

FOR COMMERCIAL MARITIME, MARINE, AND ASSOCIATED PURPOSES, to be under the control and management of the Department of Transportation, Harbors Division, consisting of:

"Hilo Harbor, Part 1," being that parcel of filled and submerged land of Hilo Bay, situate at Waiakea, South Hilo, Island of Hawaii, Hawaii, containing an area of 1097.554 acres, more or less, more particularly described in Exhibit "A" which is attached hereto and made a part hereof, said exhibit being a survey description prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated C.S.F. No. 23,388 and dated November 12, 2002, and delineated on Exhibit "C" which is attached hereto and made a part hereof, said exhibit being a survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated H.S.S. Plat 940-A.

"Hilo Harbor, Part 2," situate at Waiakea, South Hilo, Island of Hawaii, Hawaii, containing an area of 43.367 acres, more or less, more particularly described in Exhibit "B" which is attached hereto and made a part hereof, said exhibit being a survey description prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated C.S.F. No. 23,389 and dated November 12, 2002, and delineated on Exhibit "C" which is attached hereto and made a part hereof, said exhibit being a survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being designated H.S.S. Plat 940-A.

SUBJECT, HOWEVER, that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the Department of Transportation, Harbors Division shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

SUBJECT, FURTHER, to compliance with all of the conditions of Conservation District Use Permit No. SH-7/14/93-2658 as approved by the Board of Land and Natural Resources on December 17, 1993.

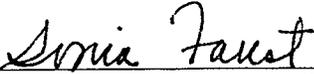
SUBJECT, FURTHER, to compliance with all of the requirements of the federal, state, and county authorities, and observance of all county ordinances and state and federal statutes, rules, and regulations, now in force or which may hereinafter be in force.

SUBJECT, FURTHER, to existing easements and other encumbrances as documented or noted in public records, together with easements for ingress and egress to and from small boat harbors in favor of the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, and for maintenance and dredging purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed. Done at the Capitol at Honolulu this 19th day of February, 2003.


Governor of the State of Hawaii

APPROVED AS TO FORM:


Deputy Attorney General

Dated: December 31, 2002

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. 3962 setting aside land for public purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed his name and caused the Great Seal of the State to be affixed.



DONE in Honolulu, this 23 day of
FEB, A.D. 2003



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

November 12, 2002

C.S.F. No. 23,388
Plat 940-A

HILO HARBOR

PART 1

Waiakea, South Hilo, Island of Hawaii, Hawaii

Being a portion of the filled and submerged land of Hilo Bay.

Beginning at the vegetation line at seashore at the south corner of this parcel of land and on the seaward boundary of the Government (Crown) Land of Waiakea, the direct azimuth and distance from the northwest corner of Lot 21 of Ocean View Lease Lots, 2nd Series being: 154° 25' 48" 88.00 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3871.04 feet North and 12,662.88 feet East, thence running by azimuths measured clockwise from True South:-

1. 154° 25' 48" 1322.59 feet;
2. 90° 00' 476.04 feet;
3. 118° 46' 2500.00 feet;
4. 30° 00' 2250.00 feet;
5. 90° 00' 3455.00 feet;

- 6. 159° 21' 4985.00 feet;
- 7. 263° 33' 4175.00 feet;
- 8. 173° 33' 170.00 feet;
- 9. 263° 33' 3100.00 feet;
- 10. 284° 09' 1300.00 feet;
- 11. 309° 05' 1300.00 feet;
- 12. 318° 10' 3125.00 feet;
- 13. 302° 19' 1505.00 feet to highwater mark at seashore;
- 14. Thence along highwater mark at seashore, being also along Part 1 of Pacific Aquaculture and Coastal Resources Center (PACRC), Governor's Executive Order 3871, the direct azimuth and distance being:
22° 56' 92.00 feet;
- 15. 32° 19' 40.00 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 176, being also along Hilo Harbor Breakwater Project Site and Access Road;
- 16. 122° 19' 345.94 feet along U.S. Military Reservation for River and Harbor Improvement, Governor's Executive Orders 176 and 723;
- 17. 17° 00' 20.74 feet along U.S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 723;
- 18. 302° 19' 13.93 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 723;

