

COUNCIL OF THE COUNTY OF MAUI

PARKS AND RECREATION COMMITTEE

May 18, 2001

Committee
Report No.

01-87

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

Chair and Members:

Your Parks and Recreation Committee, having met on May 2, 2001, makes reference to County Communication No. 01-112, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the proposed resolution is to accept the dedication of land in the Wainee Subdivision from Pioneer Mill Company, Ltd. ("Pioneer Mill").

At its meeting, your Committee met with the Director of Parks and Recreation; a Deputy Corporation Counsel; and John Higham, Vice President of Amfac Land Company, Inc. ("Amfac").

Your Committee is in receipt of copies of the following documents from the Deputy Corporation Counsel: (1) a location map identifying the project location as Lots 1 to 3 and related Easements 1 to 3; (2) a map highlighting Easements 1 to 4; (3) a document entitled "Agreement for Selecting Location of Future Parks Space" entered into on April 22, 1998; (4) a document entitled "Supplemental Director's Report" to the Maui Planning Commission dated July 19, 1988; and (5) a document entitled "Preliminary Report" by Title Guaranty of Hawaii, Inc., dated September 22, 2000. The Director of Parks and Recreation distributed copies of a document entitled "Director's Report" by the Planning Department, dated July 24, 1990.

The Director of Parks and Recreation provided an overview on the matter. He reported that during the Special Management Area ("SMA") permit and zoning process for the development of North Beach, the Maui Planning Commission imposed conditions on Amfac and its subsidiary, Pioneer Mill. One of the conditions requires the dedication of 13 acres for park space. Thus, Amfac is proposing to dedicate approximately 15.429 acres of land for the Wainee park expansion project.

COUNCIL OF THE COUNTY OF MAUI

PARKS AND RECREATION COMMITTEE

May 18, 2001
Page 2

Committee
Report No. 01-87

The Director noted that the developer is required to make certain improvements to the park. He further noted that 85 percent of the improvements are completed.

The Deputy Corporation Counsel briefly summarized the two maps as distributed. The map identified as "location map" delineates Lots 1, 2, and 3 and Easements 1, 2, and 3. Lot 2 is a five-acre parcel on which a homeless shelter will be constructed. Lot 3 is the proposed park space of 15.429 acres for the expansion of Wainee park, less an easement of 1.492 acres.

The Deputy Corporation Counsel described the easements. Easement 1, which is a portion of Lot 3, provides access for Lots 1 and 2. Easements 2 and 3 aligns Easement 1 with Shaw Street and provides access across Mill Street. Easement 4 provides for a waterline for Lot 3. He advised your Committee that the deed incorporates all easements.

Mr. Higham stated that the Wainee park expansion project is near completion, with respect to Amfac's obligations. However, two other conditions for additional park lands on North Beach were imposed. One condition requires a five-acre park and the second requires a 150-foot shoreline setback. The five-acre park has not yet been developed. The five-acre park and the setback will remain private and will be maintained by Amfac.

In response to your Committee's inquiry, the Deputy Corporation Counsel advised your Committee that nonperformance of SMA and zoning conditions is within the jurisdiction of the Maui Planning Commission. Therefore, it may be unnecessary for the Council to place conditions on the acceptance of land.

As advised by the Deputy Corporation Counsel, your Committee recommended that a letter be transmitted to the Department of Planning requesting that the Maui Planning Commission consider imposing a deadline on the remaining park assessment requirement.

Your Committee noted that Amfac will be insuring the title upon conveyance of the land.

COUNCIL OF THE COUNTY OF MAUI

PARKS AND RECREATION COMMITTEE

May 18, 2001
Page 3

Committee
Report No. 01-87

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

Your Parks and Recreation Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be ADOPTED; and
2. That County Communication No. 01-112 be FILED.

Adoption of this report is respectfully requested.

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COUNCIL OF THE COUNTY OF MAUI
PARKS AND RECREATION COMMITTEE

May 18, 2001
Page 4

Committee
Report No. 01-87

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