



**THE TRUST FOR PUBLIC LAND, HAWAIIAN ISLANDS PROGRAM**

**APPLICATION TO THE CITY AND COUNTY OF HONOLULU  
CLEAN WATER AND NATURAL LANDS FUND**

**GALBRAITH ESTATE PHASE II (CLUSTERS 2, 3, AND 4), CENTRAL O'AHU**

**OCTOBER 1, 2010**

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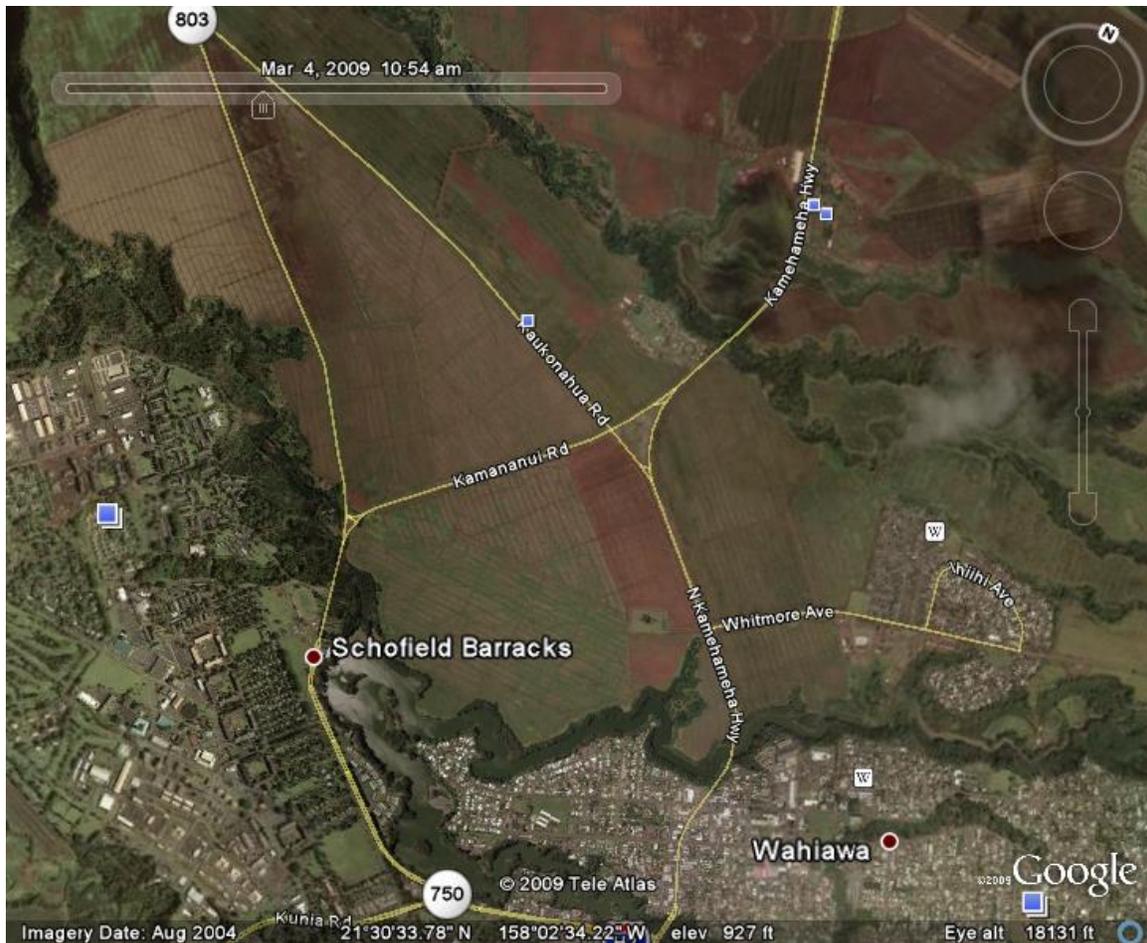
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HONOLULU, HAWAII  
CITY COUNCIL

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CLEAN WATER AND NATURAL LANDS FUND**

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**OCTOBER 1, 2010**

**II.**  
**APPLICATION PACKAGE**

Include the following required documents in the Application. If the documents are not attached, explain why. (Use font not smaller than 12-point, Times New Roman for PDF fill, and single-spaced pages with 1" margins for any separate attachments.)

- Application
  
- Maps:  General location map
  - Topographic map (e.g., USG quad map) with project delineated, and
  - Parcel map
  
- At least one, but not more than five photos of the property
  
- Any concise and relevant appended/supplementary materials
  
- Letters from the current and intended holder of the property interest that state a willingness to participate

For nonprofit land conservation organizations

- mission statement, and
- IRS 501(c)(3) or (c)(1) non-profit status determination letter

Explain any omitted documents:

***CERTIFICATION: I/We hereby certify that (1) the statements and information contained in this Clean Water and Natural Lands Fund Application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected; and that (2) applicant is aware of, and consents to, public disclosure of the application in accordance with the State Uniform Information Practices Act, H.R.S. Chapter 92F.***

Lea Hong  
\_\_\_\_\_  
Name (type/print) Title

Hawaiian Islands Program Director  
\_\_\_\_\_  
Title

(An authorized person must sign here, such as the applicant's executive director, county commission chairperson, or agency director.)

  
\_\_\_\_\_  
Signature

Oct 1, 2010  
\_\_\_\_\_  
Date

**SECTION A. APPLICANT INFORMATION**

Agency/Organization Name:	
Mailing Address (P.O. Box or Street, City, State, Zip):	
Contact Person and Title:	
Phone Numbers (work, cellular):	
Email Address:	
Agency/Organization Website (include URL to any specific pages regarding this project):	
Attach a statement no longer than 3 paragraphs describing your organization's expertise and experience with similar land acquisitions:	

**SECTION B. TYPE OF ACQUISITION**

1. We are requesting funding for the acquisition of:

Fee Simple Interest in Private Land:	<input type="checkbox"/>
Permanent Conservation Easement:	<input type="checkbox"/>
Additional description, if needed:	

## **TPL's Expertise And Experience With Conservation Land Transactions**

TPL's mission is to conserve land for people to enjoy as parks, gardens and other natural areas ensuring livable communities for generations to come. Formed in 1972, TPL is a non-profit 501(c)(3) conservation organization with approximately 400 employees in over 40 offices nationwide. TPL has conserved over 2.5 million acres of land worth a fair market value of \$5.6 billion since it was founded. In Hawai'i, TPL completed its first project in 1979 -- a 268.5 acre expansion of the Volcanoes National Park on the Big Island. TPL opened a Hawai'i office in 1998, and has completed 20 projects and protected 36,637.34 acres statewide. TPL's Hawai'i staff have cultivated successful cooperative partnerships with landowners, community and Hawaiian organizations, and federal, state, and county officials and staff throughout the islands.

A list of TPL's projects in Hawai'i is attached as supplementary material. TPL's most recent successes in Hawai'i include: assisting MA'O Farm in Wai'anae in acquiring 11-acres of farm land adjacent to their 5-acre leased operations in January 2009, (2) assisting the North Shore Community Land Trust in acquiring an agricultural conservation easement over 27 acres of ranch land at Sunset Ranch in Pūpūkea in July 2010, and (3) acquiring 3,592 acres of the Honouliuli Forest Reserve from the James Campbell Company, LLC, transferring the land to the State's Forest Reserve system in March 2010, and establishing a \$400,000 endowment for management and stewardship at the Hawai'i Community Foundation.

2. We intend for the property interest to be held by:

City and County of Honolulu:	<input type="checkbox"/>
State of Hawai'i:	<input type="checkbox"/>
Other (indicate individual(s) or entity and %) or additional description, if needed:	

**SECTION C. DESCRIPTION OF LAND**

1. Describe the location of the property including ahupua'a (e.g., "Wai'anae, in ahupua'a of Nānākuli, mauka of highway, O'ahu"):

Attach:

- General location map
- Topographic map (e.g., USG quad map) with project delineated, and
- Parcel map

2. Tax Map Key(s) [use the following format: (1) 2-003:004]:

3. City Council District:

4. Size of property (indicate acreage or square footage):

5. List easement(s) located on the property (e.g., vehicular, pedestrian, beach access, utility, water):

6. Describe the terms and scope of the public access to the property or easement:

7. Describe how fee title is held (including percentage of ownership, if any):

Attach a preliminary title report:

8. Provide the following land use information:

State Land Use Designation (include subzone if applicable):

County Zoning:

County General/Community Plan Designation:

Flood Zone Designation:

9. Is the property located in a Special Management Area?

Explanation, if needed:

10. Describe any structures on the property, including size, location, use, condition:

11. List all adjacent landowners and indicate if they have been consulted about the project:

12. Describe all current and past uses of the property (include neighboring properties, if relevant):

13. What types of surveys or documented analyses, if any, have been conducted regarding the property (e.g., environmental assessments, cultural assessments, environmental impact statements, biological field surveys, archaeological surveys, Special Management Area permit applications, geological hazard assessment, etc.)?

#### SECTION D. RESOURCE PURPOSES

The applicant proposes that the property be acquired for the following purpose(s) identified in Revised Ordinances of Honolulu § 6-62.2 and City Council Resolution 07-355, CD1 (check all that apply and provide more detailed information regarding the checked purpose(s) below):

- 1  Protection of watershed lands to preserve water quality and water supply.
- 2  Preservation of forests, beaches, coastal areas, and agriculture lands.
- 3  Public outdoor recreation and education, including access to beaches and mountains.
- 4  Preservation of historically or culturally important land areas and sites.
- 5  Protection of significant habitats or ecosystems, including buffer zones.
- 6  Conservation of land in order to reduce erosion, floods, landslides, or runoff.
- 7  Acquisition of public access to public land and open space.

1. Protection of watershed lands to preserve water quality and water supply. Describe the watershed values of this property, including how the acquisition will achieve the protection of groundwater and surface water quantity and/or quality that is conducive to recharging groundwater aquifers (e.g., +/- 60 inch isohyet, elevation gradient, type/condition of vegetation, presence of perennial or ephemeral streams or drainage channels, other water bodies, etc.):

2. Preservation of forests, beaches, coastal areas, and agriculture lands. Describe how the acquisition will preserve forests, beaches, coastal areas (including near-shore marine resources), or agricultural lands.

3. Public outdoor recreation and education, including access to beaches and mountains. Describe how the acquisition will help preserve public outdoor recreation and educational opportunities, which may include parks, beaches, or interpretive trails, and/or access to such opportunities.

4. Preservation of historically or culturally important land areas and sites. Describe how the acquisition will preserve historic and/or important cultural sites and lands, including ancient Hawaiian archaeological sites. Priority will be given to acquisitions that preserve important ancient Hawaiian sites (such as heiau, ko‘a, house sites, or petroglyphs for preservation and/or cultural purposes), or for property that is actively used for traditional and customary Hawaiian cultural practices. Next priority will be given to acquisitions that preserve historical (i.e., post-Contact) sites.

5. Protection of significant habitats or ecosystems, including buffer zones. Describe how the acquisition protects significant habitats or ecosystems, including buffer zones, and whether there is substantial, significant, or minimal presence of: native-dominated plant cover, endangered or threatened species, critical habitat, or species of greatest conservation need.

6. Conservation of land in order to reduce erosion, floods, landslides, or runoff. Describe how the acquisition achieves conservation and reclamation of land that would reduce erosion from runoff, slippage from landsliding, flood protection, and possible protection of buffer zones from rockfall hazards.

7. Acquisition of public access to public land and open space. Describe how the acquisition provides public access to public land and open space for public enjoyment, including whether the acquisition would secure important and critical access that has not previously existed, secures and protects additional access easements, or expands already sufficient access.

**SECTION E. ENVIRONMENTAL HAZARDS**

1. If there are suspected or potential hazards associated on or related to this property, check all the following that apply and describe each:

There are no known hazards:	<input type="checkbox"/>
The property is a designated brownfield (former industrial use):	<input type="checkbox"/>
There has been illegal dumping/hazardous materials:	<input type="checkbox"/>
The property is prone to flooding or is a natural drainage basin:	<input type="checkbox"/>
The property is prone to falling rocks or other geological hazards:	<input type="checkbox"/>
The features of the property’s surface are potentially hazardous (i.e., uneven, rocky, or fallow terrain, overgrowth of flora, etc.):	<input type="checkbox"/>
Other suspected or potential hazards:	<input type="checkbox"/>
Describe any checked information:	

**SECTION F. FUNDING REQUEST**

1. What is the fair market value of the fee simple property?

2. What is the fair market value of the conservation/agricultural easement?

3. How were the estimated values determined? (Use following chart)

	<u>Fee Simple</u>	<u>Easement</u>
Appraisal Report (indicate date & author of report)		
Current County Tax Assessed Value		
Other (please specify)		

4. Is the property or easement currently listed for sale or has it been listed for sale within the past two years? If so, provide asking price.

5. What is the total estimated cost for the acquisition? (Use following chart)

Estimated Acquisition Cost Worksheet				
Expense Item	Estimated Cost	% of Costs to be Paid by:		
		Land Owner	Applicant	Other (specify)
Appraisal report				
Title report				
Property survey				
Subdivision				
Environmental investigation				
Other:				
Other:				
Subtotal:	\$			
Estimated Value of Property	\$			
Total Anticipated Cost of Acquisition	\$	%	%	%

6. What are the anticipated matching funds, if any? (Use following chart)

Estimated Matching Funds Worksheet			
Type	\$ Amount	Source of Funds or Basis of Valuation	Status (Secured/Pending)
Private funds			
Public/other funds			
Public/other funds			
Public/other funds			
Land value donation (can include bargain sale reduction in price from fair market value)			
In-kind contributions			
<b>TOTAL MATCHING FUNDS</b>	\$ ( )%		
<b>AMOUNT REQUESTED FROM CWNL FUND</b>	\$ ( )%		
<b>TOTAL ANTICIPATED COST OF ACQUISITION</b>	\$ (100)%		

7. Provide an estimated timeline for the acquisition and indicate any urgency of your request.

**SECTION G. PROJECT IMPORTANCE**

Answer the questions below in the space provided; attach additional sheets (no longer than two single-spaced pages total) only if necessary.

