

WHEREAS, LAWRENCE W. COHN, Trustee , whose residence address is P. O. Box 1867, Kailua-Kona, Hawaii 96740 , 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 con-

legally described as follows: All of that certain parcel of land (being a portion of Land Patent Grant 10,372 to Joe De Costa) being Lot 9-B-2, the same being a portion of Lot 9-B, Kiolakaa-keaa Homesteads, situate at Kiolakaa-Keaa, Kau, Island, County and State of Hawaii, being TMK 3rd Div. 9-4-5-23, and containing an area of 20.166 acres, more or less.

struct i additional single-family farm dwelling units located on property

and zoned \_\_\_\_\_ Agricultural

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

IT IS HEREBY ACKNOWLEDGED that the undersigned is the <u>owner in</u> trust/fee simple of the property above described.

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

1. Said dwellings 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

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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 four dwellings

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

Upon Owner's failure to remove said **const** farm dwellingswithin 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 **const** farm dwellings 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

-2-

INBER 12121 PC 293

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 LAWRENCE W. COHN, Trustee,

\_\_\_\_has/here caused this in-  $\frac{g_3}{n_p}$ 

strument to be executed on the 7th day of February , 1977

Owner)

(Owner)

(Lessor)

By

STATE OF HAWAII } COUNTY OF HAWAII }SS:

On this 7th day of <u>February</u>, 19 77, before me personally appeared <u>LAWRENCE W. COHN</u>, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that <u>he</u> executed the same as <u>his</u> free act and deed.

ircuit, Notary ίc, Third/ Judicial

State of Hawaii.

My commission expires 9/21/79

(acknowledgment of Lessor)

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ACCEPTED ; Planning Director County of Hawaii

Date: \_\_\_\_\_ MAR 18 1977

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APPROVED AS TO FORM AND LEGALITY:

Corporation Counsel County of Hawaii Hing 3/14/11 Date:\_\_\_\_

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-4-