



**RESOLUTION**

APPROVING THE GRANT OF EASEMENT B FOR ACCESS AND WATERLINE PURPOSES TO PROPERTY OWNERS DOUGLAS SMITH AND BEN KULIA OVER THE CITY'S KULIOUOU STREAM FLOOD CONTROL PROJECT, TMK: 3-8-06:4.

WHEREAS, Section 46-66, Hawaii Revised Statutes, as amended, (HRS) authorizes each county, subject to council approval, to grant any easement for particular purposes in perpetuity by direct negotiation or otherwise, subject to reverter to such county upon termination or abandonment of the specific purpose for which it was granted, including easements for any governmental or public utility purpose; and

WHEREAS, Douglas Smith and Ben Kulia, the property owners of TMK: 3-8-06:7, are requesting the grant of Easement B for access and waterline purposes over the City's Kuliouou Stream Flood Control Project, identified as TMK: 3-8-06:4; and

WHEREAS, Easement B, with an area of 1,984 square feet, is over the City-owned maintenance road and the City's bridge over the Kuliouou Stream Channel, as shown in green, on the Exhibits A and A-1, which are attached hereto and by reference made a part hereof; and

WHEREAS, with the construction of the Kuliouou Stream Flood Channel in the 1960's, the City bisected and subdivided TMK: 3-8-06:7 into two parcels, TMK: 3-8-6:07 and 28; and

WHEREAS, to rectify the loss of access for TMK: 3-8-06:7, the City funded the construction of the bridge over the Kuliouou Stream Flood Control Channel and the installation of the waterline on the bridge; and

WHEREAS, the easement grant for access and waterline purposes to the former property owner at that time was not consummated; and

WHEREAS, the Director, Department of Budget and Fiscal Services (BFS Director) has recommended the grant of Easement B to Douglas Smith and Ben Kulia for the nominal consideration of \$1.00; and

WHEREAS, the various city agencies, including the Departments of Facility Maintenance and Design and Construction, have no objections to the granting of Easement B to the current property owners; and

WHEREAS, the grant of the above-described Easement B will be in accordance with Section 46-66, HRS; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu, that it approves the grant of the above-described Easement B for access and waterline purposes to the property owners, Douglas Smith and Ben Kulia, for the nominal consideration of \$1.00; and

BFS-KULIOUOU-ESMT.R13

PWS



RESOLUTION

BE IT FURTHER RESOLVED that the granting of the above-described Easement B for access and waterline purposes be in accordance with the recommendations of the BFS Director, and/or designee, and with all applicable laws and City policies; and

BE IT FURTHER RESOLVED that the BFS Director and/or designee shall be authorized to sign the easement and other necessary documents; and

BE IT FINALLY RESOLVED that the Clerk be directed to transmit a certified copy of this resolution to the BFS Director.

