

Brown, Larry

From: Foti [fotiprmk@hawaii.rr.com]
Sent: Saturday, April 21, 2012 5:21 PM
To: Larry Brown
Subject: Re: Alae shoreline public access plan
Attachments: SPA Plan -TC Draft 10Apr12.doc; ATT00013.html; SPA Plan -Clean Draft 10Apr12.doc; ATT00016.html; Foti SUB 06-435 rev 6Apr2012.pdf; ATT00019.html

Follow Up Flag: Follow up
Flag Status: Flagged

Attention BJ Leithead Todd Planning Director County of Hawaii, & Larry Brown:

Subject: Shoreline Public Access Plan for Special Management Area Minor Permit No. 07-051(SMM 07-051)

Dear Director Leithead: I submit this plan along with Exhibit A for Suzanne Foti and Daniel McKinley with their concurrence. We request approval of this plan as quickly as possible and hope that approval of the subdivision can be pursued expeditiously as well.
Very truly and mahalo,
Philip R. Foti

From: Foti [<mailto:fotiprmk@hawaii.rr.com>]
Sent: Tuesday, April 10, 2012 8:31 AM
To: lbrown@co.hawaii.hi.us
Subject: Alae shoreline public access plan

NEW OWNER OF RECORD:
SUZANNE A. FOTI
P.O. BOX 144
Honolulu, HI 96726

c.c. Philip Foti on SPA Agreement

To: County of Hawaii Planning Department

Attn: Larry Brown

RE: SMM # 07-51 (Special Management Area Minor Permit)

Condition #3 (amended)

SHORELINE PUBLIC ACCESS PLAN FOR

Special Management Area Minor Permit No. 07-051 (SMM 07-051)

Subdivision No. 06-435

TMK (3) 8-7-005:001,002 & 010 through 019

ALAE 1st & 2nd, South Kona, Hawaii

As required by Condition No. 3 of Special Management Area Minor Permit No. 07-051, this Shoreline Public Access (SPA) Plan is submitted for the approval and acceptance of the Planning Director.

LOCATION:

The following public access easements are proposed and as depicted on a map showing the proposed consolidation and resubdivision dated August 17, 2006, Revised April 6, 2012 (Exhibit A):

1. Easement "PA-1" being a 10-foot wide public pedestrian access within the alignment of the state owned "King's Trail" along the coastal portion of the southwest corner of the subject property;
2. Easement "PA-2" being a 52-foot wide public pedestrian access along the Historic Trail traversing the subject property from the north property line to the south property line approximately midway between Māmalahoa Hwy. and the shoreline;
3. Easements "PA-3", "PA-4" and "PA-5" being a 15-foot wide public pedestrian access within the existing meandering gravel road traversing Lots 6, 8 and 9 respectively, of the proposed subdivision from north to south;

4. "PA-6" being a 10-foot wide public pedestrian access within Access Easement "A-3" extending from Māmalahoa Hwy. to the intersection of "PA-3" and "PA-4;"
5. "PA-7" and "PA-8" being 10-foot wide public pedestrian accesses extending along the south property line of the subject property from the south terminus of "PA-5" to the south terminus of "PA-1"; and
6. "PA-9" and "PA-10" being 10-foot wide public pedestrian access extending laterally along the coast from the north portion of "PA-1" to the north property line of the subject property.

As clarified by a letter from the Planning Director dated October 16, 2008 the public access requirements for the subject subdivision include the following:

1. The portion of the public pedestrian access easement between the meandering ranch road traversing over the pali down to the "King's Trial" need not be improved;
2. At such time as the entire seaward portions of the ranch (meandering gravel) road are encumbered for public pedestrian access purposes, the public pedestrian access ("PA-7" and "PA-8") shall be extinguished;
3. Once the entire ranch road is encumbered as a public access easement over other affected lands between the subject property and the Māmalahoa Hwy. the mauka-makai public pedestrian access easement ("PA-6") shall be extinguished.

CONSTRUCTION: (Includes time frame)

None of the Public Pedestrian Access Easements being provided as required by the amended Condition No. 3 of SMM 07-051 will be improved to accommodate pedestrian travel. The 2 existing locked gates obstructing passage along the coastal lateral trail and into the state owned land at Haukalua 2nd to the north will be removed by the owners of Alae 1st and 2nd upon approval of SUB 06-435. Any trail construction or improvements to roadways within the lands subject to the proposed subdivision affecting any public pedestrian access easement shall require the prior written approval of the Planning Director.

PARKING;

Condition No. 3 of SMM 07-051 as amended by letter from the Planning Director dated January 10, 2008 excluded any requirement for public vehicular access or easement for public parking. Therefore, not public vehicular access or parking is provided.

