



**NA ALA HELE**  
Hawaii Trail & Access System

October 5, 2004

Ref: H04:12 Keawaiki

H00: 07 Keawaiki Trail

TO: Irving Kawashima, Trails Specialist

FROM: Doris Moana Rowland, Abstractor *DMR*

THROUGH: Curt Cottrell, Program Manager *CSC*

SUBJECT: Disposition of "Old Trail" delineated on Tax Plat Map 8-3-5-6, being a portion of the Keawaiki Beach Lots Subdivision at Kahauloa 2<sup>nd</sup>, North Kona

In May 2000, Rodney Oshiro requested an abstract on the subject trail incidental to a pre-consult on a Conservation District Use Application (CDUA) filed with the Land Division. During the preliminary research it was discovered that language in the current owners' deed contained an encumbrance stating other persons had a right to use the trail. However, available maps failed to delineate the trail prior to 1892. A memo regarding those findings dated July 17, 2000, filed as abstract number H00:07 Keawaiki Trail was sent to Rodney. (Exhibit A)

Based on the lack of evidence allowing the Department of Land and Natural Resources to claim ownership of the trail, Na Ala Hele entered into negotiations with the landowners to provide an alignment that would also allow construction of the proposed single-family dwelling. (Exhibit B)

Pertinent sections of the CDUA (Exhibit C) and the most current deed citing the trail encumbrance (Exhibit D) are enclosed for your reference.

It is strongly suggested the realtor making the inquiry contact the landowners' and/or their consultant for the current disposition on any negotiations regarding the trail. Furthermore, all interested persons should be cautioned that should a pre-1892 map be found in the future, the State of Hawaii reserves the right to claim ownership of the trail based on the Highways Act of 1892.