- | | | | | |
|-----|--|-----|-----|--|
| 19. | 29° | 00' | 15" | 496.37 feet along Part 2 of Hilo Harbor; |
| 20. | 90° | 00' | | 465.98 feet along Part 2 of Hilo Harbor; |
| 21. | 180° | 00' | | 650.00 feet along Part 2 of Hilo Harbor; |
| 22. | 117° | 31' | 13" | 380.34 feet along Part 2 of Hilo Harbor; |
| 23. | 360° | 00' | | 1240.00 feet along Part 2 of Hilo Harbor; |
| 24. | 64° | 25' | 48" | 104.30 feet along Part 2 of Hilo Harbor; |
| 25. | 110° | 40' | | 548.29 feet along Part 2 of Hilo Harbor; |
| 26. | 90° | 00' | | 179.58 feet along Part 2 of Hilo Harbor; |
| 27. | 315° | 00' | | 652.40 feet along Part 2 of Hilo Harbor; |
| 28. | 55° | 35' | | 322.03 feet along Part 2 of Hilo Harbor; |
| 29. | 70° | 32' | 30" | 192.35 feet along Part 2 of Hilo Harbor; |
| 30. | 64° | 25' | 48" | 160.00 feet along Part 2 of Hilo Harbor to vegetation
line at seashore; |
| 31. | Thence along vegetation line and seaward face of rock wall at seashore, being also
along Part 2 of Hilo Harbor, the direct
azimuth and distance being: | | | |
| | 53° | 30' | 40" | 152.77 feet; |

Thence along vegetation line and seaward face of rock wall at seashore,
being also along Ocean View Lease Lots, 2nd Series for the next three (3)
courses, the direct azimuths and distances between points along said
vegetation line and seaward face of rock wall at seashore being:

- | | | | | |
|-----|-----|-----|-----|--------------|
| 32. | 72° | 57' | 40" | 101.12 feet; |
| 33. | 67° | 01' | 40" | 170.18 feet; |
| 34. | 62° | 20' | | 246.15 feet; |

35. Thence along vegetation line at seashore being also along the Government (Crown) Land of Waiakea, the direct azimuth and distance being:
76° 01' 30" 371.56 feet to the point of beginning and containing an AREA OF 1097.554 ACRES, MORE OR LESS.

Subject, however, to Perpetual Non-Exclusive Easement for boating and ocean recreation purposes and for ingress and egress to and from the small boat harbors in favor of the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources and more particularly described as follows:

Beginning at the south corner of this easement, being also the initial point of beginning of the above-described Part 1 of Hilo Harbor, thence running by azimuths measured clockwise from True South:-

- | | | |
|-----|--------------|---------------|
| 1. | 154° 25' 48" | 1322.59 feet; |
| 2. | 90° 00' | 476.04 feet; |
| 3. | 118° 46' | 2500.00 feet; |
| 4. | 30° 00' | 2250.00 feet; |
| 5. | 90° 00' | 3455.00 feet; |
| 6. | 159° 21' | 4985.00 feet; |
| 7. | 263° 33' | 4175.00 feet; |
| 8. | 173° 33' | 170.00 feet; |
| 9. | 263° 33' | 3100.00 feet; |
| 10. | 284° 09' | 1300.00 feet; |

