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NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 7, 2021, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Resolution No. 2021-13

RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS IN LAND REQUIRED FOR PUBLIC USE, TO WIT: THE PEDESTRIAN AND BICYCLE PATH THAT CONSTITUTES PART OF THE COUNTY'S PUBLIC PARK SYSTEM, WAIPOULI, DISTRICT OF PUNA, COUNTY OF KAUAI, HAWAII, AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN

This Resolution proposes to authorize the County Attorney to institute eminent domain proceedings to acquire Easements B-2 and B-3 of Tax Map Key (TMK) (4) 4-3-002:013, Waipouli, Kaua'i, for public use in the public interest, for construction of a portion of the pedestrian and bicycle path known as Ke Ala Hele Makalae, which is part of the County of Kaua'i's public park system.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Resolution at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Resolution No. 2021-13 was ordered to print by the Council of the County of Kaua'i at its meeting held on March 10, 2021, by the following vote:

AYES: Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
RECUSED & NOT VOTING: None	TOTAL – 0.

Līhu'e, Hawai'i  
March 12, 2021

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OF COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – March 17, 2021)

# COUNTY COUNCIL

COUNTY OF KAUAI

## Resolution

(FOR CONDEMNATION)

**RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS IN LAND REQUIRED FOR PUBLIC USE, TO WIT: THE PEDESTRIAN AND BICYCLE PATH THAT CONSTITUTES PART OF THE COUNTY'S PUBLIC PARK SYSTEM, WAIPOULI, DISTRICT OF PUNA, COUNTY OF KAUAI, HAWAII, AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN**

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WHEREAS, Hawai'i Revised Statutes (HRS) Section 101-2 provides express authority for taking private property for public use; and

WHEREAS, HRS Section 46-1.5(6) grants the counties the power of condemnation by eminent domain when it is in the public interest; and

WHEREAS, the pedestrian and bicycle path known as Ke Ala Hele Makalae, which is part of the County of Kauai's public park system, is a public use and the acquisition of lands for its construction is in the public interest; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, THAT:

1. The acquisition of Easements B-2 and B-3 of Tax Map Key No. (4) 4-3-002:013, being also portion of Land Court Application 1166 Lot 12 of Map 6, the description of which easement is attached hereto as Exhibit A and made a part hereof, is necessary for a public use, purpose, and interest, to wit: the construction of a portion of the pedestrian and bicycle path known as Ke Ala Hele Makalae.
2. The County Attorney of the County of Kauai is hereby authorized and empowered to institute proceedings in eminent domain as provided by law for the acquisition of the easement interests in Lot 12.
3. In the process of any proceedings in eminent domain, the County Attorney is hereby authorized and empowered to negotiate terms of settlement, subject to approval of the Council and/or the Court before which such proceedings are commenced.

4. The County Clerk is hereby authorized and directed to transmit copies of this Resolution to the Mayor, the County Engineer, the Director of Parks and Recreation, the Director of Finance, and the County Attorney.

This Resolution shall take effect upon its approval.

Introduced by:



BILL DECOSTA  
(By Request)

V:\RESOLUTIONS\2020-2022 TERM\Resolution Eminent Domain Condemnation Public Pedestrian Beach Easements BD\_JA\_ks.doc

	Aye	Nay	Excused	Recused
Carbalho				
Chock				
Cowden				
DeCosta				
Euslin				
Kaneshiro				
Kuali'i				
Total				

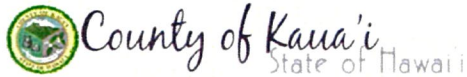
### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
was adopted by the Council of the County of Kaua'i, State of  
Hawai'i, Lihu'e, Kaua'i, Hawai'i, on \_\_\_\_\_.

\_\_\_\_\_  
County Clerk  
Dated

\_\_\_\_\_  
Chairman & Presiding Officer





Overview

## Legend

- Parcels
- Roads

Parcel ID	430020130000	Situs/Physical Address	440 ALEKA PL MASTER	Total Market Value	\$17,224,400	Last 2 Sales		
Acreage	6.003	Mailing Address	ISLANDER ON THE BEACH	Total Assessed Value	\$17,224,400	Date	Price	Reason
Class	n/a			Total Exemptions	\$0	10/12/2004	\$6700000	VALID SALE
				Total Net Taxable Value	\$17,224,400	12/22/1999	0	VALID SALE

**Brief Tax Description** LOT 12 MAP 6 LC APP 1166 6.003 AC TOG W/RIGHT OF WAY OVER LOT 9 TO KUHIO HIGHWAY

(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 2/16/2021  
Last Data Uploaded: 2/16/2021 9:08:51 AM

Developed by Schneider  
GEOSPATIAL

**EASEMENT B-3  
(For Bike Path Purposes)**

Being a portion of Lot 12, as shown on Map 6 of Land Court Application 1166.

Situate at Puna, Kauai, Hawaii.

Beginning at the East corner of this piece of land, being also the Southwest corner of Lot 13, as shown on Map 6 of Land Court Application 1166, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NONOU" being 3,030.44 feet South and 9,331.50 feet East and running by azimuths measured clockwise from true South:

- |    |   |              |  |
|----|---|--------------|--|
| 1. | 50° 12'   | 127.70 feet  | along the 100-foot wide beach reserve;   |
| 2. | 53° 10'   | 330.00 feet  | along same;  |
| 3. | 58° 30'   | 54.69 feet   | along same;  |
| 4. | 227° 36'  | 45.75 feet   | along the remainder of Lot 12, as shown on Map 6 of Land Court Application 1166; |
| 5. | Thence, along same, on a curve to the right with a radius of 202.00 feet, the chord azimuth and distance being: |              |  |
|    |   | 236° 47'     | 64.48 feet;  |
| 6. | Thence, along same, on a curve to the left with a radius of 118.00 feet, the chord azimuth and distance being:  |              |  |
|    |   | 231° 41' 30" | 58.19 feet;  |
| 7. | Thence, along same, on a curve to the right with a radius of 122.00 feet, the chord azimuth and distance being: |              |  |
|    |   | 229° 27'     | 50.87 feet;  |
| 8. | 241° 29'  | 27.71 feet   | along same;  |



9. Thence, along same, on a curve to the left with a radius of 78.00 feet, the chord and azimuth and distance being:

232° 11' 30" 25.19 feet;

10. Thence, along same, on a curve to the right with a radius of 102.00 feet, the chord azimuth and distance being:

232° 31' 34.08 feet;

11. Thence, along same, on a curve to the left with a radius of 198.00 feet, the chord azimuth and distance being:

231° 00' 76.47 feet;

12. Thence, along same, on a curve to the right with a radius of 202.00 feet, the chord azimuth and distance being:

228° 33' 30" 61.05 feet;

13. 237° 15' 14.75 feet along same;

14. Thence, along same, on a curve to the left with a radius of 198.00 feet, the chord and azimuth and distance being:

229° 43' 00" 51.92 feet;

15. Thence, along same, on a curve to the left with a radius of 142.00 feet, the chord and azimuth and distance being:

221° 49' 13" 1.80 feet;

16. 318° 12' 00" 10.71 feet along Lot 13, as shown on Map 6 of Land Court Application 1166, to the point of beginning and containing an area of 4,047 square feet.

October 29, 2020  
Honolulu, Hawaii



*Alden S. Kajioka*  
Alden S. Kajioka  
Licensed Professional Land Surveyor  
Certificate Number 6605-LS  
Land Court Certificate Number 248

Tax Map Key: (4) 4-3-02: 13

**EASEMENT B-2  
(For Bike Path Purposes)**

Being a portion of Lot 12, as shown on Map 6 of Land Court Application 1166.

Situate at Puna, Kauai, Hawaii.

Beginning at the Southwest corner of this piece of land, being also the Southeast corner of Lot 7, as shown on Map 6 of Land Court Application 1166, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NONOU" being 3,378.61 feet South and 8,857.32 feet East and running by azimuths measured clockwise from true South:

- |    |          |             |  |
|----|----------|-------------|--|
| 1. | 156° 06' | 536.63 feet | along Lot 7, as shown on Map 6 of Land Court Application 1166;   |
| 2. | 331° 06' | 22.95 feet  | along the remainder of Lot 12, as shown on Map 6 of Land Court Application 1166;                             |
| 3. | 336° 06' | 513.50 feet | along same;  |
| 4. | 58° 30'  | 2.02 feet   | along the 100-feet wide beach reserve to the point of beginning and containing an area of 1,050 square feet. |



October 26, 2020  
Honolulu, Hawaii

  
Alden S. Kajioka  
Licensed Professional Land Surveyor  
Certificate Number 6605-LS  
Land Court Certificate Number 248

Tax Map Key: (4) 4-3-02: 13



MAP

LAND COURT  
STATE OF HAWAII

LAND COURT APPLICATION 1166  
DESIGNATION OF EASEMENTS B-2 AND B-3  
AFFECTING LOT 12  
AS SHOWN ON MAP 6

AT PUNA, KAUAI, HAWAII

615 Pōkai St Suite 700  
Honolulu, Hawaii 96814  
April 28, 2016

CONTROLPOINT SURVEYING INC.



