Mr. Weltman,

I am the attorney for the Aina O Ka Hale Pili Community Association where the Uaoa Bay Trail is located.  I have seen some of your emails with Jackie, one of the owners in the subdivision, and want to clarify a couple of issues that seem to be relevant.    The trail was simply a **reservation** for a future easement contingent upon the County or State taking responsibility for the control and maintenance of the easement.   The document was titled "Reservation of Pedestrian (Fisherman) Access Easement" because it has conditions.  Because none of the conditions have been met it is not an easement and there is no right for the public to cross any private property where the reserved easement is so designated.   If you can provide me with a recorded Easement and the party who has accepted control and maintenance of the easement then I stand corrected.

It has been decades since the Reservation was recorded and if and when it is legally determined that the reservation has not been terminated  (Termination filed and recorded on June 21, 2018), then an entity must take responsibility and control of the easement and have it properly surveyed to insure its location.   Until such time you and the public will be trespassing on private property by using the trail that was just recently cleared by a 3rd party without permission or legal authority.    I see that you have posted a hike on the Sierra Club website down the trail for this weekend.   If the hike takes place please be aware that you and the Sierra Club have been given notice that such action constitutes trespass and that legal action may be taken in response.

Please let me know if you would like to discuss this further.

Best Regards, David Spee

David R. Spee

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