4,543.66 feet, the chord azimuth and distance being: | | |
| | 310° 25' 48.7" | 581.14 | feet to the point of beginning and containing an area of 9.903 acres, more or less. |

Together with easements and rights of way over, across, along, under and upon the roadway lots, being the Royal Poinciana Drive Extension, Road "A", Private Road "A" and Private Road "B", as granted by QUITCLAIM DEED dated June 10, 1999, recorded as Document No. 99-097613, Said Roadways being more particularly described therein; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to:

1. Mineral and water rights of any nature in favor of the State of Hawaii.

2. DESIGNATION OF EASEMENT "A"

PURPOSE: access
SHOWN: on tax map

3. DESIGNATION OF EASEMENT (15 feet wide)

PURPOSE: waterline
SHOWN: on tax map

4. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HOLUALOA SUBDIVISION IV
INCREMENTS 1 AND 2

DATED: June 23, 1983
RECORDED: Liber 17133 Page 55

5. GRANT

TO: HAWAIIAN ELECTRIC LIGHT COMPANY, INC.

DATED: February 10, 1983
RECORDED: Liber 17760 Page 499
GRANTING: a right and easement for utility purposes

6. GRANT

TO: MILDRED E. MACNIVEN

DATED: March 24, 1986
RECORDED: Liber 19568 Page 324
GRANTING: a right of way over, across, along, under, and upon the future
roadway

7. GRANT

TO: WATER COMMISSION OF THE COUNTY OF HAWAII

DATED: November 7, 1986
RECORDED: Liber 20485 Page 249
GRANTING: A perpetual easement to install, maintain, operate, repair, remove
and replace any and all pipes or other structures in, over, and
across the parcel of land described in Exhibit "A" attached thereto.

8. No Access Planting Screen Easement (10 feet wide) following along the northerly boundary of the land described herein, being also the southerly side of Kuakini Highway, and as shown in more detail on the final subdivision plat map, as mentioned in instrument dated June 28, 1989, recorded in Liber 23353 at Page 782.
9. The terms and provisions contained in the following:

INSTRUMENT: DRAINAGE IMPROVEMENT AGREEMENT

DATED: November 8, 2002
RECORDED: Document No. 2002-228126
PARTIES: GAMREX, INC., COUNTY OF HAWAII, MARJA KAREN SHEFF and MELVYN J. PEREZ
10. DESIGNATION OF EASEMENT "R-1"

PURPOSE: access
SHOWN: on survey map prepared by Ray Kazuo Nakamura, Licensed Professional Land Surveyor with Imata and Associates, Inc., dated March 10, 2004 and more particularly described in Affidavit of Ray K. Nakamura dated ---- (acknowledged April 21, 2004), recorded as Document No. 2004-095030
11. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
12. Any unrecorded leases and matters arising from or affecting the same.

PARCEL TWO: Tax Map Key Number (3) 7-6-024-112

All of that certain parcel of land (being a portion of the land(s) described in and covered by Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu) situate, lying and being at Holualoa 1st and 2nd, North Kona, Island and County of Hawaii, State of Hawaii, being DRAINAGE LOT 2, and thus bounded and described per survey dated April 21, 2004, and thus bounded and described:

Beginning at the northeast corner of this parcel of land, being also the southeast corner of Lot 46-B-1 and on the southwesterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 1,912.03 feet south and 5,620.86 feet east, thence running by azimuths measured clockwise from true South:

1. Along Kuakini Highway on a curve to the right with a radius of 4,543.66 feet, the chord azimuth and distance being:
314° 24' 06.2" 48.37 feet;
2. 67° 28' 567.37 feet along Lot 83, Kilohana Subdivision, Unit 1-A and a remnant;
3. Thence along a remnant on a curve to the left with a radius of 590.09 feet, the chord azimuth and distance being:
41° 38' 05" 379.38 feet;
4. 22° 53' 84.81 feet along a remnant;
5. 74° 50' 4.91 feet along Lot 85, Komohana Kai Subdivision, Unit 1;
6. 22° 53' 77.67 feet along Lot 83, Komohana Kai Subdivision, Unit 1;
7. 147° 35' 43.95 feet along Drainage Lot 1;
8. 202° 53' 140.48 feet along Lots 46-A-8-A and 46-B-1;
9. Thence along Lot 46-B-1 on a curve to the right with a radius of 630.09 feet, the chord azimuth and distance being:
225° 10' 30" 478.01 feet;
10. 247° 28' 475.68 feet along Lot 46-B-1 to the point of beginning and containing an area of 1.071 acres, more or less.

Together with Drainage Lot 1.

Together, also, with easements and rights of way over, across, along, under and upon the roadway lots, being the Royal Poinciana Drive Extension, Road "A", Private Road "A" and Private Road "B", as granted by QUITCLAIM DEED dated June 10, 1999, recorded as Document No. 99-097613, Said Roadways being more particularly described therein; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HOLUALOA SUBDIVISION IV
INCREMENT'S 1 AND 2

DATED: June 23, 1983
RECORDED: Liber 17133 Page 55

3. No Access Planting Screen Easement (10 feet wide) following along the northerly boundary of the land described herein, being also the southerly side of Kuakini Highway, and as shown in more detail on the final subdivision plat map, as mentioned in instrument dated June 28, 1989, recorded in Liber 23353 at Page 782.
4. The terms and provisions contained in the following:

INSTRUMENT: DRAINAGE IMPROVEMENT AGREEMENT

DATED: November 8, 2002
RECORDED: Document No. 2002-228126
PARTIES: GAMREX, INC., COUNTY OF HAWAII, MARIA KAREN
SHEFF and MELVYN J. PEREZ

5. Rights of others who may have easement or access rights in the land described above
6. 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.
7. Any unrecorded leases and matters arising from or affecting the same.
8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

PARCEL THREE: Tax Map Key Number (3) 7-6-024-113

All of that certain parcel of land (being a portion of the land(s) described in and covered by Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu) situate, lying and being at Holualoa 1st and 2nd, North Kona, Island and County of Hawaii, State of Hawaii, being REMNANT LOT, and thus bounded and described per survey dated April 21, 2004, and being more particularly described as follows:

Beginning at the east corner of this parcel of land and on the northerly side of Lot 83, Kilohana Subdivision, Unit 1-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 2,141.20 feet south and 5,184.61 feet east, thence running by azimuths measured clockwise from true South:

1. 29° 00' 393.00 feet along Lot 83, Kilohana Subdivision, Unit 1-A and along Lots 88, 87 and 86, Komohana Kai Subdivision, Unit 1;
2. 74° 50' 153.09 feet along Lot 85, Komohana Kai Subdivision, Unit 1;
3. 202° 53' 84.81 feet along Drainage Lot 2;
4. Thence along same on a curve to the right with a radius of 590.09 feet, the chord azimuth and distance being:
221° 38' 05" 379.38 feet;
5. 247° 28' 57.66 feet along Drainage Lot 2 to the point of beginning and containing an area of 0.946 acre, more or less.

Together with easements and rights of way over, across, along, under and upon the roadway lots, being the Royal Poinciana Drive Extension, Road "A", Private Road "A" and Private Road "B", as granted by QUITCLAIM DEED dated June 10, 1999, recorded as Document No. 99-097613, Said Roadways being more particularly described therein; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to:

1. Mineral and water rights of any nature in favor of the State of Hawaii.

2. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HOLUALOA SUBDIVISION IV
INCREMENTS 1 AND 2

DATED: June 23, 1983
RECORDED: Liber 17133 Page 55

3. No Access Planting Screen Easement (10 feet wide) following along the northerly boundary of the land described herein, being also the southerly side of Kuakini Highway, and as shown in more detail on the final subdivision plat map, as mentioned in instrument dated June 28, 1989, recorded in Liber 23353 at Page 782.

4. The terms and provisions contained in the following:

INSTRUMENT: DRAINAGE IMPROVEMENT AGREEMENT

DATED: November 8, 2002
RECORDED: Document No. 2002-228126
PARTIES: GAMREX, INC., COUNTY OF HAWAII, MARIA KAREN
SHEFF and MELVYN J. PEREZ

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

END OF EXHIBIT "A"