RESOLUTION NO. 37 19

A RESOLUTION ACCEPTING THE DEDICATION OF ROAD LOTS A AND D (MANAWALEA STREET) AND ROAD LOTS B AND C (KA'EKA STREET), IDENTIFIED AS TMK NO. (3) 7-4-021:044, SITUATED AT KEAHUOLU, DISTRICT OF NORTH KONA, ISLAND AND COUNTY OF HAWAI'I, STATE OF HAWAI'I FROM FHT KAMAKANA, LLC, A HAWAII LIMITED LIABILITY COMPANY.

WHEREAS, FHT Kamakana, LLC, a Hawaii limited liability company (hereinafter "Owner"), is the owner of Road Lots A and D (Manawalea Street) and Road Lots B and C (Ka'eka Street), identified as TMK No: (3) 7-4-021:044 (hereinafter, the "Roadways"), situated at Keahuolu, District of North Kona, Island and County of Hawai'i, State of Hawai'i, as described in Exhibit "A" and delineated on Exhibit "B", which are attached hereto and made a part hereof; and

WHEREAS, Owner is desirous of dedicating the Roadways 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"), except for certain landscaping improvements as described in that certain Landscape Maintenance Agreement by and between SCD Kamakana, LLC, a Hawaii limited liability company and the County of Hawai'i, for roadway purposes, 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 21, 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 the 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 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, 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) the Honorable Harry Kim, Mayor of the County of Hawai'i; (2) the Department of Public Works; (3) Deputy Corporation Counsel Ronald Kim; and (4) Settle Meyer Law, LLLC, Attn: Bryan Chee, Esq., 900 Fort Street Mall, Honolulu, Hawai'i 96813.

Dated at Kona, Hawai'i, this 20th day of February, 2019.

INTRODUCED BY:



 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 20, 2019.

ATTEST:

 
 COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

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

Reference: C-68/PWMTIC -1
 RESOLUTION NO. 37 19

EXHIBIT "A"

FIRST:

KAMAKANA VILLAGE, PHASE 1A
ROAD LOT A

Being a portion of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole.
(Certificate of Boundaries No. 45)

Situate at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the West corner of this parcel of land, being also the Easterly corner of Lot A-4, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAHUOLU" being 3,747.11 feet North and 10,760.40 feet East and running by azimuths measured clockwise from true South:

1. 241° 11' 337.98 feet along Lot 10;
2. Thence along Lot 10 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
196° 11' 28.28 feet;
3. 241° 11' 59.00 feet along Road Lot B (Ka'eka Street);
4. 331° 11' 120.00 feet along Lot 11, Road Lot B (Manawalea Street) and Lot 12;
5. 61° 11' 59.00 feet along Road Lot C (Ka'eka Street);
6. Thence along Lot 9 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
106° 11' 28.28 feet;
7. 61° 11' 337.96 feet along Lots 9 and 8;
8. 151° 10' 80.00 feet along Lot A-4 to the point of beginning and containing an area of 35,889 square feet, more or less.

SECOND:

KAMAKANA VILLAGE, PHASE 1A
ROAD LOT B

Being a portion of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole.
(Certificate of Boundaries No. 45)

Situate at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the Northerly corner of this parcel of land, being also the West corner of Lot 11 and on the Southerly side of Lot B-2 (Hawaiian Home Lands), the coordinates of said point of beginning referred to Government Survey Triangulation Station " KEAHUOLU" being 4,354.05 feet North and 10,902.42 feet East and running by azimuths measured clockwise from true South:

1. 331° 11' 443.32 feet along Lot 11;
2. 61° 11' 59.00 feet along Lot A (Manawalea Street);
3. 151° 11' 436.30 feet along Lot 10;
4. 234° 24' 59.42 feet along the Southerly side of Lot B-2 (Hawaiian Home Lands) to the point of beginning and containing an area of 25,950 square feet, more or less.

THIRD:

**KAMAKANA VILLAGE, PHASE 1A
ROAD LOT C**

Being a portion of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole. (Certificate of Boundaries No. 45)

Situate at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the West corner of this parcel of land, being also the Northeast corner of Lot 9 and on the Easterly side of Road Lot A (Manawalea Street), the coordinates of said point of beginning referred to Government Survey Triangulation Station " KEAHUOLU" being 3,832.05 feet North and 11,122.25 feet East and running by azimuths measured clockwise from true South:

1. 241° 11' 59.00 feet along Lot A (Manawalea Street);
2. 331° 11' 514.00 feet along Lot 12;
3. 61° 11' 59.00 feet along Lot 17;
4. 151° 11' 514.00 feet along Lot 9 to the point of beginning and containing an area of 30,326 square feet, more or less.

