

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

March 11, 2005

**Committee
Report No.**

05-31

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works Committee, having met on February 28, 2005, makes reference to County Communication No. 02-101, from the Director of Public Works and Waste Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the road widening Lot 11-B along Halelani Place; Lot 12-A-2 along Keala Place; and Lots B and C along Halelani Place and Keala Place in Kihei, Maui. The dedication of these lots are part of the subdivision requirements for the Kihei Farm Subdivision, TMK No. (2) 3-9-003:033, and 045; and the Kalama Commercial Project TMK No. (2) 3-9-003:012.

Your Committee notes that County Communication No. 02-101 was referred to the Council's Public Works and Transportation Committee (2001-2003 Council term) at its meeting of May 3, 2002.

By correspondence dated May 30, 2002, the Chair of the Public Works and Transportation Committee requested that the Corporation Counsel revise the title of the proposed resolution to include the name of these projects.

By correspondence dated May 31, 2002, the Department of the Corporation Counsel transmitted a revised proposed resolution, approved as to form and legality, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE KIHEI FARM SUBDIVISION/KALAMA COMMERCIAL PROJECT PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

At its meeting of June 5, 2002, the Committee met with the Deputy Director of Public Works and Waste Management and a Deputy Corporation Counsel.

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There was no public testimony.

The Deputy Director stated that the dedication of these road widening lots are requirements for the improvements at the Kihei Town Center (KTC). He stated that abutting properties have been purchased by KTC to provide additional parking.

The Deputy Director also informed the Committee that the required improvements on these road widening lots have not been completed and requests that this matter be deferred.

The Committee deferred the matter.

At its meeting of January 10, 2003, the Council referred County Communication No. 02-101 to the prior Council's Public Works and Traffic Committee (County Communication No. 03-12).

At its meeting of September 30, 2004, the Public Works and Traffic Committee met with the Deputy Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

The Deputy Director informed the Committee that the required improvements to these road widening lots have not been completed and requests that this matter be deferred.

The Committee deferred the matter.

At its meeting of January 21, 2005, the Council referred County Communication No. 02-101 to your Public Works Committee (County Communication No. 05-13)

At its meeting of February 28, 2005, your Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

The Director informed your Committee that the improvements to the road widening lots have not been completed due to a dispute between the developer

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and the contractor. The Director requested that this matter be filed because it is uncertain as to when these improvements will be completed.

Your Committee questioned if there are any safety concerns relating to these improvements and whether the Department can require the developer to expedite its completion.

The Director explained that for one of these road widening lots, the Department requires that improvements be completed before the developer can use an additional parking area.

The Deputy Corporation Counsel explained that any liability related to these road widening lots will remain with the property owner until the County accepts the dedication of these lots.

Your Committee voted to recommend filing of the communication.

Your Public Works Committee **RECOMMENDS** that County Communication No. 02-101 be FILED.

Adoption of this report is respectfully requested.

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