

**COUNCIL OF THE COUNTY OF MAUI**  
**PARKS AND ECONOMIC**  
**DEVELOPMENT COMMITTEE**

August 23, 2005

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

05-112

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

Chair and Members:

Your Parks and Economic Development Committee, having met on August 4, 2005, makes reference to County Communication No. 05-236, from the Mayor, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015 (B), MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize the Director of Finance or his designated representative to purchase the Waihee Ball Park for \$449,000. The subject property is identified as TMK: (2) 3-2-12:002 and located at the corner of Kahekili Highway and Halewaiu Road in Wailuku, Maui.

Your Committee notes that the prior Council's Parks and Recreation Committee (2001-2003 term) identified Waihee Ball Park for possible acquisition through Committee Report No. 02-200. Committee Report No. 02-200 was adopted at the Council meeting of December 17, 2002.

Your Committee further notes that the Purchase and Sale Agreement, attached to the proposed resolution, was due to expire on July 15, 2005.

By correspondence dated July 22, 2005, the Council Chair transmitted correspondence dated July 14, 2005, from Avery B. Chumbley, President of Wailuku Agribusiness Co., Inc., approving an extension to the Purchase and Sale Agreement to September 30, 2005.

At its meeting, your Committee met with the Deputy Director of Parks and Recreation; the Senior Executive Assistant to the Mayor; a Deputy Corporation Counsel; the Director of Finance; and Avery Chumbley, President, Wailuku Agribusiness Co., Inc. (Wailuku Agribusiness).

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Your Committee received public testimony from four members of the public. Three individuals expressed support for the proposed resolution. The first testifier, a member of the Board of Education, stated that the park provides open space and is the only park in the area for the community. In addition, she stated that Waihee School utilizes the park as both an extension to their own limited playground and as an evacuation area in emergency situations. Another individual, who is President of the Waihee Community Association and a longtime resident of the area, expressed concern that the land will be sold to a private developer if the County does not purchase the park. The third testifier, another long-time resident of the area, stated that the park is utilized by St. Ann Church as an extension to their parking area. He also stated that the park serves as a helicopter landing area for the Department of Fire and Public Safety's rescues. The last testifier, who was in opposition of the proposed resolution, claimed that the park is situated on land that is owned by a descendent of his family and, therefore, does not have clear title.

The Senior Executive Assistant provided an overview of the proposed sale of the park. He explained that the proposed sale arose as a result of Wailuku Agribusiness's intention to sell a portion of its land assets on Maui. He stated that the County has continually leased the park from Wailuku Agribusiness since 1974, but a new lease was never executed by the County after the original 15-year lease expired in 1989. He further explained that funding to purchase the park is appropriated through a Fiscal Year 2005 Central Maui Land Acquisition Account consisting of capital improvement funds that expire in December 2005.

The Senior Executive Assistant added that the existing park amenities include a softball diamond, a basketball court, an open grass playing field, comfort stations, a barbeque grill, and picnic tables.

The Deputy Director of Parks and Recreation stated that the County has been responsible for maintaining the park since the inception of the lease. He further stated that new subdivisions in the surrounding areas, without parks in their own neighborhoods, also utilize Waihee Ball Park for various recreational purposes.

Your Committee expressed concern over the purchase price of \$449,000, an amount obtained by Wailuku Agribusiness through their own appraisal process conducted approximately 18 months ago. Your Committee notes that the appraisal conducted on behalf of the County by Paradise Appraisals, LLC, in April 2005, set the estimated "as-is" market value of the land at \$650,000.

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Your Committee questioned the “highest and best use” analysis for property zoned in the County as “interim” and designated in the community plan as “park”. Your Committee notes that interim zoning, according to Chapter 19.02.030 of the Maui County Code, allows for “one-family dwellings” and “the expansion of existing parks, playgrounds, or community centers consisting of such open spaces developed with no buildings or minimum buildings, owned, or operated by either private or governmental agencies”, among other uses.

Your Committee further questioned the inability of Wailuku Agribusiness to donate the park to the County, especially after a long-term relationship of the County leasing the park had been established.

Realizing the importance of the park to the community and the need to acquire open space when it is still available, your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Parks and Economic Development Committee **RECOMMENDS** the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled “APPROVING THE ACQUISITION OF REAL PROPERTY AT WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015 (B), MAUI COUNTY CODE” be ADOPTED; and
2. That County Communication No. 05-236 be FILED.

Adoption of this report is respectfully requested.

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**JO ANNE JOHNSON** Chair

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**ROBERT CARROLL** Member

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**CHARMAINE TAVARES** Vice-Chair

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**DANNY A. MATEO** Member

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**MICHELLE ANDERSON** Member