By *Alden S. Kajioke*  
ALDEN S. KAJIOKE  
Licensed Professional Land Surveyor  
Certificate Number 6605-LS  
Land Court Certificate Number 248  
Exp. Date 04/20

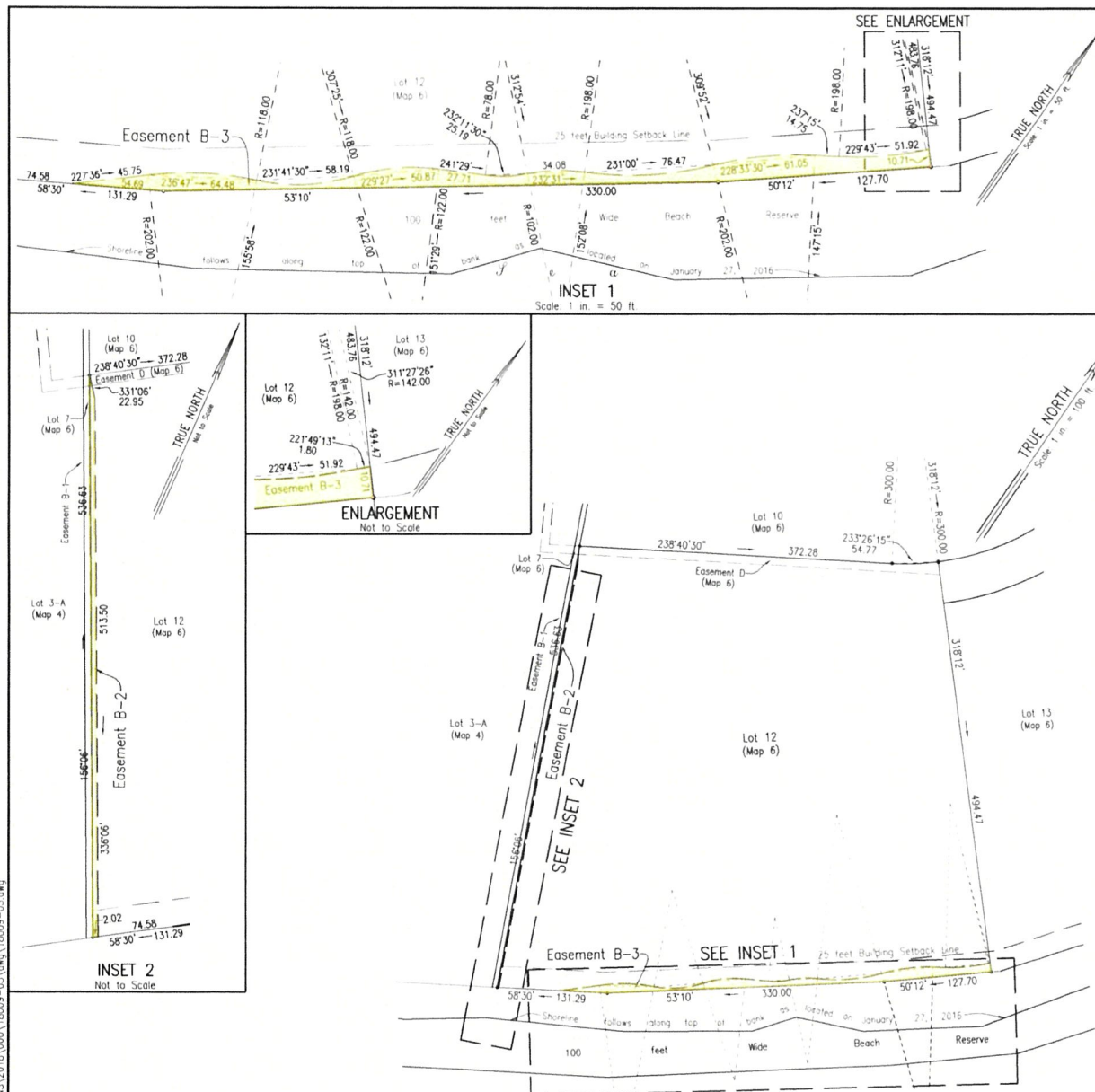
OWNER: ISLANDER ON THE BEACH  
TRANSFER CERTIFICATE OF TITLE:

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE  
OF THE LAND COURT DATED \_\_\_\_\_  
BY ORDER OF THE COURT.

REGISTRAR OF THE LAND COURT

ENCLOSURE 1

15" x 21" = 2.2 Sq. Ft.



Note:  
Area of Easement B-2 for Bike path purposes in favor of the County of Kauai = 1,050 Sq. Ft.  
Area of Easement B-3 for Bike path purposes in favor of the County of Kauai = 4,047 Sq. Ft.