

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

July 7, 2006

**Committee
Report No.**

06-80
As Amended

NOTE: The recommendation contained in this committee report was amended by the Council at its meeting of July 7, 2006, by deleting the bracketed material and underscoring the new material. This committee report was then adopted as amended.

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 19, 2006, makes reference to County Communication No. 06-84, from the Director of Public Works and Environmental Management, transmitting the following:

1. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE KULA MANU SUBDIVISION NO. 1, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept Roadway Lots 326 (Kulamanu Circle), 327 (Nunu Place), and 328 (Kulamanu Circle) in Kula, Maui, identified as TMK: (2) 2-3-23:088 (portion), for public purposes.

2. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE KULA MANU SUBDIVISION NO. 2, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept Roadway Lots 354 (Ka`alele Place) and 355 (Leihulu Way) in Kula, Maui, identified as TMK: (2) 2-3-23:088 (portion), for public purposes.

3. A proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE KULA MANU SUBDIVISION NO. 3, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

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The purpose of the proposed resolution is to accept Roadway Lot 369 (Kapalulu Place) in Kula, Maui, identified as TMK: (2) 2-3-23:088 (portion), for public purposes.

4. A proposed resolution entitled "ACCEPTING DEDICATION OF EASEMENTS FOR KULAMANU SUBDIVISIONS NOS. 1, 2 AND 3, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept Drainage Easements 129, 130, 131, 132, and 133 along Kulamanu Circle in Kula, Maui, identified as TMK: (2) 2-3-23:004, (2) 2-3-23:054, (2) 2-3-23:067, (2) 2-3-23:098, (2) 2-3-23:112, and (2) 2-3-23:114, for public purposes.

By correspondence dated May 10, 2006, the Chair of your Committee requested that the Corporation Counsel address certain inconsistencies and various technical non-substantive errors in the proposed resolutions and drainage easement documents attached as exhibits to the resolutions, and revise the resolutions accordingly.

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.

The Chair of your Committee informed your Committee that this subdivision was granted final approval on October 29, 2003. Required improvements were inspected and approved by the Department of Public Works and Environmental Management on September 24, 2004 as well as by the Department of Water Supply on January 26, 2005.

The Director informed your Committee that the drainage easements were needed by the County in order to have access to clean culverts along the roadway. He further informed your Committee that all roadway lots met County standards and that no further improvements were anticipated.

Your Committee discussed the responsibilities of the Grantor (KRS Associates II, LLC) and the Grantee (County of Maui) to maintain the drainage lots.

The Deputy Corporation Counsel informed your Committee that, according to each of the documents entitled "Drainage Easement", attached as exhibits to the proposed resolutions, the County is specifically relieved of any duty to maintain the easements.

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However, she noted that the County is required to restore the easements should the County damage them in any way. She further stated that the language of the Drainage Easement documents specifically prohibit the Grantor from planting trees and making other such changes to the easement property.

Your Committee notes that the revised proposed resolutions requested by the Chair of your Committee had not been received prior to the meeting date. In the interest of proceeding in a timely fashion, your Committee voted to recommend adoption of the proposed resolutions transmitted by County Communication No. 06-84, 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 KULA MANU SUBDIVISION NO. 1, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;
2. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE KULA MANU SUBDIVISION NO. 2, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;
3. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE KULA MANU SUBDIVISION NO. 3, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;
4. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF DRAINAGE EASEMENTS FOR [KULAMANU] KULA MALU SUBDIVISION[S] NOS. 1, 2, AND 3, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
5. That County Communication No. 06-84 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