

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

April 10, 2007

Committee
Report No.

_____ 07-46

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. 07-63, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE J.P. TAVARES - MAKAWAO AVENUE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of road widening Lots 2 and 3 in Makawao, Maui, along Makawao Avenue, consisting of approximately 76 square feet and 455 square feet, respectively, and identified as TMK: (2) 2-7-01:portion of 072, for public purposes.

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.

By correspondence dated March 12, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel make a nonsubstantive revision to the proposed resolution to ensure consistency with the Warranty Deed.

By correspondence dated March 13, 2007, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE J.P. TAVARES - MAKAWAO AVENUE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", incorporating the requested revision.

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.

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The Director stated that the Tavares family discovered that the County had encroached on their property while dealing with estate matters. He stated that the family would like to dedicate Lots 2 and 3, containing portions of a sidewalk and guardrails, to the County.

The Director stated that the Department has worked in cooperation with the Tavares family to prepare the subdivision plats, and that final subdivision approval was granted on December 7, 2006.

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

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

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE J.P. TAVARES - MAKAWAO AVENUE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 07-63 be **FILED**.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member