11. 309° 05' 1300.00 feet;
12. 318° 10' 3125.00 feet;
13. 302° 19' 1505.00 feet to highwater mark at seashore;
14. Thence along highwater mark at seashore, being also along Part 1 of Pacific Aquaculture and Coastal Resources Center (PACRC), Governor's Executive Order 3871, the direct azimuth and distance being:
22° 56' 92.00 feet;
15. 32° 19' 40.00 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 176, being also along Hilo Harbor Breakwater Project Site and Access Road;
16. 122° 19' 345.94 feet along U.S. Military Reservation for River and Harbor Improvement, Governor's Executive Orders 176 and 723;
17. 17° 00' 20.74 feet along U.S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 723;
18. 302° 19' 13.93 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 723;
19. 29° 00' 15" 496.37 feet along Part 2 of Hilo Harbor;
20. 90° 00' 465.98 feet along Part 2 of Hilo Harbor;
21. 180° 00' 650.00 feet along Part 2 of Hilo Harbor;
22. 117° 31' 13" 380.34 feet along Part 2 of Hilo Harbor;
23. 360° 00' 1240.00 feet along Part 2 of Hilo Harbor;

- | | | |
|-----|--|---|
| 24. | 64° 25' 48" | 104.30 feet along Part 2 of Hilo Harbor; |
| 25. | 110° 40' | 548.29 feet along Part 2 of Hilo Harbor; |
| 26. | 90° 00' | 179.58 feet along Part 2 of Hilo Harbor; |
| 27. | 315° 00' | 652.40 feet along Part 2 of Hilo Harbor; |
| 28. | 55° 35' | 322.03 feet along Part 2 of Hilo Harbor; |
| 29. | 70° 32' 30" | 192.35 feet along Part 2 of Hilo Harbor; |
| 30. | 64° 25' 48" | 160.00 feet along Part 2 of Hilo Harbor to vegetation line at seashore; |
| 31. | Thence along vegetation line and seaward face of rock wall at seashore, being also along Part 2 of Hilo Harbor, the direct azimuth and distance being:
53° 30' 40" 152.77 feet; | |

Thence along vegetation line and seaward face of rock wall at seashore, being also along Ocean View Lease Lots, 2nd Series for the next three (3) courses, the direct azimuths and distances between points along said vegetation line and seaward face of rock wall at seashore being:

- | | | |
|-----|-------------|--------------|
| 32. | 72° 57' 40" | 101.12 feet; |
| 33. | 67° 01' 40" | 170.18 feet; |
| 34. | 62° 20' | 246.15 feet; |

November 12, 2002

35. Thence along vegetation line at seashore being also along the Government (Crown) Land of Waiakea, the direct azimuth and distance being:
76° 01' 30" 371.56 feet to the point of beginning and containing an AREA OF 1097.554 ACRES, MORE OR LESS.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani
Glenn J. Kodani
Land Surveyor gm

Compiled from data furn. by
R. M. Towill Corp. and Govt.
Survey Records.



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

November 12, 2002

C.S.F. No. 23,389
Plat 940-A

HILO HARBOR

PART 2

Waiakea, South Hilo, Island of Hawaii, Hawaii

Comprised of the following:

- 1. Government (Crown) Land of Waiakea.**
- 2. Portion of Grant 9072 to Pacific Guano and Fertilizer Company conveyed to the Territory of Hawaii by Pacific Chemical and Fertilizer Company by Exchange Deed dated June 26, 1947 and recorded in Liber 2077, Page 478 (Land Office Deed 8199).**
- 3. Portion of Tract C (50.00 ft. wide) of the Railroad Right-of-Way granted to Hilo Railroad Company to the Territory of Hawaii by deed dated May 22, 1912 and recorded in Liber 370, Page 53 (Land Office Deed 1542) and subsequently abandoned and regressed by Hawaii Consolidated Railroad, Limited to the State of Hawaii by reversion clause contained in said deed.**
- 4. Piers 1 (Kuhio Wharf), 2 and 3.**
- 5. Submerged land of Kuhio Bay.**

Beginning at the southeast corner of this parcel of land, the southwest corner of Part 2 of Pacific Aquaculture and Coastal Resources Center (PACRC), Governor's Executive Order 3871 and on the north side of Kalaniana'ole Street, the coordinates of said point of beginning referred to Government Survey

EXHIBIT "B"

