

RESOLUTION NO. 275 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,

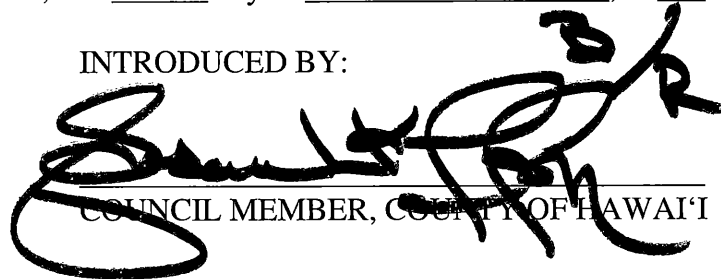
**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that it finds the subject roadways and improvements thereon are in full compliance with provisions of Chapter 23 of the Hawai'i County Code as certified and approved by all applicable agencies, and that it is in the public interest to accept 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     Kona    , Hawai'i, this   22nd   day of   December  , 2021.

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   December 22, 2021  .

ATTEST:

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

G-525/PWMT-13

Reference: \_\_\_\_\_  
RESOLUTION NO.   275 21  



COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

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. GRANT

TO : WAIKOLOA VILLAGE ASSOCIATION, a Hawaii nonprofit corporation

DATED : December 11, 1987

RECORDED : Liber 21447 Page 724

3. DESIGNATION OF EASEMENT "W-1"

PURPOSE : waterline pipeline

SHOWN : on File Plan No. 1976

4. 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

5. 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.

6. 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

7. 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"

EXHIBIT B

The landscaping locations referred to in the attached declaration are those portions within roadway Lot 58 of File Plan 2421 landscaped at any time by the Declarant. Roadway Lot 58 is shown on the site plan below colored in black.

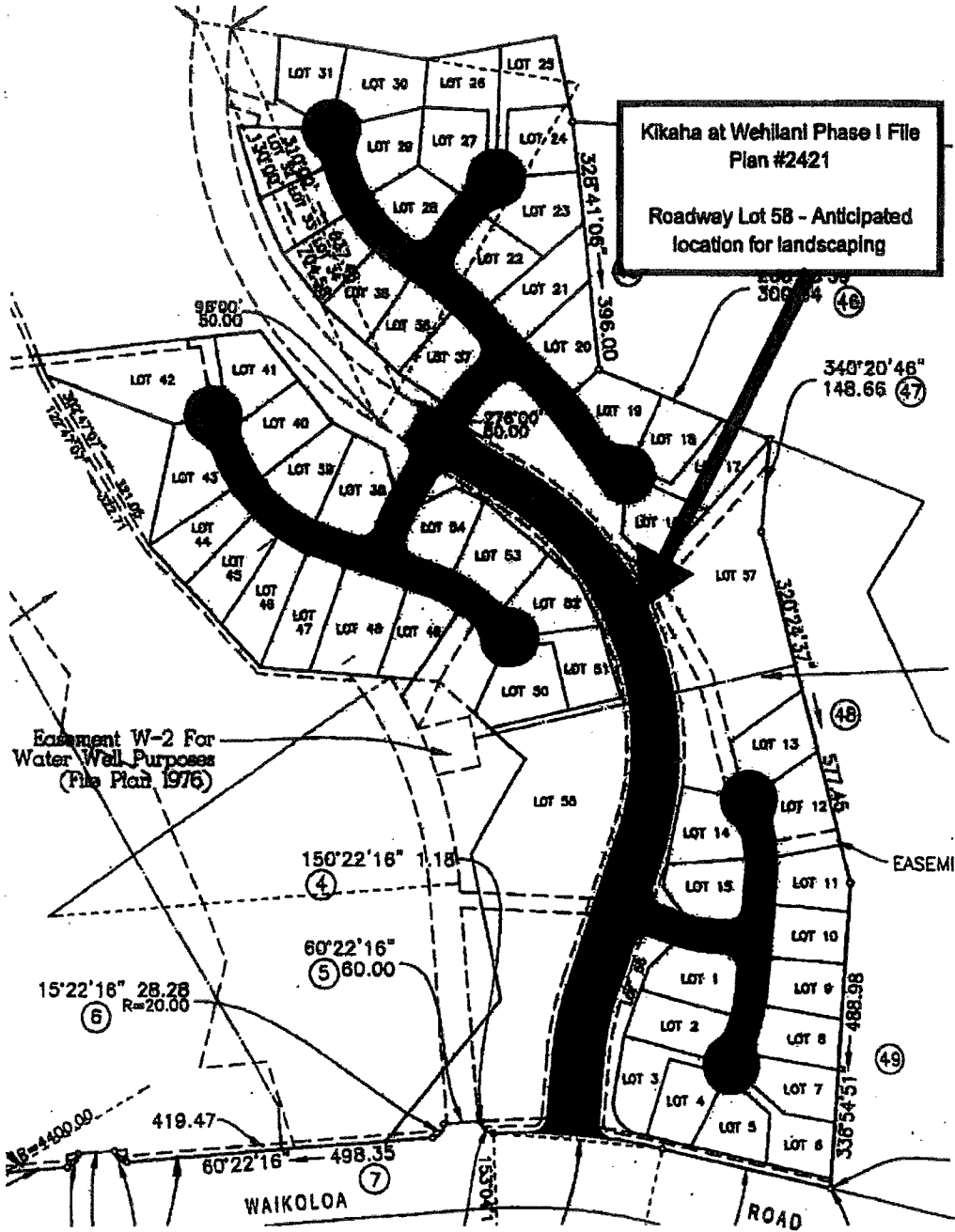


EXHIBIT "1"