

RECORDATION REQUESTED BY:

83- 35515

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

AFTER RECORDATION, RETURN TO:
Planning Department
25 Aupuni Street
Hilo, HI 96720

83 APR 8 AM 11:38

RETURN BY: Mail () Pickup ()

16963, 216
LIBERTY
H. P. NEUMANN, REGISTRAR

FARM DWELLING AGREEMENT

WHEREAS, James & Dominga Rodrigues

(hereinafter "Owner"), whose residence mailing address is
P.O.Box 613 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: 8-1-23:8 LotH-7
Containing a land area of 5.811 acres
Por. of L.C.Aw. 8452:10
Kaawaloa, 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

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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.

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IN WITNESS WHEREOF, the undersigned parties have caused
this instrument to be executed on the 6th day of
April, 1983.

James Ralugia
Dominga Rodriguez

"Owner"

COUNTY OF HAWAII, through its
Planning Department,

By [Signature]
Its Planning Director

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
County of Hawaii

Date: _____

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STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 30th day of March, 1983,
before me personally appeared James Rodriguez and
Dominga Rodriguez
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.

Jean P. Hay
Notary Public, State of Hawaii
My Commission Expires: 6-21-83

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 6th day of April, 1983,
before me personally appeared SIDNEY FUCE, 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 FUCE acknowledged said instrument to be the
free act and deed of said Planning Department, County of
Hawaii.

Guillermo H. Sumera
Notary Public, State of Hawaii
My Commission Expires: 9/22/85