Triangulation Station "HALAI" being 4823.07 feet North and 16,291.66 feet East,
thence running by azimuths measured clockwise from True South:-

1. 63° 50' 40.00 feet along the north side of Kalaniana'ole Street;
2. 153° 54' 489.77 feet along the remainder of the Government (Crown) Land of Wai'alea;
3. 63° 54' 253.68 feet along the remainder of the Government (Crown) Land of Wai'alea;
4. 318° 30' 69.29 feet along the remainder of the Government (Crown) Land of Wai'alea;
5. 333° 54' 88.12 feet along the remainder of the Government (Crown) Land of Wai'alea;
6. 63° 54' 400.09 feet along Grant S-14013 to Honolulu Gas Co., Ltd.;
7. 60° 07' 30" 0.11 of a foot along Grant S-14013 to Honolulu Gas Co., Ltd.;
8. 334° 25' 48" 81.35 feet along Grant S-14013 to Honolulu Gas Co., Ltd.;
9. 360° 00' 283.19 feet along Grant S-14013 to Honolulu Gas Co., Ltd.;
10. 63° 54' 77.95 feet along the north side of Kalaniana'ole Street;
11. 180° 00' 252.33 feet along Grant 9072 to Pacific Guano and Fertilizer Company;

12. Thence along the remainder of Grant 9072 to Pacific Guano and Fertilizer Company on a curve to the left with a radius of 30.69 feet, the chord azimuth and distance being:
126° 10' 10" 49.55 feet;
13. 72° 20' 20" 349.89 feet along Grant 11472 to Pacific Chemical and Fertilizer Co. and Grant 11473 to Pacific Chemical and Fertilizer Co.;
14. 64° 25' 48" 515.97 feet along Grant 11473 to Pacific Chemical and Fertilizer Co. and the remainder of the Government (Crown) Land of Waiakea;
15. 82° 10' 65.61 feet along the north end of Kuhio Street;
16. 64° 25' 48" 1185.23 feet along Inter-Island Cargo and Container Yard Site, Governor's Executive Order 3566, Grant 10679 to Hilo Electric Light Company, Limited, Grant 7103 to Inter-Island Steam Navigation Co., Ltd., Grant 12486 to Union Oil Company of California, Grant 7102 to John T. Baker, Grant 7101 to Hilo Emporium, Limited and Grant 7100 to Hilo Rice Mill Company, Limited;
17. 154° 25' 48" 50.63 feet along the remainder of the Government (Crown) Land of Waiakea;
18. Thence along the south side of Banyan Drive on a curve to the left with a radius of 1050.00 feet, the chord azimuth and distance being:
239° 45' 38" 99.55 feet;
19. 154° 25' 48" 229.93 feet along the east end of Banyan Drive, and Lot 37 of Ocean View Lease Lots, 2nd Series to vegetation line at seashore;

- 20. Thence along vegetation line at seashore along Part 1 of Hilo Harbor, the direct azimuth and distance being:
233° 30' 40" 152.77 feet;
- 21. 244° 25' 48" 160.00 feet along Part 1 of Hilo Harbor;
- 22. 250° 32' 30" 192.35 feet along Part 1 of Hilo Harbor;
- 23. 235° 35' 322.03 feet along Part 1 of Hilo Harbor;
- 24. 135° 00' 652.40 feet along Part 1 of Hilo Harbor;
- 25. 270° 00' 179.58 feet along Part 1 of Hilo Harbor;
- 26. 290° 40' 548.29 feet along Part 1 of Hilo Harbor;
- 27. 244° 25' 48" 104.30 feet along Part 1 of Hilo Harbor;
- 28. 180° 00' 1240.00 feet along Part 1 of Hilo Harbor;
- 29. 297° 31' 13" 380.34 feet along Part 1 of Hilo Harbor;
- 30. 360° 00' 650.00 feet along Part 1 of Hilo Harbor;
- 31. 270° 00' 465.98 feet along Part 1 of Hilo Harbor;
- 32. 209° 00' 15" 496.37 feet along Part 1 of Hilo Harbor;
- 33. 302° 19' 326.53 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Orders 723 and 176;
- 34. 32° 19' 40.00 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 176, being also along Hilo Harbor Breakwater Project Site and Access Road;

