

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

December 2, 2005

**Committee
Report No.**

05-171

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

Chair and Members:

Your Public Works Committee, having met on November 14, 2005, makes reference to County Communication No. 05-353, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAHIKULI HOUSE LOTS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept road widening Lot 26-C along Wahikuli Road in Lahaina, Maui, identified as TMK: (2) 4-5-14:023, for public purposes.

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

There was no public testimony.

The Director informed your Committee that road widening Lot 26-C is part of a two-lot subdivision known as the Wahikuli House Lots. The lot consists of 215 square feet, and is 2 feet wide. The subdivision was granted final approval on October 25, 2005. The subdivider has elected to defer making adjacent roadway improvements pursuant to Section 18.20.040, Maui County Code.

Your Committee reviewed Section 18.20.040, Maui County Code, which allows certain adjacent roadway improvements to be deferred by completing the requirements of a Subdivision Agreement for subdivisions of three lots or less. Your Committee questioned the Deputy Corporation Counsel regarding the enforceability of these agreements, and whether the Code currently provides any other mechanism to accept funds for future roadway improvements.

The Deputy responded that due to a number of legal impediments, she would not recommend, at this time, that such funds be held for future roadway improvements. The Deputy further stated that the Subdivision Agreement is a legally binding document that

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can be maintained until such time that the roadway improvements are ready to be completed by the County.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Public Works Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAHIKULI HOUSE LOTS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 05-353 be FILED.

Adoption of this report is respectfully requested.

pw:cr:0545aa:scj

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JOSEPH PONTANILLA **Chair**

G. RIKI HOKAMA **Member**

MICHAEL J. MOLINA **Vice-Chair**

DANNY A. MATEO **Member**

ROBERT CARROLL **Member**