



GOODSILL

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DEPARTMENT OF HEALTH

2018 SEP 10 10:06
August 27, 2018

HEER OFFICE

E-MAIL AND CERTIFIED MAIL

Iris van der Zander
Hazard Evaluation and Emergency Response Office
Hawaii Department of Health
919 Ala Moana Boulevard, Room 206
Honolulu, Hawaii 96814

Re: Factory Street

Dear Ms. van der Zander:

I am writing to confirm that my clients, LKJ Holdings Company for 2003 North King Street and MC Holdings Company for 1955 North King Street (collectively, the "Property Owners"), do not own Factory Street.

As shown in the enclosed title report dated August 8, 2018, Factory Street is owned in fee by Kalihi Taro and Land Company, Limited, a dissolved Hawaii corporation.

Further, enclosed is a letter dated June 29, 2018 from Councilmember Joey Manahan, which provides that the City and County of Honolulu has agreed to conduct surface maintenance work on Factory Street from King to Stanley Streets.

These two documents therefore demonstrate that the Property Owners do not own Factory Street and are not responsible for its maintenance. Thank you for your attention to this matter.

Very truly yours,

Lisa A. Bail

LAB

Enclosures

cc: Merton Lau
Kathleen Ho, Esq.
Steve Mow
Fenix Grange

STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, Inc.'s responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500 or two times the amount paid for this Report.

SCHEDULE A

Title Guaranty of Hawaii, Inc. (the "Company") hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

KALIHI TARO AND LAND COMPANY, LIMITED,
a dissolved Hawaiian corporation,
as Fee Owner

This report is subject to the Conditions and Stipulations set forth in Schedule D and is dated as of August 8, 2018 at 8:00 a.m.

Inquiries concerning this report
should be directed to
COLLEEN UAHINUI.
Email cuahinui@tghawaii.com
Fax (808) 533-5870
Telephone (808) 533-5834.
Refer to Order No. 201811837.

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes - NONE

Tax Key: NONE

Said roadway described in Schedule C herein lying within the boundaries of Tax Key(s) (1) 1-2-011-001, 002, 003, 004, 007, 008, 009, 010, and Tax Key(s) (1) 1-2-001-053, 054, 094, 062, - 63, 064, 065, 092 and 066.

2. Mineral and water rights of any nature.
3. Any and all matters not shown in the Indices described in Schedule A.
4. Rights of others who may have easement or access rights in the land described in Schedule C.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

-Note:- A current survey, with metes and bounds description, should be made of said premises.

6. Any and all existing unrecorded easements and right-of-way.
7. Appearing of record is that certain QUITCLAIM DEED of BANK OF HAWAII, a Hawaii corporation, dated June 25, 2001, recorded as Document No. 2001-115081, conveying to RGA, CORP., a Hawaii corporation, "All of that certain parcel of land, known as FACTORY STREET, located between parcels adjoining said street that are identified as TMK (1) 1-2-011:001 and TMK (1) 1-2-011:010, as shown on Map "25" attached", besides other streets.

Title Guaranty of Hawaii, LLC is unable to locate of record any deed or deeds conveying FACTORY STREET to BANK OF HAWAII, a Hawaii corporation.

END OF SCHEDULE B

SCHEDULE C

All of that certain parcel of land (being portion of the land described in and covered by (A) Royal Patent Grant Number 3303 to C. P. Iaukea and J. E. Bush; (B) Royal Patent Grant Number 2926, Apana 2 to Chung Hoon; (C) Royal Patent Number 2492, Land Commission Award Number 11229, Apana 3 to Opunui; and (D) Royal Patent Number 3289, Land Commission Award Number 926, Apana 3 to Kamalanai) situate, lying and being at Niau, Kalihi, Honolulu, City and County of Honolulu, State of Hawaii, being FACTORY ROAD as delineated on map of "WATERHOUSE TRACT" as shown on File Plan Number 79, filed in the Bureau of Conveyances of the State of Hawaii, bearing Tax Key designation (1) 1-2-011-_____, containing an area of _____ square feet, more or less, as hatched on map attached hereto and made a part hereof and marked as EXHIBIT "A".

