

RECORDATION REQUESTED BY:

NOBUYUKI FUKUDA

73- 76050

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECEIVED FOR RECORD

LIBER 9513 PAGE 197

1973 SEP 26 AM 8:25


INDEXED REGISTRAR

AFTER RECORDATION, RETURN TO:

PLANNING DEPT
25 ALUPUNI ST
HILO HI 96720

RETURN BY: Mail () Pickup ()

AGREEMENT

WHEREAS, NOBUYUKI FUKUDA and JANE Y. IHA,
whose residence address is P. O. Box 325, Kealahou,
Kona, Hawaii 96750, desires to enter into an
agreement with the Planning Department of the County of Hawaii,
NOW, THEREFORE, IT IS HEREBY AGREED that the undersigned
may construct an additional single-family farm dwelling unit
located on property legally described as follows:

ALL of that certain parcel of land, known
as Lot 29, being a portion of the land mentioned
and described in and covered by ROYAL PATENT
3607 and 7533, LAND COMMISSION AWARD 8452, APANA
9, to A. Keohokalole, lying and situate in the
land of Kealahou, in the District of South Kona,
County and State of Hawaii, containing an area
of 3.018 acres, and bearing Tax Map Key No. 8-2-01-49.

and zoned Agricultural 5A
by the County of Hawaii and classified Agriculture by the
State Land Use Commission.

IT IS HEREBY ACKNOWLEDGED that the undersigned is the
legal owner of the property above described.

IT IS HEREBY FURTHER AGREED that this approval is given
subject to the following conditions:

1. Said dwelling shall be used to provide shelter to only person(s) conducting substantial agricultural activity on the subject land. An agricultural activity is considered substantial only if it provides a major source of income to the person(s) occupying the dwelling.

2. Said and existing dwellings shall not be rented, leased, and/or sold to any person(s) not engaging in substantial agricultural activity on the subject land.

3. The Planning Department, County of Hawaii, shall reserve the right to periodically inspect the subject area and dwelling to assure compliance with this agreement.

4. All of the provisions of these conditions shall be recorded with the State of Hawaii Bureau of Conveyances. A copy of the recordation shall be forwarded to the Planning Department, County of Hawaii, no later than six (6) months from the date of approval of the building permit for the said dwelling.

5. This agreement shall run with the land and apply to all persons who may now or in the future use or occupy the dwelling above described.

IT IS HEREBY FURTHER AGREED that if this agreement is with a lessee, the legal owner shall be a party to this agreement.

IT IS HEREBY FURTHER AGREED that should the pertinent provisions of the State and County laws and rules and

regulations change to authorize said dwelling, upon request of the undersigned, this agreement may be reconsidered for possible amendment and/or severance.

IN CONSIDERATION OF THE AFORESAID, the Planning Department, County of Hawaii, hereby approves this agreement as being in conformity with Section 2.14 of the State Land Use District Regulations and Chapter 205, Hawaii Revised Statutes, as amended, relative to permitted uses within the Agricultural District.

IN WITNESS WHEREOF, the said NOBUYUKI FUKUDA and
JANE Y. IHA has/have caused this instrument to be executed on the 5th day of SEPTEMBER, 1973.

Nobuyuki Fukuda
NOBUYUKI FUKUDA

Jane Y. Iha
JANE Y. IHA

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 5th day of SEPTEMBER, 1973, before me personally appeared JANE Y. IHA to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same, signing, and delivering the same, as her free act

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

LIBER. 9513 PAGE 200

On this 5th day of SEPTEMBER, 1973, before me personally appeared NOBUYUKI FUKUDA, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Patricia M. Elzing
Notary Public, First Judicial Circuit
State of Hawaii

My Commission Expires: 2-1-77