HOURS OF AVAILABILITY TO PUBLIC ACCESS;

Owners of properties north of Alae will have jurisdiction over the entry gate that provides access over the existing ranch road from Māmalahoa Highway, and their policies and agreements will bear upon hours of accessibility to the Alae trail. At this time there are otherwise no restrictions placed upon availability for public transit along the established easements through Alae.

SIGNAGE AND PLACEMENT:

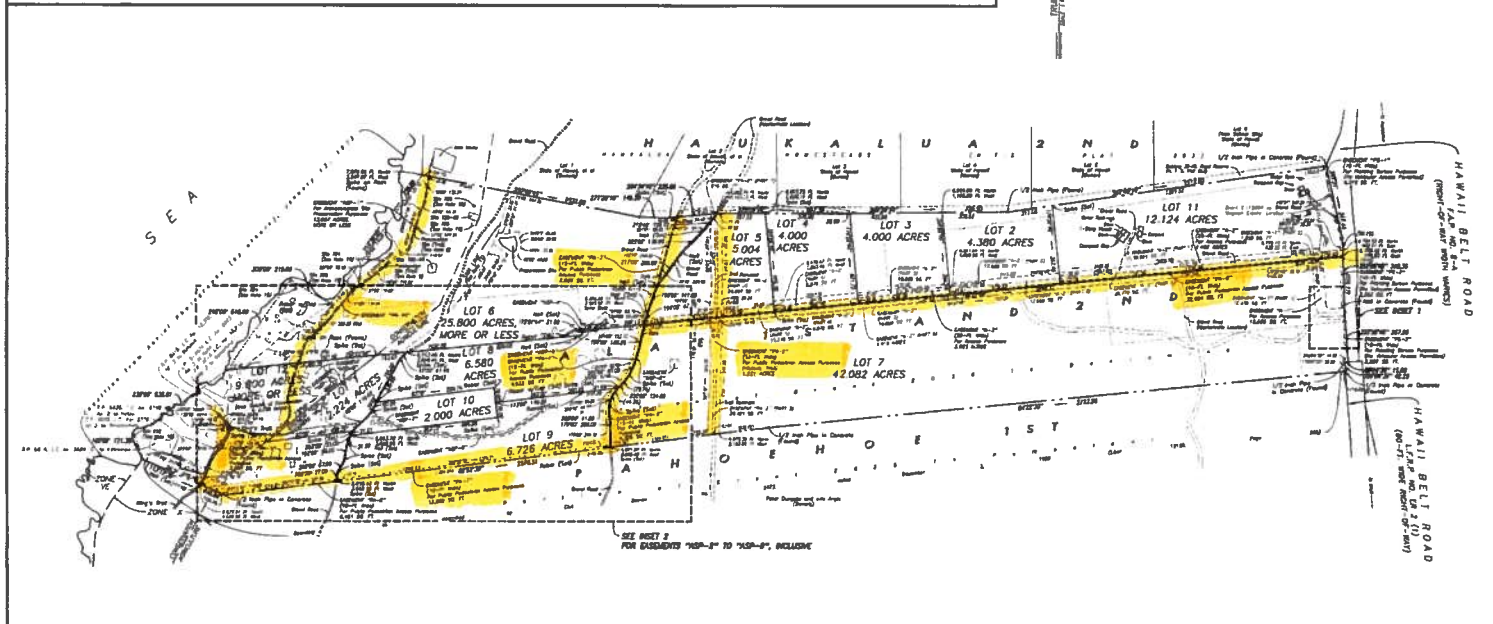
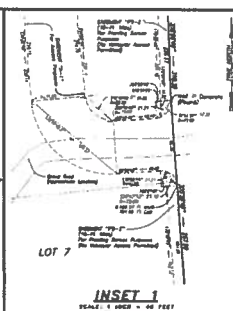
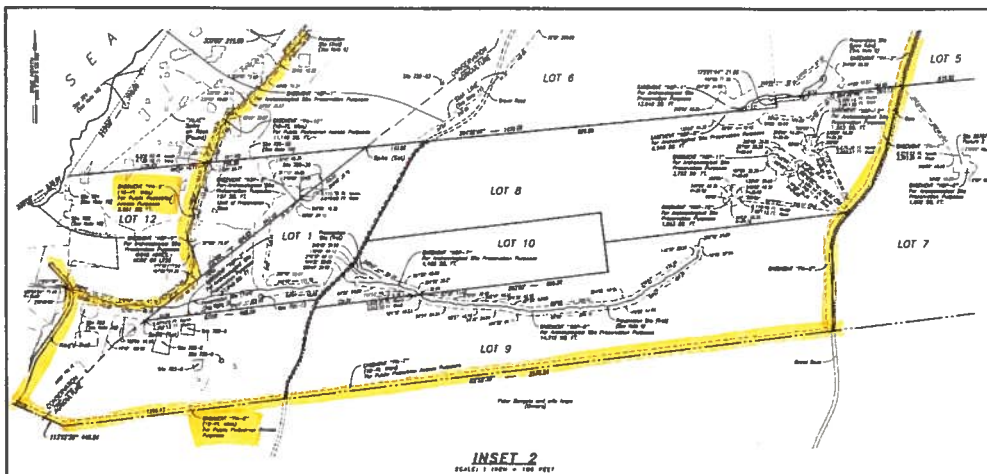
None appropriate at this time. Signage as may be later determined necessary will be the responsibility of eventual owners of lots 6, 7, 8 & 9, and shall be perpetually stipulated in CC&R's of the warranty deeds. Any signage later to be determined necessary by any of the lot owners shall require the prior written approval of the Planning Director and will be the responsibility of the lot owners to install and maintain. Any signage the County of Hawai'i deems necessary and appropriate will, after consultation with the affected landowners, be installed and maintained by the County of Hawai'i or the parties to the Memorandum of Understanding (MOU) Between the National Park Service, United States Department of the Interior, State of Hawai'i, and County of Hawai'i for the Implementation, Management, Protection and Public Use of Ala Kahakai National Historic Trail, dated February 21, 2010.

