RESOLUTION NO. 195 21

A RESOLUTION ACCEPTING THE DEDICATION OF ROADWAY LOT 58, KIKAHA AT WEHILANI, PHASE 1, BEING IDENTIFIED AS TMK NO. (3) 6-8-037:058, SITUATED AT WAIKOLOA, DISTRICT OF SOUTH KOHALA, ISLAND AND COUNTY OF HAWAI'I, STATE OF HAWAI'I FROM CASTLE & COOKE WAIKOLOA, LLC, A HAWAI'I LIMITED LIABILITY COMPANY.

WHEREAS, CASTLE & COOKE, LLC (hereinafter, "Owner"), is the owner of Roadway Lot 58, Kikaha at Wehilani, Phase 1, identified as TMK No. (3) 6-8-037:058, Situated at Waikoloa, South Kohala, 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 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 Hawaii"), and the Roadway 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,

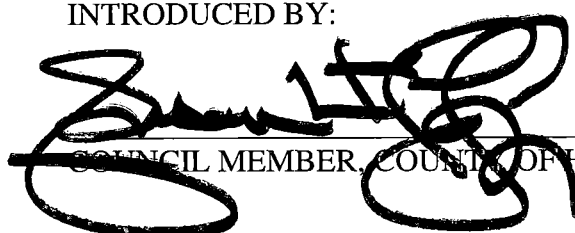
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that it finds the subject roadways and improvements thereon are in full compliance with provisions of Chapter 23 of the Hawai'i County Code as certified and approved by all applicable agencies, and that it is in the public interest to accept such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

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAII, 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 Roadway for public road purposes.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to (1) The Honorable Mitch Roth, Mayor of Hawai'i County; (2) the Department of Public Works; (3) Deputy Corporation Counsel Dalilah Schlueter; (4) Castle & Cooke, LLC, 680 Iwilei Road, Suite 510, Honolulu, Hawai'i 96817.

Dated at _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:



 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 _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

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

Reference: _____ C-374/PWMTC

RESOLUTION NO. **195 21**

EXHIBIT "A"

All of that certain parcel of land situate at Waikoloa, South Kohala, Island and County of Hawai'i, State of Hawai'i, being LOT 58 of the "KIKAHA AT WEHILANI PHASE I", as shown on File Plan Number 2421, filed in the Bureau of Conveyances of the State of Hawai'i, and containing an area of 5.716 acres, more or less.

Being a portion of the premises conveyed to the Grantor herein by Deed dated June 22, 2001, recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. 2001-095348.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF PROTECTIVE COVENANTS

DATED : May 27, 1971
RECORDED : Liber 7577 Page 66

Said Declaration was amended and/or supplemented by instruments recorded in Liber 7577 at Page 94, Liber 8026 at Page 291, Liber 8306 at Page 196, Liber 9360 at Page 369, Liber 9794 at Page 32, Liber 9956 at Page 597, Liber 10701 at Page 5, Liber 10706 at Page 490, Liber 13453 at Pages 142 and 147, Liber 13588 at Page 658, Liber 13904 at Page 310, Liber 14266 at Page 453, Liber 15016 at Page 403, Liber 18999 at Page 418, Liber 19199 at Page 37, Liber 20893 at Page 418, Liber 21761 at Page 582, Liber 22070 at Page 414, Liber 22127 at Page 733, Liber 22361 at Page 1, Liber 22791 at Page 30, Liber 23172 at Pages 387 and 414, Liber 23182 at Page 398, Liber 23806 at Page 238, as Document No. 90-029591, as Document No. 91-077792 (Joinders recorded as Documents Nos. 91-077793, 91-077794 and 91-077795), and as Document No. 96-013206.

Said Declaration was further supplemented by instruments dated September 4, 2001, recorded as Document No. 2001-050419, and dated January 26, 2005, recorded as Document No. 2005-023801.

Said Declaration was further amended by Waikoloa Village Association Certificate Attesting to Affirmative vote to amend Declaration of Protective Covenants, dated March 7, 2014, but effective as of March 23, 1991, recorded as Document No. A-52100532.

3. GRANT

TO : WAIKOLOA VILLAGE ASSOCIATION, a Hawaii nonprofit corporation

DATED : December 11, 1987
RECORDED : Liber 21447 Page 724

4. DESIGNATION OF EASEMENT "W-1"

PURPOSE : waterline pipeline
SHOWN : on File Plan No. 1976

5. The terms and provisions contained in the following:

INSTRUMENT : DEED
DATED : January 5, 1990
RECORDED : Document No. 90-001488

Said Deed was amended by instrument dated May 13, 2005, recorded as Document No. 2005-111105.

The water rights of WAIKOLOA DEVELOPMENT, CO., a Hawaii limited partnership, in the above instrument was assigned to WAIKOLOA WATER CO., INC., a Hawaii corporation, and WAIKOLOA RESORT UTILITIES, INC., a Hawaii corporation, as Tenants in Common, by instrument dated May 22, 1998, recorded as Document No. 98-086093.

6. GRANT

TO : WAIKOLOA WATER CO., INC., a Hawaii corporation, doing business as WEST HAWAII WATER COMPANY

DATED : August 21, 2000, but effective as of February 25, 1990
RECORDED : Document No. 2000-124712

7. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF PUD COVENANTS FOR WEHILANI

DATED : June 19, 2006
RECORDED : Document No. 2006-112216

LANDSCAPING MAINTENANCE COVENANT dated February 14, 2017, recorded as Document No. A-62630960.

8. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR THE WEHILANI COMMUNITY
ASSOCIATION

DATED : October 3, 2006

RECORDED : Document No. 2006-182210

9. GRANT

TO : WAIKOLOA WATER COMPANY, INC., a Hawaii corporation,
doing business as WEST HAWAII WATER COMPANY

DATED : October 16, 2006, but effective as of August 16, 2006

RECORDED : Document No. 2006-190601

10. GRANT

TO : WAIKOLOA SANITARY SEWER COMPANY, INC., a Hawaii
corporation corporation, doing business as WEST HAWAII
SEWER COMPANY

DATED : October 16, 2006, but effective as of August 16, 2006

RECORDED : Document No. 2006-190602

END OF EXHIBIT "A"

