



**RESOLUTION**

**APPROVING THE GRANT OF A NON-EXCLUSIVE, TERM, SUBSURFACE TELECOMMUNICATIONS EASEMENT WITHIN WAIANAЕ VALLEY ROAD FOR THE INSTALLATION OF FIBER OPTIC LINES BY SANDWICH ISLES COMMUNICATIONS, INC.**

WHEREAS, Section 46-66, Hawaii Revised Statutes, as amended, authorizes each county, subject to council approval, to grant, sell or otherwise dispose of by negotiation without public auction, an easement for governmental or public utility purposes; and

WHEREAS, Sandwich Isles Communications, Inc. ("SIC") is a duly licensed "telecommunications carrier" or "telecommunications common carrier" as those terms are defined by: (a) Title 47, Section 153 of the United States Code, and (b) Hawaii Revised Statutes, Section 269-1 (2005), registered and licensed to do business in the State of Hawaii, and is authorized by the State of Hawaii Public Utilities Commission to provide telecommunications service on Department of Hawaiian Home Lands; and

WHEREAS, SIC has submitted a site application request to the City and County of Honolulu ("City"), requesting access through a certain right-of-way owned by the City for the purpose of installing, operating, maintaining, repairing, removing and replacing an underground fiber optic conduit with manholes and other appurtenant equipment including fiber optic lines, as part of SIC's fiber optic telecommunication system which will provide telecommunication services to Hawaiian Home Land residences; and

WHEREAS, by this Resolution, SIC seeks this Council's grant of a non-exclusive, term, subsurface telecommunication easement, with an area of 9,940 linear feet, within Waianae Valley Road, as designated on the map attached hereto as Exhibit "A," and by this reference made a part hereof; and

WHEREAS, the various affected city agencies have no objection to the granting of the above-referenced easement; and

WHEREAS, the sale of the above-described easement will be in accordance with Section 46-66, Hawaii Revised Statutes; and

WHEREAS, in granting the above-referenced easement, the City shall reserve the right to charge SIC fair and reasonable compensation, on the condition that it is imposed on a competitively neutral and nondiscriminatory basis in compliance with Section 253(c) of 47 U.S.C. 253 (Federal Telecommunications Act of 1996), as that law is construed and amended from time to time; and

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RESOLUTION

WHEREAS, 47 U.S.C. § 253(c) of the Federal Telecommunications Act of 1996, which forms the framework for the nation’s telecommunications policy, expressly preserves state or local government authority to manage public rights-of-way and to require fair and reasonable compensation from telecommunications providers on a competitive neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government; and

WHEREAS, the above-referenced easement shall be for a term of five (5) years, renewable upon the request of SIC and the written consent of the City, for additional five (5) year terms subject to the City’s right of termination; 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 to SIC, without public auction, for the purpose of constructing, installing, operating, maintaining, repairing, and removing fiber optic through, under and across the said site; and

BE IT FURTHER RESOLVED that the grant of easement be in accordance with the recommendations of the Directors of the Department of Information Technology (“DIT”), the Department of Facility Maintenance (“DFM”), and the Department of Budget and Fiscal Services (“BFS”), and/or their respective designee(s), including such terms and conditions as said Directors may impose or require, and with all applicable laws and city policies; and

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

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RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Directors of the BFS, DIT, and DFM.

INTRODUCED BY  
*[Handwritten signature]*

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Councilmembers

DATE OF INTRODUCTION:

JAN 10 2006  
Honolulu, Hawaii

SANDWICH ISLES COMMUNICATIONS, INC.  
 PAUAAHI TOWER, 27TH FLOOR  
 1001 BISHOP STREET  
 HONOLULU, HAWAII 96813

# FARRINGTON TO KANEAKI FIBER OPTICS DUCTLINE

(SSFM PROJECT NO: 2000\_075.208; DPP PROJECT NO: 2005/CP-90)

TMK: 8-5-7, 8, 9, 10, 19, 20, 21, 22, 29

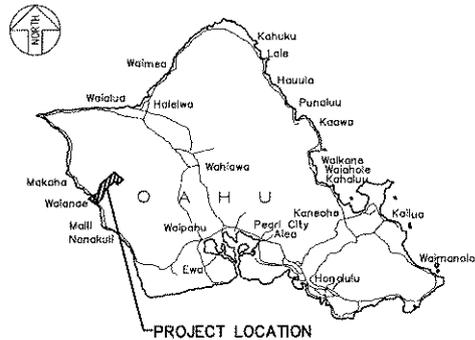
FINAL SUBMITTAL 2

PREPARED BY:  
**SSFM INTERNATIONAL, INC.**  
 501 SUMNER ST., SUITE 620  
 HONOLULU, HAWAII 96817

APPROVAL:

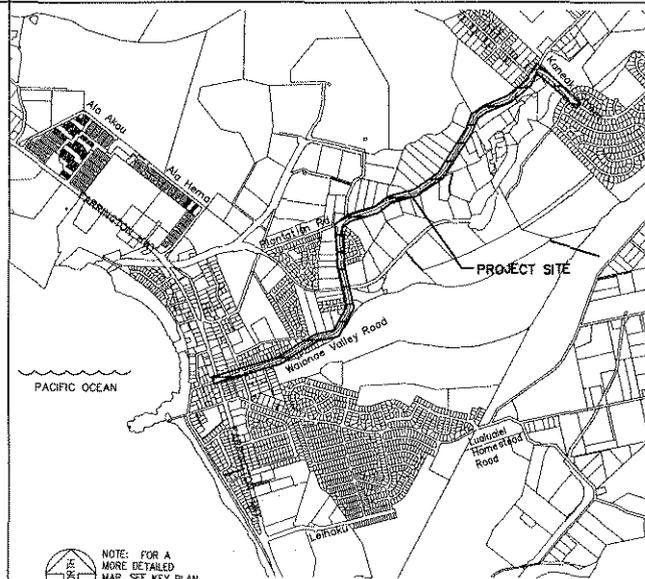
DIRECTOR, DEPARTMENT OF PLANNING AND PERMITTING DATE

VICINITY MAP



VICINITY MAP  
 NOT TO SCALE

LOCATION MAP



LOCATION MAP  
 NOT TO SCALE

NOTES FOR A MORE DETAILED MAP, SEE KEY PLAN ON SHEET T-3

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**SSFM INTERNATIONAL, INC.**  
 501 SUMNER ST., SUITE 620 (608) 633-1308  
 HONOLULU, HAWAII 96817