- 35. 302° 19' 150.00 feet along U. S. Military Reservation for River and Harbor Improvement, Governor's Executive Order 176, being also along Hilo Harbor Breakwater Project Site and Access Road;
- 36. 284° 25' 50" 29.55 feet along Part 1 of Pacific Aquaculture and Coastal Resources Center (PACRC), Governor's Executive Order 3871;
- 37. 333 ° 54' 689.65 feet along Part 2 of Pacific Aquaculture and Coastal Resources Center (PACRC), Governor's Executive Order 3871 to the point of beginning and containing an AREA OF 43.367 ACRES, MORE OR LESS.

Subject, however, to the following easements in favor of the State of Hawaii, its successors and assigns, as shown on plan attached hereto and made a part hereof:

- A. Parcel D of Pipeline Right-of-Way (5.00 feet wide).
- B. Portion of Parcel 1 of Pipeline Right-of-Way (5.00 ft. wide).
- C. Parcel 2 of Pipeline Right-of-Way (5.00 feet wide).
- D. Pipeline Right-of-Way (5.00 feet wide).
- E. Parcel D of Pipeline Right-of-Way (5.00 feet wide).
- F. Portion of Pipeline Easement (6.00 feet wide).
- G. Parcel D of Pipeline Easement (5.00 feet wide).

