RECORDATION REQUESTED BY:
PLANNING DEPARTMENT

79-71235

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
LIBER 13797 PG 500
79 JUN 26 P 1: 02

REGISTRAR

AFTER RECORDATION, RETURN TO:
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720
RETURN BY: Mail ( ) Pickup ( )

FARM DWELLING AGREEMENT

WHEREAS, Emilio Richard Olcese, Jr., whose residence address is P. O. Box 928, Keaau, HI 96749, 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:

Lot #17, Kohala Estates Subdivision, North Kohala
Tax Map Key 3rd Division 5-9-08:07

and zoned Ag 20 (Jointly owned: Olcese/White/Wells) 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; 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

Olcese, Emilio R.

3. That the Owner shall grant to the Planning Department the right-of-entry at the Planning Department's PREARRANGED 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 This portion #6 does not apply As the request is for the present existing farm storage shed to be a farm dwelling. So that it could always return to a farm storage shed! 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 Emilio Richard OLCESE JR. has/have caused this instrument to be executed on the 12 day of JANUARY, 1979.

Emilio Richard Olcese Jr.

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 12th day of January, 1979, before me personally appeared Emilio Richard Olcese Jr. to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same, by signing, and delivering the same, as his free act and deed.

Notary Public, Third Judicial Circuit, State of Hawaii

My commission expires: 3-16-79

ACCEPTED:

Sidney M Fuke

Planning Director
County of Hawaii
Date: MAY 16 1979

APPROVED AS TO FORM AND LEGALITY:

Corporation Counsel
County of Hawaii
Date: MAY 16 1979