

LAND COURT

REGULAR SYSTEM

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121 Waiuanue Avenue
Hilo, HI 96720**

TOTAL NUMBER OF PAGES: 33

TITLE OF DOCUMENT:

GRANT OF PEDESTRIAN PUBLIC ACCESS EASEMENTS

PARTIES TO DOCUMENT:

GRANTOR: SUNSTONE REALTY PARTNERS V, LLC, a Hawaii limited liability company, whose mailing address is Pauahi Tower, 1003 Bishop Street, Suite 1240, Honolulu, Hawaii 96813

GRANTEE: COUNTY OF HAWAII, a political subdivision of the State of Hawaii, whose principal place of business and post office address is 25 Aupuni Street, Hilo, Hawaii 96720

TAX MAP KEY NOS.: (3) 8-7-011:001, 016, 025, 026 and 034

4820-0627-0210/10-17-08

EXHIBIT

1

GRANT OF PEDESTRIAN PUBLIC ACCESS EASEMENTS

THIS INDENTURE is made this 21st day of July, 20 10, by and between **SUNSTONE REALTY PARTNERS V, LLC, a Hawaii limited liability company**, whose mailing address is Pauahi Tower, 1001 Bishop Street, Suite 1240, Honolulu, Hawaii 96813, hereinafter called "Grantor", and the **COUNTY OF HAWAII, a political subdivision of the State of Hawaii**, whose principal place of business and post office address is 25 Aupuni Street, Hilo, Hawaii 96720, hereinafter called "Grantee".

W I T N E S S E T H:

WHEREAS, Grantor is the developer of that certain real property being the subdivision of Lot 9 of the Kona Sea Ranch Subdivision, Increments I and II, being a portion of Grant 1725, into Lots 1 to 18, inclusive, and Lot R-1 roadway, situate at Kukuiopae 2nd, District of South Kona, County and Island of Hawaii, and State of Hawaii, as created under Subdivision Nos. SPH-05-000006 (Increment I) and SPH-05-000007 (Increment II) approved by the County of Hawaii Planning Department on July 7, 2006 (collectively the "Project"), subject to the provisions of the October 27, 2005 Planning Department letter which provided that a formal grant of easement document in favor of the County of Hawaii for these public access easements;

WHEREAS, pursuant to the provisions of Hawaii Revised Statutes ("HRS"), Section 46-6.5 relating to Public Access, the County of Hawaii has adopted Hawaii County Code, Chapter 34 (Public Access), which provides for implementation of public access over private property in appropriate locations to the ocean, shorelines and mountain areas by requiring dedication of land for such public rights-of-way by fee or easement as a condition precedent to final subdivision approval or the issuance of a building permit for a multiple-family development where adequate public access is not already provided, including provisions requiring the County of Hawaii to be responsible for all improvement costs, liability and maintenance issues;

WHEREAS, in order to assure that public access is provided within the Project to and along designated shoreline access areas, the Grantor and the Grantee hereby agree to be bound by, and to encumber the real properties being TMKs: (3) 8-7-011:001, 025, 026 and Roadway

Lots 016 and 034, by recordation of this Grant of Pedestrian Public Access Easements in the Bureau of Conveyances of the State of Hawaii;

WHEREAS, the Ala Loa Trail Easement (10-feet wide) for pedestrian public access purposes containing an area of 20,022 square feet affecting Lot 11, being TMK:

(3) 8-7-011:portion of 001, provides a pedestrian public access connection between Easement PA-4, Part 3, and Easements PA-5 and PA-2, as further depicted on Exhibit 9, attached hereto and incorporated by reference herein;

WHEREAS, the execution and delivery to the County of Hawaii of this Grant of Pedestrian Public Access Easement shall constitute full and final compliance with all public access requirements for the Project pursuant to HRS, Section 46-6.5, Chapter 205A, and Chapter 343, Hawaii County Code, Chapters 23 (Subdivision) and 34 (Public Access), and Planning Department Rule 21 relating to Public Access: Usage, including but not limited to the restrictions on use provided hereinbelow.

NOW, THEREFORE, Grantor and Grantee agree as follows:

THAT THE Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid by Grantee, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and conditions herein contained by Grantee to be observed and performed, does hereby bargain, sell, assign and grant unto the said Grantee, and its successors and assigns, perpetual and nonexclusive rights and easements in, upon, through, over, under and across the Grantor's Property for pedestrian public access purposes and as indicated thereon, including without limitation, the construction, reconstruction, installation, maintenance, operation, replacement and repair of improvements constructed for said purposes (collectively "Easement Area"), as follows:

1. **Easement PA-1** (50-ft. wide) for pedestrian public access purposes (containing a total area of 37,122 square feet) affecting a portion of Lot R-1, as more particularly described in Exhibit 1 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

2. **Easement PA-2** (10-ft. wide) for pedestrian public access purposes (containing a total area of 643 square feet) affecting Lot 11, as more particularly described in Exhibit 2 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

3. **Easement PA-3** (10-ft. wide) for pedestrian public access purposes (containing a total area of 8,867 square feet) affecting Lot 9, as more particularly described in Exhibit 3 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

