RESOLUTION NO. 203 19

**A RESOLUTION ACCEPTING THE DEDICATION OF ROAD LOT 3-D, IDENTIFIED AS TMK NO. (3) 7-3-004:025, SITUATED AT KALAOA 5<sup>TH</sup>, DISTRICT OF NORTH KONA, ISLAND AND COUNTY OF HAWAI‘I, STATE OF HAWAI‘I, FROM THOMAS P. WHITTEMORE, TRUSTEE UNDER THAT CERTAIN UNRECORDED REVOCABLE TRUST OF THOMAS P. WHITTEMORE, DATED JANUARY 4, 1994, AS AMENDED AND RESTATED, AND LUCINDA H. WHITTEMORE, TRUSTEE UNDER THAT CERTAIN UNRECORDED REVOCABLE TRUST OF LUCINDA H. WHITTEMORE, DATED JANUARY 4, 1994, AS AMENDED AND RESTATED.**

**WHEREAS**, Thomas P. Whittemore, Trustee under that certain unrecorded Revocable Trust of Thomas P. Whittemore, dated January 4, 1994, as amended and restated, and Lucinda H. Whittemore, Trustee under that certain unrecorded Revocable Trust of Lucinda H. Whittemore, dated January 4, 1994, as amended and restated, (hereinafter "Owners"), are the owners of Road Lot 3-D, identified as TMK No. (3) 7-3-004:025 (hereinafter "Roadway"), situated at Kalaoa 5<sup>th</sup>, 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**, Owners are desirous of dedicating the Roadway and all improvements thereon to the County of Hawai‘i for roadway purposes, and the Roadway and improvements thereon 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,

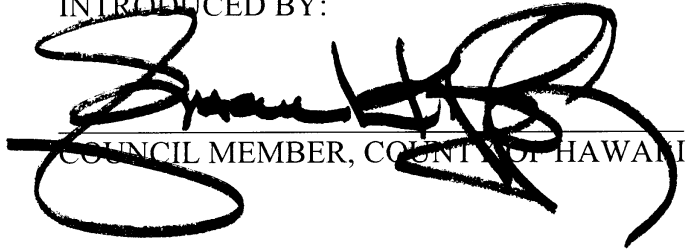
**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I**, that it finds the subject Roadway and improvements thereon are in full compliance with the provisions of Chapter 23 of the Hawai‘i County Code as certified and approved by all applicable departments, and that it is in the public interest to 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 Roadway and improvements thereon for public roadway 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 Danny Patel; and (4) Thomas P. Whittemore and Lucinda H. Whittemore, Trustees aforesaid, P.O. Box 1929, Kailua-Kona, Hawai'i 96745.

Dated at Kona, Hawai'i, this 24th day of July, 2019.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

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

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

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 July 24, 2019.

ATTEST:




COUNTY CLERK      CHAIRPERSON & PRESIDING OFFICER

Reference: C-334/PWMTIC-13  
RESOLUTION NO. 203 19

EXHIBIT A

LOT 3-D (ROAD LOT)

Land situated on the Easterly side of Mamalahoa Highway (Old Government Road) at Kalaoa 5th, North Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 3; and

Grant 1609 to Kama.

Beginning at a spike (set) at the Southwesterly corner of this parcel of land, being also an angle on the Westerly boundary of Lot 3-C of this subdivision and being a point on the Easterly side of Mamalahoa Highway (Old Government Road), the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOANUIAHEA" being 8,090.86 feet South and 8,147.73 feet West and running by azimuths measured clockwise from True South:

- 1. 176° 52' 30" 19.91 feet along the Easterly side of Mamalahoa Highway (Old Government Road) a nail (set);
- 2. 172° 23' 24.44 feet along the Easterly side of Mamalahoa Highway (Old Government Road) to nail (set);

Thence, for the next three (3) courses following along Lot 3-C of this subdivision and along the remainders of Lot 3 and Grant 1609 to Kama:

- 3. 331° 36' 6.02 feet to a 1/2 inch pipe (set);
- 4. 353° 24' 31.20 feet to a nail (found);

5. 15° 12'

8.10 feet to the point of beginning and containing an area of 80 Square Feet.

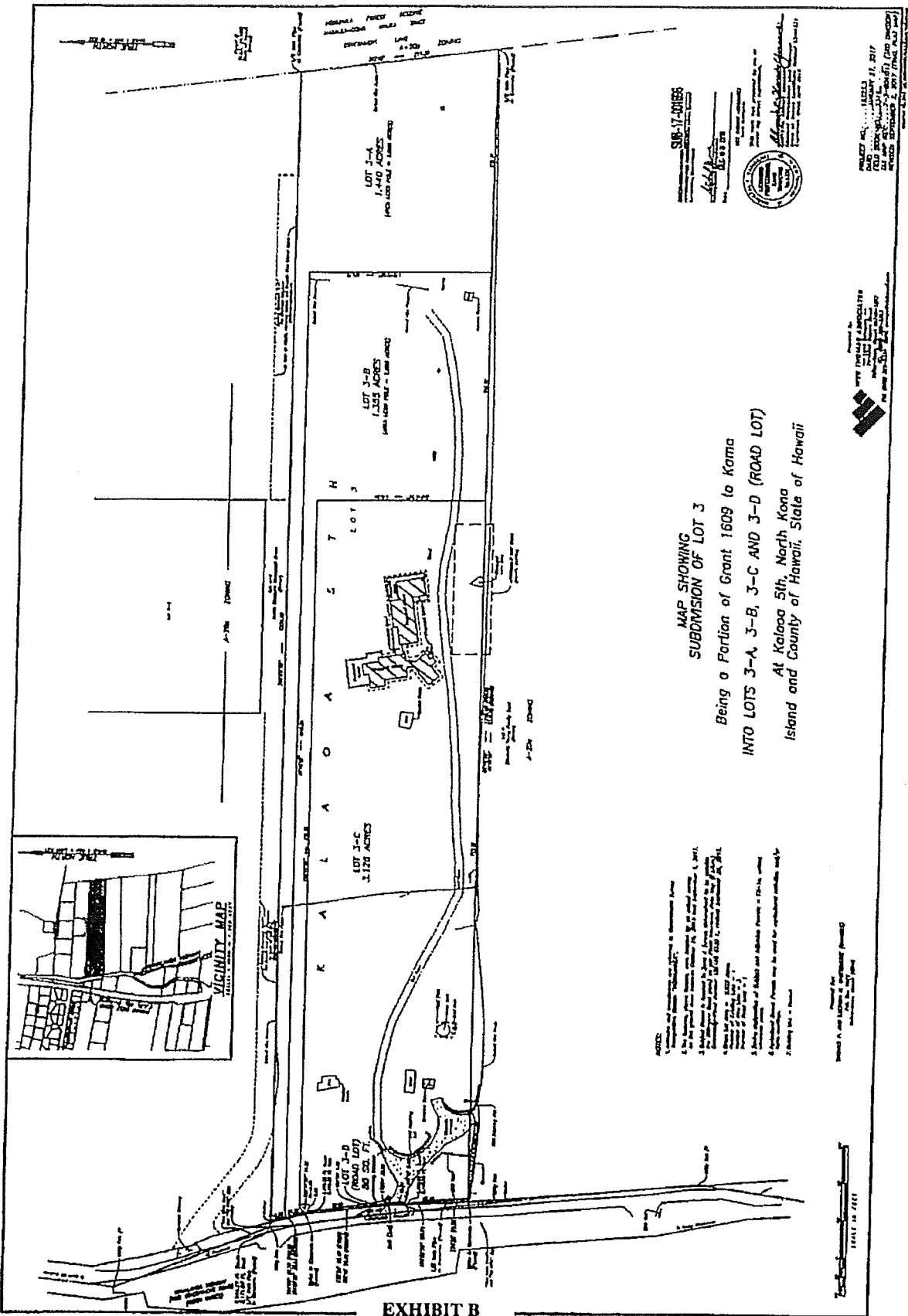


WES THOMAS ASSOCIATES

A handwritten signature in cursive script that reads "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street, Suite 201  
Kailua-Kona, Hawaii 96740-1817  
TMK: 7-3-004: 012 (3rd Division)  
December 12, 2018



**SUB-17-01665**  
 PROJECT NO. 16223  
 FILED NOV 17 2017  
 HONOLULU, HAWAII  
 COUNTY OF HAWAII  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 DIVISION OF LAND MANAGEMENT

**MAP SHOWING  
 SUBMISSION OF LOT 3  
 Being a Portion of Grant 1609 to Kama  
 INTO LOTS 3-A, 3-B, 3-C AND 3-D (ROAD LOT)  
 At Kalanianaʻōhale Highway, North Kona  
 Island and County of Hawaii, State of Hawaii**

- NOTES:**
1. All dimensions are in feet and inches.
  2. All areas are in acres, rounded to the nearest hundredth of an acre.
  3. All areas are in acres, rounded to the nearest hundredth of an acre.
  4. All areas are in acres, rounded to the nearest hundredth of an acre.
  5. All areas are in acres, rounded to the nearest hundredth of an acre.
  6. All areas are in acres, rounded to the nearest hundredth of an acre.
  7. All areas are in acres, rounded to the nearest hundredth of an acre.

Prepared by:  
 HAWAIIAN LAND MANAGEMENT  
 1001 KALANIANAʻŌHOLE HWY.  
 SUITE 200  
 HONOLULU, HI 96813

SCALE: AS SHOWN

**EXHIBIT B  
 Page 1 of 2**

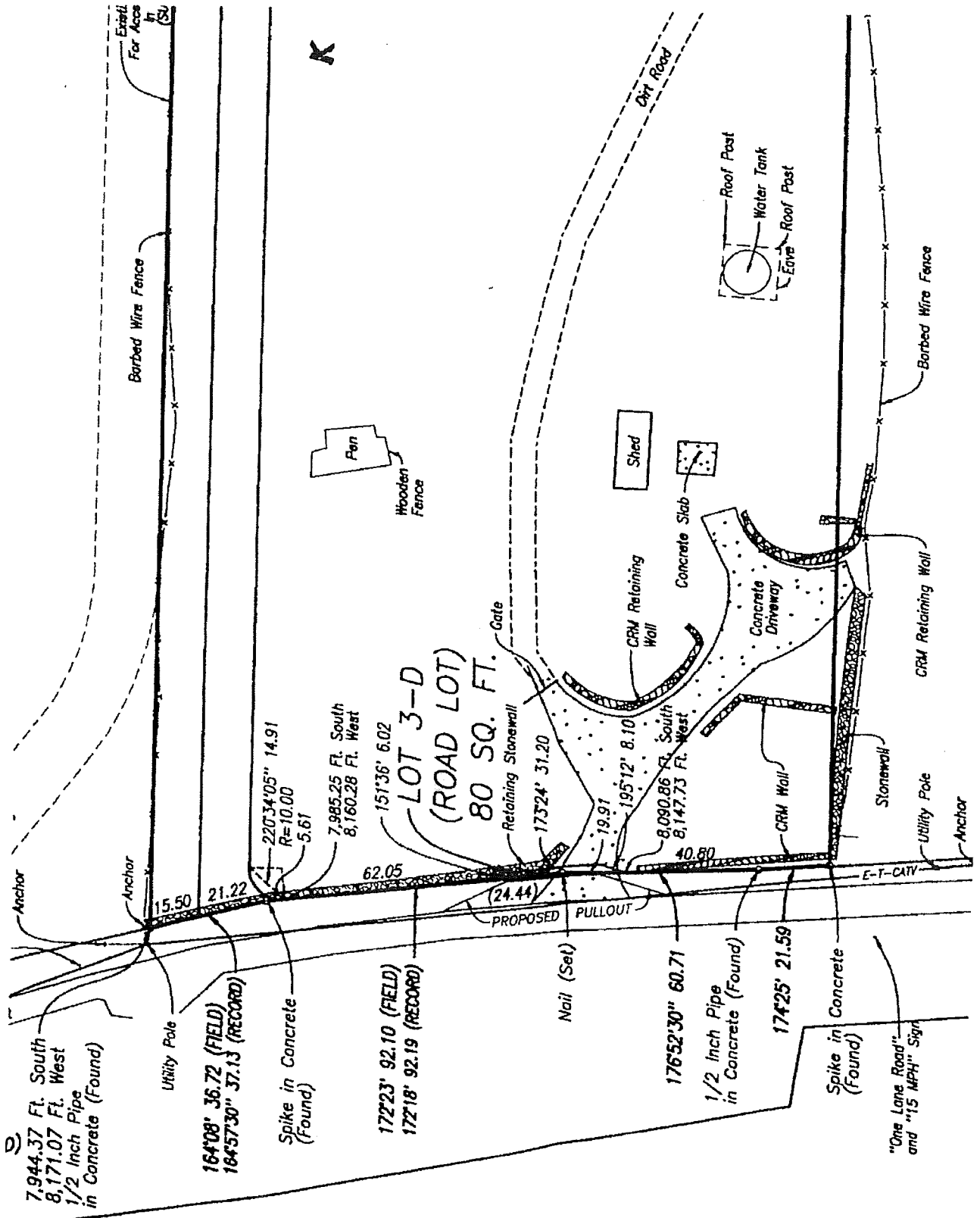


EXHIBIT B  
Page 2 of 2