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R-739 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JUN 07, 2006 09:00 AM
Doc No(s) 2006-105635



Isl CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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LAND COURT 10 REGULAR SYSTEM
AFTER RECORDATION, RETURN BY: MAIL () PICK-UP (x)

BENJAMIN M. MATSUBARA, ESQ.
Matsubara, Lee & Kotake
888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813

TYPE OF DOCUMENT: DECLARATION OF CONDITIONS
Document contains 7 pages.

DECLARATION OF CONDITIONS

A CHARITABLE FOUNDATION CORPORATION, a Nevada non-profit corporation, the principal address of which is 2657 Windmill Parkway, Suite #220, Henderson, Nevada, 89074, as Petitioner of that certain Petition For District Boundary Amendment in Docket No. A05-758 of the Land Use Commission of the State of Hawaii, affecting those certain lands, approximately 28.759 acres of certain parcels of land

situated at Pupukea in the Ko'olaupia District, Island of Oahu, State of Hawaii, more particularly identified as Oahu Tax Map Key Nos. 5-9-23:1(portion) and 5-9-24:1, (hereinafter "Petition Area A"), and for the reclassification of approximately 5.219 acres of a certain parcel of land situated at Pupukea in the Waialua District, Island of Oahu, State of Hawaii, more particularly identified as Oahu Tax Map Key No. 6-1-02:22(portion), (hereinafter "Petition Area B") (Petition Area A and Petition Area B are hereinafter collectively referred to as the "Petition Areas"), does hereby certify pursuant to Section 15-15-92, Hawaii Administrative Rules, as follows:

THAT by Findings Of Fact, Conclusions Of Law, And Decision And Order, entered April 24, 2006, in Docket No. A05-758, the Land Use Commission reclassified approximately 28.759 acres of land in the State Land Use Agricultural District at Pupukea in the Ko'olaupia District, Island of Oahu, State of Hawaii, identified as Oahu Tax Map Key Nos. 5-9-23:1(portion), 5-9-24:1, to the State Land Use Conservation District and reclassified approximately 5.219 acres of land in the State Land Use Conservation District at Pupukea in the Waialua District, Island of Oahu, State of Hawaii, identified as Oahu Tax Map Key No. 6-1-02:22(portion), to the State Land Use Agricultural District, as shown on Exhibit "A".

AND THAT by Findings Of Fact, Conclusions Of Law, And Decision And Order, entered April 24, 2006, it was further ordered that the reclassification of Petition Area A from the Agricultural District to the Conservation District and the reclassification of

Petition Area B from the Conservation District to the Agricultural District shall be subject to the following conditions:

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.
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.
3. Agricultural Uses. Any future use of the retained 15.144 acres of land, which includes 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.
4. Maintenance of Trail System. With the approval of the 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.

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.

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.

7. Notice of Change to Ownership Interests. 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.

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 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.

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.

10. Recording of Conditions. Within seven days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement 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.

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.

AND THAT the conditions imposed in the Findings Of Fact, Conclusions Of Law, And Decision And Order, entered April 24, 2006, affecting the Petition Areas shall run with the land and shall be binding upon the Petitioner and each and every subsequent owner, lessee, sub-lessee, transferee, grantee, assignee, or developer of the Petition Areas until such time that the State Land Use Commission removes or releases the conditions relating to the Petition Areas established through its order dated April 24, 2006 in Docket No. A05-758.

AND THAT A CHARITABLE FOUNDATION CORPORATION is the holder of the fee simple interest and title in and to the Petition Areas as the subject of the Petition in Docket No. A05-758.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed on June 1, 2006.

A CHARITABLE FOUNDATION
CORPORATION

By David S. Druz
David S. Druz
Its President

STATE OF HAWAII)
) SS:
CITY & COUNTY OF HONOLULU)

On this 1st day of June, 2006, before me personally appeared DAVID S. DRUZ, to me known, who, being by me duly sworn, did say that: he is the President of A CHARITABLE FOUNDATION CORPORATION, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

Cecilia Young
Name: Cecilia Young
Notary Public, State of Hawaii
My Commission Expires: 2/15/08