MAINTENANCE:

Maintenance of any trail construction or improvements to subdivision roadways affecting public pedestrian access easements made by the subdivider or subsequent lot owners shall be the responsibility of the subdivider or subsequent lot owners.

RULES:

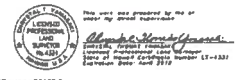
Rules governing use of the public pedestrian access easements on Alae may be adjusted in collaboration with an association of property owners and the parties to the above referenced MOU. There will be no vehicular traffic allowed, no camping, loitering, use of alcohol or drugs, illicit or illegal behavior or damage to premises allowed on the access pathway.



- NOTES:
1. All areas shown on this map are subject to all Government Survey.
 2. Areas of ground of adjacent parties are from available title records.
 3. The boundaries, area, extent, etc. of the project are as shown on this map.
 4. Subject Property is shown by Lot 1 through Lot 12. The area shown on this map is the area of the project as shown on the map.
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 11. The area shown on this map is the area of the project as shown on the map.

MAP SHOWING
 CONSOLIDATION OF
 PORTION OF GRANT 2036 TO BENIAMINA
 AND THE WHOLE OF THE FOLLOWING:
 R.P. 5939, L.C. AW. 8158, AP. 2 TO HOLAU
 R.P. 8005, L.C. AW. 8776, AP. 2 TO KEAWEAMAH
 R.P. 8014, L.C. AW. 9699-D TO KAHIAMOE
 R.P. 8015, L.C. AW. 10302, AP. 2 TO MAKAELE
 R.P. 8016, L.C. AW. 10818, AP. 2 TO BENIAMINA
 L.P. S-8674, L.C. AW. 8673, AP. 2 TO KAOO
 AND GRANT S-15664 TO MAGOON ESTATE, LIMITED
 AND RESUBDIVISION INTO LOTS 1 THRU 12, INCLUSIVE

At Alae 1st and 2nd, South Kona
 Island and County of Hawaii, State of Hawaii



PROJECT NO. 03162.2
 DATE: AUGUST 17, 2006
 FIELD BOOK NO.: 123 AND 124
 TAX MAP KEY: S-7 8005001, 002, 010, 011,
 012, 013, 014, 015, 016, 017,
 018 AND 019 (3RD DIVISION)
 REVISED: AUGUST 28, 2006 (TECHNICAL CHANGES)
 REVISED: NOVEMBER 21, 2007 (ADDED KAOO'S PERM)
 REVISED: MAY 21, 2008 (FINAL PLAN)
 REVISED: AUGUST 28, 2009 (EASMENTS)
 REVISED: APRIL 21, 2010 (TECHNICAL CHANGES)
 REVISED: FEBRUARY 9, 2011 (ADDED ARCHAEOLOGICAL SITES)
 REVISED: APRIL 28, 2011 (ADDED EASMENTS "ASP-1" TO "ASP-8")
 REVISED: SEPTEMBER 14, 2011 (ADDED ARCHAEOLOGICAL SITES)
 REVISED: NOVEMBER 16, 2011 (ADDED ARCHAEOLOGICAL SITES)
 REVISED: NOVEMBER 28, 2011 (ADDED ARCHAEOLOGICAL SITES)
 REVISED: FEBRUARY 17, 2012 (EASMENTS "ASP-1" TO "ASP-8")
 REVISED: FEBRUARY 21, 2012 (EASMENTS "ASP-9" AND EASMENT "ASP-9")
 REVISED: MARCH 24, 2012 (EASMENTS "ASP-1" TO "ASP-8" AND "ASP-9")
 REVISED: APRIL 12, 2012 (ADDED EASMENTS "ASP-1" TO "ASP-12")
 REVISED: APRIL 12, 2012 (ADDED EASMENTS "ASP-9" AND "ASP-10" AND "ASP-11")

EXHIBIT
A