4. **Easement PA-4 (Part 1)** (10-ft. wide) for pedestrian public access purposes (containing a total area of 11,205 square feet) affecting Lot 9, as more particularly described in Exhibit 4 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

5. **Easement PA-4 (Part 2)** (10-ft. wide) for pedestrian public access purposes (containing a total area of 2,565 square feet) affecting Lot 10, as more particularly described in Exhibit 5 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

6. **Easement PA-4 (Part 3)** (10-ft. wide) for pedestrian public access purposes (containing a total area of 24,175 square feet) affecting Lot 11, as more particularly described in Exhibit 6 and depicted on Exhibit 9, attached hereto and incorporated by reference herein;

7. **Easement PA-5** (10-ft. wide) for pedestrian public access purposes (containing a total area of 5,307 square feet) affecting Lot 11, as more particularly described in Exhibit 7 and depicted on Exhibit 9, attached hereto and incorporated by reference herein; and

8. **Easement PA-6** (50-ft. wide) for pedestrian public access purposes (containing a total area of 4.096 acres) affecting a portion of Lot R-1, as more particularly described in Exhibit 8 and depicted on Exhibit 9, attached hereto and incorporated by reference herein.

As used herein, the term "pedestrian public access" shall mean and be limited to uses allowed by the pedestrian public access usage regulations as provided in Planning Department Rule 21, Public Access: Usage, including but not limited to the restrictions on use provided hereinbelow.

Nothing in this Grant of Pedestrian Public Access Easements shall amend, qualify or otherwise limit the following: (1) the liability protections given to the Grantor pursuant to Hawaii Revised Statutes Chapter 520, including without limitation the protections afforded in

Section 520-4(b), relating to Landowners' Liability; and (2) the liability protections given to the owners or operators of any business providing recreational activities to the public who obtain voluntary written release waivers for their patrons pursuant to the provisions of Hawaii Revised Statutes Section 663-1.54 relating to Recreational Activity Liability.

AND, Grantor and Grantee hereby covenant and agree as follows:

1. The Pedestrian Public Access Easements will not be officially open to the public until this Grant of Pedestrian Public Access Easements has been accepted by the County of Hawaii. The Easement Area as described hereinabove may be used by any members of the public having the right to use such Easement Area, subject to and upon the following terms and conditions:

- (a) Restrictions on Use. Pedestrian public access will be open from sunrise or 6:00 a.m., whichever is earlier, to one-half hour beyond sunset or 6:00 p.m., whichever is later. It is intended that the pedestrian public access be utilized for non-commercial, recreational purposes. The public access use of the Easement Area does not include bicycles, skateboards and/or roller skates, motor bikes, all-terrain vehicles or motorized vehicles of any type, or equestrian uses by horse, mule or other animal, unleashed dogs, and the lighting of fires. The Grantee shall have the right to control or prevent access to the pedestrian public access easements in the event of a County or State declared emergency. Access for night fishing past 6:00 p.m. shall be allowed for those individuals who are actively engaged in night fishing activities through a permit system managed by the Grantee pursuant to Planning Department Rule 21, and does not include the right to overnight camping.
- (b) 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, 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.

2. The Grantor and Grantee agree that the execution and delivery to the County of Hawaii by Grantor of this Grant of Pedestrian Public Access Easements shall constitute full and final compliance with all mauka-makai and/or lateral public pedestrian and/or vehicular access requirements for the Project of Section 46-6.5, Hawaii Revised Statutes (HRS), Chapter 205A, HRS, Chapter 343, HRS, Chapters 23 (Subdivision) and 34 (Public Access), Hawaii County Code, and Planning Department Rule 21 relating to Public Access: Usage.

3. The Grantor and Grantee further agree that the use of the pedestrian public access easements by the general public for the purposes permitted hereunder constitutes use for "recreational purposes" within the meaning of the Hawaii Recreational Use Statute, Hawaii Revised Statutes Chapter 520.

4. That Grantee and the members of the general public shall not use the Easement Area for any purpose not expressly permitted herein.


5. That if at any time the premises across which the rights and easements are hereby granted, or any part thereof, shall be condemned or taken by any governmental authority, Grantee shall have the right to claim and recover from the condemning authority, but not from Grantor, such compensation as is payable for the said rights and easements within the Easement Area by Grantee, all of which shall be payable to Grantee.

6. The terms "Grantor" and "Grantee" wherever used herein shall include Grantor and Grantee and their respective heirs, devisees, personal representatives and assigns according to the context thereof.


7. This writing contains the entire agreement of the parties hereto concerning the subject matter hereof, and this Grant of Pedestrian Public Access Easements supersedes all other agreements and understanding (whether oral or written) heretofore or contemporaneously herewith made by the parties.

IN WITNESS WHEREOF, the Declarant has hereunto caused this Declaration to be executed as of the date hereinabove set forth.

