

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

April 7, 2006

Committee
Report No.

_____ 06-56

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. 06-71, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE MAUNALOA VILLAGE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of roadway Lots 545, 548, 549, 551, 557, 553, 546, 555, 556, 613, 614, 615, 616, 617, 618, 619, 620, 713, 714, 715, and 720 for the Maunaloa Village Subdivision on Molokai (TMK: (2) 5-1-09:119 and (2) 5-1-10:137).

Your Committee is in receipt of a copy of correspondence dated March 9, 2006, from the Director of Public Works and Environmental Management to Harold Edwards, Molokai Properties Limited (MPL), transmitting a detailed list of outstanding items for repair that had been compiled by the Highways Division.

At its meeting, your Committee met with the Director of Public Works and Environmental Management; a Deputy Corporation Counsel; and Harold Edwards, Senior Vice President, MPL.

Your Committee received public testimony from Mr. Edwards, who testified in support of the proposed resolution. Mr. Edwards also submitted written testimony and background information dated March 13, 2006.

The Director reviewed the history of this project, from final subdivision approval on February 13, 1995 through the present. He stated that all the improvements within the jurisdiction of the Department were satisfactorily completed and approved on January 2, 1998. However, eight years have since passed, during which time deterioration has occurred and standards have changed, requiring remedial work prior to the County's acceptance of these roadway lots.

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The Director described the sidewalk access ramps, most of which, according to the Director, no longer comply with Americans with Disabilities Act standards as they have been interpreted by the Disability and Communication Access Board, State of Hawaii. He noted that the ramps were, however, in compliance with applicable standards at the time they were completed in 1998. He stated that the Department's assessment is that there are approximately 54 ramps that would need to be upgraded at a cost of approximately \$800,000. The Department's position is that, in order to comply with a Federal consent decree, the County would either need to require that the developer reconstruct these ramps prior to dedication, or update the ramps at the taxpayers' expense.

Your Committee considered whether the unusually long lapse of time between the subdivision approval and the request to the Council for acceptance of the roadway lots should be considered as grounds for an exception to the usual policy that all roadways meet existing standards at the time of dedication. Your Committee requested comment from the Deputy Corporation Counsel on the relationship between the release of the subdivision bond and subsequent improvements.

The Deputy Corporation Counsel stated that the release of the subdivision bond indicates that the improvements have been completed in accordance with the construction plans approved by the Department at that time.

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

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

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE MAUNALOA VILLAGE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 06-71 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**