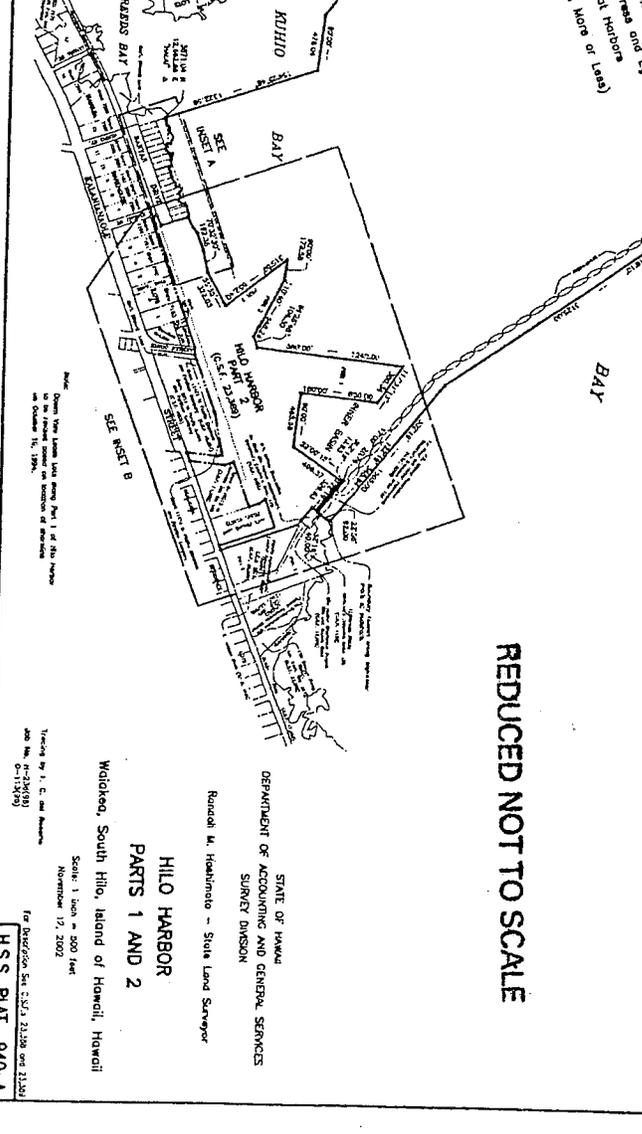
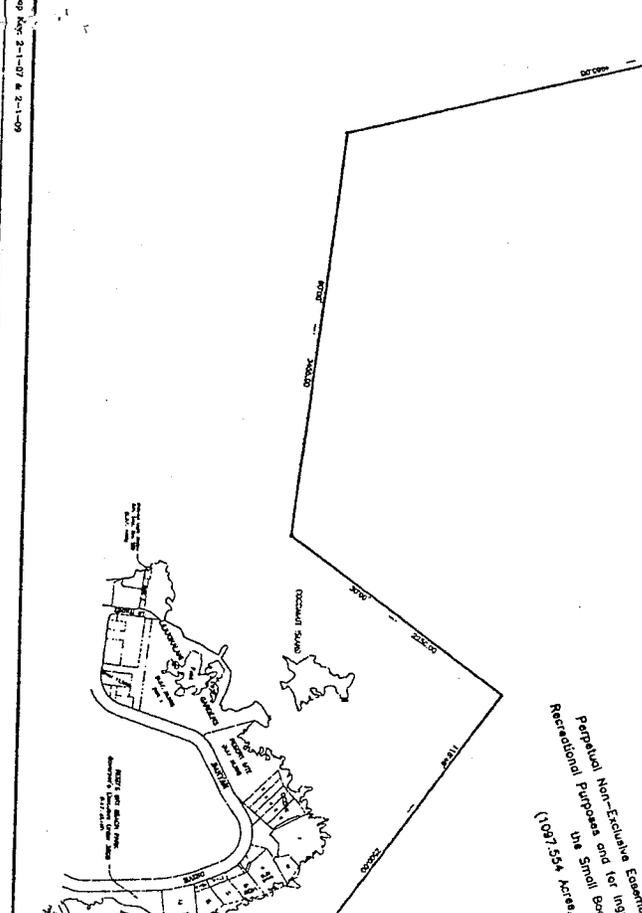
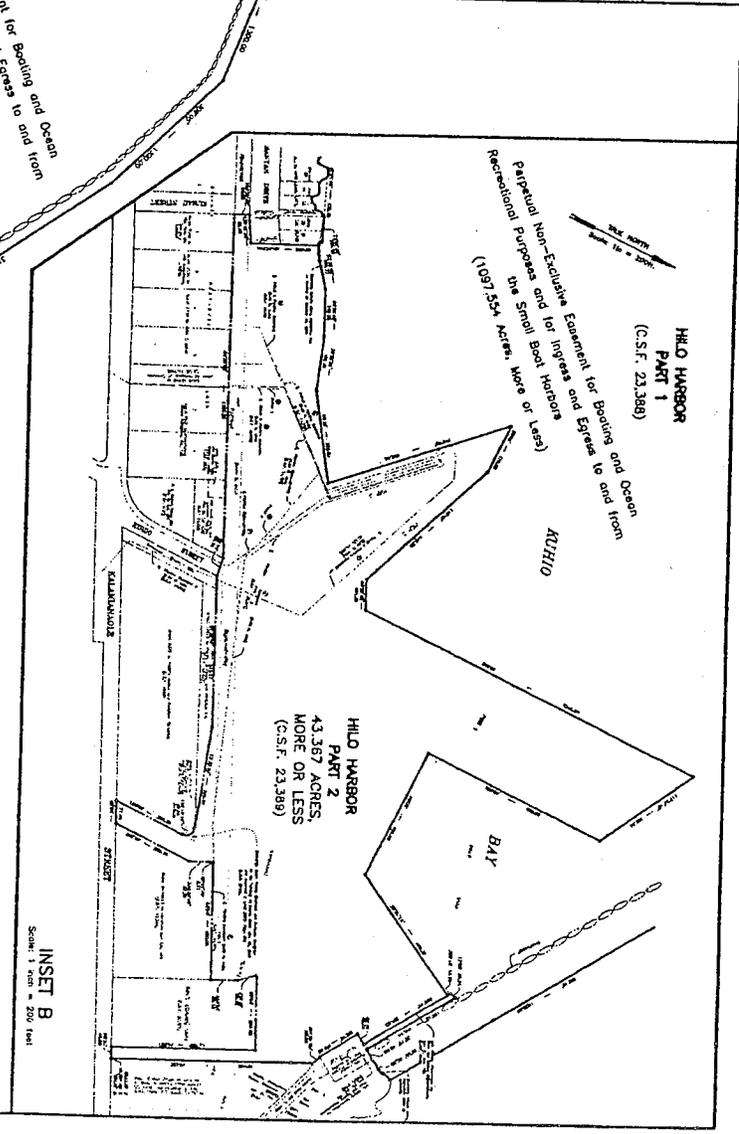
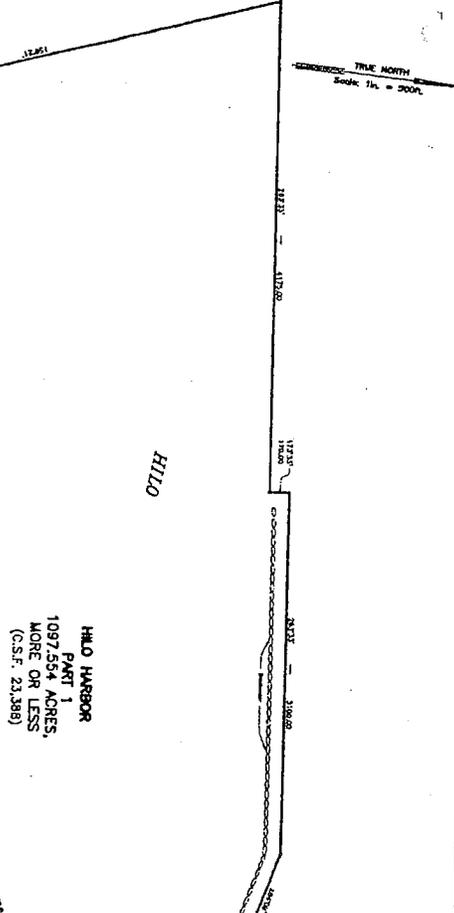
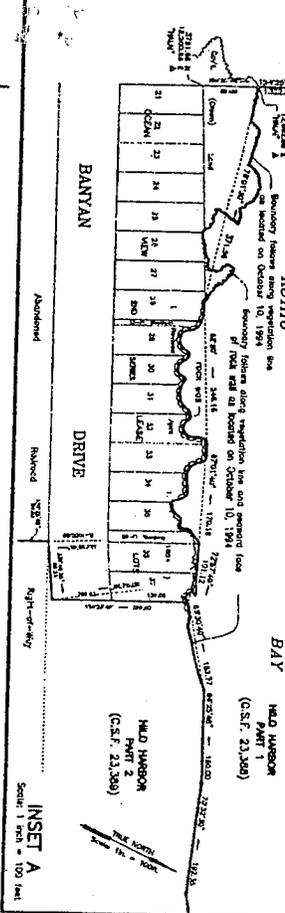
H. Part 1 of Pipeline Easement (5.00 feet wide).

I. Part 2 of Pipeline Easement (5.00 feet wide).

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani
Glenn J. Kodani
Land Surveyor gm

Compiled from data furn.
by R. M. Towill Corp. and
Govt. Survey Records.



REDUCED NOT TO SCALE

STATE OF HAWAII
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 SURVEY DIVISION
 Ronald M. Heahimela - State Land Surveyor
HILO HARBOR
PARTS 1 AND 2
 Waialeale, South Hilo, Island of Hawaii, Hawaii
 Scale: 1 inch = 200 Feet
 November 17, 2002
 For Distribution See CSF's 23,389 and 23,390
HSS PLAT 940-A

EXHIBIT "C"

Map No. 2-1-07 & 2-1-09