COUNTY OF HAWAII, a municipal

By 
WILLIAM P. KENOI
Its: Mayor

SUNSTONE REALTY PARTNERS
V, LLC, a Hawaii limited liability
company

By 
CURTIS D. DEWEESE
Its Managing Member

AGREED AND ACCEPTED:

By 
Planning Director
County of Hawaii

Date: July 14, 2010

Agreed as to Form and Legality

By 
Deputy Corporation Counsel

Date: JUL 19 2010

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

The attached document: Grant of Pedestrian Public Access Easements, dated May 21, _____, 2009, which consists of thirty-four (34) pages (including this page), was executed by **CURTIS D. DEWEESE** on this 21st day of May, 2009 in the First Judicial Circuit of the State of Hawaii, personally known/proved to me on the basis of satisfactory evidence to be the person, who personally appeared before me and being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Rosalinda M. Wicklund
[Notary Signature]



Printed Name: Rosalinda M. Wicklund
Notary Public, State of Hawaii
First Circuit

My commission expires: 4-10-2012

STATE OF HAWAI'I)
) SS.
COUNTY OF HAWAI'I)

On this 21st day of July, 2010 before me personally appeared WILLIAM P. KENOI, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Hawai'i, a municipal corporation of the State of Hawai'i, that the seal affixed to the foregoing instrument is the corporate seal of said County of Hawai'i, the foregoing instrument was signed and sealed on behalf of the County of Hawai'i by authority given to said Mayor of the County of Hawai'i by Sections 5-1.3 and 13-13 of the County Charter, County of Hawai'i (2000), as amended, and said WILLIAM P. KENOI acknowledged said instrument to be the free act and deed of said County of Hawai'i.

Nadine H. Pomroy

Signature

18

Nadine H. Pomroy
Print or Type Name

Notary Public, State of Hawai'i

My Commission Expires: 07/12/2013

NOTARY CERTIFICATION

Doc. Date: July 21st, 2010 No. of Pages: 8

Notary Name: Nadine H. Pomroy third Circuit

Doc. Description: _____

18 Grant of Pedestrian Public Access Easements

Between Sunstone Realty Partners V, LLC and

The County of Hawaii.

Nadine H. Pomroy

Notary Signature

JUL 21 2010

Date

**LOT R-1 (ROAD LOT)
FOR SUBDIVISION ACCESS AND UTILITY PURPOSES
AND EASEMENT "PA-6"
(50-FT WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
KONA SEA RANCH SUBDIVISION, INCREMENT II**

Land situated on the Southwesterly end of Lot R-1 (Road Lot) and existing Easement "PA-1" of Kona Sea Ranch Subdivision, Increment I at Kukulopae 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 9 of Kona Sea Ranch Subdivision, Increment I; and

Grant 1975 to Maele.

Beginning at the Northeasterly corner of this parcel of land, being also an angle point on the Westerly boundary of Lot 4 of Kona Sea Ranch Subdivision, Increment I and the Southeasterly corner of Lot R-1 (Road Lot) of Kona Sea Ranch Subdivision, Increment I, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 2,572.44 feet South and 61.29 feet West and running by azimuths measured clockwise from True South:

Thence, for the next twenty-six (26) courses following along the remainder of Grant 1975 to Maele:

1. 346° 45' 89.23 feet along Lot 4 of Kona Sea Ranch Subdivision, Increment I to a point;

Thence, following along Lot 4 of Kona Sea Ranch Subdivision, Increment I and along Lots 1 and 2 of this subdivision on a curve to the right with a radius of 275.00 feet, the chord azimuth and distance being:

- 2. 75° 07' 30" 549.78 feet to a point;

Thence, for the next twenty (20) courses following along the remainder of Lot 9 of Kona Sea Ranch Subdivision, Increment I:

- 3. 163° 30' 374.28 feet along Lots 3 and 4 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the right with a radius of 325.00 feet, the chord azimuth and distance being:

- 4. 166° 30' 34.02 feet to a point;
- 5. 169° 30' 410.39 feet along Lot 5 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the left with a radius of 135.00 feet, the chord azimuth and distance being:

- 6. 95° 00' 260.18 feet to a point;
- 7. 20° 30' 60.00 feet along Lot 5 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the right with a radius of 225.00 feet, the chord azimuth and distance being:

- 8. 33° 00' 97.40 feet to a point;
- 9. 45° 30' 476.96 feet along Lots 5 and 6 of this subdivision to a point;

Thence, following along Lot 6 of this subdivision on a curve to the right with a radius of 225.00 feet, the chord azimuth and distance being:

- 10. 50° 37' 30" 40.20 feet to a point;
- 11. 55° 45' 674.76 feet along Lots 6, 7, 8, 9, 10 and 11 of this subdivision to a point;

Thence, following along Lot 11 of this subdivision on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

- 12. 35° 41' 25" 27.44 feet to a point;

Thence, from a tangent azimuth of 15° 37' 50" following along Lot 11 of this subdivision on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

13. 102° 21' 55" 89.85 feet to a point;

Thence, from a tangent azimuth of 189° 06' following along Lot 12 of this subdivision on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

14. 232° 29' 05" 61.82 feet to a point;

