

**THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII
BUREAU OF CONVEYANCES**
DOCUMENT NO. Doc A - 72210699
DATE - TIME October 09, 2019 8:02 AM

Return by Mail () Pickup (X) To:
ATTENTION: Kaliko Siu
Gentry Homes, Ltd.
733 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

FirstAm:
Total Pages: 6

Document Title: AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT
UNDER SECTION 21-5.380 OF THE LAND USE ORDINANCE (LUO)

Declarant: GENTRY KGC, LLC

Property Description: Lots 1, 3 to 11, inclusive, 13, and 14 as shown on DPP File No. 2017/SUB-168, and further described in Surveyor's Affidavit recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-72140978, along with Lots 2-A and 12-A as shown on DPP File No. 2019/SUB-44, and further described in Surveyor's Affidavit recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-72140979.

This property was previously a portion of Lot 6770, Map 571 filed with Land Court Application 1069, now deregistered by Document No. A-71711038, recorded at the Bureau of Conveyances on August 20, 2019.

[Keali'i By Gentry Joint Development Agreement]

TMK No. (1) 9-1-016:228

**AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT
UNDER SECTION 21-5.380 OF THE LAND USE ORDINANCE (LUO)**

THIS INDENTURE is made on October 8, 2019, by GENTRY KGC, LLC, a Hawaii limited liability company, having its principal place of business and post office address at 733 Bishop Street, Suite 1400, Honolulu, Hawaii 96813, hereinafter referred to as the “Declarant”.

RECITALS:

1. Declarant is the owner of those certain parcels of land described in Exhibit “A”, attached hereto and made a part hereof.
2. Section 21-5.380 of the Land Use Ordinance (LUO) provides that if an owner, owners or duly authorized lessee of adjacent lots believe that joint development of their property would result in more efficient use of their land, they may apply for a Conditional Use Permit to allow such development and to treat said lots as one (1) for zoning purposes.
3. LUO Section 21-5.380 requires an applicant for a Conditional Use Permit to submit to the City and County of Honolulu (hereinafter referred to as the “City”) an agreement binding himself and his successors in title to maintain a proposed development so that conformity with the applicable zoning regulations will be assured.
4. Declarant proposes to develop all of those parcels of land described in said Exhibit “A”, in accordance with the zoning regulations, in the belief that said proposed development would result in a more efficient use of said parcels.
5. Declarant desires to avail itself of the benefits of LUO Section 21-5.380, and hereby makes application for the issuance of a Conditional Use Permit pursuant thereto.

NOW THEREFORE, Declarant hereby covenants and makes the following Declaration and Gentry Investment Properties hereby agrees:

DECLARATION:

1. This Agreement is made pursuant to and in compliance with the provisions of LUO Section 21-5.380, relating to joint development of two (2) or more adjacent lots, the terms of which Section shall be effective when the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii, approves development of those parcels of land described in said Exhibit “A”, and issues a Conditional Use Permit therefor.
2. Declarant agrees to develop in accordance with all other provisions of the zoning regulations.
3. Declarant agrees to file copies of this Agreement and the attachments referred to herein each time the Declarant or its successors, or permitted assigns or agents, files

an application for a building permit for any structure within the real property which is the subject of this Agreement.

4. Declarant agrees that all of said parcels of land described in said Exhibit "A", shall at all times remain an integral part of said development.

5. Failure to develop substantially in accordance with this Agreement and the zoning regulations shall constitute grounds for the City to revoke or suspend any building permits issued hereunder.

6. Failure to maintain the development in accordance with this Agreement shall constitute grounds for the City to revoke or suspend the Conditional Use Permit issued pursuant to this Agreement.

7. This Agreement shall not be amended, terminated, extinguished, nor canceled without the express written approval of the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii.

8. The City and County of Honolulu, State of Hawaii, shall have the right to enforce this Agreement and the conditions contained herein by appropriate action at law or suit in equity against the Declarant and any person claiming an interest in such property.

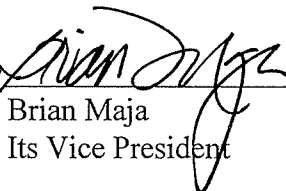
9. It is expressly understood and agreed that this Agreement shall run with the land and shall bind, inure to the benefit of, and constitute notice to the respective successors, grantees, assignees, mortgagees, lienors, and any other person who claims an interest in such property of the parties hereto.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the undersigned has executed this Joint Development Agreement the day and year first above written.

GENTRY KGC, LLC,
a Hawaii limited liability company

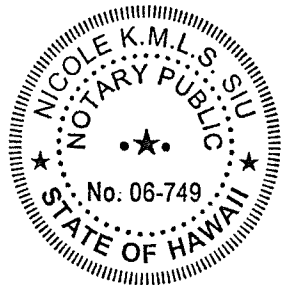
By Its Member:
Gentry Homes, Ltd.,
a Hawaii corporation

By  _____
Brian Maja
Its Vice President

“Declarant”

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this October 8, 2019, before me personally appeared **BRIAN MAJA**, to me personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Stamp or Seal)

A handwritten signature in black ink, appearing to read "Nicole K.M.L.S. Siu".

Name: Nicole K.M.L.S. Siu
Notary Public, State of Hawaii
My commission expires: December 3, 2022

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Agreement For Issuance of Conditional Use Permit Under Section 21-5.380 of The Land Use Ordinance (LUO)

Document Date: October 8, 2019

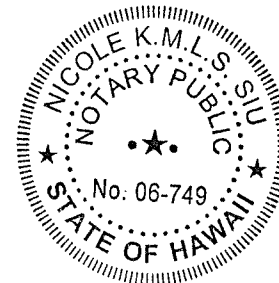
No. of Pages: 6

Jurisdiction (in which notarial act is performed): First Circuit

A handwritten signature in black ink, appearing to read "Nicole K.M.L.S. Siu".

Signature of Notary

October 8, 2019
Date of Notarization and
Certification Statement



(Stamp or Seal)

Nicole K.M.L.S. Siu
Printed Name of Notary

EXHIBIT "A"

ALL of those certain parcels of land situate at Honouliuli, District of Ewa, Island of Oahu, State of Hawaii, described as follows:

Lot 1, area 0.614 acre;

Lot 3, area 0.647 acre;

Lot 4, area 0.974 acre;

Lot 5, area 0.974 acre;

Lot 6, area 0.974 acre;

Lot 7, area 0.974 acre;

Lot 8, area 0.974 acre;

Lot 9, area 0.974 acre;

Lot 10, area 1.097 acres;

Lot 11, area 1.069 acres;

Lot 13, area 1.963 acres; and

Lot 14, area 0.927 acre, all as shown on DPP File No. 2017/SUB-168, and further described in Surveyor's Affidavit recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-72140978.

ALONG WITH:

Lot 2-A, area 0.601 acre; and

Lot 12-A, area 0.860 acre; both of which are shown on DPP File No. 2019/SUB-44, and further described in Surveyor's Affidavit recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-72140979.

This property was previously a portion of Lot 6770, Map 571 filed with Land Court Application 1069, now deregistered by Document No. A-71711038, recorded at the Bureau of Conveyances on August 20, 2019.

END OF EXHIBIT "A"