



NA ALA HELE
Hawaii Trail & Access System

PLANNING DEPARTMENT
COUNTY OF HAWAII

2010 MAR 17 AM 11:41

October 11, 2007

Ref: H07:08 Kiilae-Kauleoli

TO: Irving Kawashima, Trails Specialist
FROM: D. Moana Rowland, Abstractor *DMR*
THROUGH: Curt Cottrell, Program Manager *CJC*
SUBJECT: Disposition of Trails through "Kiilae Farms Subdivision" designated as Tax Map Key(s): 8-5-5-19 and 29 being Lots 2 and 3 as shown on Final Subdivision Map No. 7459

Research has been completed in response to your request dated April 2, 2007, seeking abstracting assistance on the above subject matter. This report will open with a brief description of the subdivision followed by a discussion of the trails that once existed and the coastal trail that provides public access today.

Ki'ilae Farms Subdivision

The Ki'ilae Farms Subdivision is a 48-lot, agricultural subdivision located in the makai portion of Ki'ilae and Kauleoli in the District of South Kona. Ki'ilae was the site of a Hawaiian fishing village occupied until the 1930's. The project is situated on two parcels that contain a total area of 499.537 acres. Ki'ilae Estates LLC owns the land that is being developed by the Quill Group.

The property is bounded on the *mauka* side by the Mamalahoa Highway and the eastern edge of the *Alanui Aupuni* (Old Government Road) also referred to as the "King's Trail" on the *makai* end. Parcels 22 and 31 owned by the National Park Service and Pace Investments, respectively, border the project area on its western side and provide the only access to the shoreline area. Copies of the final subdivision map and current tax map are enclosed for your reference.

The Mauka-Makai Trails

The request specifically identified the Ki'ilae-Keanapaakai Trail identified as State Inventory Historic Places Site No. 23146 (Site 23146), and the Kauleoli Trail as two *mauka-makai* trail features of particular interest. Although several archaeological reports discuss these trails, available records fail to disclose any maps that confirm their existence prior to 1892.

SCANNED

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By: _____

The Coastal Alanui Aupuni

There is, however, a lateral shoreline trail identified on several pre-1892 maps that traverse the subject lands. This trail variously identified as the *Alanui Aupuni*, King's Trail, and the Old Government Road, has been noted on the final subdivision map and current tax plat maps. For the purposes of this report the trail will be referred to as the *Alanui Aupuni*.

The earliest depiction of the *Alanui Aupuni* is found on the Notes of Survey for the Ahupuaa of Kauleoli prepared in 1853 that accompanies Royal Patent Grant No. 1575 originally issued to James Atkins. **(Exhibit A)** This survey sketch labels the *Alanui Aupuni* as the "South Kona Road."

A later survey completed in 1854 detailing the location of School Grant 7 Apana 6 for the School lot at Kiilae also identifies the *Alanui Aupuni* as the "Government Road." **(Exhibit B)**

The following maps on file at the State Survey Office also depict the same representation of the *Alanui Aupuni*: Registered Map No. 1445 prepared circa 1888 by J.S. Emerson titled "Napoopoo-Honaunau" **(Exhibit C)**; Registered Map No. 1745 prepared in 1895 by S.M. Kakanui titled "Plan of Hookena Section South Kona" **(Exhibit D)**; and Registered Map No. 1796 surveyed between 1895–1896 by W.A. Wall titled "Honaunau Section South Kona" **(Exhibit E)**.

Surveyors of the period recognized *the Alanui Aupuni* as a major trail that connected communities from Honaunau to Hookena. In fact, this trail remains intact and visible on the ground today.

Pursuant to the Highways Act of 1892 (discussed below), the *Alanui Aupuni* is a government owned trail under the jurisdiction of the State of Hawaii through its Board of Land and Natural Resources.

The Highways Act of 1892

In October of 1892, Queen Liliuokalani and the legislature of the Kingdom of Hawaii enacted the Highways Act of 1892. The Highways Act of 1892 defined what constituted a "public highway", established certain rights and duties in connection with public highways, and declared that the ownership of all public highways is in the Hawaiian government in fee simple. Chapter 47 of the 1892 Hawaii Session Laws stated in pertinent part:

Highways Act of 1892, Section 2 Definition of Public Highway

All roads, alleys, streets, ways, lanes, courts, places, trails and bridges in the Hawaiian Islands, whether now or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be public highways.

All public highways once established shall continue until abandoned by due process of law.