1. Briefly describe the overall significance and importance of the property and/or easement.

2. Identify any conditions that threaten the significance and importance of the subject site. This may include anticipated uses of neighboring lands, or environmental conditions (e.g., sedimentation, runoff, invasive species, conflicting activities, proposed development, etc.).

**G.1. Briefly describe the overall significance and importance of the property and/or easement.**

The Galbraith Estate Lands are the rural/agricultural gateway to the O‘ahu's famed North Shore. These lands are extremely significant -- they are seen and enjoyed by nearly every person who drives to the North Shore, resident and visitor alike (visitors estimated at 2.4 million per year), serving as visual and aesthetic buffer between urban Honolulu and the rural North Shore.

Moreover, the Galbraith Estate Lands are key to Hawai‘i's food and energy self-sufficiency and agricultural heritage. As reported in the February 11, 2009 Honolulu Advertiser, agricultural land in the State is quickly disappearing. The latest census by the U.S. Department of Agriculture reports a loss of 180,000 acres of farmland between 2002-2007, a 14% total loss and the greatest decline in any five-year period since 1987. Industry experts say the trend is difficult to stop, with high land costs and pressure from urbanization making farming an economic struggle.

The Galbraith Estate lands are "Unique Agricultural Lands" under the Agricultural Lands Important to the State of Hawai‘i (ALISH) system. Unique Agricultural Land is land other than Prime Agricultural Land and is used for the production of specific high-value food crops. Unique Agricultural Land has the special combination of soil quality, growing season, temperature, humidity, sunlight, air drainage, elevation, aspect, moisture supply, or other conditions, such as nearness to market, that favor the production of a specific crop of high quality and/or high yield when the land is treated and managed according to modern farming methods. The Galbraith Estate lands have excellent access to water (well and surface), flat terrain, and a convenient location near to Hawai‘i's major markets and population.

The threat of development of the Galbraith Estate Lands is very real. Suburban development now sprawls over former productive agricultural land throughout Central O‘ahu - in Waiawa, Kunia, Mililani, and Koa Ridge. In 2007-2008, a Canadian developer offered to purchase the Galbraith Estate Lands, and quickly began marketing smaller five-acre parcels where residences could be built with scenic views of the North Shore. Luckily, the Canadian developer's financing did not materialize, and he was not able to close the transaction.

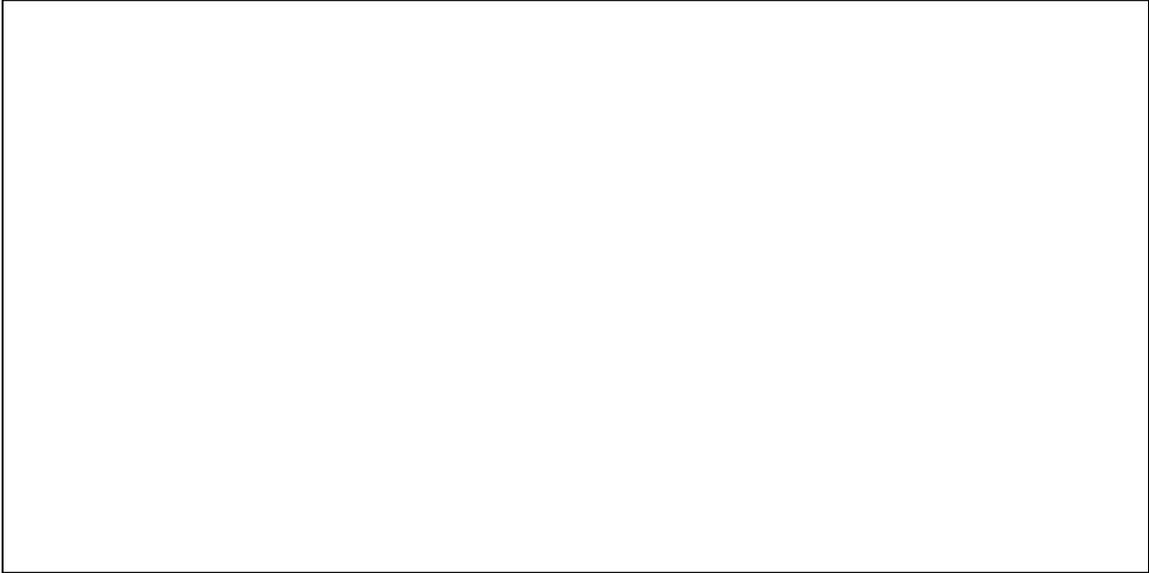
To date, the Bank of Hawaii, as Trustee of the Galbraith Estate, has been able to sell several parcels once part of the Estate:

- The land under Lake Wilson, the former pineapple display triangle along Kamehameha Highway, and a corner property across from Schofield have been sold to Howard Green, an attorney and owner/developer of the North Shore Marketplace.
- A parcel north of the waste transfer station next to Schofield, TMK (1) 6-5-002:026), was sold to a green waste recycling company.

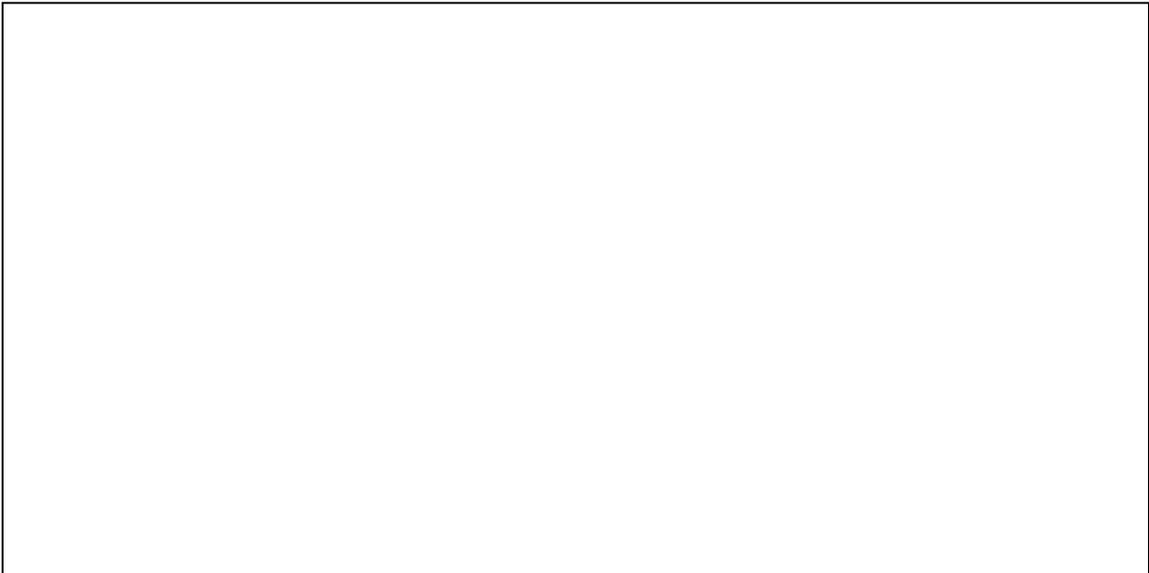
- A parcel located just outside of Wahiawā, TMK (1) 7-001:006, was sold to a turfgrass grower.

Since 2006, TPL has been working with the State Legislature, the State Department of Agriculture, the U.S. Army Garrison Hawai‘i, the City Council and City Administration, and Wahiawā community, to protect these important lands and ensure that they remain in agriculture for future generations. TPL has been negotiating with the Trustee of the Galbraith Estate, the Bank of Hawaii, for almost four years. TPL's approach is two fold: (1) a fee-simple purchase of the 526 acres of land surrounding Kūkaniloko working with the Office of Hawaiian Affairs (see Galbraith application from 2008-09 cycle), and (2) a fee-simple purchase of the remaining 1,207 acres of land, working with the State of Hawai‘i Agribusiness Development Corporation (ADC). ADC and OHA have met and discussed potential future opportunities to work together and manage the properties effectively and efficiently. ADC has indicated a preference for using the 1,207 acres it may own if this project is successful to support local dairy production (90% of our State's milk is imported) since this land has been identified as one of the best locations for a dairy on the island.

3. Describe the consistency of the acquisition with the other stated priorities of the City and County of Honolulu.



4. Describe any other issues related to the acquisition of which the Commission or Council should be made aware during their review process:



**SECTION H. STEWARDSHIP AND MANAGEMENT**

Answer the questions below in the space provided; attach additional sheets (no longer than one single-spaced page total) only if necessary.

1. Briefly describe the proposed use of the acquired property or easement including any short and long term goals, resource management plan, sources of start up funding, and operation and maintenance funding. Disclose any intended commercial uses. What entity (if not the applicant) will manage the property/easement? Describe the expertise and experience of the managing entity.

2. Describe the potential obligations (e.g., financial, staffing) of the City and County of Honolulu, if applicable.

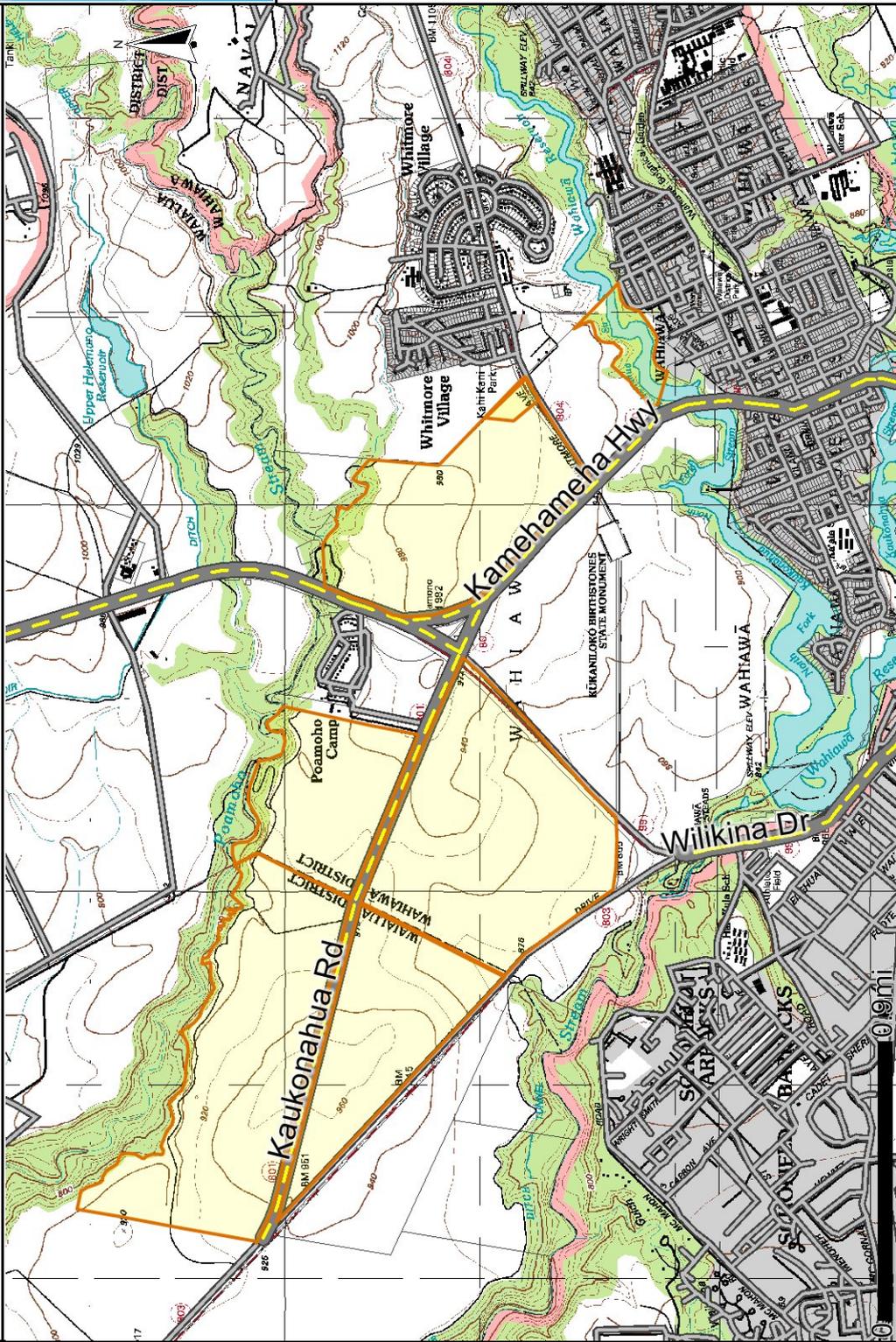
*Thank you for your application to the Clean Water and Natural Lands Fund.*

