

identified as "Kealakehe Wastewater Reclamation Field, North Kona Golf Course and/or Public Park," containing an area of 193.547 acres, vehicle access shall not be permitted into and from Queen Kaahumanu Highway over and across Courses 1, 2 and 4 to 19, inclusive, subject however to perpetual non-exclusive sanitation easement, perpetual non-exclusive access and utility easement, portion of perpetual non-exclusive access and utility easement, and perpetual non-exclusive slope easement, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, being respectively designated C.S.F. No. 25,022 and H.S.S. Plat 321-A both dated December 13, 2010.

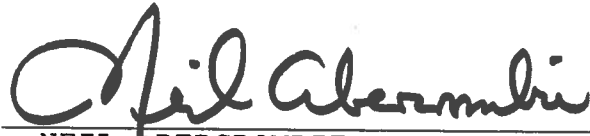
SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Hawaii shall, within a reasonable time, restore the premises 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, that the County of Hawaii shall indemnify, defend, and hold the State of Hawaii, Department of Land and Natural Resources harmless from and against all actions, suits, damages, and claims by whomsoever brought or made relating to or arising out of: (i) that certain Development Agreement for Construction and Operation of a Golf Course in North Kona, Hawaii dated February 20, 1991, made by and between the County of Hawaii and Kealakehe Associates, Inc.; and (ii) that certain Agreement for Lease of Real Property Set Aside to the County of Hawaii by the State of Hawaii dated February 20, 1991, made by and between the County of Hawaii and Kealakehe Associates, Inc. covering the premises.

This executive order does not authorize the recipient of the set aside to sell or exchange or otherwise relinquish the State of Hawaii's title to the subject public land.

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 24th day of
January, 2011.



NEIL ABERCROMBIE
Governor of the State of Hawaii

APPROVED AS TO FORM:


COLIN J. LAU
Deputy Attorney General

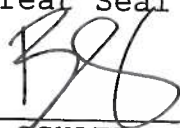
Dated: 1/10/11

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of
Executive Order No. 4355 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.



BRIAN SCHATZ

Lieutenant Governor of the State of Hawaii

DONE in Honolulu, this 11th day of
March, A.D. 2011

