

COUNTY COUNCIL

COUNTY OF KAUA'I

**Resolution** No. \_\_\_\_\_

(FOR CONDEMNATION)

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

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

WHEREAS, HRS §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 Bike Path, also known as Ke Ala Hele Makalae, which is part of the County of Kaua'i'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 KAUA'I, 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 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 Bike Path, also known as Ke Ala Hele Makalae.
2. The County Attorney of the County of Kaua'i 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 said proceedings in eminent domain, the County Attorney is hereby authorized and empowered to negotiate terms of settlement, subject to approval of this Council and/or of 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 County Engineer, the Director of the Department of Parks and Recreation, the Director of Finance, and to the Office of the County Attorney.

This Resolution shall take effect upon its approval.

INTRODUCED BY:

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Council Members

DATE OF INTRODUCTION:

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Līhu'e, Hawai'i

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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DEREK S. K. KAWAKAMI, Mayor  
County of Kaua'i