RESOLUTION NO. 110 21

**A RESOLUTION ACCEPTING THE DEDICATION OF ROADWAY LOT 398, BEING IDENTIFIED AS TMK NO.: (3) 2-4-075:070, SITUATED AT KUKUAU 1<sup>ST</sup>, DISTRICT OF SOUTH HILO, ISLAND AND COUNTY OF HAWAI'I FROM HILO HILLSIDE, LLC.**

**WHEREAS**, HILO HILLSIDE, LLC, a Hawai'i limited liability company (hereinafter, "Owner"), is the owner of Roadway Lot 398 for Hilo Hillside Estates Subdivision, identified as TMK No. (3) 2-4-075:070, situated at Kukuau 1<sup>st</sup>, District of South Hilo, Island and County of Hawai'i, State of Hawai'i, as described in Exhibit A, and delineated in Exhibit B, which are attached hereto and made a part hereof; and

**WHEREAS**, Owner is desirous of dedicating the Roadway and all improvements thereon to the County of Hawai'i, a municipal corporation of the State of Hawai'i (hereinafter, the "County of Hawai'i"), and the Roadways and improvements have been inspected and approved by the Department of Public Works, and received dedication approval from the Department of Water Supply, the Planning Department, and the Department of Environmental Management; and

**WHEREAS**, Section 23-10 of the Hawai'i County Code prohibits the Council from receiving by dedication any streets in any subdivision platted after December 2, 1966 except upon full compliance with provisions of Chapter 23; and

**WHEREAS**, Article XIII, Section 13-12 of the Hawai'i County Charter provides that the Council may accept gifts, including real estate or any interest in real estate, on behalf of the County of Hawai'i; now, therefore,

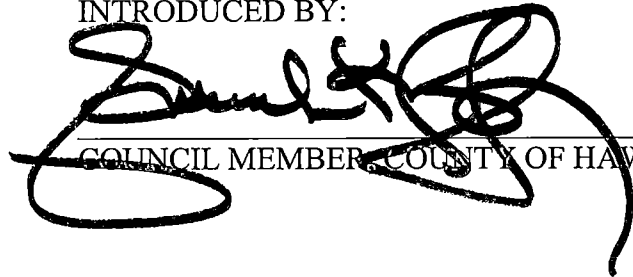
**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that it finds the subject roadways and improvements thereon are in full compliance with provisions of Chapter 23 of the Hawai'i County Code as certified and approved by all applicable agencies, and that it is in the public interest to accept such a dedication.

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I**, in accordance with Article XIII, Section 13-12 of the Hawai'i County Charter and Chapter 23 of the Hawai'i County Code, that the County of Hawai'i accepts the dedication of the Roadways for public road purposes.

**BE IT FINALLY RESOLVED** that the County Clerk shall transmit a copy of this resolution to: (1) Mayor Mitch Roth, Mayor of Hawai'i County; (2) the Department of Public Works; (3) Deputy Corporation Counsel Dalilah Schlueter; (4) Hilo Hillside, LLC, 1050 Bishop Street, Suite 252, Honolulu, Hawai'i 96813.

Dated at Hilo, Hawai'i, this 19th day of May, 2021.

INTRODUCED BY:

 **B/R**  
 \_\_\_\_\_  
 COUNCIL MEMBER, COUNTY OF HAWAII

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 May 19, 2021.

ATTEST:

 COUNTY CLERK  
 CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
INABA	X			
KANEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
KIMBALL	X			
LEE LOY	X			
RICHARDS	X			
VILLEGAS	X			
	9	0	0	0

Reference: C-224/PWMTG-7

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EXHIBIT "A"

All of that certain parcel of land situate at Kukuau 1st, South Hilo, Island, County and State of Hawai'i, described as follows:

Lot 398 (containing an area of 0.611 acre), as shown on Map 94, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i with Land Court Application No. 1205 of the Trustee of the Estate of A.A. Richardson

Being a portion of the premises conveyed to the Grantor herein by Limited Warranty Deed dated June 18, 2002, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Land Court Document No. 2822295, and duly noted in Transfer Certificate of Title No. 616,827.

END OF EXHIBIT "A"