Said above described parcel of land having been acquired by KALIHI TARO AND LAND COMPANY, LIMITED by the following:

1. As to Royal Patent Grant Number 3303 to C. P. Iaukea and J. E. Bush: DEED of ERNEST KOPKE (and wife, Mary Jane Kopke) and ALBERT WATERHOUSE (and wife, Gretchen K. Waterhouse) dated April 27, 1910, recorded in Liber 327 at Page 395; and
2. As to Royal Patent Grant Number 2926, Apana 2 to Chung Hoon; Royal Patent Number 3289, Land Commission Award Number 926, Apana 3 to Kamalanai; and Royal Patent Number 2492, Land Commission Award Number 11229, Apana 3 to Opunui: (A) DEED of ERNEST KOPKE (and wife, Mary Jane Kopke) and ALBERT WATERHOUSE (and wife, Gretchen K. Waterhouse) dated April 27, 1910, recorded in Liber 327 at Page 395; and (B) WARRANTY DEED of VICTORIA MEYER (and husband, Henry Meyer) dated October 13, 1911, recorded in Liber 348 at Page 445.

No deed or deeds appear of record by KALIHI TARO & LAND COMPANY, LIMITED, a Hawaiian corporation, dealing with FACTORY ROAD, or FACTORY STREET.

Records of the Treasurer of the Territory of Hawaii shows KALIHI TARO AND LAND COMPANY, LIMITED, an Hawaiian corporation, was dissolved and its Articles of Association annulled as of January 25, 1926.

END OF SCHEDULE C

SCHEDULE D

CONDITIONS AND STIPULATIONS

1. This Status Report (which term shall include any revisions thereto) is a report of the record title only, based solely upon an abstract and examination of the Indices described in Schedule A as of the date of the Report. No responsibility is assumed for (a) matters which may affect the title but either were not disclosed or were incorrectly disclosed in said indices at the date hereof; or (b) matters created, suffered, assumed, or agreed to by Purchaser; or (c) matters not shown herein but actually know to Purchaser. Title Guaranty of Hawaii, Inc. (the "Company") makes no representation as to the legal effect, validity or priority of matters shown or referred to herein.
2. If the Report is incorrect in any respect, the responsibility of the Company shall be limited to the resulting actual loss, including any attorney's fees and legal costs, but in no event shall exceed the lesser of \$3,500 or two times the amount paid for the Report. Upon payment of any loss hereunder, the Company shall be subrogated to all rights the Purchaser may have against any person or property as a result of such loss.
3. If the Purchaser of this Report shall suffer an actual loss by reason of the incorrectness of the Report, the Purchaser shall promptly notify the Company in writing. After receipt of such notice, the Company shall be allowed a reasonable time in which to investigate the claim. At its sole option, the Company may litigate the validity of the claim, negotiate a settlement or pay to Purchaser the amount the Company is obligated to pay under this Report. The Company's responsibility hereunder constitutes indemnity only and nothing herein shall obligate the Company to assume the defense of the Purchaser with respect to any claim made hereunder.
4. This report is the entire contract between the Purchaser and the Company and any claim by Purchaser against the Company, arising hereunder, shall be enforceable only in accordance with the provisions herein.
5. Notice required to be given the Company shall include the Order Number of this Report and shall be addressed to Title Guaranty of Hawaii, Inc., P.O. Box 3084, Honolulu, HI 96802, Attention: Legal Department.



JOEY MANAHAN
Councilmember District VII
Phone: (808) 768-5007
E-mail: jmanahan@honolulu.gov

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

June 29, 2018

Aloha Friends and Neighbors,

Thank you for your patience and ongoing support to advance road maintenance on Factory Street and for removing the re-installed restrictive signs along Factory Street.

The City and County of Honolulu issued a letter on March 9, 2018 to inform property owners that maintenance was discontinued on Factory Street from King to Stanley Streets. In the stated letter, surface maintenance was discontinued after numerous efforts to commence work but due to restrictive signs being placed along the streets, pursuant to Chapter 14, Article 32, "Maintenance of Private Streets and Roads" in the Revised Ordinances of Honolulu (ROH), maintenance was discontinued.


Recently, residents have worked to remove such restrictive signs and I express gratitude for their work in doing so. Though the signs are now currently removed from Factory Street, per the March 9, 2018 letter: Persons collectively owning 60 percent or more interest in the fee title or an appropriate roadway easement in the street or road **shall initiate and submit a written request** to the Chief Engineer of the City's Department of Facility Maintenance for the maintenance of the street or road. The petition may be submitted to:

City and County of Honolulu
Department of Facility Maintenance
1000 Uluohia Street, Suite 215
Kapolei, Hawaii 96707

If the street qualifies for maintenance, **please be advised that if the signs are re-installed, the City shall immediately discontinue maintenance** of Factory Street for noncompliance to criteria set forth in ROH Chapter 14, Article 32, Section 14-32.2, "Maintenance of Private Streets and Roads."

Please contact me at (808)-768-5007 if assistance is needed in submission of the property owners' petition.

Mahalo,


JOEY MANAHAN
Councilmember, Council District VII