**FARRINGTON TO KANEAKI  
 FIBER OPTICS DUCTLINE**

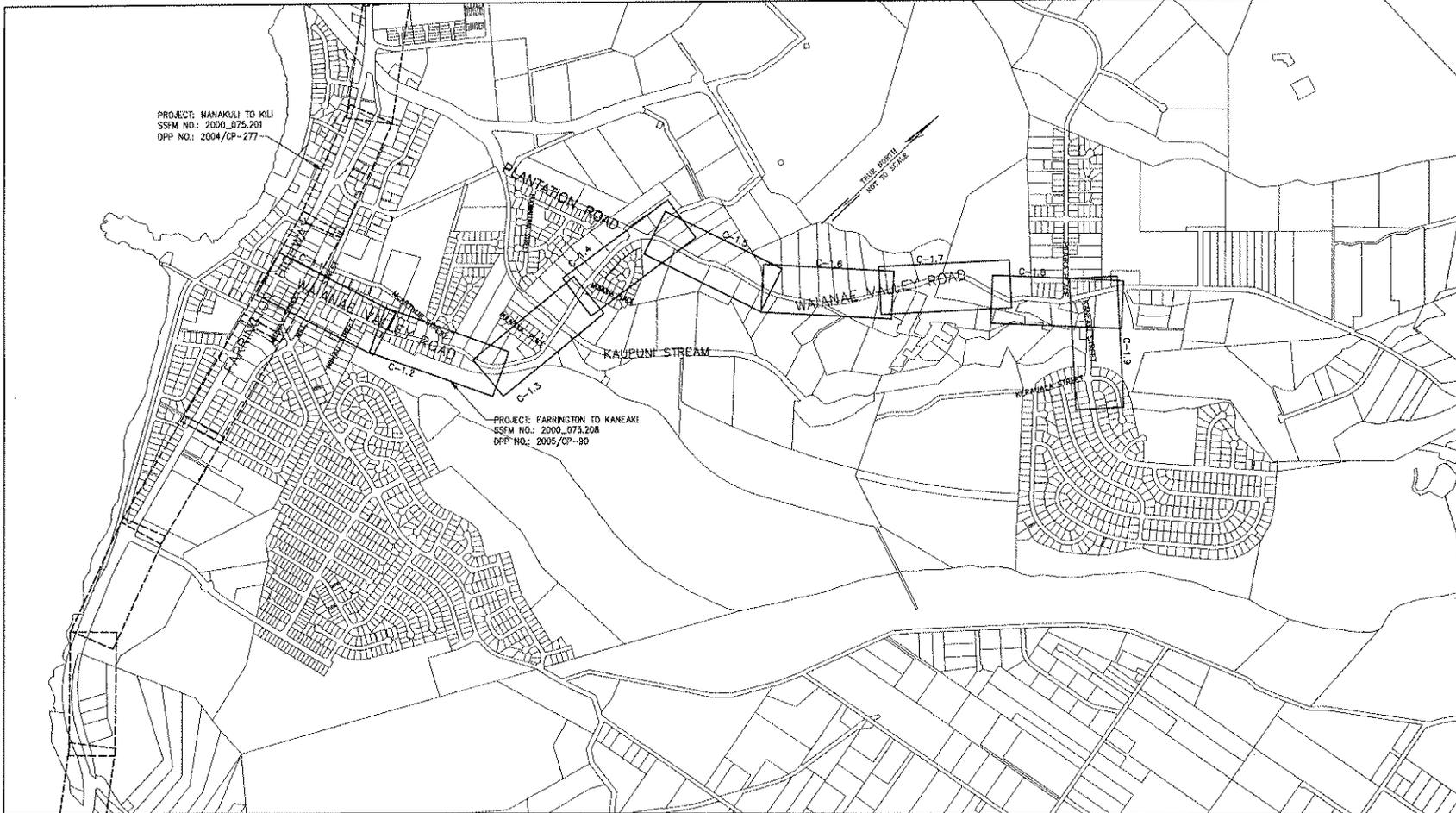
TITLE SHEET, VICINITY MAP, LOCATION MAP,  
 AND DRAWING INDEX

PROJECT NO. 2000\_075.208 DRAWING NO. T-1

DESIGNED BY: DATE: NOVEMBER 2005 SHEET: 1 OF 20

SCALE: AS NOTED

THIS SEAL WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION. I AM A REGISTERED PROFESSIONAL ENGINEER, ARCHITECT, LAND SURVEYOR, AND LANDSCAPE ARCHITECT.



**KEY PLAN**

SCALE: NOT TO SCALE

TWK: 8-5-7, 8, 9, 10, 19, 20, 21, 21, 22, 29



*Corey M. Marston*  
 LICENSED PROFESSIONAL ENGINEER  
 NO. 10330-C  
 HAWAII STATE  
 EXP. 04/30/2004



BSFM International, Inc.  
 571 Banner Street  
 Suite 520  
 Honolulu, Hawaii 96807

NO.	REVISION	DATE	BY	CHKD.

BANDWICH BLUES  
 COMMUNICATIONS, INC.  
 Pualani Tower, 27th Floor  
 300 Bishop Street  
 Honolulu, Hawaii 96803

FARRINGTON  
 TO KANEAKI  
 FIBER OPTICS  
 DUCTLINE  
 ISLAND OF OAHU

KEY PLAN

APPROVED

CITY OF HONOLULU, DEPARTMENT OF WATER UTILITIES  
 DATE

DRAWN BY: CVC  
 CHECKED BY: CVC  
 DATE: MAY 2004  
 SHEET NO. 3 OF 20

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 06-008**

Introduced: 01/10/06 By: CHAIR DONOVAN DELA CRUZ (BR)

Committee: PWED

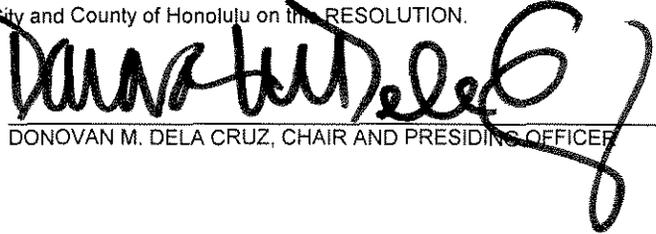
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Links: [RES06-008](#)  
[D-0017](#)

PWED	01/11/06	CR-31 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	01/25/06	RESOLUTION AND CR-31 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM 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.

  
DENISE C. DE COSTA, CITY CLERK

  
DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER