

RECORDATION REQUESTED BY:

82- 4787

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

AFTER RECORDATION, RETURN TO:

COUNTY OF HAWAII  
PLANNING DEPARTMENT  
Hilo, Hawaii

82 JAN 19 AIO: 38

RETURN BY: Mail (X) Pickup ( )

LIBER/PG. 16111, 183  
C.F. NEUMANN III, REGISTRAR

FARM DWELLING AGREEMENT

WHEREAS, DENNIS NAKANO and MOLLY NAKANO

(hereinafter "Owner"), whose residence mailing address is  
P.O.Box 1144 Kealakekua, Hawaii 96750

\_\_\_\_\_, desires to enter into an  
agreement with the Planning Department of the County of Hawaii  
(hereinafter "County"); and

WHEREAS, there exists a single family dwelling on land  
which is within the exclusive use, possession, and control  
of Owner and which is legally described as follows:

TMK: 8-1-01:24 Lot A  
Containing an area of 6.018 acres  
Por. of L.C. Aw. 387  
Halekii, South Kona, Hawaii

and zoned Agricultural (A-5a)  
by the County of Hawaii and classified within an agricultural  
district by the State Land Use Commission; and

WHEREAS, Owner seeks the County's approval for the  
construction of an additional single family dwelling (hereinafter  
"farm dwelling") on the property described above; and

WHEREAS, Owner intends to conduct substantial agricultural  
activity on the subject property in furtherance of the State

Land Use policies relating to agricultural land and has commenced initial agricultural activity which, if pursued, will develop into a viable and substantial undertaking.

NOW, THEREFORE, IT IS AGREED that the County's approval is given and accepted, subject to the following conditions:

1. The farm dwelling shall be used to provide shelter only to persons conducting agricultural activity on the subject land; and

2. The existing dwelling shall be used in connection with a farm or where agricultural activity provides income to the family, as defined in section 1-4, part I, State Land Use District Regulations, Land Use Commission, which occupies the dwelling; and

3. Owner grants to the County the right-of-entry, after reasonable notice, for inspection of the premises to assure compliance with provisions of this agreement; and

4. This agreement shall run with the land and bind Owner's heirs, successors, and assigns with regard to the future use of the dwellings above described; and

5. The County's approval of the construction of the farm dwelling by this agreement shall be effective only until agricultural use is conducted, unless otherwise extended pursuant to Owner's written request prior to the above termination date. After such timely request, the County shall extend its approval upon the terms of this agreement only if it determines that the agricultural activity that is being conducted is viable, substantial in income production, and conforms to the applicable provisions of the State Land Use District regulations and policies; and

6. Owner shall record this agreement with the State of Hawaii Bureau of Conveyances and shall furnish a recorded copy of it to the County's Planning Department within six (6) months from the date of approval of the building permit for the farm dwelling; and

7. Failure of Owner to abide by this agreement shall result in the immediate removal of the farm dwelling by Owner at Owner's expense upon demand by County. Upon Owner's failure to remove the 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 the additional farm dwelling as a violation of Chapter 205, Hawaii Revised Statutes, as amended, and applicable ordinances then in existence. This enforcement provision shall be binding on Owner's heirs, devisees, successors, 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, 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 County hereby accepts 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.



STATE OF HAWAII )  
COUNTY OF HAWAII )

SS:

16111 187

On this 23 day of September, 1981,  
before me personally appeared Dennis M. Nakano  
and Molly H. Nakano  
to me known to be the person(s) described in and who executed  
the foregoing instrument, and acknowledged that he/she/they  
executed the same, by signing, and delivering the same, as  
his/her/their free act and deed.

Carly A. Dan  
Notary Public, State of Hawaii

My Commission Expires: 4/17/85

STATE OF HAWAII )  
COUNTY OF HAWAII )

SS:

On this 13<sup>th</sup> day of January, 1982,  
before me personally appeared SIDNEY<sup>A</sup> FUKE, to me personally  
known, who, being by me duly sworn, did say that he is the  
DIRECTOR of the Planning Department of the County of Hawaii;  
and that the instrument was signed on behalf of the Planning  
Department of the County of Hawaii, a governmental agency,  
and said SIDNEY<sup>A</sup> FUKE acknowledged said instrument to be the  
free act and deed of said Planning Department, County of  
Hawaii.

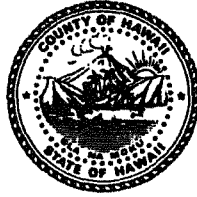
Guillerma L. Sumera  
Notary Public, State of Hawaii

My Commission Expires: 9/22/85

app  
not. p.

app  
not. p.

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

August 12, 2008

State of Hawaii  
Bureau of Conveyances  
P.O. Box 2867  
Honolulu, HI 96803

To Whom It May Concern:

**SUBJECT: Cancellation of Additional Farm Dwelling Agreement**  
**Tax Map Key: (3) 8-1-025:018**

Enclosed are the original and one (1) copy of a Cancellation of Additional Farm Dwelling Agreement for the subject parcel, check #4962 from the First Party in the amount of \$25.00 for the recordation fee, and two (2) self-addressed stamped envelopes, which are submitted for recordation.

Should you have questions, please contact Deanne Bugado of our West Hawaii office at 327-3510.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

DEB:cs  
P:\AFDA\Kona AFDA\Cancellation\AFDAcanboc-8-1-25-18Nakano.doc

Enclosures: Original AFDA Cancellation document  
Copy of AFDA Cancellation document  
Check #4962  
Two (2) Self-addressed return envelopes

AUG 14 2008

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AFTER RECORDATION, RETURN BY MAIL TO:

County of Hawaii Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

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TITLE OF DOCUMENT:

**CANCELLATION OF ADDITIONAL FARM DWELLING AGREEMENTS**

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PARTIES TO DOCUMENT:

**FIRST PARTY: DENNIS M. NAKANO and MOLLY H. NAKANO**

**SECOND PARTY: COUNTY OF HAWAII**

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PROPERTY DESCRIPTION:

**TMK: (3) 8-1-025:018**

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CANCELLATION OF AGREEMENT

THIS AGREEMENT made and executed this 12<sup>th</sup> day of June, 2008, by and between **DENNIS M. NAKANO and MOLLY H. NAKANO**, herein called the "First Party," whose mailing address is P.O. Box 1144, Kealahou, Hawaii 96750 and the **COUNTY OF HAWAII**, herein called the "Second Party,"

WITNESSETH

WHEREAS, on September 23, 1981 an agreement was entered into by and between the Owner of the property described as Tax Map Key 8-1-001:024 and the County whereby the Owner was authorized to construct a farm dwelling (being a second dwelling) on the property; and

WHEREAS, the agreement to construct said improvements was duly recorded with the State of Hawaii Bureau of Conveyances as liber book page 16111.183; and

WHEREAS, on December 14, 1994 an agreement was entered into by and between the Owner of the property described as Tax Map Key 8-1-001:024 and the County whereby the Owner was authorized to construct a farm dwelling (being a second dwelling) on the property; and

WHEREAS, the agreement to construct said improvements was duly recorded with the State of Hawaii Bureau of Conveyances as Document Number 1995-005922; and

WHEREAS, the subject area was zoned Agricultural (A-5a) by the County of Hawaii and classified Agricultural by the State Land Use Commission; and

WHEREAS, the property described as Tax Map Key (3) 8-1-001:024 has since been subdivided into three parcels (new TMK's (3) 8-1-025:018, 019 and 020) by subdivision number 6746 with final approval granted on June 13, 1996; and

NOW, THEREFORE, in consideration of the above recitals and the conditions and covenants contained therein, the parties agree as follows:



The County agrees that the agreement dated September 23, 1981, recorded at the State of Hawaii Bureau of Conveyances liber book page 16111.183, between the Owner and the County is no longer applicable and that the agreement is hereby declared null and void.

The County agrees that the agreement dated December 14, 1994, recorded at the State of Hawaii Bureau of Conveyances Document Number 1995-005922, between the Owner and the County is no longer applicable and that the agreement is hereby declared null and void.

The Second Party agrees that the agreement dated September 23, 1981 no longer constitutes a covenant or encumbrance running with the land as it relates to Tax Map Key (3) 8-1-025:018.

The Second Party agrees that the agreement dated December 14, 1994 no longer constitutes a covenant or encumbrance running with the land as it relates to Tax Map Key (3) 8-1-025:018.

The First Party agrees to pay for all of the necessary costs and expenditures to record this Cancellation of Agreement.

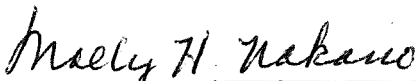
IT IS MUTUALLY AGREED BY AND BETWEEN the parties that if any additional documents are necessary that they will execute same in order that the agreements dated September 23, 1981 and December 14, 1994 no longer constitutes an encumbrance on Tax Map Key (3) 8-1-025:018.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year  
first above written.


  
\_\_\_\_\_  
Dennis M. Nakano, Legal Owner

FIRST PARTY

  
\_\_\_\_\_  
Molly H. Nakano, Legal Owner

FIRST PARTY

COUNTY OF HAWAII

By   
\_\_\_\_\_  
Christopher J. Yuen  
Its Planning Director

SECOND PARTY

**CERTIFICATE OF ACKNOWLEDGMENT  
California All-Purpose Acknowledgment**

**State of California  
County of Contra Costa**

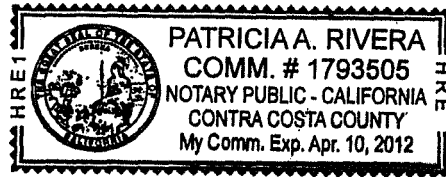
On June 17, 2008 before me, Patricia A. Rivera, Notary Public personally appeared  
Date Name and Title of the Officer

Dennis M. Nakano and Molly H. Nakano  
Name of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/het/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Patricia A. Rivera  
Signature of Notary Public

Place Notary Seal Above

**Description of Attached Document**

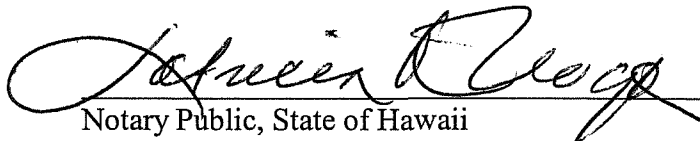
Title or Type of Document: Cancellation of Additional Farm Dwelling Agreement  
Document Date: \_\_\_\_\_ Number of Pages: 6  
Signers(s) other than named above: \_\_\_\_\_

STATE OF HAWAII )

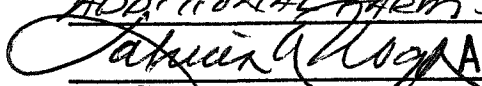
) SS  
COUNTY OF HAWAII )

On this 12<sup>th</sup> day of August, 2008 before me personally appeared Christopher J. Yuen, to me personally known, who, being by me duly sworn, did say that he is the Planning Director of the County of Hawaii; and that the Planning Department of the County of Hawaii has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawaii, a government agency, and said Christopher J. Yuen acknowledged the instrument to be the free act and deed of said Planning Department, County of Hawaii.

Patricia A. Koga

  
Notary Public, State of Hawaii

My commission expires: 07/17/10

Doc. Date: AUG 12 2008 # Pages: 6  
Patricia A. Koga Third Circuit  
Doc. Description: CANCELLATION OF  
ADDITIONAL FARM DWELLING AGREEMENT  
 AUG 12 2008  
Notary Signature Date  
My commission expires 2010  
NOTARY CERTIFICATION