Today, Hawaii Revised Statutes § 264-1 is founded in and furthers the intent of the Highways Act of 1892. This section states in part:

HRS §264-1 Public highways and trails

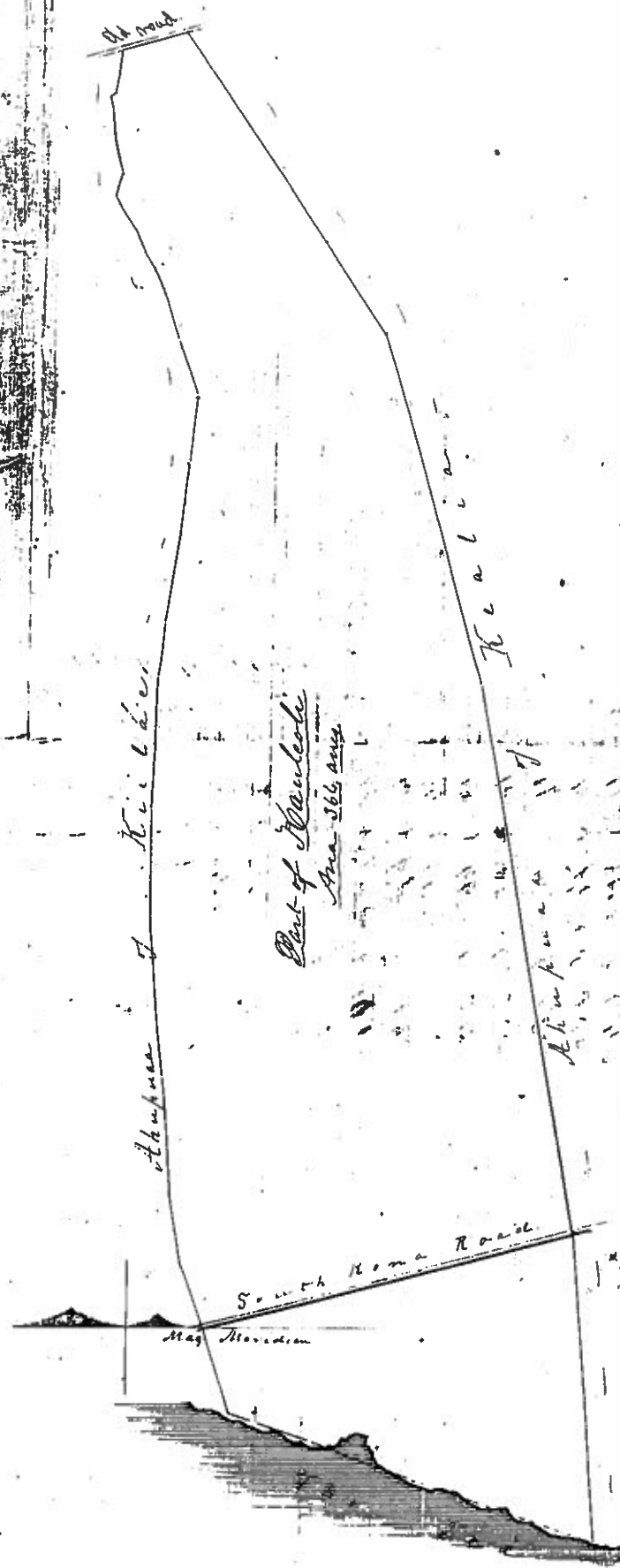
- (b) All trails, and other nonvehicular rights-of-way in the State declared to be public rights-of-way by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as nonvehicular public rights-of-way at any time thereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the state Board of Land and Natural Resources unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.

Available records fail to disclose relinquishment of the government's fee simple in the *Alanui Aupuni*.

Conclusion

Therefore, any actions that may affect the *Alanui Aupuni* within the subject lands is subject to the approval of the Board of Land and Natural Resources. Furthermore, the State Historic Preservation Division must be consulted to determine the preservation status of the *Alanui Aupuni*.

Point of begin'g of area containing 366 acres.



Surveyed
by R. Muller

Aug 21, 1883

Scale of 10 chains to an inch.

EXHIBIT A

NOTES OF SURVEY GRANT 1575

School lot at Kiilae, South Kona, Hawaii

Begin at a rock marked x at the south corner make
near west corner of stone wall (of goat pen)

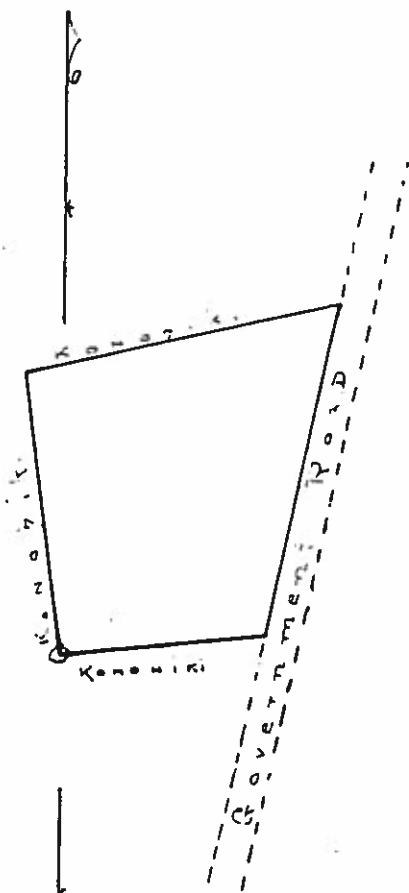
- 1 North 5° 00' West 200 links to a Coconut tree (marked)
- 2 North 81° 30' East 226 " " Government road
- 3 South 6° 00' " 200 " " Konoheke
- 4 South 89° 00' West 185 " " place of beginning.

