

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

August 21, 2007

Committee
Report No.

07-88

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, June 13, 2007, and August 1, 2007, makes reference to County Communication No. 07-26, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE STICE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of road widening Lot 5 in Makawao, Maui, along Laie Drive, consisting of approximately 212 square feet, and identified as TMK: (2) 2-4-09:portion of 053, for public purposes.

Your Committee notes that, pursuant to Section 3.44.015(C), Maui County Code (MCC), 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.

Your Committee further notes that the subdivider has deferred roadway improvements by completing the requirements of a subdivision agreement for lots on existing streets containing three lots or less, pursuant to Section 18.20.040(A), MCC.

At its meeting of March 14, 2007, your Committee met with the Director of Public Works and Environmental Management, the Corporation Counsel, and a Deputy Corporation Counsel.

There was no public testimony.

The Co-Chair of your Committee noted that the location of the road widening lot was incorrectly referenced on the posted agenda; therefore, your Committee deferred consideration of the matter based on the recommendation of the Legislative Attorney and the Deputy Corporation Counsel.

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At its meeting of June 13, 2007, your Committee met with the Director of Public Works and Environmental Management, the Corporation Counsel, and a Deputy Corporation Counsel.

There was no public testimony.

The Director stated that the subject road widening lot is two feet wide and runs along the Laie Drive frontage near the corner of Laie Drive and Laie-Iki Place. He stated that the road widening lot consists of 212 square feet, and the subdivision was granted final subdivision approval on December 19, 2006.

Your Committee questioned whether an adjacent fire hydrant easement was entirely separate from the subject road widening lot.

By correspondence dated June 28, 2007, the Co-Chairs of your Committee requested that the Director of Public Works and Environmental Management clarify the relationship between the subject road widening lot and the adjacent Easement H-1 granted for fire hydrant purposes. The Co-Chairs of your Committee further requested that the Warranty Deed should be revised if it was determined that Easement H-1 is within Lot 5.

By correspondence dated July 11, 2007, the Director of Public Works confirmed that Easement H-1 is located outside the subject lot.

At its meeting of August 1, 2007, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

There was no public testimony.

The Director gave an overview of the subject road widening lot as presented at your Committee's June 13, 2007 meeting. The Director also reviewed the details of the Department's July 11, 2007 correspondence with your Committee.

Your Committee questioned the deferral of roadway improvements in this instance, and discussed the probability of being able to enforce the agreement that allows roadway improvements to be deferred.

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The Deputy Corporation Counsel stated that the current practice of recording the subdivision agreement with either the Land Court or Bureau of Conveyances will aid the Department when it decides to pursue the roadway improvements.

Your Committee recommended that the proposed resolution be revised to reflect the division of the former Department of Public Works and Environmental Management into the Department of Public Works and the Department of Environmental Management, effective July 1, 2007, and replace each reference to the Department of Public Works and Environmental Management with the Department of Public Works.

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

Your Committee is in receipt of a revised proposed resolution that incorporates the updated references to the Department as recommended by your Committee.

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 STICE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 07-26 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