

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

April 10, 2007

Committee
Report No.

07-44

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

Chair and Members:

Your Public Works and Facilities Committee, having met on March 14, 2007, makes reference to County Communication No. 06-298, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT SITUATED AT WAILUKU, MAUI, HAWAII, FROM A.D. FURTADO PROPERTIES WAILUKU, LLC, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of road widening Lot 2 in Wailuku, Maui, along Central Avenue, consisting of approximately 2,999 square feet and identified as TMK: (2) 3-4-12:080 and 113, for public purposes.

At its meeting of January 5, 2007, the Council referred County Communication No. 06-298 to your Public Works and Facilities Committee (County Communication No. 07-4).

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code, the Council may accept gifts or donations of real property or any interest in real property by the passage of a resolution, approved by a majority of its members.

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 stated that the subject road widening lot was originally dedicated to the County in 1986, but a subsequent title search found that not all parties with an interest in the parcel had been adequately represented, nor had they agreed to the dedication. He stated that since that time, the original parties had quitclaimed their interest in the subject lot, and the sole entity with current undivided interest in the property has agreed to dedicate the lot to the County, provided that access to the abutting properties would be allowed through the subject lot.

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

April 10, 2007
Page 2

Committee
Report No. 07-44

Your Committee discussed the issue of access and whether it was clear from the language of the resolution that access would be provided across the road widening lot to the abutting properties.

The Deputy Corporation Counsel confirmed that since the subject road widening lot is being used as a public access, no additional language needs to be incorporated into the resolution with respect to the subject of access.

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

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

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT SITUATED AT WAILUKU, MAUI, HAWAII, FROM A.D. FURTADO PROPERTIES WAILUKU, LLC, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 06-298 be **FILED**.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

April 10, 2007
Page 3

Committee
Report No. 07-44

BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member