

RECORDATION REQUESTED BY:

77-30167

LIBER 12123 PG 104

1977 APR 13 PM 12:09

AFTER RECORDATION, RETURN TO: PLANNING DEPARTMENT

County of Hawaii.

25 Aupuni Street

Hilo, Hawaii 96720

Christina M. ...
REGISTRAR

RETURN BY: Mail (X) Pickup

FARM DWELLING AGREEMENT

WHEREAS, *Richard K. Lovell Sr (owner) & G.*
~~G. DWYD OLMSTEAD and MARK OLMSTEAD (LESSEE)~~

whose residence address is Kamaili, Puna, Hawaii

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: Tax Map Key: 1-3-02:17
Kauweleau, Puna, Hawaii

and zoned A-10a

by the County of Hawaii and classified Agriculture by the State Land Use Commission.

IT IS HEREBY ACKNOWLEDGED that the undersigned is the Owner & THE LESSEE 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; and
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; and

3. That the Owner shall grant to the Planning Department the right-of-entry at the Planning Department's convenience to periodically inspect the premises to assure compliance with provisions of this agreement; and

4. That this agreement shall run with the land and apply to all persons who may or in the future use or occupy the dwelling above described; and

5. 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; and

6. Failure of Owner to abide by this agreement shall result in the immediate removal of the said Dwelling

by the Owner at Owner's expense upon demand by County.

Upon Owner's failure to remove said second farm dwelling within one month after demand is made by the County, the parties agree that this agreement will be a nullity and the County may treat said second farm dwelling as a violation of the ordinances then in existence. The parties further agree that the enforcement provision of this agreement shall be binding on all heirs, devisees and assigns.

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 Richard K. Lovell, Sr. and Mark G. Olmstead has/have caused this instrument to be executed on the 9 day of Mar., 19 77.

Richard K. Lovell Sr.
(Owner)

(Owner)

Mark G. Olmstead
(Lessor) Lessee

By _____

STATE OF HAWAII }
COUNTY OF HAWAII } SS:

On this 9th day of March, 19 77, before me personally appeared Richard K. Lovell Sr & Mark G. Olmstead, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Laraine H. Akamine
Notary Public, Third Judicial Circuit,
State of Hawaii.

My commission expires 6-17-80

(acknowledgment of Lessor)

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ACCEPTED:

[Handwritten Signature]

Planning Director
County of Hawaii

Date: APR 11 1977

APPROVED AS TO FORM AND LEGALITY:

[Handwritten Signature]

Corporation Counsel
County of Hawaii

Date: 4/6/77