

**COUNCIL OF THE COUNTY OF MAUI**  
**PUBLIC WORKS COMMITTEE**

May 5, 2006

**Committee**  
**Report No.**

06-61

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

Chair and Members:

Your Public Works Committee, having met on March 13, 2006, makes reference to County Communication No. 06-59, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT KIHAI, MAUI, HAWAII FOR NORTH-SOUTH COLLECTOR ROAD".

The purpose of the proposed resolution is to authorize proceedings in eminent domain in order to acquire portions of parcels identified as TMK: (2) 3-9-20:004 (portion) and (2) 3-9-20:016 (portion). These properties are needed in order to complete the section of the North-South Collector Road between Walua Place and Keonekai Road.

At its meeting, your Committee met with the Director of Public Works and Environmental Management; a Civil Engineer, Engineering Division, Department of Public Works and Environmental Management; a Deputy Corporation Counsel; and Takeshi Matsukata, Towne Development of Hawaii, Inc. (Towne).

Your Committee received public testimony from Joe Bertram III, Chair of the Roads, Greenways and Roundabouts Committee, Kihei Community Association. Mr. Bertram testified in support of the proposed resolution and encouraged your Committee to further implement the greenway plan along the North-South Collector Road corridor.

The Director reviewed the North-South Collector Road project, focusing on the two-lane roadway to be constructed between Kealii Alanui (now known as Alanui Ke Alii) and Keonekai Road. He stated that this segment of the roadway is to be designed and constructed by Towne and its affiliates as a requirement of the Special Management Area use permit granted by the Maui Planning Commission. All related costs are to be borne by Towne.

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The Director distributed a map depicting land area to be subdivided for road right-of-way improvements, land area owned by Towne, and proposed land area to be acquired for the North-South Collector Road. He stated that Towne has obtained rights-of-way across two properties, but has been unsuccessful in its efforts to purchase fee simple interests in the portions of the two remaining parcels necessary to complete the roadway. According to the Director, the first parcel contains a 60-foot wide section totaling 48,935 square feet, with an estimated fair market value of \$475,000. The second parcel contains a 31.55-foot wide section totaling 4,949 square feet, with an estimated fair market value of \$116,500.

Mr. Matsukata informed your Committee that Towne has been unable to reach agreement with the owners of the first property regarding its value. He stated that negotiations with the owners of the second property have been difficult since that property is owned by a condominium association, which requires that all owners agree with the sale, characterizing such unanimity of agreement as a virtual impossibility. He further informed your Committee that the appraisals stated by the Director had been done several months earlier, and that Towne had been asked by the owners to complete more recent appraisals. These recent appraisals resulted in lower values for both properties. The first property was appraised at \$460,000, and the second property was appraised at \$98,000.

Your Committee clarified that the costs related to the proposed eminent domain proceedings would be borne by Towne, and that the Council is only being asked to authorize such proceedings. Your Committee discussed the proper way to incorporate the most recent appraisal values into the proposed resolution.

The Deputy Corporation Counsel advised that the tenth "Whereas" clause as well as Paragraph No. 5 in the "BE IT RESOLVED" section should be revised to reflect the current appraised values of the properties.

Your Committee recommended that the tenth "Whereas" clause be revised from "\$475,000 and \$116,500, respectively" to "\$460,000 and \$98,000, respectively"; and that Paragraph No. 5 in the "BE IT RESOLVED" section be revised to replace "\$591,500" with "\$558,000".

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

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Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's requested revisions.

Your Committee notes that passage of a resolution authorizing proceedings in eminent domain requires two readings by the Council (Section 4-2(7), Revised Charter of the County of Maui (1983), as amended, and Section 101-13, Hawaii Revised Statutes).

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

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT KIHEI, MAUI, HAWAII FOR NORTH-SOUTH COLLECTOR ROAD", be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**; and
2. That County Communication No. 06-59 be **FILED**.

Adoption of this report is respectfully requested.

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**G. RIKI HOKAMA** Member

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**MICHAEL J. MOLINA** Vice-Chair

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**DANNY A. MATEO** Member

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**ROBERT CARROLL** Member