

RESOLUTION NO. 30 21

**A RESOLUTION AUTHORIZING THE OFFICE OF THE MAYOR TO ENTER INTO A RIGHT-OF-ENTRY AGREEMENT WITH THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES, PURSUANT TO HRS 46-7, TO ACCESS CERTAIN STATE LANDS WITHIN THE COUNTY OF HAWAI'I.**

**WHEREAS**, there are certain State lands located within Hawai'i County, which are under the jurisdiction of a State of Hawai'i agency or department; and

**WHEREAS**, said State lands are identified as TMK No. (3) 2-2-029:001 and depicted on the map attached hereto as Exhibit "A"; and

**WHEREAS**, said State lands are located adjacent to existing drainage facilities and flood control channels which are under the jurisdiction of the County of Hawai'i; and

**WHEREAS**, the existing drainage facilities and flood control channels may be damaged or clogged due to heavy flooding or other natural disasters; and

**WHEREAS**, the damages caused by heavy flooding and other natural disasters will require construction, reconstruction, flood mitigation, debris removal, and other maintenance actions to be carried out; and

**WHEREAS**, the County of Hawai'i requests assistance from the federal government to repair damage from natural disasters to drainage facilities and flood control channels, to restore them back to proper working order; and

**WHEREAS**, the County and/or the County in cooperation with the federal government is able to provide the necessary manpower and resources to perform the required work; and

**WHEREAS**, it is in the County's best interest to ensure a properly functioning drainage facility or flood control to minimize any downstream impacts and convey runoff to a safe designated discharge point in order to help provide a safe and healthy environment for its residents and visitors; and

**WHEREAS**, the County's Department of Public Works has requested that the County be granted a right-of-entry to enter upon said State lands for the purposes of staging construction vehicles and/or accessing existing drainage facilities, flood channels, conduits, and other flood controls for the purposes of construction, reconstruction, flood mitigation, debris removal and/or other maintenance; and

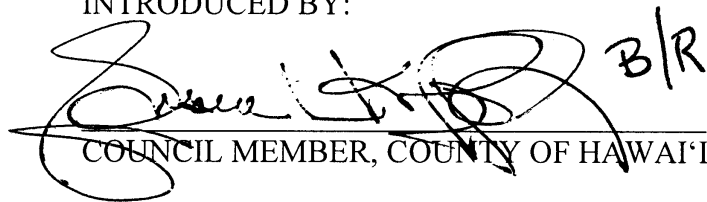
**WHEREAS**, pursuant to Hawai'i Revised Statutes, Section 46-7, this Council's authorization is required for the County to enter into such an intergovernmental right-of-entry agreement; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that in accordance with Hawai'i Revised Statutes Section 46-7, the Mayor of the County of Hawai'i is authorized to execute, on behalf of the County, said intergovernmental right-of-entry agreement and any related documents with the Department of Land and Natural Resources to enter upon said State lands for the purposes of construction, reconstruction, flood mitigation, debris removal, and/or other maintenance.

**BE IT FINALLY RESOLVED** that the County Clerk shall transmit a copy of this resolution to Mayor Mitch Roth, the Director of the Department of Public Works, the Office of the Corporation Counsel, and the State of Hawai'i Department of Land and Natural Resources.

Dated at Hilo, Hawai'i, this 3rd day of February, 2021.

INTRODUCED BY:

 B/R  
 COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL  
 County of Hawai'i  
 Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on February 3, 2021.

ATTEST:

  
 COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
INABA	X			
KĀNEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
KIMBALL	X			
LEE LOY	X			
RICHARDS	X			
VILLEGAS	X			
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Reference: C-56/PWMTG-3

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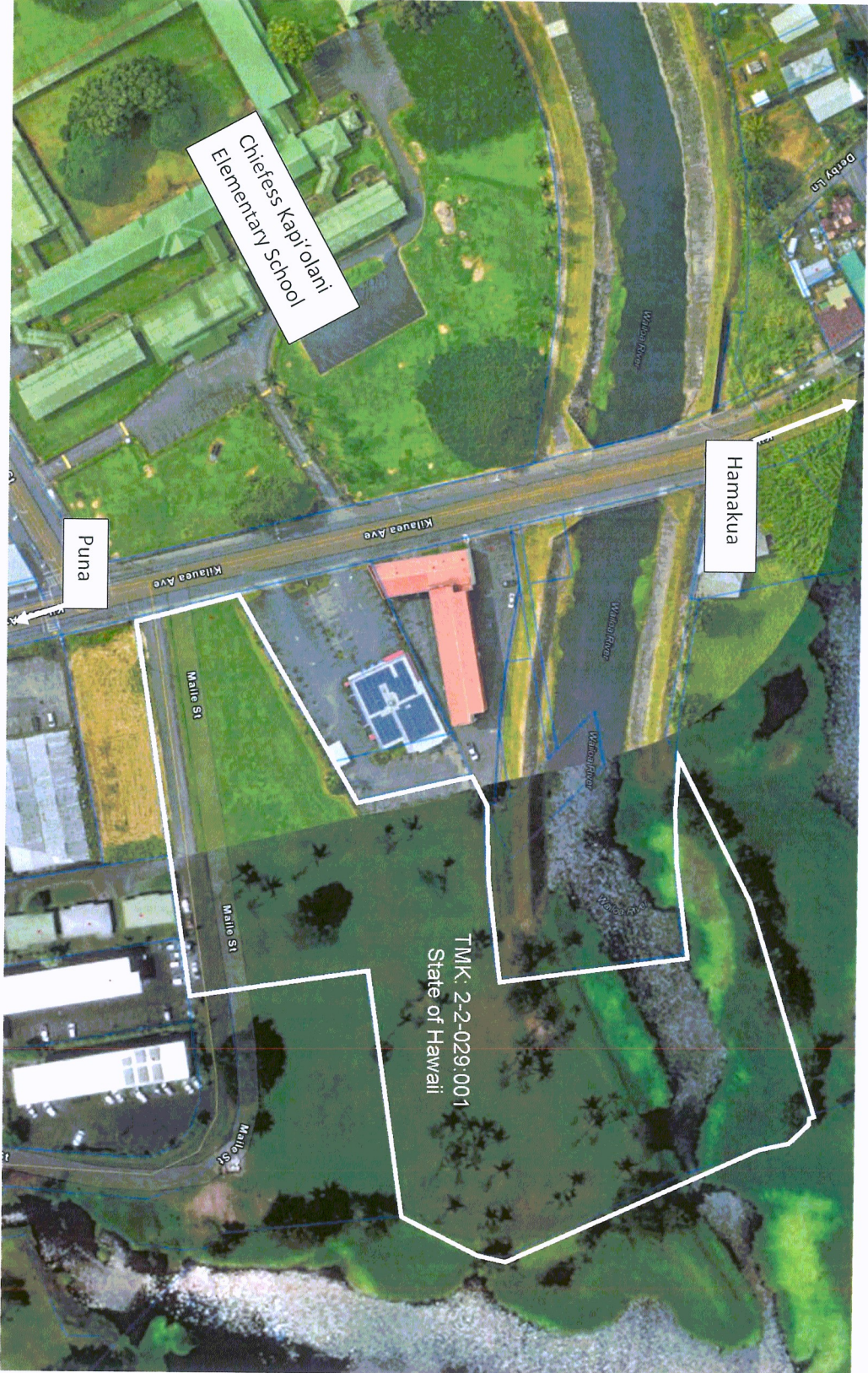


Exhibit "A"