FOURTH:

**KAMAKANA VILLAGE, PHASE 1A
ROAD LOT D**

Being a portion of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole. (Certificate of Boundaries No. 45)

Situate at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the Southerly corner of this parcel of land, being also the West corner of Lot 12, the coordinates of said point of beginning referred to Government Survey Triangulation Station "

KEAHUOLU" being 3,865.74 feet North and 11,171.05 feet East and running by azimuths measured clockwise from true South:

1. 151° 11' 108.00 feet along Road Lot A (Manawalea Street);
2. Thence along Lot 11 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
286° 11' 28.28 feet;
3. 241° 11' 500.17 feet along Lot 11;
4. Thence along Lot 11 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
194° 05' 03.5" 29.30 feet;
5. Thence along Lot 14 on a curve to the right with a radius of 1600.00 feet, the chord azimuth and distance being:
328° 56' 43" 109.45 feet;
6. Thence along Lot 13 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
106° 02' 39.5" 28.22 feet;
7. 61° 11' 504.40 feet along Lots 13 and 12;
8. Thence along Lot 12 on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
16° 11' 28.28 feet to the point of beginning and containing an area of 37,285 square feet, more or less.

Being a portion of the land conveyed by the following:

QUITCLAIM DEED WITH RESERVATION OF RIGHTS (KAMAKANA VILLAGES AT KEAHUOLU 272 ACRES)

Grantor: F.H.T. EXCHANGE, INC., a Hawaii corporation

Grantee: FHT KAMAKANA, LLC, a Hawaii limited liability company

Dated: June 30, 2009

Recorded: July 13, 2009

Document No. 2009-106530

SUBJECT, HOWEVER, TO:

1. Reservations in favor of the State of Hawaii of all mineral and metallic mines, including, but not limited to, geothermal rights, and the right to remove the same, all right, title, interest or claim to

waters having their source upon or flowing over or under the property, easement for the free flowage of waters through, over, under and across the property, and any interests in the property that may have escheated to the State.

2. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

DEED

Grantor: TRUSTEES OF THE LILIUOKALANI TRUST
Grantee: THE STATE OF HAWAII, by and through its Board of Land and Natural Resources
Dated: May 05, 1992
Document No. 92-083200

3. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

DEED

Grantor: THE STATE OF HAWAII, by and through its Board of Land and Natural Resources
Grantee: HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and body corporate and politic of the State of Hawaii
Dated: July 09, 2007
Document No. 2007-131829

4. Easement A-1, for slope and drainage purposes, containing an area 2.492 acres, more or less, as per survey made by Clayton M. Kaneshiro, Licensed Professional Land Surveyor, Certificate No. 12972. Dated October 02, 2009, and being more particularly described instrument recorded January 27, 2010, in the Bureau of Conveyances of the State of Hawaii as Document No. 2010-011981.

5. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

QUITCLAIM DEED

Grantor: HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and body corporate and politic of the State of Hawaii
Grantee: F.H.T., EXCHANGE, INC., a Hawaii corporation
Dated: June 26, 2009
Document No. 2009-100211

6. Covenants, conditions, restrictions, reservations, agreements, obligations, exceptions and other provisions as contained in the following:

QUITCLAIM DEED

Grantor: F.H.T. EXCHANGE, INC., a Hawaii corporation
Grantee: FHT KAMAKANA, LLC, a Hawaii limited liability company
Dated: June 30, 2009
Document No. 2009-106530

7. GRANT OF EASEMENTS AND RESERVATION OF RIGHTS

In Favor Of: COUNTY OF HAWAII, a body politic and corporate of the State of Hawaii
Dated: March 15, 2010
Document No. 2010-106260
Purpose: granting an easement for slope and incidental purposes over Easement A-1, being more particularly described therein

8. NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

Petitioner: HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body corporate and politic of the State of Hawaii ("HHFDC"), and FOREST CITY HAWAII KONA, LLC, a Hawaii limited liability company ("Forest City")
Dated: November 12, 2010 and November 11, 2010
Recorded: November 16, 2010
Document No. 2010-176103

9. LETTER AGREEMENT (UNRECORDED)

By and Between: HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, an agency of the State of Hawaii, "HHFDC", FOREST CITY HAWAII KONA, LLC, a Hawaii limited liability company, "Forest City", QUEEN LILI'UOKALANI TRUST, a non-profit benefit organization, "QLT", and FHT KAMAKANA, LLC, a Hawaii limited liability company, "FHT"
Dated: November 14, 2011

A short form of which was recorded in the Bureau of Conveyance of the State of Hawaii on December 12, 2011, as Document No. 2011-209528.

10. GRANT OF EASEMENT AND BILL OF SALE (PHASE 1A WATER SYSTEM)

In Favor Of: WATER BOARD OF THE COUNTY OF HAWAII
Dated: August 07, 2013
Document No. A-49730511
Purpose: granting a perpetual, non-exclusive easement for water pipelines, equipment, structures, and other related facilities and incidental purposes over Road Lots A, B, C and D, being more particularly described therein

11. AFFIDAVIT OF GARY S. TAKAMOTO (Lots 8 to 13 and Road Lots A to D of Subdivision No. 11-001105)

Dated: August 19, 2013
Document No.: A-49800808

Re: Corrects metes and bounds descriptions of said Lots 8 to 13 and Road Lots A to D of Subdivision No. 11-001105

The foregoing Affidavit was amended by the following:

AMENDMENT AND RESTATED AFFIDAVIT OF GARY S. TAKAMOTO

Dated: March 25, 2015
Document No.: A-55670864

The foregoing Affidavit was amended by the following:

SECOND AMENDMENT AND RESTATED AFFIDAVIT OF GARY S. TAKAMOTO

Dated: May 29, 2015
Document No.: A-56331211

12. GRANT OF EASEMENT

In Favor Of: HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawaii corporation

Dated: June 27, 2013

Document No. A-50150334

Purpose: granting a perpetual right and easement to build, construct, reconstruct, rebuild, operate, maintain, access, repair and remove overhead and underground power lines and communications facilities and such other appliances and equipment as may be necessary for the transmission and distribution of electricity, including all service lines emanating from the main trunk line, to be used for light and power and/or communications and control circuits, including, without limiting the generality of the foregoing, the right to trim, keep trimmed, remove, and control any trees and vegetation in the way of its lines affecting Lots 8, 12 and Road Lots A,B,C, and D

13. AGREEMENT REGARDING MASTER LANDSCAPE WATER METER

By and Between: DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF HAWAII "Department" and FHT KAMAKANA, LLC, "Owner"

Dated: December 13, 2013

Document No.: A-51090910

14. GRANT OF NONEXCLUSIVE ACCESS EASEMENT (Lot 11-A)

In Favor Of: FHT Kamakana LLC, a Hawaii limited liability company

Dated: July 15, 2016

Document No.: A-60510417

Purpose: granting a non-exclusive easement for vehicular and pedestrian access purposes over Road Lots A, B, C, and D in favor of Lot 11-A, Tax Map Key No. 3) 7-4-021:049

