

Brown, Larry

From: Brown, Larry
Sent: Wednesday, November 18, 2009 4:20 PM
To: Katherine Luga
Subject: Kona Sea Ranch GOE

Hi Kat,

I finally heard back from Amy on the Maintenance and Control section of the Public Access Grant of Easement document. The amending language we would suggest is shown in red. "Insuring" is to be deleted since the County is self-insured and does not insure easements.

Maintenance and Control of the Pedestrian Public Access Easements. Other than the execution of this Grant of Pedestrian Public Access Easements and performance of the duties hereunder, the Grantor shall have no responsibility to maintain, control, implement or provide pedestrian public accesses upon and through the Project. The Grantee shall be solely responsible for maintaining, controlling, [insuring] and repairing the pedestrian public access easements (mauka-makai and lateral), and any and all improvements relating to public access constructed upon and/or located within said public access easements, in a good and safe condition, ordinary wear and tear excepted, provided however, that maintenance and repair of Easements PA-1 and PA-6, which are located within the private subdivision Roadway Lot R-1 shall be the responsibility of the Grantor or its successors and assigns. Provided further that should Grantor or its successors and assigns pave or otherwise improve Easements PA-3 and PA-4, Grantor or its successors and assigns shall be solely responsible for the maintenance and repair of such improvements within Easements PA-3 and PA-4.

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Brown, Larry

From: Katherine Y. Luga [kluga@carlsmith.com]
Sent: Wednesday, August 12, 2009 10:23 AM
To: Larry Brown
Subject: SunStone V - Kona Sea Ranch

Hi Larry,

Pursuant to our meeting of 07/09/09, we propose the following amendment (new language underscored):

Maintenance and Control of the Pedestrian Public Access Easements. Other than the execution of this Grant of Pedestrian Public Access Easements and performance of the duties hereunder, the Grantor shall have no responsibility to maintain, control, implement or provide pedestrian public accesses upon and through the Project. The Grantee shall be solely responsible for maintaining, controlling, insuring and repairing the pedestrian public access easements (mauka-makai and lateral), and any and all improvements constructed upon and/or located within said public access easements, in a good and safe condition, ordinary wear and tear excepted, provided however, that maintenance and repair of Easements PA-1 and PA-6, which are located within the private subdivision Roadway Lot R-1 shall be the responsibility of the Grantor or its successors and assigns.

Thank you.

- 1) Does not address maintenance responsibility for any improvements to PA-3 and PA-4.
- 2) Does not address maintenance of signage makai of entrance gate.

ATTACHED GDE was hand delivered by Kest 8/12

8/12/2009