

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRANSPORTATION COMMITTEE**

November 16, 2001

**Committee
Report No.**

01-231

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

Chair and Members:

Your Public Works and Transportation Committee, having met on August 1, 2001, and October 31, 2001 (site inspection and meeting), makes reference to County Communication No. 01-118, from the Mayor, transmitting a proposed resolution entitled "AUTHORIZING THE ABANDONMENT AND SALE OF A PORTION OF A COUNTY ROADWAY PURSUANT TO SECTIONS 3.44.050 AND 3.44.070, MAUI COUNTY CODE, SECTIONS 264-1(d) AND 264-3, HAWAII REVISED STATUTES".

The purpose of the proposed resolution is to authorize the County to sell a road remnant identified as TMK (2) 2-1-023:009, known as Keoneoio-Makena Road, abutting the Polo Beach Club property.

At its meeting of August 1, 2001, your Committee met with the Deputy Director of Public Works and Waste Management, the First Deputy Corporation Counsel, and Robert Miskae, General Manager of the Polo Beach Club.

The Deputy Director of Public Works and Waste Management presented an overview of the matter. He noted that the proposed resolution authorizes the abandonment and sale of a portion of a road remnant, identified as Keoneoio-Makena Road. The subject property abuts Polo Beach Club (PBC) and is approximately 9,900 square feet. The proposed resolution reserves utility, drainage and other easements, if necessary; requires the PBC to consolidate the parcel with TMK No. (2) 2-1-011:001; and waives the requirement for an appraisal. The Deputy Director indicated that the Department has no objection to the proposed sale.

In response to your Committee's inquiry, the First Deputy Corporation Counsel noted that the sale of the subject road remnant is in the public interest because it may be considered economically beneficial to the County to dispose of the property and accrue financial gains. Furthermore, he stated that the

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County has limited use of the parcel, while the PBC Association of Apartment Owners consistently uses the parcel for access to their property.

The First Deputy Corporation Counsel provided some historical information relating to the PBC's effort to purchase the subject property. He noted that the initial request from PBC was for a larger parcel. However, during the negotiation process, the Department of Parks and Recreation expressed opposition to a larger acquisition because it would eliminate several parking stalls. Subsequently, the acreage was reduced to 9,900 square feet.

The Director of Finance stated that the fair market value of the road remnant of \$10 per square foot, as determined by the County's Real Property Assessment Division in correspondence dated August 1, 2000, was based on the current zoning and the highest and best use with a 90 percent adjustment.

Mr. Miskae stated that many issues had been brought forth during the PBC's 12-year effort to purchase the subject remnant. Furthermore, he stated that he is willing to respond to all concerns in writing.

Your Committee expressed its reluctance to dispose of County property when the County continually receives complaints about the lack of public beach parking.

Your Committee objected to the estimated appraised value of the property at \$10 per square foot in comparison to the recent purchase price of the nearby Palauea property at a premium rate.

Your Committee requested information relating to the public beach parking lot, a topographical map of the remnant property, and a chronology of the PBC's 12-year effort to purchase the property. Your Committee deferred the matter pending a site inspection and further discussion.

By correspondence dated August 8, 2001, to the Director of Parks and Recreation, your Committee requested information relating to the capacity and usage of the public beach parking lot.

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By correspondence dated August 9, 2001, to the Mayor, your Committee requested additional information relating to the subject matter, including a chronology of the 12-year effort by Polo Beach Club's effort to purchase the parcel.

By correspondence dated August 13, 2001, the Mayor responded to your Committee's request by providing the requested information relating to the subject matter.

By correspondence dated August 23, 2001, the Director of Parks and Recreation responded to your Committee's request for information relating to the public beach parking lot.

At its site inspection of October 31, 2001, your Committee met with the Deputy Director of Public Works and Waste Management; the Chief of Planning, Department of Parks and Recreation; the Maintenance Supervisor, South Maui District, Department of Parks and Recreation; the Director of Finance; the First Deputy Corporation Counsel; and Robert Miskae, General Manager for the Polo Beach Club.

Mr. Miskae delineated the boundaries of the subject parcel and provided a historical overview of the PBC's effort to purchase the parcel. He indicated that their initial request was based on a recommendation by the Department of Public Works and Waste Management that the PBC take ownership of the storm drain, located immediately adjacent to the parcel. However, the Department of Parks and Recreation expressed objections to the elimination of parking stalls if the PBC took ownership of the storm drain.

Mr. Miskae attested to the PBC's 12-year effort to purchase the subject parcel. He noted that they presently encounter problems because the parcel appears to be a through-street. He further noted that the parcel, along with all of its utility easements, are incorporated in the deeds for the PBC condominium owners.

Subsequent to a tour of the parcel and its surrounding area, your Committee deferred the matter pending further discussion.

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At its meeting of October 31, 2001, your Committee met with the Deputy Director of Public Works and Waste Management; the Chief of Planning, Department of Parks and Recreation; the Director of Finance; the First Deputy Corporation Counsel; and Robert Miskae, General Manager of the Polo Beach Club.

The Deputy Director of Public Works and Waste Management reported that the Kea Lani Resort Suites Villas & Spa provides the appropriate number of parking stalls as required by the Maui County Code. However, some hotel employees have been parking their vehicles on Kaukahi Street, which is the access roadway to the public beach parking lot.

The Director of Finance responded to your Committee's inquiry by stating that the community plan designation for the road remnant is agriculture and the designation of the abutting PBC property is hotel. He further responded that the appraisal was for the road remnant alone and did not consider the consolidation of the remnant parcel and the PBC property. Although it was not determined in any scientific manner, the Real Property Assessment Division applied a 90 percent discount rate on the road remnant because it is not considered developable.

The First Deputy Corporation Counsel agreed that should the PBC purchase the road remnant and decide to consolidate it with their property, the added value of the consolidated properties may exceed the purchase price of the remnant parcel.

In response to your Committee's inquiry, the Chief of Planning asserted that he is not aware of any parking prohibition in the public beach parking lot by Kea Lani Resort Suites Villas & Spa employees. Therefore, the County has not restricted the hotel employees from parking in this area.

Your Committee expressed opposition to the proposed request to authorize the sale of the subject roadway remnant. Based on the potential to expand the parking and on the County-wide concern relating to the lack of public beach parking, your Committee had difficulty justifying the abandonment and sale of the subject property.

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Your Committee noted that, based on Section 10.48.250 of the Maui County Code, public beach parking is prohibited unless the beach is used for recreational purposes. In addition, signs must be posted warning individuals that vehicles will be towed away if found in violation.

Thus, your Committee requested that the Department of Public Works and Waste Management contact the management of the Kea Lani Resort Suites Villas & Spa to address parking concerns and that the Department of Parks and Recreation post signs in accordance with Section 10.48.250. In addition, your Committee recommended that the matter relating to the proposed use of the road remnant be referred to your Committee for further discussion, and that the Department of Parks and Recreation and the Department of Public Works and Waste Management submit their recommendations for the design of the parcel to provide additional parking.

Your Public Works and Transportation Committee **RECOMMENDS** the following:

1. That the matter relating to the use and design of a portion of a County roadway known as Keoneoio-Makena Road, identified as TMK No. (2) 2-1-023:009, adjacent to the Polo Beach Club, for the provision of additional parking stalls be REFERRED to your Public Works and Transportation Committee; and
2. That County Communication No. 01-118 be FILED.

Adoption of this report is respectfully requested.

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