15. GRANT OF NONEXCLUSIVE ACCESS EASEMENT (Lot 11-B)

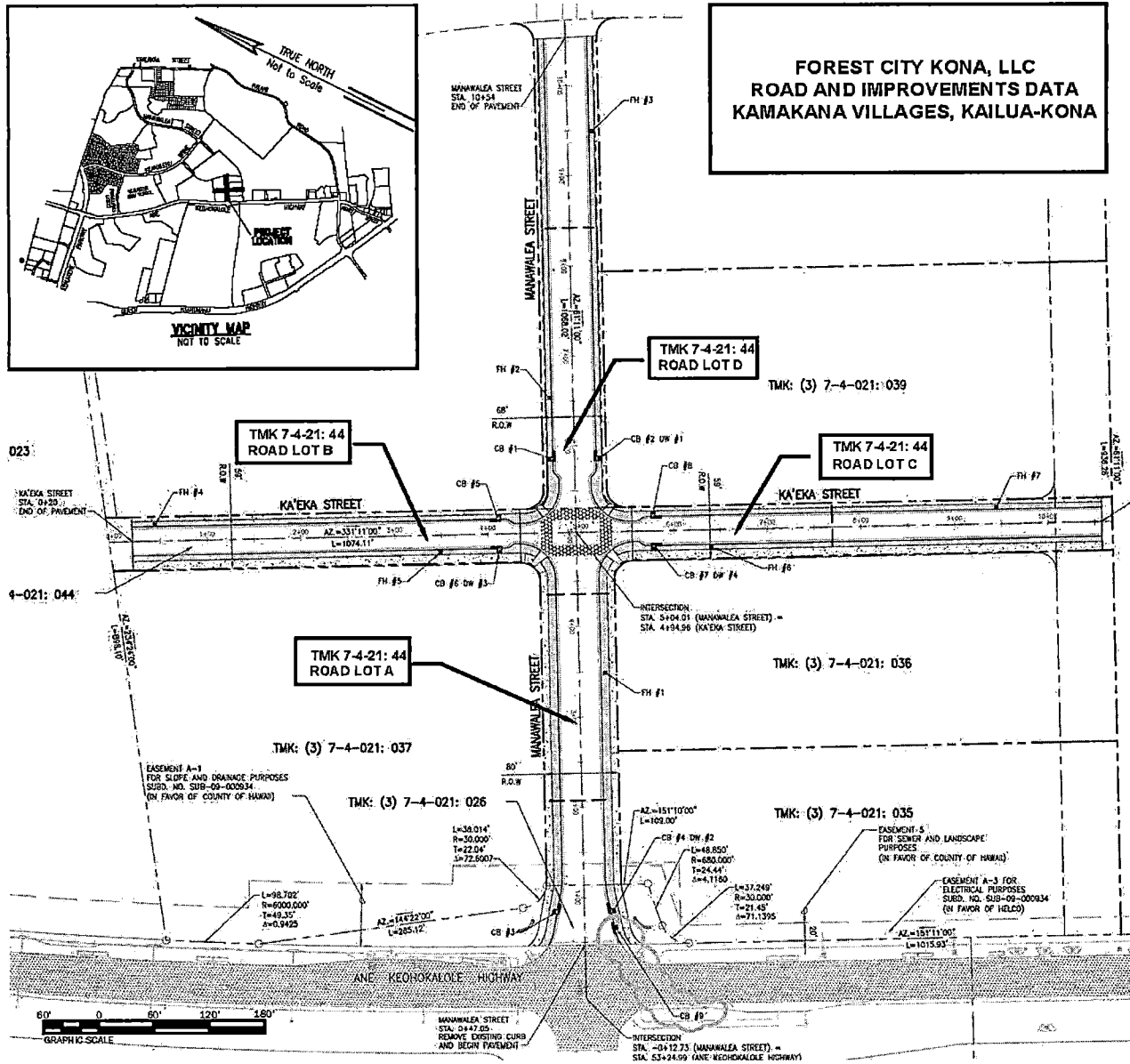
In Favor Of: FHT Kamakana LLC, a Hawaii limited liability company

Dated: July 15, 2016

Document No.: A-60510412

Purpose: granting a non-exclusive easement for vehicular and pedestrian access purposes over Road Lots A, B, C, and D in favor of Lot 11-B, Tax Map Key No. (3) 7-4-021:038

EXHIBIT "B"



KAMAKANA VILLAGES PHASE 1A - ROAD AND IMPROVEMENTS DEDICATION DATA					
TO BE DEDICATED	ROAD NAME	LENGTH	ROW WIDTH	DRYWELLS	REMARKS
Road Lot A	Manawalea Street	416 Ft	80 Ft	0	46 Ft wide pavement (2" AC), conc curb, gutter and sidewalk.
Road Lot B	Ka'eke Street	435 Ft	59 Ft	1	32 Ft wide pavement (2" AC), Conc curb, gutter and sidewalk.
Road Lot C	Ka'eke Street	512 Ft	59 Ft	1	32 Ft wide pavement (2" AC), Conc curb, gutter and sidewalk.
Road Lot D	Manawalea Street	543 Ft	68 Ft	1	32 Ft wide pavement (2" AC), Conc curb, gutter and sidewalk.
All sewer and streetlight improvements within above ROW.	Manawalea and Ka'eke St.				Includes listed utility systems in place complete including all appurtenances, manholes and controls.