Thence, from a tangent azimuth of 275° 52' 10" following along Lot 12 of this subdivision on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

15. 255° 48' 35" 27.44 feet to a point;

16. 235° 45' 674.76 feet along Lots 12, 13, 14 and 15 of this subdivision to a point;

Thence, following along Lot 15 of this subdivision on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:

17. 230° 37' 30" 31.27 feet to a point;

18. 225° 30' 476.96 feet along Lots 15, 16 and 17 of this subdivision to a point;

Thence, following along Lot 17 of this subdivision on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:

19. 213° 00' 75.75 feet to a point;

20. 200° 30' 60.00 feet along Lot 17 of this subdivision to a point;

Thence, following along Lots 17 and 18 of this subdivision on a curve to the right with a radius of 185.00 feet, the chord azimuth and distance being:

21. 275° 00' 356.54 feet to a point;

22. 349° 30' 410.39 feet along Lot 18 of this subdivision to a point;

Thence, following along Lot 7 of Kona Sea Ranch Subdivision, Increment I on a curve to the left with a radius of 275.00 feet, the chord azimuth and distance being:

23. 346° 30' 28.78 feet to a point;

24. 343° 30' 374.28 feet along Lot 7 of Kona Sea Ranch Subdivision, Increment I to a point;

Thence, following along Lot 7 of Kona Sea Ranch Subdivision, Increment I on a curve to the left with a radius of 225.00 feet, the chord azimuth and distance being:

25. 255° 07' 30"

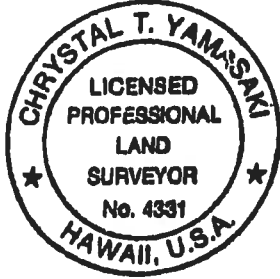
449.82 feet to a point;

26. 166° 45'

89.23 feet along Lot 7 of this subdivision to a point;

27. 256° 45'

50.00 feet along the Southerly end of Lot R-1 (Road Lot) of Kona Sea Ranch Subdivision, Increment I and along the Southerly end of existing Easement "PA-1" to the point of beginning and containing an area of 4.096 Acres.



WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TMK: 8-7-011: portion 001 (3rd Division)
July 12, 2006

**EASEMENT "PA-2"
 (10-FT WIDE)
 FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
 AFFECTING LOT 11
KONA SEA RANCH SUBDIVISION, INCREMENT II**

Land situated on the Northwesterly portion of Lot 11 at Kukuiope 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

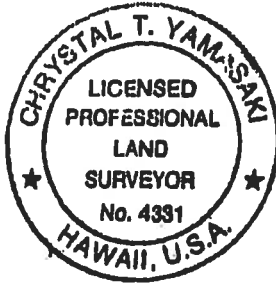
Lot 11 of Kona Sea Ranch Subdivision, Increment II; and
 Grant 1975 to Maele.

Beginning at the Northeasterly corner of this easement, being also a point on the Northerly boundary of Lot 11 and being the Northwesterly corner of Ala Loa Trail Easement (10-Ft. Wide) for Public Pedestrian Access Purposes, said point of beginning bearing 274° 05' 68.76 feet from the Northwest corner of Lot 11, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 1,313.57 feet South and 4,295.97 feet West and running by azimuths measured clockwise from True South:

- | | |
|-------------|--|
| 1. 17° 30' | 10.28 feet along the remainder of Lot 11 and along the Westerly side of Ala Loa Trail Easement (10-Ft. Wide) for Public Pedestrian Access Purposes to a point; |
| 2. 94° 05' | 59.81 feet along the remainder of Lot 11 to a point; |
| 3. 150° 49' | 11.96 feet along seashore to a point; |

4. 274° 05'

68.76 feet along Lot 2 to the point of beginning and containing an area of 643 Square Feet, more or less.



75-5749 Kalawa Street
 Kailua-Kona, Hawaii 96740-1817
 TMK: 8-7-011: portion 001 (3rd Division)
 July 12, 2006

WES THOMAS ASSOCIATES

A handwritten signature in black ink, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. LS-4331

**EASEMENT "PA-3"
 (10-FT. WIDE)
 FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
 OVER AND ACROSS LOT 9
KONA SEA RANCH SUBDIVISION, INCREMENT II**

Land situated along the Easterly boundary of Lot 9 and on the Southeasterly side of Lot R-1 (Road Lot) at Kukuiope 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 9 of Kona Sea Ranch Subdivision, Increment II; and
 Grant 1975 to Maele.

Beginning at the Northeasterly corner of this easement, being also the Northeasterly corner of Lot 9, the Northwesterly corner of Lot 8 and being a point on the Southeasterly side of Lot R-1 (Road Lot) of this subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 2,817.40 feet South and 1,961.31 feet West and running by azimuths measured clockwise from True South:

Thence, for the next three (3) courses following along Lot 8 of this subdivision:

- 1. 325° 45' 175.00 feet to a point;

Thence, following on a curve to the right with a radius of 310.00 feet, the chord azimuth and distance being:

- 2. 347° 25' 30" 228.99 feet to a point;
- 3. 9° 06' 480.92 feet to a point;

Thence, for the next four (4) courses following along the remainder of Lot 9:

- 4. 99° 06' 10.00 feet along the Northerly side of Easement "PA-4" (10-Ft. Wide) for Public Pedestrian Access Purposes to a point;

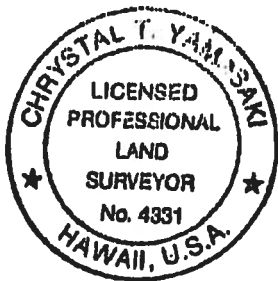
5. 189° 06' 480.92 feet to a point;

Thence, following on a curve to the left with a radius of 300.00 feet, the chord azimuth and distance being:

6. 167° 25' 30" 221.60 feet to a point;

7. 145° 45' 175.00 feet to a point;

8. 235° 45' 10.00 feet along the Southeasterly side of Lot R-1 (Road Lot) of this subdivision to the point of beginning and containing an area of 8,867 Square Feet.



WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TMK: 8-7-011: portion 001 (3rd Division)
July 12, 2006

EASEMENT "PA-4" (PART 1)
(10-FT. WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
OVER AND ACROSS LOT 9
KONA SEA RANCH SUBDIVISION, INCREMENT II

Land situated in Lot 9 at Kukuiope 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 9 of Kona Sea Ranch Subdivision, Increment II; and
Grant 1975 to Maele.

Beginning at the Southeasterly corner of this easement, being also the Southeasterly corner of Lot 9 and the Southwesterly corner of Lot 8 of this subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 3,670.30 feet South and 1,890.60 feet West and running by azimuths measured clockwise from True South:

1. 99° 06' 266.61 feet along Grant 2996 to Kaniua to a point;

Thence, for the next ten (10) courses following along the remainder of Lot 9:

2. 157° 45' 105.09 feet to a point;

3. 164° 45' 69.91 feet to a point;

Thence, following on a curve to the left with a radius of 35.00 feet, the chord azimuth and distance being:

4. 113° 22' 30" 54.69 feet to a point;

5. 62° 00' 18.58 feet to a point;

6. 49° 30' 30.43 feet to a point;

- 7. 46° 45' 32.44 feet to a point;
- 8. 64° 00' 28.70 feet to a point;
- 9. 77° 30' 82.62 feet to a point;
- 10. 64° 20' 91.01 feet to a point;
- 11. 82° 20' 27.87 feet to a point;
- 12. 99° 06' 13.38 feet along Grant 2996 to Kaniua to a point;

Thence, for the next seven (7) courses following along the remainder of Lot 9:

- 13. 117° 00' 22.81 feet to a point;
- 14. 149° 00' 25.68 feet to a point;
- 15. 163° 40' 50.29 feet to a point;
- 16. 155° 40' 103.12 feet to a point;
- 17. 175° 30' 39.57 feet to a point;
- 18. 213° 00' 55.15 feet to a point;
- 19. 205° 00' 3.11 feet along the remainder of Lot 9 to a point;
- 20. 279° 06' 10.39 feet along Lot 10 of this subdivision to a point;

Thence, for the next nineteen (19) courses following along the remainder of Lot 9:

- 21. 25° 00' 6.65 feet to a point;
- 22. 33° 00' 52.45 feet to a point;
- 23. 355° 30' 34.43 feet to a point;
- 24. 335° 40' 102.08 feet to a point;
- 25. 343° 40' 49.71 feet to a point;
- 26. 329° 00' 21.52 feet to a point;
- 27. 297° 00' 18.37 feet to a point;
- 28. 279° 06' 10.33 feet to a point;
- 29. 262° 20' 24.82 feet to a point;

- 30. 244° 20' 90.58 feet to a point;
- 31. 257° 30' 82.58 feet to a point;
- 32. 244° 00' 26.00 feet to a point;
- 33. 226° 45' 31.16 feet to a point;
- 34. 229° 30' 31.77 feet to a point;
- 35. 242° 00' 19.68 feet to a point;

Thence, following on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

- 36. 293° 22' 30" 70.31 feet to a point;
- 37. 344° 45' 69.29 feet to a point;
- 38. 337° 45' 98.87 feet to a point;
- 39. 279° 08' 260.99 feet to a point;
- 40. 9° 08' 10.00 feet along Lot 8 of this subdivision to the point of beginning and containing an area of 11,205 Square Feet.



75-5749 Kalawa Street
 Kailua-Kona, Hawaii 96740-1817
 TMK: 8-7-011: portion 001 (3rd Division)
 July 12, 2006

WES THOMAS ASSOCIATES

A handwritten signature in cursive script, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. LS-4331

EASEMENT "PA-4" (PART 2)
(10-FT. WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
OVER AND ACROSS LOT 10
KONA SEA RANCH SUBDIVISION, INCREMENT II

Land situated in Lot 10 at Kukuiope 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 10 of Kona Sea Ranch Subdivision, Increment II; and

Grant 1975 to Maele.

Beginning at the Northeasterly corner of this easement, being also a point on the Northerly boundary of Lot 10 and a point on the Southerly boundary of Lot 11 of this subdivision, said point of beginning bearing 99° 06' 769.14 feet from the Northerly angle point of Lot 10, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 3,070.22 feet South and 2,608.88 feet West and running by azimuths measured clockwise from True South:

Thence, for the next six (6) courses following along the remainder of Lot 10:

- 1. 317° 15' 7.45 feet to a point;
- 2. 316° 00' 35.94 feet to a point;
- Thence, following on a curve to the right with a radius of 55.00 feet, the chord azimuth and distance being:
- 3. 345° 15' 53.75 feet to a point;
- 4. 14° 30' 42.31 feet to a point;
- 5. 11° 15' 75.16 feet to a point;

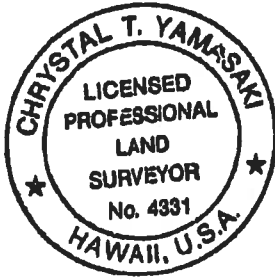
- 6. 25° 00' 37.80 feet to a point;
- 7. 99° 06' 10.39 feet along Lot 9 of this subdivision to a point;

Thence, for the next six (6) courses following along the remainder of Lot 10:

- 8. 205° 00' 39.44 feet to a point;
- 9. 191° 15' 74.24 feet to a point;
- 10. 194° 30' 42.59 feet to a point;

Thence, following on a curve to the left with a radius of 45.00 feet, the chord azimuth and distance being:

- 11. 165° 15' 43.98 feet to a point;
- 12. 136° 00' 36.05 feet to a point;
- 13. 137° 15' 20.29 feet to a point;
- 14. 279° 06' 16.18 feet along Lot 11 of this subdivision to the point of beginning and containing an area of 2,565 Square Feet.



WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki
 Chrystal Thomas Yamasaki

Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TMK: 8-7-011: portion 001 (3rd Division)
July 12, 2006

EASEMENT "PA-4" (PART 3)
(10-FT. WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
OVER AND ACROSS LOT 11
KONA SEA RANCH SUBDIVISION, INCREMENT II

Land situated in Lot 11 at Kukuiopae 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 11 of Kona Sea Ranch Subdivision, Increment II; and
Grant 1975 to Maele.

Beginning at the Southeasterly corner of this easement, being also a point on the Southerly boundary of Lot 11 and a point on the Northerly boundary of Lot 10 of this subdivision, said point of beginning bearing 99° 06' 769.14 feet from the Southerly angle point of Lot 11, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 3,070.22 feet South and 2,608.88 feet West and running by azimuths measured clockwise from True South:

- 1. 99° 06' 16.18 feet along Lot 10 of this subdivision to a point;

Thence, for the next thirty-one (31) courses following along the remainder of Lot 11:

- 2. 137° 15' 9.98 feet to a point;
- 3. 153° 30' 71.06 feet to a point;

Thence, following on a curve to the left with a radius of 35.00 feet, the chord azimuth and distance being:

- 4. 124° 25' 34.03 feet to a point;
- 5. 95° 20' 94.43 feet to a point;

- 6. 80° 00' 29.41 feet to a point;
- 7. 67° 00' 26.25 feet to a point;
- 8. 56° 00' 55.40 feet to a point;

Thence, following on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

- 9. 122° 25' 54.99 feet to a point;
- 10. 188° 50' 35.00 feet to a point;
- 11. 153° 30' 53.20 feet to a point;
- 12. 164° 30' 42.56 feet to a point;
- 13. 166° 00' 41.31 feet to a point;

Thence, following on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

- 14. 95° 00' 28.37 feet to a point;
- 15. 24° 00' 33.34 feet to a point;
- 16. 45° 30' 68.11 feet to a point;
- 17. 32° 00' 34.05 feet to a point;
- 18. 7° 00' 69.06 feet to a point;
- 19. 10° 45' 112.89 feet to a point;
- 20. 16° 00' 37.46 feet to a point;
- 21. 358° 30' 72.03 feet to a point;
- 22. 25° 30' 54.48 feet to a point;
- 23. 43° 15' 97.83 feet to a point;
- 24. 55° 50' 122.56 feet to a point;
- 25. 82° 00' 28.18 feet to a point;
- 26. 110° 30' 63.48 feet to a point;
- 27. 92° 30' 35.65 feet to a point;
- 28. 84° 25' 144.76 feet to a point;

Thence, following on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:

- 29. 102° 12' 30" 15.28 feet to a point;
- 30. 120° 00' 23.68 feet to a point;
- 31. 97° 00' 15.24 feet to a point;
- 32. 69° 00' 22.29 feet to a point;
- 33. 99° 06' 757.14 feet along Grant 2996 to Kaniua to a point;

Thence, for the next thirty-three (33) courses following along the remainder of Lot 11:

- 34. 187° 45' 10.00 feet along the Easterly side of Ala Loa Trail Easement (10-Ft. Wide) For Pedestrian Access Purposes to a point;
- 35. 279° 06' 754.69 feet to a point;
- 36. 249° 00' 22.09 feet to a point;
- 37. 277° 00' 19.76 feet to a point;
- 38. 300° 00' 25.72 feet to a point;

