RESOLUTION NO. 259 19

A RESOLUTION ACCEPTING THE DEDICATION OF ROADWAY LOT 14-C (MANAWALEA STREET), IDENTIFIED AS TMK NO. (3) 7-4-021:048, SITUATED AT KEAHUOLŪ, DISTRICT OF NORTH KONA, ISLAND AND COUNTY OF HAWAI'I, STATE OF HAWAI'I FROM FHT KAMAKANA, LLC, A HAWAI'I LIMITED LIABILITY COMPANY.

WHEREAS, FHT Kamakana, LLC, a Hawai'i limited liability company (hereinafter "Owner"), is the owner of Roadway Lot 14-C (Manawalea Street Extension), identified as TMK No: (3) 7-4-021:048 (hereinafter, the "Roadway"), situated at Keahuolū, District of North Kona, Island and County of Hawai'i, State of Hawai'i, as delineated on Exhibit "A" and described 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"), except for certain landscaping improvements as described in that certain Landscape Maintenance Agreement by and between SCD Kamakana, LLC, a Hawai'i limited liability company and the County of Hawai'i, for roadway purposes, 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 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,

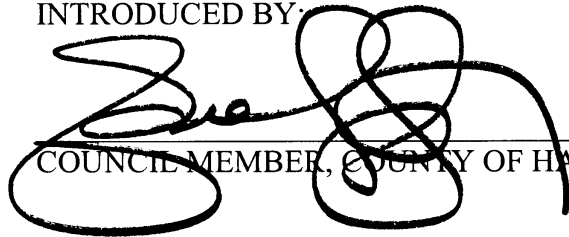
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, that it finds the subject Roadway and improvements thereon are in full compliance with the provisions of Chapter 23 of the Hawai'i County Code as certified and approved by all applicable agencies, and that it is in the public interest to accept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

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I, 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 Harry Kim, Mayor of the County of Hawai'i; (2) the Department of Public Works; (3) Deputy Corporation Counsel Danny Patel; and (4) Settle Meyer Law, LLLC, Attn: Bryan Chee, 900 Fort Street Mall, Honolulu, Hawai'i 96813.

Dated at Kona, Hawai'i, this 18th day of September, 2019.

INTRODUCED BY:


 COUNCIL MEMBER, COUNTY OF HAWAI'I B/R

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

ROLL CALL VOTE

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 September 18, 2019.

	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

ATTEST:

 COUNTY CLERK
 CHAIRPERSON & PRESIDING OFFICER

Reference: C-413/PWMTIC-17
 RESOLUTION NO. **259 19**

EXHIBIT "A"