\* \* \*



Pacific Basin Information Needs

# Galbraith General Area Map

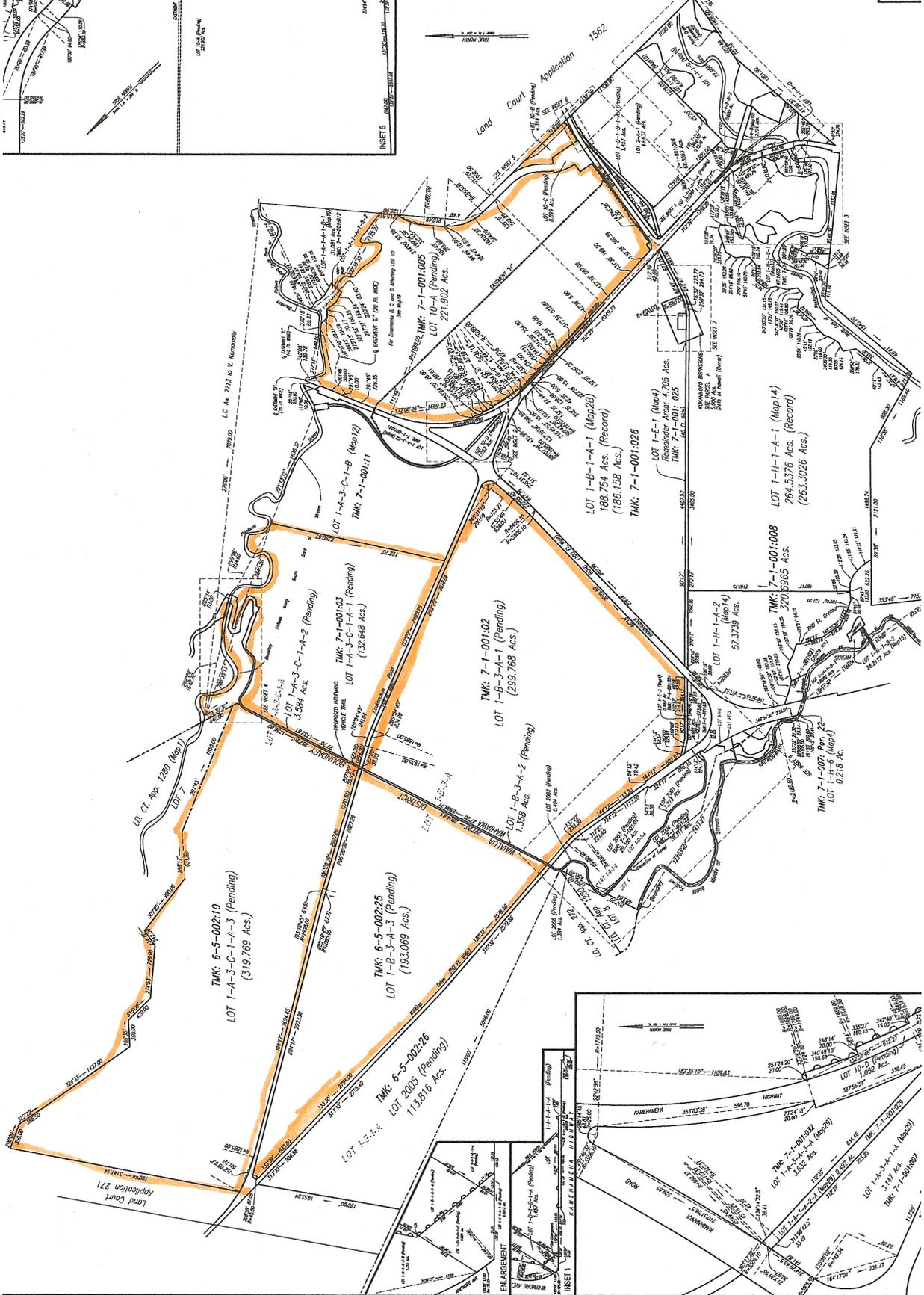
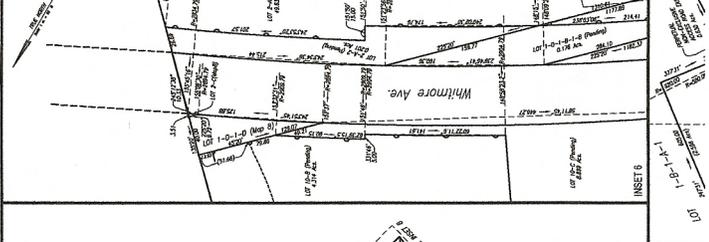
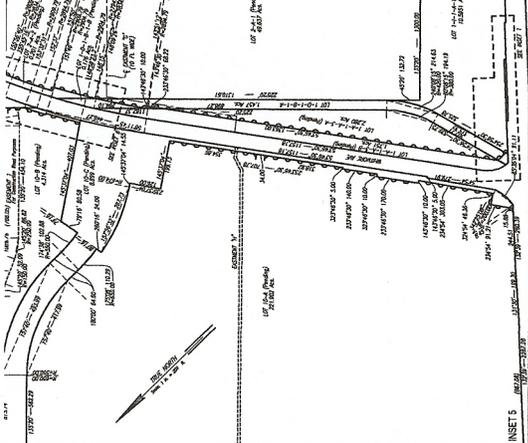


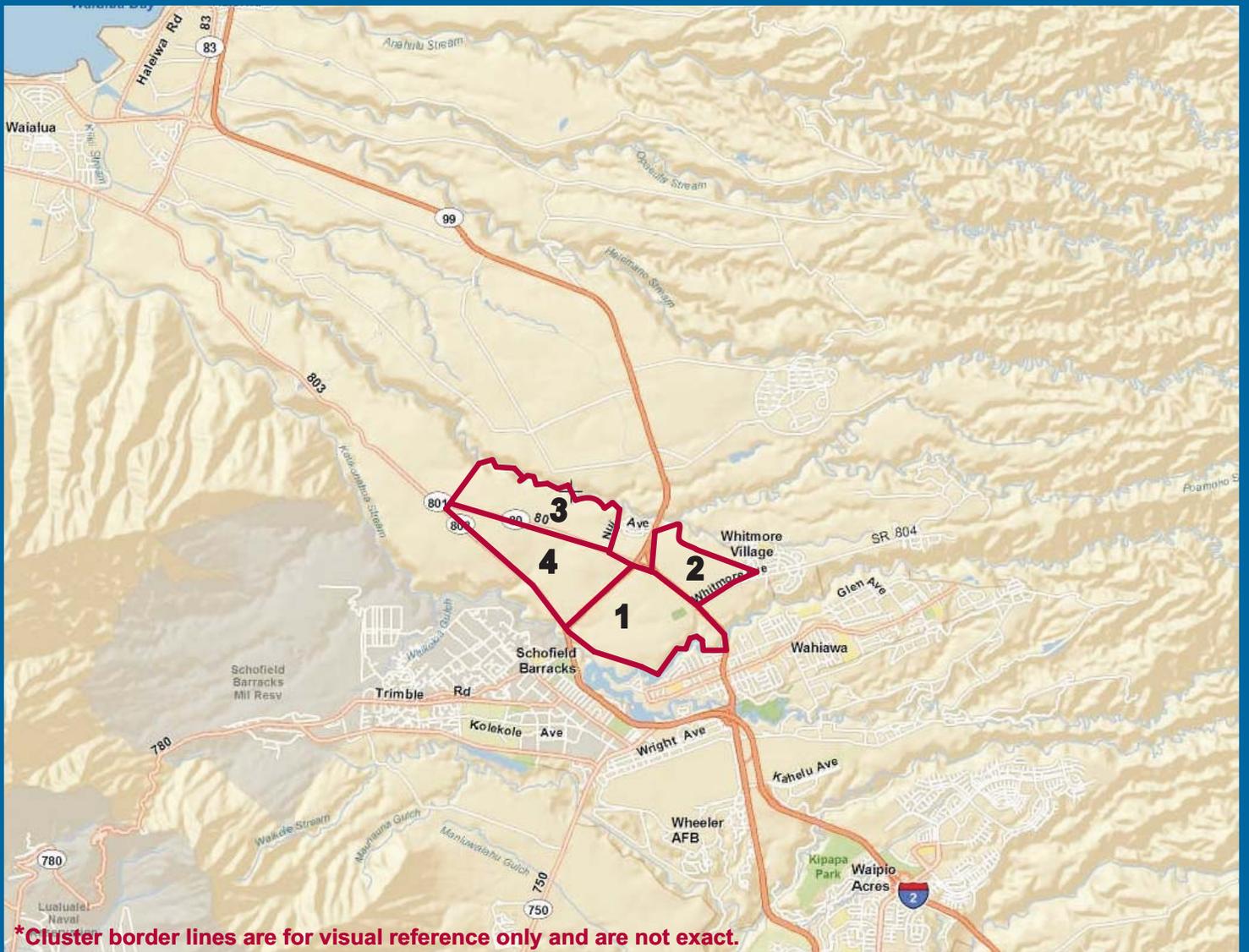
- Major Roads
- Streets
- Statewide TMKs

This map is a user generated static output from the Hawaiian Islands WebGIS service provided by the Pacific Basin Information Node and the Hawaii Biodiversity and Mapping Program and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION. Use and distribution of this map subject to copyright and disclaimer notices at <http://hbmp.hawaii.edu>.



Map Scale  
1 : 34007





## Pricing

Entire Holding: 1,723 acres \$32,883,500

### Also may be available in clusters as follows

Cluster 1:	516 acres	\$10,923,000
Cluster 2:	257 acres	\$5,833,500
Cluster 3:	456 acres	\$9,433,000
Cluster 4:	494 acres	\$11,861,000

## For More Information

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 Mbittick@pmrg.com

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The information contained herein has been obtained from sources believed to be reliable. While we know of no reason to doubt its accuracy, we make no guarantee, warranty or representation as to its accuracy or completeness. It is the responsibility of you and your advisors to independently verify the information and conduct a careful independent investigation of the property to determine to your satisfaction the suitability of the property for your needs. The property may be withdrawn from availability at any time without prior notice. No sub-agency is offered to any persons or entities. 08-05-09



(Looking from Cluster 3 to Cluster 4 across road)



Looking from Cluster 2 to Clusters 4 and 1



STATE OF HAWAII  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
235 S. Beretania Street, Room 205  
Honolulu, HI 96813  
Phone: (808) 586-0186 Fax: (808) 586-0189

September 30, 2010

Clean Water and Natural Lands Commission  
Honolulu City Council  
530 South King St., Rm. 302  
Honolulu, HI 96813

**Re: Galbraith Lands**

Aloha Commission Chair and Members:

This letter is to confirm that the Agribusiness Development Corporation (ADC) is aware of and supports The Trust for Public Land's efforts to raise funds for the purchase of the 1,723 acres of land owned by the Galbraith Estate located in Central O`ahu. If appropriate terms are reached, the ADC would be the willing recipient and owner of the 1,207 acres of the land (clusters 2, 3, and 4). The ADC intends that this land would be used in the future for agriculture purposes, including the possibility of a dairy.

If you have any questions, feel free to contact Alfredo Lee at 586-0186.

Very truly yours,

Christine Daleiden  
Chair, Agribusiness Development Corporation

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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

**PART I**

SECTION 1. The purpose of this part is to promote fiscal accountability with regard to agricultural land lease agreements between the State and lessees by allowing the agribusiness development corporation to contract with financial institutions to provide lease management services.

SECTION 2. Section 163D-7, Hawaii Revised Statutes, is amended to read as follows:

"~~[+]~~§163D-7~~[+]~~ **Agricultural projects; agricultural development plans.** (a) The corporation may develop and implement agricultural projects where large tracts of agricultural land have been or will be taken out of productive agriculture or where, through detailed analysis, opportunities exist to exploit potential local, national, and international markets.

(b) The corporation may initiate and coordinate the preparation of business and agricultural development plans for its projects. The plans shall include a proposal for the



1 organization of the enterprise, a marketing information and  
2 strategy, the impact on existing agricultural operations  
3 throughout the State, and a recommendation for the construction,  
4 reconstruction, rehabilitation, improvement, alteration, or  
5 repair of any infrastructure or accessory facilities in  
6 connection with any project.

7 (c) The corporation may enter into cooperative agreements  
8 with coordinating entrepreneurs or public agencies when the  
9 powers, services, and capabilities of the persons or agencies  
10 are deemed necessary and appropriate for the development and  
11 implementation of the business and agricultural development  
12 plans.

13 (d) The corporation may purchase, accept, and maintain  
14 permanent conservation easements, or transfer these easements to  
15 a qualified land trust in accordance with the federal Natural  
16 Resources Conservation Service farm and ranch lands protection  
17 program.

18 (e) Notwithstanding any provision of this chapter to the  
19 contrary, when leasing corporation-controlled agricultural land,  
20 the corporation may contract with a financial institution  
21 chartered under chapter 412 or a federal financial institution,  
22 as defined under section 412:1-109, that transacts business in



1 this State to provide lease management services. For the  
2 purposes of this subsection, "lease management services"  
3 includes the collection of lease rent and any other moneys owed  
4 to the corporation related to the lease of agricultural land  
5 under the corporation's control.

6 [~~d~~] (f) The agricultural planning activities of the  
7 corporation shall be coordinated with the county planning  
8 departments and the county land use plans, policies, and  
9 ordinances.

10 [~~e~~] (g) The corporation may amend the business and  
11 agricultural development plans as may be necessary.

12 [~~f~~] (h) Any undertaking by the corporation pursuant to  
13 this chapter shall be with the express written consent of the  
14 landowner or landowners directly affected."

15 **PART II**

16 SECTION 3. The purpose of this part is to ensure the long-  
17 term availability of lands suitable for agricultural activities  
18 by authorizing the agribusiness development corporation to lease  
19 lands acquired under this Act for up to fifty-five years.

20 SECTION 4. Section 163D-15.6, Hawaii Revised Statutes, is  
21 amended to read as follows:





1 banking, and the promotion of farm ownership and diversified  
2 agriculture, by establishing a process to ensure that certain  
3 agricultural lands on the island of Oahu and owned by the  
4 Galbraith Estate:

- 5 (1) Remain available for agricultural use;
- 6 (2) Are properly managed to ensure their continued  
7 economic viability while being used for agriculture;  
8 and
- 9 (3) Are managed in a manner that is sensitive to and  
10 consistent with the needs of farmers in the Waialua  
11 area.

12 The legislature finds that this part is in accordance with  
13 article XI, sections 3, 4, and 10 of the state constitution, is  
14 in the public interest, and will preserve agricultural  
15 activities in the area and a lifestyle that benefits the  
16 community at large.

17 SECTION 6. Chapter 163D, Hawaii Revised Statutes, is  
18 amended by adding three new sections to be appropriately  
19 designated and to read as follows:

20 "§163D-A Acquisitions of important agricultural lands  
21 authorized by the legislature. (a) The legislature may  
22 authorize the corporation to acquire agricultural lands for the



1 protection of agricultural lands, public land banking, or the  
2 promotion of farm ownership and diversified agriculture.

3 (b) The acquisition shall be authorized by a bill enacted  
4 into law and shall contain:

5 (1) A statement of the value of the interest in land as a  
6 resource to the State;

7 (2) A description of the specific parcel of land or  
8 agricultural easement proposed to be acquired;

9 (3) The name of the owner of the property; and

10 (4) The estimated costs of acquiring the interest in the  
11 land.

12 (c) The landowner shall receive payment for the interest  
13 in the land in a lump sum, through an installment purchase  
14 agreement as determined pursuant to section 163D-B, or from  
15 revenues derived from the issuance of revenue bonds pursuant to  
16 section 163D-9.

