

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

June 23, 2006

Committee
Report No.

_____ 06-73

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

Chair and Members:

Your Public Works Committee, having met on June 5, 2006, makes reference to County Communication No. 06-18, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE JOHN B. GUARD SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept road widening Lot 4-B along Pulehuiki Road in Kula, Maui, identified as TMK: (2) 2-3-26:018 and (2) 2-3-26:025, for public purposes.

By correspondence dated February 10, 2006, the Chair of your Committee requested that the Director of Public Works and Environmental Management respond to various questions concerning the Warranty Deed attached as an exhibit to the proposed resolution. The Chair of your Committee requested clarification regarding the correct name of the partnership, the date of the trusts, and the ownership of the parcels. The Chair of your Committee further requested that a revised Warranty Deed be obtained that would also incorporate nonsubstantive revisions.

By correspondence dated March 8, 2006, the Department of Public Works and Environmental Management transmitted a revised proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE JOHN B. GUARD SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The revised proposed resolution incorporates the revisions to the Warranty Deed requested by the Chair of your Committee.

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 informed your Committee that road widening Lot 4-B is part of a two-lot subdivision known as the John B. Guard Subdivision. The lot consists of 1,045 square feet and is 5 feet wide. The subdivision was granted final subdivision approval on December 22, 2005. He stated that Section 18.20.040, Maui County Code, does not require improvements on existing streets when a consolidation of three developable lots or less is resubdivided without creating additional developable lots.

Your Committee discussed the nature of the improvements anticipated for this road widening lot, and questioned the Director regarding the cost of such future improvements.

The Director informed your Committee that future road widening projects completed by way of a capital improvement project would generally be at the County's expense, but pointed out that should future subdivisions along the road be approved the property owners may have to share the cost of such road work.

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

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

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE JOHN B. GUARD SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 06-18 be **FILED**.

Adoption of this report is respectfully requested.

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JOSEPH PONTANILLA Chair

G. RIKI HOKAMA Member

MICHAEL J. MOLINA Vice-Chair

DANNY A. MATEO Member

ROBERT CARROLL Member