INTRODUCED BY

*[Handwritten signature]*

(br)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

**NOV 20 2012**

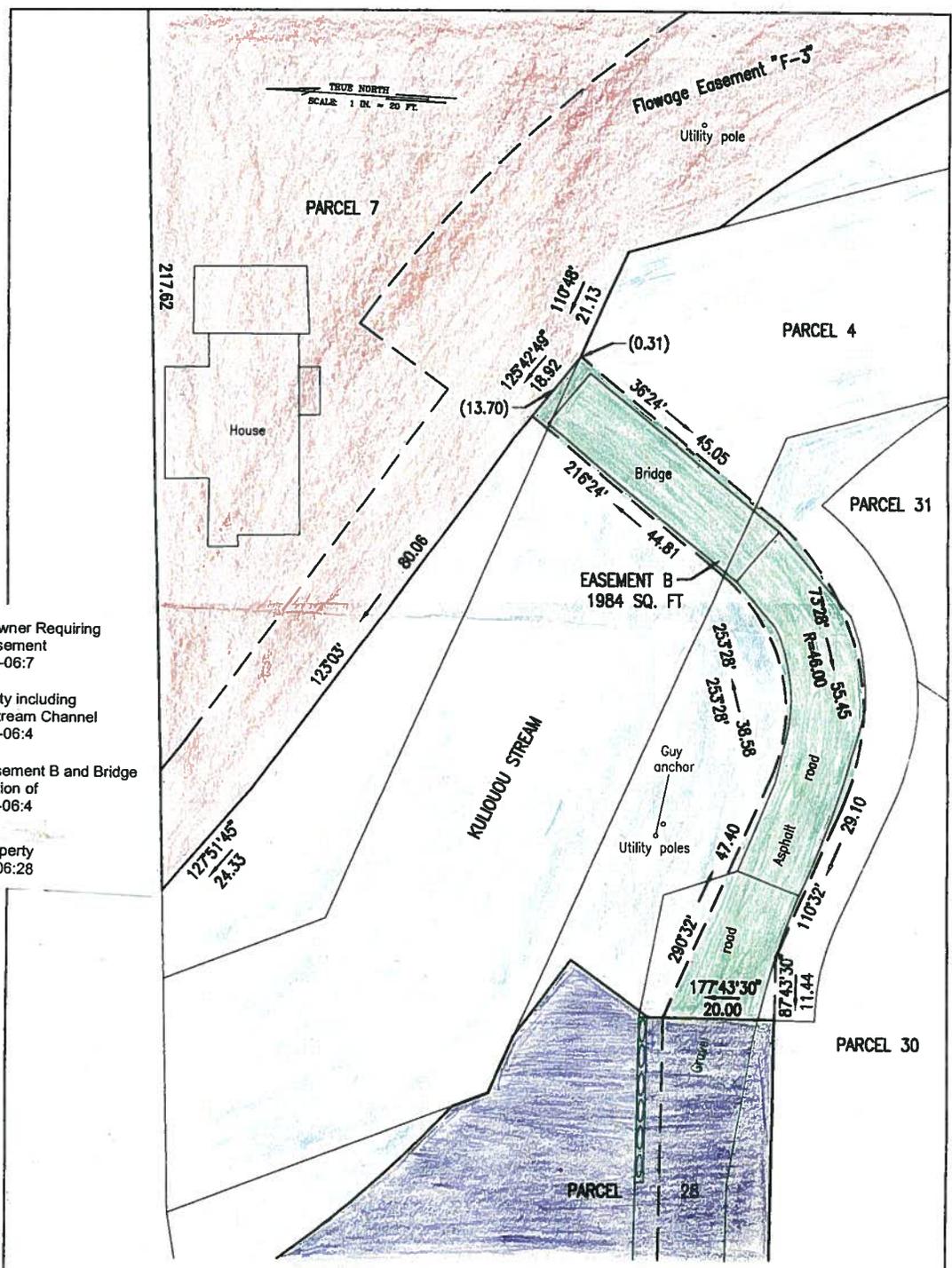
\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

RESOLUTION NO. 12-316  
CITY AND COUNTY OF HONOLULU  
CITY CLERK  
NOV 20 2012



- Property Owner Requiring Access Easement  
TMK#: 3-8-06:7
- City Property including Kuliouou Stream Channel  
TMK#: 3-8-06:4
- Access Easement B and Bridge Over a Portion of  
TMK#: 3-8-06:4
- Private Property  
TMK# 3-8-06:28



**EASEMENT MAP  
DESIGNATION OF EASEMENT B FOR VEHICLE AND UTILITY PURPOSES  
AFFECTING PARCEL 4 IN FAVOR OF PARCEL 7**



Kuliouou, Honolulu, Oahu, Hawaii  
Date: June 10, 2005  
Tax Map Key: (1)3-8-06:28  
Scale: 1 inch = 20 feet  
Owner: City & County of Honolulu

This work was prepared by me or under my supervision

WESLEY T. TENGAN  
LICENSED PROFESSIONAL LAND SURVEYOR  
Certificate Number 6958

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 12-316**

Introduced: 11/20/12 By: ERNEST MARTIN (BR)

Committee: PUBLIC WORKS AND  
SUSTAINABILITY

Title: RESOLUTION APPROVING THE GRANT OF EASEMENT B FOR ACCESS AND WATERLINE PURPOSES TO PROPERTY OWNERS DOUGLAS SMITH AND BEN KULIA OVER THE CITY'S KULIOUOU STREAM FLOOD CONTROL PROJECT, TMK: 3-8-06:4.

Links: [RES12-316](#)  
[CR-405](#)

Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

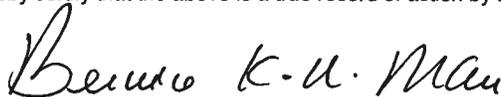
NOTE: COUNCILMEMBER FUKUNAGA TOOK OFFICE ON TUESDAY, NOVEMBER 27, 2012 FILLING THE VACANCY FOR DISTRICT VI.

PUBLIC WORKS AND SUSTAINABILITY 11/28/12 CR-405 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.

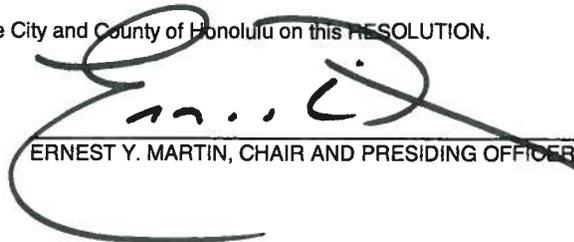
COUNCIL 12/05/12 CR-405 AND RESOLUTION 12-316 WERE ADOPTED.

ANDERSON	Y	BERG	Y	CHANG	Y	FUKUNAGA	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



BERNICE K. N. MAU, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER