

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003

**Committee
Report No.**

03-74

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

Chair and Members:

Your Committee of the Whole, having met on July 21, 2003, makes reference to County Communication No. 01-156, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE SALE OF COUNTY REAL PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO SECTIONS 3.44.030 AND 3.44.070, MAUI COUNTY CODE, AND SECTION 264-3, HAWAII REVISIED STATUTES".

The purpose of the proposed resolution is to authorize the County to sell a road remnant containing approximately 9,044 square feet in Olinda, Makawao, to John F. and Mary O. Driscoll (the Driscolls), owners of abutting property.

Your Committee notes that County Communication No. 01-156 was referred to the prior Council's Public Works and Transportation Committee at the Council meeting of May 18, 2001. Your Committee further notes that the Public Works and Transportation Committee met regarding this matter on August 1, 2001 and October 2, 2002.

Your Committee further notes that it previously reported on this matter by Committee of the Whole Committee Report No. 03-25. Pursuant to your Committee's recommendation, the Council adopted Resolution No. 03-35, entitled "ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" at its meeting of March 21, 2003. This resolution accepted the subject property from the State by quitclaim deed.

By correspondence dated April 4, 2003, the Chair of your Committee informed the Department of Finance that Resolution No. 03-35 had been adopted. The Chair of your Committee also requested that the Department take the steps necessary to expedite processing of the quitclaim deed.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 2

Committee
Report No. 03-74

By correspondence dated May 5, 2003, the Chair of your Committee transmitted a copy of correspondence dated April 15, 2003, from the Director of Finance to the Land Agent, Department of Land and Natural Resources (DLNR), requesting that DLNR execute and return the quitclaim deed.

By correspondence dated May 22, 2003, the Chair of your Committee requested that the Department of Finance follow up on the status of the executed quitclaim deed.

By correspondence dated June 25, 2003, the Chair of your Committee transmitted the fully executed quitclaim deed, recorded on June 18, 2003.

By correspondence dated June 26, 2003, the Chair of your Committee forwarded a copy of the fully executed quitclaim deed to the Department of the Corporation Counsel, and requested that the proposed resolution authorizing the sale be revised as follows: (1) to increase the purchase price to \$8,000; (2) to allow for the use of public utility easements through the subject property; and (3) to change the "owns in fee simple" language in the first "Whereas" clause, if necessary, in light of receipt of the quitclaim deed.

By correspondence dated July 14, 2003, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING THE SALE OF COUNTY REAL PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE, AND SECTION 264-3, HAWAII REVISED STATUTES".

By correspondence dated July 15, 2003, the Chair of your Committee requested that the proposed resolution again be revised in light of the death of Mary O. Driscoll.

By correspondence dated July 18, 2003, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING THE SALE OF COUNTY REAL PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE, AND SECTION 264-3, HAWAII REVISED STATUTES", which deleted references to Mrs. Driscoll.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 3

Committee
Report No. 03-74

At its meeting of July 21, 2003, your Committee met with the Director of Finance; the Engineering Division Program Manager, Department of Public Works and Environmental Management; and the First Deputy Corporation Counsel. Your Committee notes that John Driscoll was also present at your Committee's request.

The Chair of your Committee provided a brief historical perspective of the Driscolls' request to purchase the subject property, which traces back over 11 years. The Chair also confirmed that the prior question of clear title to the subject property had been resolved by the adoption of Resolution No. 03-35.

The First Deputy Corporation Counsel reminded your Committee that the revised resolution reflects an increased value for the property due to the passage of time, and that one of the conditions of the sale is that the subject property be consolidated with Mr. Driscoll's property, TMK: (2) 2-4-015:031, within one year following the recordation of the deed conveying the property to Mr. Driscoll. The consolidation requirement was one of the bases for the appraised value.

The Chair of your Committee advised the members that the increased purchase price is now \$8,000.

Your Committee lauded Mr. Driscoll's patience and dedicated efforts in pursuing the purchase.

The Chair of your Committee noted that the revised proposed resolution transmitted on July 18, 2003, did not attach the referenced quitclaim deed.

Your Committee voted to recommend adoption of the revised proposed resolution transmitted on July 18, 2003, as further revised to include as Exhibit "1", the referenced quitclaim deed. Your Committee also voted to recommend filing of the communication.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 4

Committee
Report No. 03-74

Your Committee of the Whole RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE SALE OF COUNTY REAL PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE, AND SECTION 264-3, HAWAII REVISED STATUTES", be ADOPTED; and

2. That County Communication No. 01-156 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 1, 2003
Page 5

Committee
Report No. 03-74

ROBERT CARROLL Chair

MICHAEL J. MOLINA Member

DAIN P. KANE Vice-Chair

WAYNE K. NISHIKI Member

G. RIKI HOKAMA Member

JOSEPH PONTANILLA Member

JO ANNE JOHNSON Member

CHARMAINE TAVARES Member

DANNY A. MATEO Member