

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

August 21, 2007

Committee
Report No.

_____ 07-91

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. 07-209, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE BKJK 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-D, 2-E, and 2-F, in Makawao, Maui, adjacent to Ehu and Waiahiwi Roads, consisting of approximately 266 square feet, 367 square feet, and 686 square feet, respectively, and identified as TMK: (2) 2-4-13:portion of 218, 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 lots run along the frontage of Waiahiwi Road. Lot 2-D consists of 266 square feet and provides for additional area so that the turn at the intersection of Ehu Road and Waiahiwi Road is less severe. Lots 2-E and 2-F consist of 367 and 686 square feet, respectively, and provide additional roadway width near severe curves along Waiahiwi Road for an additional margin of safety. He further stated that the subdivision was granted final subdivision approval on June 26, 2007.

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Your Committee discussed the subdivider's compliance with zoning and other requirements, given that these lots are zoned agricultural. Your Committee also discussed the potential for future subdivision.

The Director stated that the Department of Planning had reviewed the subdivision for compliance with all zoning requirements prior to final subdivision approval. He further clarified that no further subdivision would be allowed due to the size of the subdivided lots.

The Deputy Corporation Counsel stated that an agreement between the subdivider and the Department clarifying the potential for future lots was completed and recorded prior to final subdivision approval.

Your Committee reviewed the geographic aspects of the subdivided lots, including the large area unsuitable for construction of buildings as demarcated on the map as an existing drainage reserve.

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 ROAD WIDENING LOTS FOR THE BKJK SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 07-209 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**