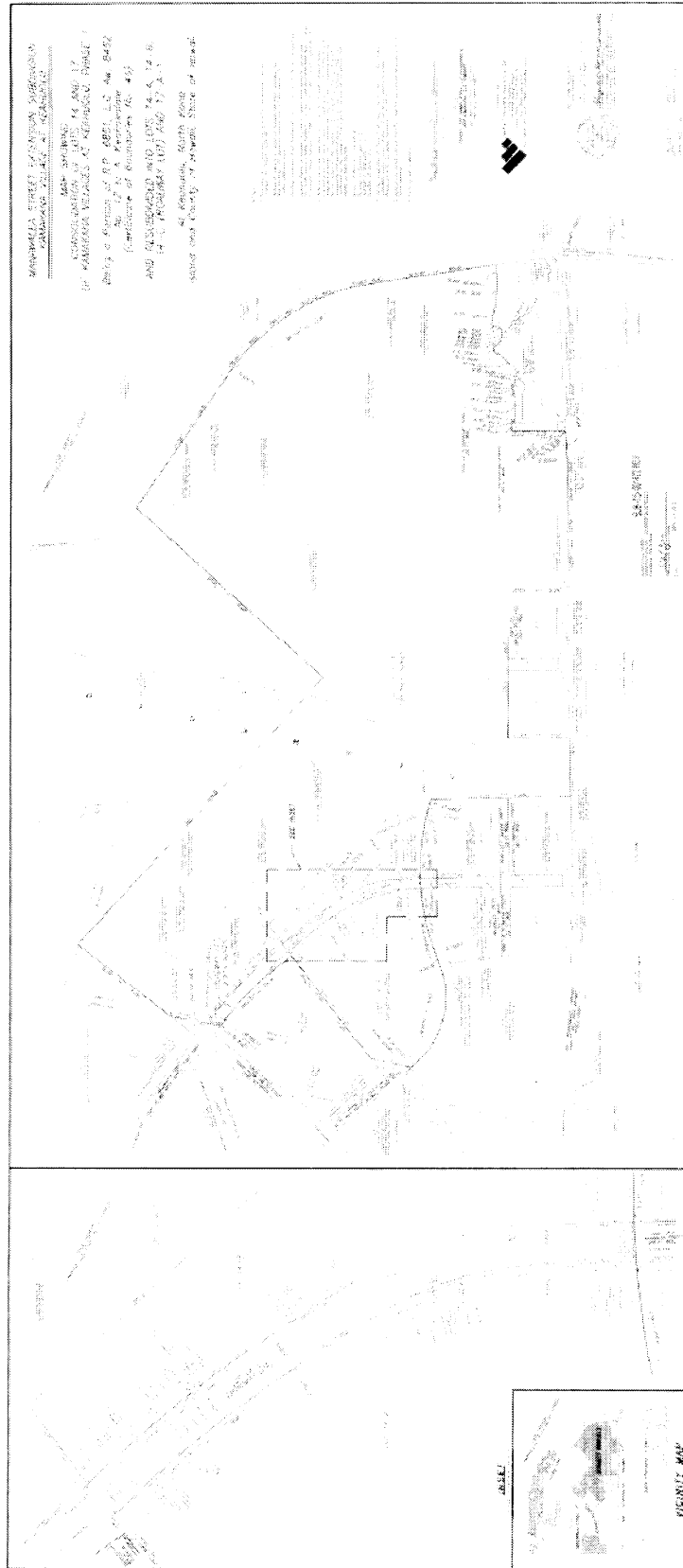


Exhibit "A"

LOT 14-C (ROADWAY LOT)
 MANAWALEA STREET EXTENSION SUBDIVISION
KAMAKANA VILLAGE AT KEAHUOLU

Land situated Easterly end of Manawalea Street (Road Lot D) and on the Southerly end of Manawalea Street (Public Road) at Keahuolu, North Kona, Island and County of Hawaii, State of Hawaii.

Being portions of:

Lot 14 of Kamakana Villages at Keahuolu, Phase 1;

Lot 17 of Kamakana Villages at Keahuolu, Phase 1; and

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

Beginning at a spike (set) at the Southwesterly corner of this parcel of land being also the Northwesterly corner of Lot 14-B of this subdivision and a point on the Easterly end of Manawalea Street (Road Lot D), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAHUOLU" being 4,145.55 feet North and 11,638.21 feet East and running by azimuths measured clockwise from True South:

Thence, from a tangent azimuth of 150° 11' 33" following along Road Lot D (Manawalea Street) of Kamakana Villages at Keahuolu, Phase 1 on a curve to the left with a radius of 1,600.00 feet, the chord azimuth and distance being:

1. 148° 58' 26.5" 68.05 feet to a "+" on walk (set);

Thence, for the next six (6) courses following along Lot 14-A of this subdivision and along the remainders of Lot 14 of Kamakana Villages at Keahuolu, Phase 1 and Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45):

- 2. 241° 11' 147.01 feet to a "←" on walk (set);

Thence, following on a curve to the left with a radius of 566.00 feet, the chord azimuth and distance being:

- 3. 225° 13' 311.39 feet to a nail on walk (set);
- 4. 209° 15' 154.02 feet to a nail on walk (set);

Thence, following on a curve to the left with a radius of 1,996.00 feet, the chord azimuth and distance being:

- 5. 203° 46' 30" 380.88 feet to a nail on walk (set);
- 6. 198° 18' 15.21 feet to a nail on walk (set);
- 7. 115° 11' 34.44 feet to a 1/2" pipe (set);

Thence, from a tangent azimuth of 207° 48' 04" following along Lot C of The Villages of La'i'opua, Phase 1 (State of Hawaii) on a curve to the left with a radius of 2,060.00 feet, the chord azimuth and distance being:

- 8. 199° 01' 02" 629.16 feet to a spike (set);
- 9. 190° 14' 48.33 feet along Lot C of The Villages of La'i'opua, Phase 1 (State of Hawaii) to a point;
- 10. 254° 11' 02" 89.04 feet along the Southerly side of Manawalea Street (Public Road) to a nail on walk (set);

Thence, for the next four (4) courses following along Lot 17-A-1 of this subdivision and along the remainder of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45):

- 11. 10° 14' 86.94 feet to a 1/2" pipe (set);

Thence, following partially along the remainder of Lot 17 of Kamakana Villages at Keahuolu, Phase 1 on a curve to the right with a radius of 2,140.00 feet, the chord azimuth and distance being:

- 12. 14° 16' 301.04 feet to a nail on walk (set);
- 13. 18° 18' 80.00 feet along the remainder of Lot 17 of Kamakana Villages at Keahuolu, Phase 1 to a 1/2" pipe (set);

14. 19° 42' 245.41 feet along the remainder of Lot 17 of Kamakana Villages at Keahuolu, Phase 1 to a nail on walk (set);

15. 18° 18' 34.53 feet along Lot 17-A-1 and Lot 14-B of this subdivision and along the remainders of Lots 17 and 14 of Kamakana Villages at Keahuolu, Phase 1 and Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45) to a "←" on walk (set);

Thence, for the next four (4) courses following along Lot 14-B of this subdivision and along the remainders of Lot 14 of Kamakana Villages at Keahuolu, Phase 1 and Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole (Certificate of Boundaries No. 45):

Thence, following on a curve to the right with a radius of 2,064.00 feet, the chord azimuth and distance being:

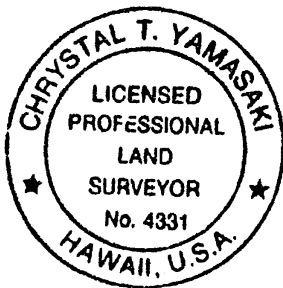
16. 23° 46' 30" 393.86 feet to a nail on walk (set);

17. 29° 15' 154.02 feet to a nail on walk (set);

Thence, following on a curve to the right with a radius of 634.00 feet, the chord azimuth and distance being:

18. 45° 13' 348.80 feet to a "←" on walk (set);

19. 61° 11' 144.39 feet to the point of beginning and containing an area of 2.973 Acres.



WES THOMAS ASSOCIATES

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: 7-4-021: 048 (3rd Division)
April 9, 2019

EXHIBIT "B"

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
Dated: July 09, 2007
Document No. 2007-131829

4. 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

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

Exhibit "B"

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

6. 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, and FOREST CITY HAWAII KONA, LLC,
a Hawaii limited liability company
Dated: November 12, 2010 and November 11, 2010
Recorded: November 16, 2010
Document No. 2010-176103

7. LETTER AGREEMENT (UNRECORDED)

By and Between: HAWAII HOUSING FINANCE AND DEVELOPMENT
CORPORATION, an agency of the State of Hawaii,
FOREST CITY HAWAII KONA, LLC, a Hawaii limited liability
company, QUEEN LILI'UOKALANI TRUST, a
non-profit benefit organization, and FHT KAMAKANA,
LLC, a Hawaii limited liability company
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.

8. 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

Exhibit "B"

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

9. AFFIDAVIT OF GARY S. TAKAMOTO (Lots 14-A, 14-B, 14-C (Roadway Lot) and Lot 17-A-1, Subdivision No. 15-001472)

Dated: April 20, 2015

Document No.: A-55900987

Re: Consolidation of Lots 14 and 17, into Lots 14-A, 14-B, 14-C (Roadway Lot) and Lot 17-A-1, designation of Easements T-1 to T-6, inclusive, and cancellation of Easement 6 of Subdivision No. 15-001472

10. AFFIDAVIT OF CHRYSTAL THOMAS YAMASAKI

Dated: April 09, 2019

Recorded: April 24, 2019

Document No.: A-70530774

Re: Surveyor's Affidavit for the Consolidation of Lots 14 & 17; cancellation of Easement 6; and Subdivision into Lots 14-A, 14-B, 14-C (Roadway Lot) & Lot 17-A-1 and designation of Easements T-1 to T-6, inclusive, letter granting Subdivision Approval, and new map.