Area 0.34 Acre

Surveyed Feb. 14 1854

J. W. Makalena

Surveyor



1 ch. in.

Handwritten notes or signatures at the bottom left of the diagram area.

EXHIBIT B

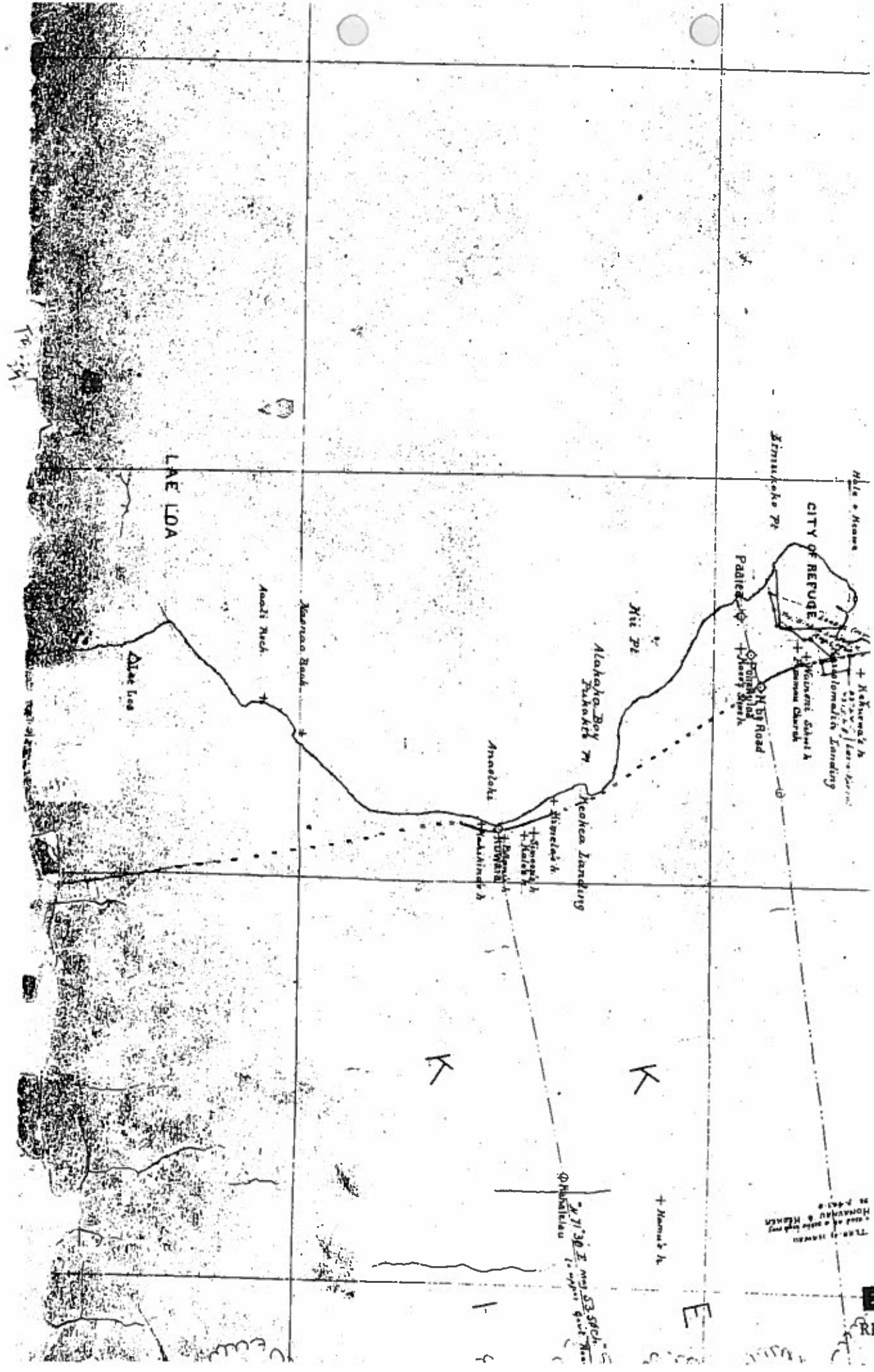


EXHIBIT C
REGISTERED MAP 144