17 **§163D-B Acquisitions; payment.** (a) If the landowner  
18 agrees to the sale of the interest in lands pursuant to section  
19 163D-A, the landowner and the corporation shall agree on whether  
20 the landowner shall receive payment for the interest in a lump  
21 sum or through an installment purchase agreement pursuant to  
22 section 163D-C.



1       (b) The corporation may make payments from moneys  
2 appropriated by the legislature.

3       **§163D-C Installment purchase agreements; interest payment.**

4       (a) The legislature may authorize the corporation to negotiate  
5 installment purchase agreements for the acquisition of specific  
6 parcels of land for the protection of agricultural lands, public  
7 land banking, or the promotion of farm ownership and diversified  
8 agriculture. The installment purchase agreements shall be  
9 structured pursuant to the requirements of the Internal Revenue  
10 Code of 1986, as amended, to defer recognition of capital gain  
11 until all of the purchase price is paid. The agreement shall  
12 include provisions for the periodic payment of a portion of the  
13 purchase price with the remainder of the purchase price paid at  
14 the end of the term of the agreement. The legislature shall  
15 authorize the purchase of United States Treasury zero coupon  
16 bonds for the installment purchase agreement with a maturity  
17 date equal to the term of the agreement.

18       (b) The interest rate paid on the installment purchase  
19 agreement shall be not less than the interest rate on the zero  
20 coupon bonds at the closing of the agreement or eight per cent,  
21 whichever is higher.





1 262), tax map keys 6-5-002:10, 6-5-002:25, 6-5-002:26,  
2 7-1-001:01, 7-1-001:02, 7-1-001:03, 7-1-001:05, 7-1-001:06,  
3 7-1-001:07, 7-1-001:08, 7-1-001:12, 7-1-001:13, 7-1-001:17,  
4 7-1-001:20, 7-1-001:21, 7-1-001:022, 7-1-001:23, 7-1-001:24,  
5 7-1-001:25, 7-1-001:26, 7-1-001:27, 7-1-001:29, 7-1-001:32, and  
6 any other lands owned by the Galbraith Estate.

7 (b) The legislature finds that the lands identified in  
8 subsection (a) contain soil qualities and growing conditions  
9 that support agricultural production of food, fiber, or fuel and  
10 energy producing crops and have sufficient quantities of water  
11 to support viable agricultural production and to meet the  
12 requirements for the protection of agricultural lands, public  
13 land banking, or the promotion of farm ownership and diversified  
14 agriculture.

15 (c) The agribusiness development corporation shall work  
16 with a negotiating team to review and make recommendations  
17 regarding any potential transactions. The negotiating team  
18 shall consist of a representative appointed by each of the  
19 following persons or entities:

- 20 (1) The president of the senate;  
21 (2) The speaker of the house of representatives;  
22 (3) The department of agriculture; and



1 (4) Other relevant partners.

2 SECTION 9. If an agreement to acquire the property  
3 identified in section 8 of this Act is not reached within a  
4 reasonable time as determined by the department of land and  
5 natural resources, the department of land and natural resources  
6 shall exercise its power of eminent domain to acquire the  
7 property. For purposes of this Act, condemnation of the  
8 property shall not be subject to legislative disapproval;  
9 provided that the cost of acquiring the lands described in this  
10 Act does not exceed the amount of funds appropriated or  
11 authorized pursuant to section 10 of this Act and the  
12 Supplemental Appropriations Act of 2008.

13 SECTION 10. Any moneys made available by appropriation  
14 through the Supplemental Appropriations Act of 2008, whether  
15 through general funds, revenues derived from the issuance of  
16 general obligation bonds, or other sources shall be expended to  
17 the extent necessary by the agribusiness development corporation  
18 for the purpose of purchasing agricultural lands located on the  
19 island of Oahu and owned by the Galbraith Estate (Land Court  
20 Application 262).

21 SECTION 11. In codifying this Act, the revisor of statutes  
22 shall insert the appropriate number of this Act in section 4 and



1 in codifying the new sections in section 6 of this Act, the  
2 revisor of statutes shall substitute appropriate section numbers  
3 for the letters used in designating the new sections in this  
4 Act.

5 SECTION 12. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 13. This Act shall take effect on July 1, 2008.

APPROVED this            day of            , 2008

GOVERNOR OF THE STATE OF HAWAII



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
1	8.02.	UPCOUNTRY MAUI WATERSHED PROJECT,					
2		MAUI					
3							
4		PLANS, DESIGN, AND CONSTRUCTION FOR					
5		THE INSTALLATION OF PIPELINE FOR THE					
6		UPCOUNTRY MAUI WATERSHED, MAUI. THIS					
7		PROJECT IS DEEMED NECESSARY TO QUALIFY					
8		FOR FEDERAL AID FINANCING AND/OR					
9		REIMBURSEMENT.					
10		PLANS					200
11		DESIGN					200
12		CONSTRUCTION					3,000
13		TOTAL FUNDING					3,000
14			AGR				1,400 C
15			AGR				2,000 N
16	8.03.	KA'U IRRIGATION SYSTEM IMPROVEMENTS,					
17		HAWAII					
18							
19		PLANS, DESIGN, AND CONSTRUCTION TO					
20		THE KA'U IRRIGATION SYSTEM, INCLUDING					
21		RENOVATION OF THE EXISTING WATER TUNNEL					
22		SYSTEM IN THE KA'U AREA.					
23		PLANS					200
24		DESIGN					300
25		CONSTRUCTION					1,000
26		TOTAL FUNDING					1,500 C
27			AGR				
28	AGR161 -	AGRIBUSINESS DEVELOPMENT AND RESEARCH					
29							
30	8.04.	GALBRAITH ESTATE, OAHU					
31							
32		LAND ACQUISITION TO ACQUIRE LANDS					
33		CURRENTLY OWNED BY THE GEORGE GALBRAITH					
34		ESTATE IN CENTRAL OAHU.					
35		LAND					13,000
36		TOTAL FUNDING					13,000 C
37			AGR				
38							



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THE  
TRUST  
*for*  
PUBLIC  
LAND

---



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HAWAI‘I

**TPL NATIONAL MISSION STATEMENT:**

The Trust for Public Land conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come.

**TPL HAWAI‘I MISSION STATEMENT:**

Protecting shorelines, heritage, and working lands for the future of Hawai‘i's people. TPL works with local communities and agency partners in Hawai‘i to conserve: (1) shoreline/coastal lands, (2) native heritage lands that perpetuate Hawai‘i's culture, and (3) working lands that help Hawai‘i replace imports, and lead it to self-sufficiency in food, water, energy, and other goods.<sup>1</sup>

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<sup>1</sup> This mission statement was developed with the help of a local Hawaiian Islands Advisory Council in 2010, including Timothy E. Johns (Chair), Dr. Noa Emmett Aluli, Kimo Campbell, Anthony R. Guerrero, Jr., Kahikūkalā Hoe, Louise K.Y. Ing, John Morgan, Edmund C. Olson (Big Island), William W. Paty, Jr., Michael S. Spalding (Maui), Stacy Sproat-Beck (Kaua‘i), Gregg H. Takara (Kaua‘i), William M. Tam, and Carol Wilcox.

Department of the Treasury

District Director

Internal Revenue Service

Date: JUL 7 1972 | In reply refer to: FL-1257, Code

A:FA1230  
SF:EO:72-1129

The Trust for Public Land  
35 Humboldt Avenue  
San Anselmo, California 94960



Purpose: Charitable  
File Returns with Internal Revenue Service Center: Philadelphia, Pennsylvania  
Accounting Period Ending: December 31  
Address Inquiries to District Director of Internal Revenue: San Francisco, California

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined you can reasonably be expected to be an organization of the type described in section 509(a)(2). Accordingly, for your first two tax years, you will be treated as an organization which is not a private foundation.

At the end of your first two tax years, however, you must establish with the Internal Revenue Service that for such two years you were in fact an organization of the type described in section 509(a)(2). If you establish this fact with the Service, you will be classified as a section 509(a)(2) organization for all purposes beginning with the first day of your third tax year and you must normally meet the requirements of section 509(a)(2) thereafter. If, however, you do not meet the requirements of section 509(a)(2) for your first two tax years, you will be classified as a private foundation as of the first day of your third tax year. Furthermore, you will be treated as a private foundation as of the first day of your first tax year for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation for your first two tax years, unless notice that you will no longer be treated as a section 509(a)(2) organization is published in the Internal Revenue Bulletin. However, a grantor or donor may not rely on such determination if he was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(2) status, or acquired knowledge that the Internal Revenue

Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible under sections 2055, 2106, and 2522 of the Code.

If your sources of support, or your purposes, character, or method of operation is changed, you must let us know so we can consider the effect of the change on your status. Also, you must inform us of all changes in your name or address.

If your gross receipts each year are normally more than \$5,000, you are required to file Form 990, Return of Organization Exempt From Income Tax, by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, for failure to file a return on time.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Please keep this determination letter in your permanent records.

Sincerely yours,

*Charles E. Keyser*  
District Director

Our determination letter of June 9, 1972 is modified to conform to this determination.

**PRELIMINARY REPORT**  
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii and no liability will arise under this report.

-----  
**SCHEDULE A**

Title Guaranty of Hawaii, Incorporated, hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

BANK OF HAWAII,  
a Hawaii corporation,  
as Trustee under the Will and of  
the Estate of George Galbraith, deceased,  
with full powers to sell, mortgage, lease or  
otherwise deal with the land,  
as Fee Owner

This report is dated as of May 6, 2008 at 8:00 a.m.

Inquiries concerning this report  
should be directed to  
ANNE MONETTE.  
Email amonette@tghawaii.com  
Fax (808) 521-0287  
Telephone (808) 539-7733.  
Refer to Order No. 200822483.

**SCHEDULE B  
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: <a href="#">(1) 7-1-001-001</a>	Area Assessed: 34.589 acres - covers Lot(s) 1-G-1-A and 1-G-1-C
Tax Key: <a href="#">(1) 7-1-001-002</a>	Area Assessed: 301.862 acres - covers Lot 1-B-3-A
Tax Key: <a href="#">(1) 7-1-001-003</a>	Area Assessed: 145.145 acres - covers a portion of Lot 1-A-3-C-1-A
Tax Key: <a href="#">(1) 7-1-001-005</a>	Area Assessed: 236.230 acres - covers Lot(s) 10, 1-D-1-D and 2-C
Tax Key: <a href="#">(1) 7-1-001-006</a>	Area Assessed: 71.000 acres - covers Lot(s) 1-A-1-A-3, 1-D-1-B-1, 1-I-1-A-1, 1-I-1-B, 1-I-1-C and 2-A
Tax Key: <a href="#">(1) 7-1-001-007</a>	Area Assessed: 3.147 acres - covers Lot 1-A-3-A-1-A
Tax Key: <a href="#">(1) 7-1-001-008</a>	Area Assessed: 320.821 acres - covers Lot(s) 1-H-1-A-1 and 1-H-1-A-2
Tax Key: <a href="#">(1) 7-1-001-012</a>	Area Assessed: 31.629 acres - covers Lot 1-A-1-A-1-B-1
Tax Key: <a href="#">(1) 7-1-001-013</a>	Area Assessed: 28.940 acres - covers Lot 1-I-1-D and 1-I-2-B-2
Tax Key: <a href="#">(1) 7-1-001-017</a>	Area Assessed: 7.774 acres - covers Lot 1-I-4-B
Tax Key: <a href="#">(1) 7-1-001-020</a>	Area Assessed: 47.147 acres - covers Lot 1-H-1-C-1
Tax Key: <a href="#">(1) 7-1-001-021</a>	Area Assessed: 30.019 acres - covers Lot 1-H-1-B-1 and 1-H-1-B-2

SCHEDULE B CONTINUED

Tax Key: [\(1\) 7-1-001-022](#) Area Assessed: 28.564 acres - covers Lot 1-F-3, 1-H-4, 1-H-6, and 4

Tax Key: [\(1\) 7-1-001-023](#) Area Assessed: 4.982 acres - covers Lot 1-H-3

Tax Key: [\(1\) 7-1-001-024](#) Area Assessed: .967 acres - covers Lot 1-E-3

Tax Key: [\(1\) 7-1-001-025](#) Area Assessed: 4.539 acres - covers Lot 1-E-1

Tax Key: [\(1\) 7-1-001-026](#) Area Assessed: 186.179 acres - covers Lot 1-B-1-A-1

Tax Key: [\(1\) 7-1-001-027](#) Area Assessed: .948 acre - covers Lot(s) 1-I-2-B-1-A, 1-I-2-C-1 and 1-I-4-A

Tax Key: [\(1\) 7-1-001-028](#) Area Assessed: 1.139 acres - covers Lot 1-A-1-B-1

Tax Key: [\(1\) 7-1-001-029](#) Area Assessed: .492 acre - covers Lot 1-A-3-A-2-A

Tax Key: [\(1\) 7-1-001-032](#) Area Assessed: 3.632 acres - covers Lot 1-A-3-A-3-A

Tax Key: [\(1\) 6-5-002-010](#) Area Assessed: 310.856 acres - covers a portion of Lot 1-A-3-C-1-A

Tax Key: [\(1\) 6-5-002-025](#) Area Assessed: 192.333 acres - covers Lot 1-B-3-A

Tax Key: [\(1\) 6-5-002-026](#) Area Assessed: 112.156 acres - covers Lot 1-G-1-A

Tax Key: [\(1\) 6-5-002-000](#) and [\(1\) 7-1-001-000](#) - covers Lot 1-F-1

-Note:- Lot 1-F-1 as shown on Map 4 of Land Court Application No. 262 is situated between Tax Map Keys [\(1\) 6-5-002-000](#) and [\(1\) 7-1-001-000](#) being a portion of Wilikina Drive. The tax records do not indicate a parcel number for this land under search.

SCHEDULE B CONTINUED

-Note:- Attention is invited to the fact that the premises covered herein may be subject to possible rollback or retroactive property taxes.

2. -AS TO LOT 1-G-1-A:-

- (A) Right of way for access purposes in favor of Lot 1-G-1-C, as set forth by Land Court Order No. [6277](#), filed July 9, 1945, as amended.
- (B) Tunnel as shown on Map 9 of said Land Court Application No. 262.

3. -AS TO LOT 10:-

- (A) DESIGNATION OF EASEMENT "B" (10 feet wide)

SHOWN : as shown on Map 19, as set forth by Land Court Order No. [19169](#), filed June 15, 1961

- (B) DESIGNATION OF EASEMENT "C" (40 feet wide)

SHOWN : as shown on Map 19, as set forth by Land Court Order No. [19169](#), filed June 15, 1961

- (C) DESIGNATION OF EASEMENT "D" (20 feet wide)

SHOWN : as shown on Map 19, as set forth by Land Court Order No. [19169](#), filed June 15, 1961

Easement "D" is subject to easement for access purposes in favor of Lots 1-A-1-A-1-A-2, 1-A-1-A-1-B-1 and 1-A-1-A-1-B-2, as set forth by Land Court Order No. [19169](#), filed June 15, 1961.

- (D) DESIGNATION OF EASEMENT "H" (10 feet wide)

PURPOSE : for underground communication lines

SHOWN : as shown on Map 20 (amended), as set forth by Land Court Order Nos. 22155, filed January 16, 1964, and 22826, filed February 13, 1964

SCHEDULE B CONTINUED

(E) RIGHT-OF-WAY

TO : GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as VERIZON HAWAII, INC. (now known as HAWAIIAN TELCOM, INC.), and AMERICAN TELEPHONE AND TELEGRAPH COMPANY (now known as AT&T CORP., a New York corporation)

DATED : September 20, 1972

FILED : Land Court Document No. [607320](#)

GRANTING : an easement of right-of-way for wire lines and communication cables over, under and across Easement "H"; for a term commencing on date hereof and expiring on June 30, 2004 and thereafter from year to year until terminated

CANCELLATION OF LEASE OF EASEMENT by HAWAIIAN TELEPHONE COMPANY (now known as HAWAIIAN TELCOM, INC.), a Hawaii corporation, dated August 6, 2004, filed as Land Court Document No. [3152784](#): No joinder by AMERICAN TELEPHONE & TELEGRAPH COMPANY, a New York corporation.

CONSENT given by HAWAIIAN TRUST COMPANY, LIMITED, Trustee under the Will and of the Estate of George Galbraith, deceased, a Hawaii corporation (now known as Bank of Hawaii, a Hawaii corporation), by instrument filed as Land Court Document No. [3152785](#).

-NOTE:- By its terms, said Right-Of-Way terminates upon the termination of the Galbraith Trust. A Land Court Petition or other documentation may be required to remove above Right-Of-Way.

4. -AS TO LOT 2-A:-

Access rights in favor of Lots 1-I-1-B and 1-I-1-C, as set forth by Land Court Order No. [6277](#), filed July 9, 1945.

5. -AS TO LOT 1-D-1-B-1:-

Rights of others who may have easement or access rights in said Lot.

SCHEDULE B CONTINUED

6. -AS TO LOT 10 AND 1-A-1-A-1-B-1:-

Location of the boundary of Poamoho Stream and the effect, if any, upon the area of the land described herein, and the free flowage thereof.

7. -AS TO LOT 1-H-1-B-1:-

(A) Free flowage of Kaukonahua Stream.

(B) -AS TO LOT 1-H-1-B-2:-

(1) Dam and spillway as shown on Map 15 of said Land Court Application No. 262.

(2) Wahiawa Reservoir as shown on tax map.

8. -AS TO LOT 1-H-1-C-1:-

(A) Free flowage of Kaukonahua Stream.

(B) Restriction of vehicle access as shown on Map 33 of said Land Court Application No. 262.

9. -AS TO LOT 1-I-1-D:-

Free flowage of Kaukonahua Stream.

10. -AS TO LOT 1-I-2-B-2:-

(A) Designation of Easement "A" for Hawaiian Telephone Company's pole and wire lines, over and across Lot 1-I-1-D, as shown on Map 17, as set forth by Land Court Order No. [12875](#), filed May 20, 1954.

SCHEDULE B CONTINUED

(B) Lease of Right-of-Way in favor of GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC., dated August 31, 1954, filed as Land Court Document No. [171232](#), re: easement of right-of-way for pole and wire lines, cables, etc., over, under and across Easement "A" over Lot 1-I-1-D; for a term of 30 years commencing from date hereof and thereafter from year to year until terminated.

-NOTE:- By its terms, said Lease of Right-Of-Way terminates upon the termination of the Galbraith Trust. A Land Court Petition or other documentation may be required to remove above Lease of Right-Of-Way.

(C) Designation of Easement "F" (10 feet wide) for underground communication line, over and across Lot 1-I-1-D, as shown on Map 20, as set forth by Land Court Order No. [22155](#), filed January 16, 1964.

(D) Easement of right-of-way in favor of CITY AND COUNTY OF HONOLULU, a municipal corporation, as set forth by Final Order of Condemnation (Civil No. 30629) dated June 1, 1971, filed as Land Court Document No. [540601](#), for an easement of right-of-way over and across a portion of Lot 1-I-1-D, being more particularly described as follows:

Being a portion of Lot 1-I-1-D (as shown on Map 10) of Land Court Application 262, covered by Transfer Certificate of Title No. 36,479, situate at Wahiawa, Oahu, Hawaii.

Beginning at the south corner of this parcel of land, on the northwest boundary of Lot 1-I-1-E (as shown on Map 10) of Land Court Application 262, the true azimuth and distance from the south corner of said Lot 1-I-1-E being 194 12' 58.83 feet, as shown on Division of Land Survey and Acquisition Parcel Map File No. 16-11-1-157, thence running by azimuths measured clockwise from true South:

1. 148° 00' 16.10 feet along remainder of Lot 1-I-1-D (as shown on Map 10) of Land Court Application 262;

SCHEDULE B CONTINUED

2. 58° 00' 2.50 feet along same;
3. 148° 00' 20.00 feet along same;
4. 238° 00' 15.00 feet along same;
5. 328° 00' 20.00 feet along same;
6. 58° 00' 2.50 feet along same;
7. 328° 00' 6.51 feet along same;
8. 14° 12' 13.85 feet along Lot 1-I-1-E (as shown on Map 10) of Land Court Application 262 to the point of beginning and containing an area of 413 square feet, more or less.

(E) Delineation of Easement for storm drain purposes, over and across Lot 1-I-1-D, as shown on Map 30, as set forth by Land Court Order No. [33467](#), filed July 8, 1971.

11. -AS TO LOT 1-I-4-B:-

- (A) Free flowage of Kaukonahua Stream.
- (B) An easement for right of way for drainage purposes, in favor of City and County of Honolulu, as set forth by Final Order Of Condemnation dated June 1, 1965, filed in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 16282, filed as Land Court Document No. [362954](#).
- (C) An easement for right of way for drainage purposes, in favor of City and County of Honolulu, as set forth by Final Order Of Condemnation dated July 8, 1969, filed in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 16364, filed as Land Court Document No. [478052](#).

SCHEDULE B CONTINUED

(D) Delineation of an easement for storm drain purposes, as shown on Map 24, as set forth in Land Court Order No. [30723](#), filed October 15, 1969.

12. -AS TO LOTS 1-E-1, 1-H-1-A-2, 1-H-1-A-1, 1-G-1-C, 1-H-1-B-1, 1-H-1-B-2, 1-H-1-C-1, 1-I-1-D, 1-I-2-B-2, 1-I-4-B, 1-F-3, 1-H-4, 1-H-6 AND LOT 4:-

LEASE

LESSOR : HAWAIIAN TRUST COMPANY, LIMITED, a Hawaii corporation, Trustee under the Will and of the Estate of George Galbraith, deceased

LESSEE : HELEMANO COMPANY, LIMITED, a Hawaii corporation

DATED : July 16, 1953, but effective as of March 9, 1952

FILED : Land Court Document No. [151198](#)

TERM : Commencing March 9, 1952 and shall continue either (a) to and including December 31, 1992, or (b) to and including 3 years prior to the date for the termination of the trust estate, whichever results in the earlier termination of the lease

ABOVE LEASE AMENDED BY INSTRUMENT

DATED : February 4, 1954, but effective as of January 1, 1954

FILED : Land Court Document No. [157850](#)

ABOVE LEASE AMENDED BY INSTRUMENT

DATED : August 12, 1958, but effective as of May 1, 1958

FILED : Land Court Document No. [221308](#)

ABOVE LEASE AMENDED BY INSTRUMENT

SCHEDULE B CONTINUED

DATED : December 31, 1963  
FILED : Land Court Document No. [324115](#)

Said Lease affects the aforementioned Lots and various easements as set forth therein.

-NOTE:- Title Guaranty of Hawaii, Incorporated, is unable to locate of record an extension of said Lease.

13. -AS TO LOT 1-I-1-A-1:-

(A) DESIGNATION OF EASEMENT "A"

PURPOSE : for pole and wire lines  
SHOWN : as shown on Map 17, as set forth by Land Court Order No. [12875](#), filed May 20, 1954 in favor of GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED now known as HAWAIIAN TELCOM, INC.

(B) RIGHT-OF-WAY

TO : GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC., and AMERICAN TELEPHONE AND TELEGRAPH COMPANY (now known as AT&T CORP., a New York corporation)

DATED : August 31, 1954  
FILED : Land Court Document No. [171232](#)  
GRANTING : an easement of right-of-way for wire lines and communication cables over, under and across Easement "A"; for a term of 30 years commencing on date hereof and thereafter from year to year until terminated

-NOTE:- By its terms, said Right-Of-Way terminates upon the termination of the Galbraith Trust. A Land Court Petition or other documentation may be required to remove above Right-Of-Way.

14. -AS TO LOTS 1-A-1-A-3, 1-D-1-B-1, 1-I-1-C AND 2-A:-

SCHEDULE B CONTINUED

(A) DESIGNATION OF EASEMENT "G" (10 feet wide)

PURPOSE : for underground communication lines  
SHOWN : as shown on Map 20 (amended), as set forth by Land Court Order Nos. 22155, filed January 16, 1964, and 22826, filed February 13, 1964

(B) RIGHT-OF-WAY

TO : GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED now known as VERIZON HAWAII, INC. (now known as HAWAIIAN TELCOM, INC.), and AMERICAN TELEPHONE AND TELEGRAPH COMPANY (now known as AT&T CORP., a New York corporation)

DATED : September 20, 1972  
FILED : Land Court Document No. [607320](#)  
GRANTING : an easement of right-of-way for wire lines and communication cables over, under and across Easement "G"; for a term commencing on date hereof and expiring on June 30, 2004 and thereafter from year to year until terminated

CANCELLATION OF LEASE OF EASEMENT by HAWAIIAN TELEPHONE COMPANY (now known as HAWAIIAN TELCOM, INC.), a Hawaii corporation, dated August 6, 2004, filed as Land Court Document No. [3152784](#): No joinder by AMERICAN TELEPHONE & TELEGRAPH COMPANY, a New York corporation.

CONSENT given by HAWAIIAN TRUST COMPANY, LIMITED, Trustee under the Will and of the Estate of George Galbraith, deceased, a Hawaii corporation (now known as Bank of Hawaii, a Hawaii corporation), by instrument filed as Land Court Document No. [3152785](#).

-NOTE:- By its terms, said Right-Of-Way terminates upon the termination of the Galbraith Trust. A Land Court Petition or other documentation may be required to remove above Right-Of-Way.

SCHEDULE B CONTINUED

15. -AS TO LOTS 1-H-1-A-2; 1-H-3; AND 1-H-1-B-2:-

Easements of right-of-way in favor of HAWAIIAN ELECTRIC COMPANY, INC., for utility purposes, being easement for guy wires and anchors as set forth by FINAL ORDER OF CONDEMNATION (Civil No. 4410), dated January 13, 1959, filed as Land Court Document No. [252179](#), and also shown on Right-of-Ways Maps 1006-665A attached thereto.

16. -AS TO LOTS 1-H-1-A-1 AND 1-H-1-A-2:-

Right-of-way in favor of HAWAIIAN ELECTRIC COMPANY, INC., for wire lines (25 feet wide), as set forth by FINAL ORDER OF CONDEMNATION (Civil No. 4410), dated January 13, 1959, filed as Land Court Document No. [252179](#), and also shown on Right-of-Ways Maps 1006-665A attached thereto.

17. -AS TO LOT 1-E-1:-

Rights of others who may have easement or access rights in said Lot.

18. -AS TO LOTS 1-I-2-B-1-A, 1-I-2-C-1 AND 1-I-4-A:-

(A) DESIGNATION OF EASEMENT "A"

PURPOSE : pole and wire lines  
SHOWN : as shown on Map 17, as set forth by Land Court Order No. [12875](#), filed May 20, 1954 in favor of GTE HAWAIIAN TELEPHONE COMPANY, INCORPORATED now known as HAWAIIAN TELCOM, INC.

(B) RIGHT-OF-WAY

TO : GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC.

DATED : August 31, 1954

FILED : Land Court Document No. [171232](#)

SCHEDULE B CONTINUED

GRANTING : an easement of right-of-way for wire lines and communication cables over, under and across Easement "A"; for a term of 30 years commencing on date hereof and thereafter from year to year until terminated

-NOTE:- By its terms, said Right-Of-Way terminates upon the termination of the Galbraith Trust. A Land Court Petition or other documentation may be required to remove above Right-Of-Way.

19. -AS TO LOTS 1-I-2-B-1-A AND 1-I-2-B-2:-

Right-of-Way for access purposes in favor of Lot 1-I-2-B-2, as set forth by Land Court Order No. [6277](#), filed July 9, 1945.

20. -AS TO LOT 1-A-3-C-1-A:-

(A) DESIGNATION OF EASEMENT "K" (10 feet wide)

PURPOSE : underground communication lines  
SHOWN : on Map 20, as set forth by Land Court Order No. [22155](#), filed January 16, 1964

(B) Location of the boundary of Poamoho Stream and the effect, if any, upon the area of the land described herein, and the free flowage thereof.

21. -AS TO LOT 1-I-4-A:-

(A) DESIGNATION OF EASEMENT "M" (25 feet wide)

SHOWN : as shown on Map 23, as set forth by Land Court Order No. [26749](#), filed February 7, 1967

(B) DESIGNATION OF EASEMENT "N"

SHOWN : as shown on Map 23, as set forth by Land Court Order No. [26749](#), filed February 7, 1967

SCHEDULE B CONTINUED

22. -AS TO LOT 1-A-1-B-1 AND 1-A-3-A-3-A:-

Right-of-Way in favor of HAWAIIAN ELECTRIC COMPANY, INC., for utility purposes, being easement for guy wires and anchors, as set forth by FINAL ORDER OF CONDEMNATION (Civil No. 4410) dated January 13, 1959, filed as Land Court Document No. [252179](#).

23. -AS TO LOTS 1-H-1-A-1; 1-B-1-A-1 AND 1-E-1:-

FINAL ORDER OF CONDEMNATION (Civil No. 91-2040-06) dated January 15, 1992, filed as Land Court Document No. [1887053](#), in favor of the STATE OF HAWAII, by its Attorney General, condemned for public purposes and use, preservation and maintenance of an historically significant site, the Kukaniloko Birthstone Site, being more particularly described as follows:

PROPOSED KUKANILOKO BIRTHSTONE SITE  
PARCEL A  
AND PERPETUAL NON-EXCLUSIVE ACCESS ROAD EASEMENT  
Wahiawa, Oahu, Hawaii

PROPOSED KUKANILOKO BIRTHSTONE

PARCEL A

Comprising the following:

- A. All of Lots 1-B-1-B as shown on Map 13 of Land Court Application 262;
- B. Portion of Lot 1-B-1-A-1 as shown on Map 28 of Land Court Application 262;
- C. Portion of Lot 1-E-1 as shown on Map 4 of Land Court Application 262;
- D. Portion of Lot 1-H-1-A-1 as shown on Map 14 of Land Court Application 262;

SCHEDULE B CONTINUED

Beginning at the southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station, "MAILI" running by azimuths measured clockwise from true South:

1. 67° 31' 605.00 feet along the remainder of Lot 1-H-1-A-1 as shown on Map 14 of Land Court Application 262;
2. 157° 31' 360.00 feet along the remainders of Lot 1-H-1-A-1 as shown on Map 14, Lot 1-E-1 as shown on Map 4 and Lot 1-B-1-A-1 as shown on Map 28 of Land Court Application 262;
3. 247° 31' 605.00 feet along the remainder of Lot 1-B-1-A-1 as shown on Map 28 of Land Court Application 262;
4. 337° 31' 360.00 feet along the remainders of Lot 1-B-1-A-1 as shown on Map 14, Lot 1-E-1 as shown on Map 4 and Lot 1-H-1-A-1 as shown on Map 28 of Land Court Application 262 to the point of beginning and containing an area of 5.00 acres, more or less.

PERPETUAL NON-EXCLUSIVE ACCESS ROAD EASEMENT

Being a portion of Lot 1-E-1 as shown on Map 4 of Land Court Application 262.

Beginning at the northeast corner of this easement and on the southwest side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,847.70 feet south and 20,287.15 feet east, thence running by azimuths measured clockwise from true South:

SCHEDULE B CONTINUED

1. 312° 39' 42.60 feet along the southwest side of Kamehameha Highway;
2. 62° 47' 695.00 feet along Lot 1-H-1-A-1 as shown on Map 14 of Land Court Application 262;
3. 157° 31' 40.14 feet along Parcel A of the Proposed Kukaniloko Birthstone Site;
4. 242° 47' 677.03 feet along Lot 1-B-1-A-1 as shown on Map 28 of Land Court Application 262 to the point of beginning and containing an area of 0.630 acres, more or less.

24. -AS TO LOT 4:-

(A) Tunnel as shown on Land Court Map No. 9 of Land Court Application No. 262 of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of George Galbraith, deceased.

(B) LEASE

LESSOR : HAWAIIAN TRUST COMPANY, LIMITED, a Hawaii corporation, Trustee under the Will and of the Estate of George Galbraith, deceased

LESSEE : HELEMANO COMPANY, LIMITED, a Hawaii corporation

DATED : July 16, 1953, but effective as of March 9, 1952

FILED : Land Court Document No. [151198](#)

TERM : commencing March 9, 1952

SCHEDULE B CONTINUED

ABOVE LEASE AMENDED BY INSTRUMENT

DATED : February 4, 1954, but effective as of January 1,  
1954

ABOVE LEASE AMENDED BY INSTRUMENT

DATED : August 12, 1958, but effective as of May 1, 1958  
FILED : Land Court Document No. [221308](#)

ABOVE LEASE AMENDED BY INSTRUMENT

DATED : December 31, 1963  
FILED : Land Court Document No. [324115](#)

-Note:- Title Guaranty of Hawaii, Incorporated, is unable to  
locate of record an extension of said Lease.

25. -AS TO LOTS 4 AND 1-H-6:-

Location of the boundary of Kaukonahua Stream and the effect, if  
any, upon the area of the land described herein, and the free  
flowage thereof.

26. -AS TO LOT 1-F-3 AND 1-H-4:-

A perpetual right and easement to build, construct, reconstruct,  
rebuild, repair, maintain and operate pole and wire lines and to  
sue such poles, towers, wires, guys and other appliances and  
equipment as may be necessary for the transmission of  
electricity, etc., as set forth by FINAL ORDER OF CONDEMNATION,  
Civil No. 4410, filed in the Circuit Court of the First Circuit,  
State of Hawaii, dated January 13, 1959, filed as Land Court  
Document No. [252179](#).

27. -AS TO LOTS 1-F-1, 1-F-3, 1-H-4 AND 1-H-6:-

SCHEDULE B CONTINUED

Rights of others who may have easement or access rights in said Lots.

28. Any unrecorded leases and matters arising from or affecting the same.
29. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.
30. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
31. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described in Schedule C herein.
32. -AS TO LOTS 10, 1-D-1-D, 2-C, 1-A-1-A-3, 1-D-1-B-1, 1-I-1-A-1, 2-A, AND 1-A-1-B-1:-

NOTICE OF PENDENCY OF ACTION

DATED : May 8, 2007  
FILED : United States District Court, District of Hawaii,  
State of Hawaii, Case No. CV07-00239, on May 8,  
2007  
FILED : Land Court Document No. [3600142](#) on May 10, 2007  
RE : condemnation affecting the following properties:

LEGAL DESCRIPTION OF PROPERTY

PARCEL 18

SCHEDULE B CONTINUED

All that certain piece or parcel of land (being a portion of Lot 10 as shown on Map 27 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the southwest corner of this parcel of land, on the northeasterly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,742.33 feet south and 20,293.50 feet east, thence running by azimuths measured clockwise from true South:

- |    |      |     |     |        |  |
|----|------|-----|-----|--------|--|
| 1. | 234° | 54' |     | 91.21  | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 2. | 324° | 54' |     | 46.36  | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 3. | 234° | 54' |     | 303.05 | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 4. | 143° | 46' | 30" | 10.00  | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 5. | 233° | 46' | 30" | 170.00 | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 6. | 323° | 46' | 30" | 10.00  | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |
| 7. | 233° | 46' | 30" | 140.00 | feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262; |

SCHEDULE B CONTINUED

8. 323° 46' 30" 5.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
9. 233° 46' 30" 707.78 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
10. 145° 37' 04" 199.13 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
11. 235° 37' 04" 126.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
12. 145° 37' 04" 14.55 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
13. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 674.00 feet, the chord azimuth and distance being:  
157° 56' 32" 287.73 feet;
14. 260° 16' 24.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
15. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 650.00 feet, the chord azimuth and distance being:

SCHEDULE B CONTINUED

- 175° 08' 110.29 feet;
16. 180° 00' 64.60 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
17. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 550.00 feet, the chord azimuth and distance being:  
157° 40' 417.99 feet;
18. 135° 20' 562.29 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
19. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 650.00 feet, the chord azimuth and distance being:  
160° 04' 30" 544.09 feet;
20. 184° 49' 4.60 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
21. 94° 49' 10.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
22. 184° 49' 283.66 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;

SCHEDULE B CONTINUED

23. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 660.00 feet, the chord azimuth and distance being:  
199° 24' 30" 332.55 feet;
24. 214° 00' 53.78 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
25. 4° 49' 910.49 feet along Lot 565-A as shown on Map 45 of Land Court Application 1562;
26. 315° 20' 815.74 feet along Lot 565-A as shown on Map 45 of Land Court Application 1562;
27. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 650.00 feet, the chord azimuth and distance being:  
337° 40' 493.99 feet;
28. 0° 00' 64.60 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
29. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 550.00 feet, the chord azimuth and distance being:  
354° 38' 102.88 feet;

SCHEDULE B CONTINUED

30. 259° 16' 80.58 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
31. 325° 37' 04" 407.03 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
32. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 2,904.79 feet, the chord azimuth and distance being:  
240° 22' 11.6" 141.61 feet;
33. 151° 46' 5.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
34. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 2,909.79 feet, the chord azimuth and distance being:  
242° 39' 15.5" 90.15 feet;
35. 45° 20' 49.21 feet along Lot 1-D-1-D as shown on Map 8 of Land Court Application 262;
36. Thence along the northwesterly side of Whitmore Avenue, on a curve to the left with a radius of 2,894.79 feet, the chord azimuth and distance being:  
58° 11' 45" 446.27 feet;

SCHEDULE B CONTINUED

37. 53° 46' 30" 1,157.18 feet along the northwesterly side of Whitmore Avenue;
38. 143° 46' 30" 5.00 feet along the northwesterly side of Whitmore Avenue;
39. 54° 54' 279.91 feet along the northwesterly side of Whitmore Avenue;
40. Thence along the northerly corner of the intersection of Whitmore Avenue and Kamehameha Highway, on a curve to the right with a radius of 200.00 feet, the chord azimuth and distance being:  
85° 35' 04" 91.11 feet;
41. 132° 39' 15.88 feet along the northeasterly side of Kamehameha Highway to the point of beginning and containing an area of 8.899 acres, more or less.

PARCEL 19

All that certain piece or parcel of land (being a portion of Lot 10 as shown on Map 27 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the south corner of this parcel of land, on the northeasterly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,857.15 feet south and 19,326.66 feet east, thence running by azimuths measured clockwise from true South:

SCHEDULE B CONTINUED

1. 132° 39' 1,420.20 feet along the northeasterly side of Kamehameha Highway;
2. Thence along the northeasterly side of Kamehameha Highway, on a curve to the right with a radius of 1,689.00 feet, the chord azimuth and distance being:  
152° 57' 46" 612.27 feet;
3. 253° 24' 20" 20.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
4. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 1,669.00 feet, the chord azimuth and distance being:  
340° 49' 10" 150.61 feet;
5. 248° 14' 20.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
6. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 1,649.00 feet, the chord azimuth and distance being:  
335° 27' 160.15 feet;
7. 242° 40' 15.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;

SCHEDULE B CONTINUED

8. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 1,634.00 feet, the chord azimuth and distance being:  
325° 12' 424.67 feet;
9. 47° 44' 21.52 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
10. 312° 39' 754.50 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
11. 42° 39' 10.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
12. 312° 39' 522.87 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
13. 42° 39' 5.00 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262 to the point of beginning and containing an area of 1.052 acres, more or less.

PARCEL 20

All that certain piece or parcel of land (being a portion of Lot 2-A as shown on Map 8 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:



SCHEDULE B CONTINUED

243° 34' 336" 215.44 feet to  
the point of beginning and  
containing an area of 0.201  
acre, more or less.

PARCEL 21

All that certain piece or parcel of land (being a portion of Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the west corner of this parcel of land, being, also, the west corner of Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,848.53 feet south and 20,439.18 feet east, thence running by azimuths measured clockwise from true South:

1. Along the south corner of the intersection of Kamehameha Highway and Whitmore Avenue, on a curve to the right with a radius of 125.60 feet, the chord azimuth and distance being:  

210° 59' 25" 97.28 feet;
2. 233° 46' 30" 1,373.10 feet along the southeasterly side of Whitmore Avenue;
3. Thence along the southeasterly side of Whitmore Avenue, on a curve to the right with a radius of 2,834.79 feet, the chord azimuth and distance being:  

235° 57' 58" 216.76 feet;

SCHEDULE B CONTINUED

- |    |             |  |          |  |
|----|-------------|--|----------|--|
| 4. | 45° 20'     |  | 284.10   | feet along Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262;   |
| 5. | 53° 46' 30" |  | 1,363.00 | feet along the remainder of Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262;   |
| 6. | 2° 26'      |  | 1.34     | feet along the remainder of Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262;   |
| 7. | 74° 56' 30" |  | 37.04    | feet along Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262 to the point of beginning and containing an area of 1.751 acres, more or less. |

PARCEL 22

All that certain piece or parcel of land (being a portion of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being, also, the west corner of Lot 1-A-1-A-1-3 as shown on Map 8 of Land Court Application 262, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,848.53 feet south and 20,439.18 feet east, thence running by azimuths measured clockwise from true South:

- |    |              |  |       |   |
|----|--------------|--|-------|---|
| 1. | 254° 56' 30" |  | 37.04 | feet along Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262;                   |
| 2. | 2° 26'       |  | 41.94 | feet along the remainder of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262; |

SCHEDULE B CONTINUED

3. 74° 56' 30" 10.46 feet along Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262;
4. 132° 39' 34.01 feet along the northeasterly side of Kamehameha Highway;
5. Thence along the south corner of the intersection of Kamehameha Highway and Whitmore Avenue, on a curve to the right with a radius of 125.60 feet, the chord azimuth and distance being:  
  
185° 28' 12.00 feet to the point of beginning and containing an area of 0.026 acre, more or less.

PARCEL 23

All that certain piece or parcel of land (being a portion of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the east corner of this parcel of land, on the southeasterly side of Whitmore Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,751.66 feet south and 21,915.17 feet east, thence running by azimuths measured clockwise from true South:

1. 45° 20' 159.77 feet along Lot 2-A as shown on Map 8 of Land Court Application 262;

SCHEDULE B CONTINUED

2. Thence along the remainder of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262, on a curve to the left with a radius of 2,794.79 feet, the chord azimuth and distance being:  
  
56° 03' 06" 214.41 feet;
3. 323° 46' 30" 10.00 feet along the remainder of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262;
4. 53° 46' 30" 68.22 feet along the remainder of Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262;
5. 225° 20' 284.10 feet along Lot 1-A-1-A-3 as shown on Map 8 of Land Court Application 262;
6. Thence along the southeasterly side of Whitmore Avenue, along Lot 1-D-1-C as shown on Map 8 of Land Court Application 262, on a curve to the right with a radius of 2,834.79 feet, the chord azimuth and distance being:  
  
239° 46' 41" 160.36 feet to the point of beginning and containing an area of 0.176 acre, more or less.

SCHEDULE B CONTINUED

PARCEL 24

All that certain piece or parcel of land (being a portion of Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the west corner of this parcel of land, on the northeasterly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,883.53 feet south and 20,463.07 feet east, thence running by azimuths measured clockwise from true South:

1. 254° 56' 30" 10.46 feet along Lot 1-D-1-B-1 as shown on Map 26 of Land Court Application 262;
2. 2° 26' 11.58 feet along the remainder of Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262;
3. 132° 39' 13.07 feet along the northeasterly side of Kamehameha Highway to the point of beginning and containing an area of 0.0013 acre, more or less.

PARCEL 25

All that certain piece or parcel of land (being a portion of Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the west corner of this parcel of land, on the northeasterly side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 5,980.22 feet south and 20,557.71 feet east, thence running by azimuths measured clockwise from true South:

SCHEDULE B CONTINUED

1. 222° 39' 7.00 feet along a jog in the northeasterly side of Kamehameha Highway;
2. 312° 39' 250.00 feet along the remainder of Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262;
3. 42° 39' 7.00 feet along the remainder of Lot 1-I-1-A-1 as shown on Map 25 of Land Court Application 262;
4. 132° 39' 250.00 feet along the northeasterly side of Kamehameha Highway to the point of beginning and containing an area of 0.0402 acre, more or less.

PARCEL 26

Land situate at Wahiawa, Island of Oahu, State of Hawaii

Being all of Lot 1-A-1-B-1, as shown on Map 27 of Land Court Application 262, covered by Owner's Certificate of Title No. 36,479, filed in the Office of the Assistant Registrar of the Land Court and containing an area of 1.139 acres.

PARCEL 27

Land situate at Wahiawa, Island of Oahu, State of Hawaii

Being all of Lot 1-D-1-D, as shown on Map 8 of Land Court Application 262, covered by Owner's Certificate of Title No. 36,479, filed in the Office of the Assistant Registrar of the Land Court and containing an area of 0.062 acre.

PARCEL 28

Land situate at Wahiawa, Island of Oahu, State of Hawaii

SCHEDULE B CONTINUED

Being all of Lot 2-C, as shown on Map 8 of Land Court Application 262, covered by Owner's Certificate of Title No. 36,479, filed in the Office of the Assistant Registrar of the Land Court and containing an area of 0.001 acre.

PARCEL 29

All that certain piece or parcel of land (being a portion of Lot 10 as shown on Map 27 of Land Court Application 262) situated at Wahiawa, Island of Oahu, State of Hawaii, and being more particularly described as follows:

Beginning at the east corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAILI" being 4,579.39 feet south and 22,032.54 feet east, thence running by azimuths measured clockwise from true South:

1. 45° 20' 51.66 feet along Lot 1-D-1-D as shown on Map 8 of Land Court Application 262;
2. 125° 20' 31.21 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
3. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 250.00 feet, the chord azimuth and distance being:  
130° 20' 43.58 feet;
4. 135° 20' 454.10 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;

SCHEDULE B CONTINUED

5. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the right with a radius of 250.00 feet, the chord azimuth and distance being:  
145° 20' 86.82 feet;
6. 155° 20' 107.47 feet along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262;
7. Thence along the remainder of Lot 10 as shown on Map 27 of Land Court Application 262, on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:  
145° 20' 52.09 feet;
8. 315° 20' 766.05 feet along Lot 565-A as shown on Map 45 of Land Court Application 1562 to the point of beginning and containing an area of 39,610 square feet or 0.909 acre, more or less.

**END OF SCHEDULE B**

## SCHEDULE C

All of those certain parcels of land situate at Wahiawa, City and County of Honolulu, State of Hawaii, described as follows:

LOTS:	AREA:
1-E-3	0.967 acre,
1-H-3	4.982 acres,
1-E-1	5.289 acres, more or less, as shown on Map 4;

-Note:- (Lot 1-E-1 is covered by Tax Map Key [\(1\) 7-1-001-025](#))

1-D-1-D	0.062 acre,
2-C	0.001 acre,
1-A-1-A-3	4.031 acres,
2-A	49.838 acres, more or less, as shown on Map 8;

1-G-1-A	146.073 acres, more or less,
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-Note:- (Lot 1-G-1-A is covered by Tax Map Keys [\(1\) 6-5-002-026](#) and (1) 7-1-001-por.001)

1-G-1-C	0.672 acre, more or less, as shown on Map 9;
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Together with a right of way for access purposes over Lot 1-G-1-A, as set forth by Land Court Order No. [6277](#), filed July 9, 1945, as amended.

1-I-1-B	0.1576 acre,
1-I-1-C	4.6786 acres,
1-I-4-A	0.5651 acre,
1-I-1-D	27.960 acres,
1-I-2-B-2	0.980 acres, and
1-I-4-B	7.7740 acres, more or less, as shown on Map 10;

1-A-3-C-1-A	456.001 acres, more or less, as shown on Map 12;
-------------	---

-Note:- Lot 1-A-3-C-1-A is covered by Tax Map Keys [\(1\) 7-1-001-003](#) and [\(1\) 6-5-002-010](#).

1-H-1-A-1	264.5376 acres, more or less, as shown on Map 14;
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SCHEDULE C CONTINUED

-Note:- Lot 1-H-1-A-1 is covered by Tax Map Key [\(1\) 7-1-001-008](#).

LOTS:	AREA:
1-H-1-A-2	57.3739 acres, more or less, as shown on Map 14;
1-H-1-B-1	1.8082 acres,
1-H-1-B-2	28.2112 acres, more or less, as shown on Map 15;
LOT: 4	27.993 acres, more or less, as shown on Map 18;
1-A-1-A-1-B-1	31.081 acres, more or less, as shown on Map 19;
1-I-1-A-1	10.6366 acres,
1-I-2-C-1	0.127 acre,
1-I-2-B-1-A	0.256 acre, more or less, as shown on Map 25;
1-D-1-B-1	1.659 acres, more or less, as shown on Map 26;
LOT: 10	236.167 acres, and
1-A-1-B-1	1.139 acres, more or less, as shown on Map 27;
1-B-1-A-1	188.754 acres, more or less, as shown on Map 28;

-Note:- Lot 1-B-1-A-1 is covered by Tax Map Key [\(1\) 7-1-001-026](#).

1-A-3-A-3-A	3.632 acres,
1-A-3-A-2-A	0.492 acre,
1-A-3-A-1-A	3.147 acres, more or less, as shown on Map 29;
1-B-3-A	494.195 acres, more or less, as shown on Map 31;

SCHEDULE C CONTINUED

-Note:- Lot 1-B-3-A covers Tax Map Key (1) 6-5-002-025 and (1) 7-1-001-002.

filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 262 of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of George Galbraith, deceased, and being portions of the land(s) described in Transfer Certificate of Title No. 36,479 issued to BANK OF HAWAII, a Hawaii corporation, as Trustee under the Will and of the Estate of George Galbraith, deceased;

All of those certain parcels of land situate at Wahiawa, City and of Honolulu, State of Hawaii, described as follows:

LOTS:	AREA:
1-F-3	0.292 acre,
1-H-4	0.061 acre, and
1-H-6	0.218 acre, more or less,

as shown on Map 4, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 262 of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of George Galbraith, deceased;

Being land(s) described in Transfer Certificate of Title No. 70,480 issued to BANK OF HAWAII, a Hawaii corporation, Trustee under the Will and of the Estate of George Galbraith, deceased, with full powers to sell, mortgage, lease or otherwise deal with the land.

LOT:	AREA:
1-H-1-C-1	47.1465 acres, more or less,

as shown on Map 33, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 262 of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of George Galbraith, deceased;

SCHEDULE C CONTINUED

Being land(s) described in Transfer Certificate of Title No. 222,866 issued to BANK OF HAWAII, a Hawaii corporation, Trustee under the Will and of the Estate of George Galbraith, deceased, with full powers to sell, mortgage, lease or otherwise deal with the land.

All of that certain parcel of land situate at Wahiawa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 1-F-1, area 8.719 acres, more or less, as shown on Map 4, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 262 of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of George Galbraith, deceased;

Being the land(s) described in Transfer Certificate of Title No. 36,479 issued to BANK OF HAWAII, a Hawaii corporation, as Trustee under the Will and of the Estate of George Galbraith, deceased, with full powers to sell, mortgage, lease or otherwise deal with the land.

**END OF SCHEDULE C**

## GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
2. Land Court Order No. [129231](#), filed October 14, 1997, as amended by Land Court Order No. [129421](#), filed October 31, 1997, sets forth the merger of HAWAIIAN TRUST COMPANY, LIMITED, a Hawaii corporation, with and into BANK OF HAWAII, a Hawaii corporation, by its division, Pacific Century Trust, on September 30, 1997.
3. Land Court Order No. [158421](#), filed October 6, 2004, BANK OF HAWAII, a Hawaii corporation, has now ceased use of the name "Pacific Century Trust" or any variation of it's name using "Pacific Century Trust", as amended by Land Court Order No. [167702](#), filed September 21, 2006.
4. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration) is the merger of HELEMANO COMPANY, LIMITED with and into CASTLE & COOKE, LIMITED, and the change of name of CASTLE & COOKE, LIMITED to CASTLE & COOKE, INC., by instrument filed as Land Court Document No. [216067](#).
5. Land Court Order No. [103306](#), filed August 6, 1991, sets forth the change of name of CASTLE & COOKE, INC. to DOLE FOOD COMPANY, INC. on July 30, 1991.
6. -AS TO LOT 1-H-1-B-2:-

## GENERAL NOTES

Appropriate and applicable access should be provided.

7. Lot 1-I-2-B-2 shall have access over Lot 1-I-2-B-1 (now known as Lot 1-I-2-B-1-A) to government or public highway, as set forth by Land Court Order No. [6277](#), filed July 9, 1945, as amended.
8. Land Court Order No. [8757](#), filed December 15, 1948, sets forth the change of name of WAIALUA AGRICULTURAL COMPANY, LIMITED to WAIALUA LIQUIDATING COMPANY, LIMITED, on December 14, 1948.
9. Land Court Order No. [157840](#), filed August 30, 2004, sets forth the merger of WAIALUA SUGAR COMPANY, INC., a Hawaii corporation merged with and into DOLE FOOD COMPANY, INC., a Delaware corporation on August 26, 2004.
10. Title Guaranty of Hawaii, Incorporated has been informed that April 26, 2007 marked the beginning of the termination process for the Galbraith Trust.

## **GUIDELINES FOR THE ISSUANCE OF INSURANCE**

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
  - B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
  - C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
  - D. If the transaction involves a construction loan, the following is required:
    - (1) a letter confirming that there is no construction prior to recordation; or
    - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Title Company for approval at least one week prior to the anticipated date of recordation.
- Forms are available upon request from Title Guaranty of Hawaii.
- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
  - F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
  - G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from Title Guaranty of Hawaii or on our website at [www.tghawaii.com](http://www.tghawaii.com).

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THE  
TRUST  
*for*  
PUBLIC  
LAND

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## **TPL Projects in the Hawaiian Islands**

### **Summary**

**20 Projects**

**39,637.34 acres protected**

### **Hawai‘i Volcanoes National Park, 1979**

Project Name: Kalapana

Location: Puna District, Island of Hawai‘i

Size: 268.5 acres

TPL’s first project in Hawai‘i, the purchase preserved an important *heiau* (religious site) threatened by a development plan that would have allowed dozens of houses to be built near the Park entrance. Kīlauea volcano’s renewed eruption and lava flow in 1983 covered the parcel with Madame Pele’s flowing lava, reclaiming the *heiau* and creating a swath of destruction where the homes would have been built.

### **Kīlauea Point National Wildlife Refuge, 1988**

Project Name: Mōkōlea Point/Crater Hill

Location: North Shore, Kaua‘i

Size: (Two parcels) Mōkōlea Point=37.6 acres, Crater Hill=93 acres

Kīlauea Point and its famous lighthouse draw thousands of visitors each year, while the sand below and hills above support habitat for the endangered Hawaiian monk seal and Laysan albatross. Working with the U.S. Fish and Wildlife Service, community leaders, and the landowner, TPL conveyed more than 130 acres of significant wildlife habitat to the U.S. Fish and Wildlife Service, greatly expanding the existing refuge.



### **Waiāhole Beach Park, 1996**

Project Name: Waiāhole Beach Park Scenic Viewshed

Location: Windward Coast, Kāneʻohe Bay, Oʻahu

Size: (Two parcels) 77 acres

TPL helped the City & County of Honolulu tap a previously underutilized source of federal funding to protect nearly two and a half miles of shoreline property on stunning Kāneʻohe Bay as a beach park. TPL's assistance brought the community's 20-year dream of preserving the property from dream to reality.

### **Limahuli Garden, 1997**

Project Name: National Tropical Botanical Gardens, Limahuli Garden

Location: North Shore, Kauaʻi

Size: 2 acres

TPL helped Kauaʻi Public Land Trust (KPLT) acquire land with significant ancient taro *loʻi* (terraces) and *ʻauwai* (agricultural canals) which was slated for development. The property was subsequently transferred to Limahuli Garden for addition to Limahuli's archaeologically-rich interpretive landscape and yielded an ancient *imu* pit over 1,000 years old.

### **Kaʻāpahu Ahupuaʻa, Haleakalā National Park, 1998**

Project Name: Kaʻāpahu

Location: Kīpahulu, Maui

Size: 1,475 acres

This property plunges from an elevation of 4,000 feet on the eastern slope of the volcanic cone of Haleakalā, through native, undisturbed rain forest along five riparian corridors, terminating abruptly at the rugged coast. Kaʻāpahu is a biologically and culturally rich *koa* forest addition to Haleakalā National Park.

## **Hālawā Valley, 1998 and 1999**

Project Name: Hālawā Valley

Location: East Molokaʻi

Size: (Two parcels) 4 acres

In 1997, local residents began restoring ancient *loʻi* and *ʻauwai* in Hālawā Valley and reintroduced taro to the historic area. TPL, working with community leaders, helped create a land base for this important effort by acquiring key parcels of land and then granting the parcels to a land trust for community stewardship. The Hālawā Valley program functions as an outdoor classroom, bringing at-risk youth from the neighbor islands to the valley for education, recreation, and connection to a rich cultural history.

## **Lumahaʻi Beach, 2001**

Project Name: Lumahaʻi Beach

Location: North Shore, Kauaʻi

Size: 40 acres

The conservation of Lumahaʻi Beach will assure public access, use and enjoyment of one of the world's most recognized and beautiful beaches. Lumahaʻi Beach has served as the backdrop for Hollywood films such as *South Pacific* as well as a recreational area for local residents for years, and is now permanently preserved in public hands by the state of Hawaiʻi.



## **Kaʻala Farm, 2003**

Project Name: Kaʻala Farm

Location: Waiʻanae, Oʻahu

Size: 7.5 acres

In 2003, TPL assisted Kaʻala Farm, a non-profit organization serving the Waiʻanae coast communities on the island of Oʻahu, in protecting a 7.5-acre piece of land that provides a critical land base to the Farm and access to its Cultural Learning Center. Kaʻala Farm has

offered Native Hawaiian cultural education and environmental conservation programs to school children, young people and adults for three decades, welcoming more than 4,000 visitors each year. The acquisition helped to secure, safeguard and support the programs for generations to come.

### **Mū‘olea Point, 2005**

Project Name: Mū‘olea Point

Location: Hāna, Maui

Size: 73.3 acres

In March 2005, with assistance from the Office of Hawaiian Affairs, the County of Maui, and federal funds, TPL purchased approximately 73 acres of pristine Hāna coastline from a private developer, and conveyed it to the County of Maui for preservation in perpetuity with the stewardship of a local community group, Nā Mamo O Mū‘olea. The parcel provides traditional ocean access for the rural community and protects habitat for numerous native plants and marine animals including the Hawaiian monk seal. It also once served as the summer home for King David Kalākaua and contains hundreds of cultural sites and Hawaiian burials.



### **Honu‘apo Fishpond, 2006**

Project Name: Honu‘apo Fishpond

Location: Ka‘ū, Hawai‘i Island

Size: 225 acres

In March 2006, with federal funds from a NOAA coastal preservation program, State and County funds, and private donations, TPL purchased 225 acres of coastal land in Ka‘ū while creating the County of Hawai‘i’s largest public park. The parcel, which was set to be subdivided and developed into nearly 20 oceanfront homes, included an estuary/Hawaiian fishpond that serves as one of the few places to safely swim and fish along the rugged coast, numerous cultural sites, and a historic coconut palm grove. A

local community group, Ka ‘Ohana O Honu‘apo, will assist the County in stewarding the land.

### **Waimea Valley, 2006 (Facilitated)**

Project Name: Waimea Valley

Location: North Shore, O‘ahu

Size: 1,875 acres

Threatened with subdivision and development in 2005, TPL joined in partnership with several other groups including the State of Hawai‘i, the City and County of Honolulu, and Office of Hawaiian Affairs to protect one of the last intact *ahupua‘a* on the Island of O‘ahu and one of the community’s favorite places. Utilizing US Army Compatible Use Buffer-Zone (ACUB) funding, TPL helped facilitate the purchase and permanent protection of this historic valley that contains a botanical garden with hundreds of rare and endangered plants, one of the most famous waterfalls on the Island, and countless Hawaiian cultural sites.



### **Wao Kele O Puna, 2006**

Project Name: Wao Kele o Puna

Location: Puna, Hawai‘i Island

Size: 25,856

Wao Kele o Puna is composed of dense Hawaiian rainforest that covers over forty square miles of the rugged Puna District on Hawai‘i. It represents one of the last intact lowland forests in the State and serves as a critical seed bank for nearby lava flows as well as the center of a historic traditional and cultural gathering area that was defended by Hawaiian groups against geothermal drilling in the 1990’s. The property was transferred to the Office of Hawaiian Affairs and will be protected in perpetuity for natural and cultural resource preservation. It was ranked the #1 Forest Legacy Program acquisition in the nation.

## **Kahauale‘a (Queen's Bath), 2006**

Project Name: Kahauale‘a

Location: Puna, Hawai‘i Island

Size: 890 acres

The historic Queen’s Bath area that once featured large springs and clear pools within the rainforest was reclaimed by Pele and covered with lava in the 1980’s. However, the cultural importance of the area remains strong and TPL partnered with Ka Lau Ona One o Puna, a Hawaiian organization consisting of families removed from Volcanoes National Park in the early 1900’s, to restore this coastal ahupua‘a to community ownership. The land will provide economic development opportunity as a gateway to the park as well as important coastal access and potential agricultural opportunities for the Kalapana community.



## **Pu‘uhonua O Hōnaunau National Historic Park, 2006**

Project Name: Ki‘ilae Village, Hōnaunau

Location: South Kona, Island of Hawai‘i

Size: 238 acres

In 2002, TPL-Hawai‘i purchased 238 acres from a landholder who had planned a housing development on historically sensitive lands adjacent to Pu‘uhonua O Hōnaunau (City of Refuge) National Historic Park in South Kona. TPL saved the property from development, held it for four years, and in 2006, successfully transferred the property to the National Park Service. The parcel contains important burial grounds and the remnants of an ancient Hawaiian fishing village known as Ki‘ilae, as well as offering a buffer and sweeping views of the Park nestled on the fragile Kona coastline.

## **Moanalua Valley, 2007**

Project Name: Moanalua Valley

Location: Honolulu, O‘ahu

Size: 3,716 acres

The acquisition and protection of Moanalua Valley preserved one of the last truly open spaces in the crowded urban Honolulu area and ended an over 30 year community struggle. Once slated for freeway development, the culturally-sensitive and native species-rich valley has served as a refuge over the millennia. With nine miles of meandering streams, historic stone bridges, and 14 endangered species, the valley will continue to serve as an outdoor classroom for children and others. The valley is an important watershed area for Honolulu, and has been added to state's Forest Reserve system.

### **Pūpūkea-Paumalū, 2007**

Project Name: Pūpūkea-Paumalū

Location: North Shore, O'ahu

Size: 1,129 acres

In June 2007, TPL acquired 1,129 acres of coastal bluff from the Obayashi Corporation, immediately transferred 25 acres along Kamehameha Highway to the City and County of Honolulu and transferred the remaining 1,104 acres to the State Parks Reserve. The project was made possible by five funding sources: (a) the U.S. Army Compatible Use Buffer (ACUB) zone program, (b) a National Oceanic Atmospheric Administration Coastal Estuarine Land Conservation Program grant, (c) a State appropriation, (d) a City appropriation, and (e) private donations raised by the North Shore Community Land Trust (NSCLT). Obayashi had planned a subdivision of over 300 upscale residential homes and other infrastructure. TPL's acquisition preserves the North Shore's hallmark scenic viewshed and the natural backdrop to the world's top surfing competitions, and protects coastal water quality along the Pūpūkea Marine Life Conservation District, a refuge for Hawai'i's endangered and threatened sea turtles and monk seals. NSCLT is engaging the community in planning for future recreational and educational uses of the property.

### **MA'O Farm, 2009 (facilitated)**

Project Name: MA'O Farm

Location: Wai'anae, O'ahu

Size: 11 acres

TPL provided technical assistance (appraisal, environmental survey and remediation, grant and land acquisition process) to MA'O Farm, a Wai'anae organic farm that is growing the next generation of Hawai'i farmers, to acquire their first permanent land base of 11 acres, allowing the farm to triple its production. MA'O is a food security initiative of the Wai'anae Community Re-Development Corporation (WCRC), a Hawai'i non-profit 501(c)3 corporation. MA'O is the acronym for māla 'ai 'opio, which translates as "the youth food garden", a movement to develop a comprehensive and living local food system -- educating youth, fighting hunger, improving health and nutrition, growing the organic agriculture industry -- to empower our community to move towards self-sufficiency. MA'O has developed educational programs in partnership with Wai'anae High School, and an associates degree program at Leeward Community College (its

college interns receive tuition waivers and stipends). MA‘O sells its produce at local farmers markets, natural food stores, and award winning restaurants (Nobu’s, Alan Wong’s and Town) and was selected as one of the first local suppliers for Whole Foods in Hawai‘i. A neighbor (former egg farmers) next to its operations agreed to sell MA‘O 11 acres of agricultural land and provide MA‘O with a permanent land base.

### **Honouliuli Preserve, 2010**

Project Name: Honouliuli Preserve

Location: East Wai‘anae Mountain Range, O‘ahu

Size: 3,592 acres

Working with the State Division of Forestry and Wildlife, the U.S. Fish & Wildlife Service, and the U.S. Army Garrison Hawai‘i, TPL raised \$4.3 million to acquire and protect the 3,592 acre Honouliuli Preserve. The Preserve is a globally rare, lowland diverse mesic forest located on the eastern slope of the Wai‘anae Mountain Range that supports 35 threatened and endangered species (16 of which can be found nowhere else in the world), including the endangered O‘ahu ‘Elepaio (forest bird) and endangered "singing" kahuli tree snail. The Preserve also protects important watershed that feeds the Pearl Harbor Aquifer, the largest drinking water resource on O‘ahu, and houses important cultural sites, including Pōhākea Pass, where Pele's sister Hi‘iaka is said to have traveled and stood upon to view the devastation that the angry Pele had wrought upon Puna, Hawai‘i Island. Private donations from the Gill family trusts, the Edmund C. Olson Trust, The Nature Conservancy, a member of TPL's Hawaiian Islands Advisory Council, and other private donors, have established a \$400,000 endowment at the Hawai‘i Community Foundation to support management of the Preserve.

### **Sunset Ranch, 2010**

Project Name: Sunset Ranch

Location: Pūpūkea, North Shore, O‘ahu

Size: 27.44 acres

The owner of the 27.44 acre Sunset Ranch worked with TPL, the North Shore Community Land Trust (NSCLT), and the Maui Coastal Land Trust (as a cooperating partner) to preserve this unique property’s agricultural/ranch legacy. The one of a kind Ranch is located mauka of Pu‘u o Mahuka Heiau, and is situated at the meeting point of 4 important conservation and public recreation areas: 1) the 1,144 acre Pūpūkea-Paumalū Park Reserve; 2) Waimea Valley; 3) the Pūpūkea Boy Scout Camp; and 4) the Na Ala Hele Kaunala Loop Trail (25 miles of trails and hunting area). Financial pressures had caused the owner, whose family has owned the ranch for several generations, to proceed with a 12-lot subdivision development plan. However, the voluntary sale of a conservation easement that dedicated the land to agricultural and ranch uses in perpetuity allowed the owner to meet financial obligations and keep the land in the family, while at the same time fulfilling community desires to preserve the view-shed, maintain adequate public trail access, preserve the natural beauty of the surrounding area and its agricultural/ranching heritage. Sunset Ranch uses the land for pasture grazing, horse boarding and riding lessons, raising pigs and chickens, and is working to revitalize the

native Hawaiian plant nursery that once thrived on the property in partnership with Waimea Valley/Hi‘ipaka LLC.



### **Lapakahi, 2010 (expected)**

Project Name: Lapakahi

Location: North Kohala, Hawai‘i Island

Size: 17.05 acres

TPL is currently working with the State Parks Division to acquire and protect a privately owned 17-acre inholding within the Lapakahi State Historical Park in North Kohala on Hawai‘i Island which was rated the #1 project nationally among 57 competing projects for Coastal Estuarine Land Conservation Program funds under the National Oceanic Atmospheric Administration (NOAA). The Park boasts some of the best examples of pre-contact Hawaiian cultural sites in the State and a portion of the Ala Kahakai National Historical Trail. Successive landowners have marketed the property for its development attention or sought to develop the stunning coastal property into residential homes, threatening the integrity of the cultural sites and the water quality of the adjacent Lapakahi Marine Life Conservation District, which is habitat to over 112 species of fish, many of which are species of concern. NOAA and State Legacy Land Conservation funding have made this project possible.

### **Pāo‘o, 2010 (expected)**

Project Name: Pāo‘o

Location: North Kohala, Hawai‘i Island

Size: 10.67 acres

Just south of Lapakahi, TPL is current working with the County of Hawai‘i and several local community groups to acquire and protect this 10.67-acre coastal parcel in North Kohala on the Island of Hawai‘i, which had previously been the subject of a contested luxury residential development. The Lapakahi and Pāo‘o projects are part of broader County and community efforts to protect more than five miles of shoreline north of Kawaihae Harbor. TPL has assisted the County in raising \$945,000 of State Legacy Land Conservation funding for a total \$1.89 million purchase price. The property is

bordered on three sides by publicly owned conservation land, and is adjacent to the Lapakahi Marine Life Conservation District and includes sections of the Ala Kahakai National Historic Trail, a network of trails stretching 175 miles along the coastline of the island of Hawai'i.

### **Fong Plantation, 2011 (expected)**

Project Name: Fong Plantation Conservation Easement

Location: Ka'ala, O'ahu

Size: 108 acres

TPL is currently working with the O'ahu Land Trust to acquire a conservation easement over approximately 108 acres of the Senator Fong's Plantation and Gardens ("Plantation") located in the ahupua'a of Ka'ala in Ko'olaupoko, O'ahu. The Plantation contains dozens of varieties of fruit trees, nuts, plants and vines from all over the world as well as several species of native plants, trees, and flowers. The property stands as a picturesque backdrop of the Ko'olau Mountains as you drive along Kamehameha Highway toward Kualoa from the town of Kāne'ōhe. The Plantation is located in the windward district of O'ahu where the community has fought for generations to preserve the rural character and lifestyle of the area. Placing a conservation easement over the property will ensure that the property (some of which is classified as Urban under the State's Land Use Classification system) will remain as a tropical garden, with no additional residential or urban development.