

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

August 21, 2007

Committee
Report No.

07-90

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 August 1, 2007, makes reference to County Communication No. 07-208, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAHIKULI HOUSE LOTS 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 27-C in Lahaina, Maui, along Wahikuli Road, consisting of approximately 215 square feet, and identified as TMK: (2) 4-5-14:portion of 022, 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, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

There was no public testimony.

The Director stated that the subject road widening lot is approximately two feet wide and runs along the frontage of Wahikuli Road. He stated that the road widening lot consists of 215 square feet, and that the subdivision was granted final subdivision approval on June 22, 2007.

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Your Committee discussed the process by which the Warranty Deed and the Subdivision Agreement allowing for the deferral of improvements are recorded, and the extent to which this information is provided to the Council.

The Deputy Corporation Counsel informed your Committee that the subdivision agreement is recorded upon final subdivision approval, whereas the Warranty Deed is recorded upon the Council's acceptance of the road widening lot.

The Director stated that documents confirming the recordation of the subdivision agreement allowing for deferral of improvements could be provided upon the request of your Committee.

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 WAHIKULI HOUSE LOTS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 07-208 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