Thence, following on a curve to the left with a radius of 15.00 feet, the chord azimuth and distance being:

- 39. 282° 12' 30" 9.17 feet to a point;
- 40. 264° 25' 145.46 feet to a point;
- 41. 272° 30' 37.95 feet to a point;
- 42. 290° 30' 62.52 feet to a point;
- 43. 262° 00' 23.32 feet to a point;
- 44. 235° 50' 119.14 feet to a point;
- 45. 223° 15' 95.17 feet to a point;
- 46. 205° 30' 50.52 feet to a point;
- 47. 178° 30' 71.17 feet to a point;
- 48. 196° 00' 38.54 feet to a point;
- 49. 190° 45' 112.11 feet to a point;
- 50. 187° 00' 70.94 feet to a point;

- 51. 212° 00' 37.45 feet to a point;
- 52. 225° 30' 67.39 feet to a point;
- 53. 204° 00' 31.44 feet to a point;

Thence, following on a curve to the right with a radius of 25.00 feet, the chord azimuth and distance being:

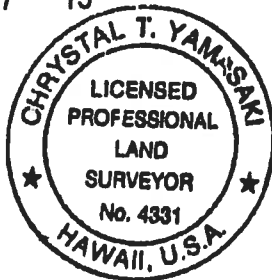
- 54. 275° 00' 47.28 feet to a point;
- 55. 346° 00' 41.18 feet to a point;
- 56. 344° 30' 41.46 feet to a point;
- 57. 333° 30' 55.42 feet to a point;
- 58. 8° 50' 38.19 feet to a point;

Thence, following on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

- 59. 302° 25' 36.66 feet to a point;
- 60. 236° 00' 56.37 feet to a point;
- 61. 247° 00' 28.35 feet to a point;
- 62. 260° 00' 31.89 feet to a point;
- 63. 275° 20' 95.77 feet to a point;

Thence, following on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

- 64. 304° 25' 43.75 feet to a point;
- 65. 333° 30' 69.63 feet to a point;
- 66. 317° 15' 21.28 feet to the point of beginning and containing an area of 24,175 Square Feet.



WES THOMAS ASSOCIATES

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TMK: 8-7-011: portion 001 (3rd Division)
July 12, 2008

#16170

EASEMENT "PA-5"
(10-FT WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
AFFECTING LOT 11
KONA SEA RANCH SUBDIVISION, INCREMENT II

Land situated on the Westerly portion of Lot 11 at Kukulopae 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 11 of Kona Sea Ranch Subdivision, Increment II; and
 Grant 1975 to Maele.

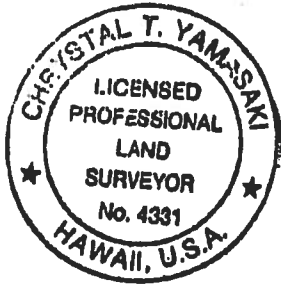
Beginning at the Northwesterly corner of this easement, being also a point on the Westerly boundary of Lot 11, said point of beginning bearing 32° 59' 42.91 feet from the Westerly angle point of Lot 11, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 2,525.44 feet South and 4,947.43 feet West and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along the remainder of Lot 11:

- | | | |
|----|----------|---|
| 1. | 296° 30' | 457.13 feet to a point; |
| 2. | 309° 10' | 72.74 feet to a point; |
| 3. | 22° 15' | 10.45 feet along the Westerly side of Ala Loa Trail Easement (10-ft Wide) for Public Pedestrian Access Purposes to a point; |
| 4. | 129° 10' | 74.67 feet to a point; |
| 5. | 116° 30' | 457.16 feet to a point; |

6. 212° 59'

10.06 feet along the seashore to the point of beginning and containing an area of 5,307 Square Feet, more or less.



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July 12, 2006

**LOT R-1 (ROAD LOT)
FOR SUBDIVISION ACCESS AND UTILITY PURPOSES
AND EASEMENT "PA-6"
(50-FT WIDE)
FOR PUBLIC PEDESTRIAN ACCESS PURPOSES
KONA SEA RANCH SUBDIVISION, INCREMENT II**

Land situated on the Southwesterly end of Lot R-1 (Road Lot) and existing Easement "PA-1" of Kona Sea Ranch Subdivision, Increment I at Kukulopae 2nd, South Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 9 of Kona Sea Ranch Subdivision, Increment I; and
Grant 1975 to Maele.

