

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

November 3, 2006

Committee
Report No.

06-136

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

Chair and Members:

Your Public Works Committee, having met on October 16, 2006, makes reference to County Communication No. 06-240, 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 road widening Lots 1-D and 1-E located at TMK: (2) 2-4-13:075 (portion) along Kahakapao Road and Waiahiwi Road in Makawao, Maui, 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".

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 Director provided your Committee with background information regarding the subject lots. He noted that Lot 1-D, located at the corner of Kahakapao Road and Waiahiwi Road, consists of 1,926 square feet. He further noted that Lot 1-E, located on Waiahiwi Road, consists of 311 square feet. Final subdivision approval was granted on August 7, 2006.

The Director stated 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.

Your Committee questioned whether the deferral of roadway improvements would entitle a subdivider to require that the County be responsible for the improvements

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at a later date. The Director stated that the subdivider would be bound by an agreement holding the subdivider responsible for making the necessary improvements.

The Director acknowledged maintaining a tracking system of subdividers who have opted to defer roadway improvements.

The Director stated that a proposed bill amending Section 18.20.040(A), MCC, that would require a subdivider to provide, instead of defer, roadway improvements on existing streets containing three lots or less, would help to minimize the number of subdividers who opt to defer their improvements.

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 ROAD WIDENING LOTS FOR THE BKJK SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 06-240 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**