Beginning at the Northeasterly corner of this parcel of land, being also an angle point on the Westerly boundary of Lot 4 of Kona Sea Ranch Subdivision, Increment I and the Southeasterly corner of Lot R-1 (Road Lot) of Kona Sea Ranch Subdivision, Increment I, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 2,572.44 feet South and 61.29 feet West and running by azimuths measured clockwise from True South:

Thence, for the next twenty-six (26) courses following along the remainder of Grant 1975 to Maele:

1. 346° 45' 89.23 feet along Lot 4 of Kona Sea Ranch Subdivision, Increment I to a point;

Thence, following along Lot 4 of Kona Sea Ranch Subdivision, Increment I and along Lots 1 and 2 of this subdivision on a curve to the right with a radius of 275.00 feet, the chord azimuth and distance being:

- 2. 75° 07' 30" 549.78 feet to a point;

Thence, for the next twenty (20) courses following along the remainder of Lot 9 of Kona Sea Ranch Subdivision, Increment I:

- 3. 163° 30' 374.28 feet along Lots 3 and 4 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the right with a radius of 325.00 feet, the chord azimuth and distance being:

- 4. 166° 30' 34.02 feet to a point;
- 5. 169° 30' 410.39 feet along Lot 5 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the left with a radius of 135.00 feet, the chord azimuth and distance being:

- 6. 95° 00' 260.18 feet to a point;
- 7. 20° 30' 60.00 feet along Lot 5 of this subdivision to a point;

Thence, following along Lot 5 of this subdivision on a curve to the right with a radius of 225.00 feet, the chord azimuth and distance being:

- 8. 33° 00' 97.40 feet to a point;
- 9. 45° 30' 476.96 feet along Lots 5 and 6 of this subdivision to a point;

Thence, following along Lot 6 of this subdivision on a curve to the right with a radius of 225.00 feet, the chord azimuth and distance being:

- 10. 50° 37' 30" 40.20 feet to a point;
- 11. 55° 45' 674.76 feet along Lots 6, 7, 8, 9, 10 and 11 of this subdivision to a point;

Thence, following along Lot 11 of this subdivision on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

- 12. 35° 41' 25" 27.44 feet to a point;

Thence, from a tangent azimuth of 15° 37' 50" following along Lot 11 of this subdivision on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

13. 102° 21' 55" 89.85 feet to a point;

Thence, from a tangent azimuth of 189° 06' following along Lot 12 of this subdivision on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:

14. 232° 29' 05" 61.82 feet to a point;

Thence, from a tangent azimuth of 275° 52' 10" following along Lot 12 of this subdivision on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

15. 255° 48' 35" 27.44 feet to a point;

16. 235° 45' 674.76 feet along Lots 12, 13, 14 and 15 of this subdivision to a point;

Thence, following along Lot 15 of this subdivision on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:

17. 230° 37' 30" 31.27 feet to a point;

18. 225° 30' 476.96 feet along Lots 15, 16 and 17 of this subdivision to a point;

Thence, following along Lot 17 of this subdivision on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:

19. 213° 00' 75.75 feet to a point;

20. 200° 30' 60.00 feet along Lot 17 of this subdivision to a point;

Thence, following along Lots 17 and 18 of this subdivision on a curve to the right with a radius of 185.00 feet, the chord azimuth and distance being:

21. 275° 00' 356.54 feet to a point;

22. 349° 30' 410.39 feet along Lot 18 of this subdivision to a point;

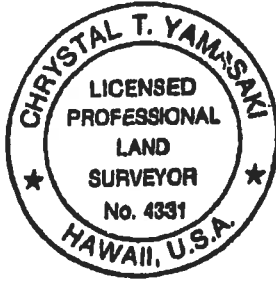
Thence, following along Lot 7 of Kona Sea Ranch Subdivision, Increment I on a curve to the left with a radius of 275.00 feet, the chord azimuth and distance being:

23. 346° 30' 28.78 feet to a point;

24. 343° 30' 374.28 feet along Lot 7 of Kona Sea Ranch Subdivision, Increment I to a point;

Thence, following along Lot 7 of Kona Sea Ranch Subdivision, Increment I on a curve to the left with a radius of 225.00 feet, the chord azimuth and distance being:

- 25. 255° 07' 30" 449.82 feet to a point;
- 26. 166° 45' 89.23 feet along Lot 7 of this subdivision to a point;
- 27. 256° 45' 50.00 feet along the Southerly end of Lot R-1 (Road Lot) of Kona Sea Ranch Subdivision, Increment I and along the Southerly end of existing Easement "PA-1" to the point of beginning and containing an area of 4.096 Acres.

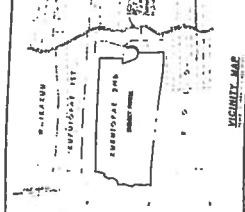


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TMK: 8-7-011: portion 001 (3rd Division)
July 12, 2006



KONA SEA RANCH SUBDIVISION, INCREMENT II
 MAP SHOWING
 SUBDIVISION OF LOT 9
 OF KONA SEA RANCH SUBDIVISION, INCREMENT I
 Being a portion of Grant 1975 to Macle
 INTO LOTS 1 THRU 18, INCLUSIVE,
 AND LOT R-1 (ROAD LOT)
 At Kuluapepe 2nd, South Kona,
 Island and County of Hawaii, State of Hawaii

PLANNED
 DEVELOPMENT
 ARCHITECTS
 1000 KALANANOLU DRIVE
 HONOLULU, HAWAII 96813
 531-1111

