COUNCIL OF THE COUNTY OF MAUI

# PUBLIC WORKS COMMITTEE

September 15, 2006

**Committee Report No.** 06-111

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

Chair and Members:

Your Public Works Committee, having met on August 21, 2006 and August 28, 2006, makes reference to County Communication No. 06-180, from the Director of Public Works and Environmental Management, transmitting the following:

1. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION I, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the proposed resolution is to accept roadway Lots 34 (Honuhalemua Street) and 35 (Honuea Street and Honuea Place) in Kihei, Maui, identified as TMK: (2) 3-9-35:002, for public purposes.

2. A proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION II, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the proposed resolution is to accept roadway Lots 34 (Honuhula Street and Honuhula Place) and 35 (Honuhalemua Street) in Kihei, Maui, identified as TMK: (2) 3-9-35:001, for public purposes.

3. A proposed resolution entitled "ACCEPTING DEDICATION OF A DRAINAGE EASEMENT FOR THE HONUALAHELE SUBDIVISION II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the proposed resolution is to accept Drainage Easement C in Kihei, Maui, identified as TMK: (2) 3-9-35:001 (portion) for drainage purposes.

By correspondence dated July 7, 2006, the Director of Public Works and Environmental Management transmitted reduced subdivision maps of the subject subdivisions.

By correspondence dated July 19, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed resolutions to address certain inconsistencies and correct errors.

At its meeting of August 21, 2006, the Chair of your Committee deferred this item without public comment or objection from your Committee, as the revised documents had not yet been received.

By correspondence dated August 21, 2006, the Department of the Corporation Counsel transmitted the following:

1. A revised proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION I, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

2. A revised proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION II, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

3. A revised proposed resolution entitled "ACCEPTING DEDICATION OF A DRAINAGE EASEMENT FOR THE HONUALAHELE SUBDIVISION II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

By correspondence dated August 24, 2006, the Chair of your Committee requested that the proposed resolutions relating to dedication of roadway lots for the Honualahele Subdivision I and II be further revised to adhere to the original request dated July 19, 2006, as well as to ensure uniformity of certain corrections throughout the documents.

By correspondence dated August 25, 2006, the Department of the Corporation Counsel transmitted the following:

1. A revised proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION I, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the revised proposed resolution is to accept roadway Lots 34 (Honuhalemua Street) and 35 (Honuea Street and Honuea Place) in Honualahele Subdivision I, identified as TMK: (2) 3-9-35:002 (portion), for public purposes.

2. A revised proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION II, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the revised proposed resolution is to accept roadway Lots 34 (Honuhula Street and Honuhula Place) and 35 (Honuhalemua Street) in Honualahele Subdivision II, identified as TMK: (2) 3-9-35:001 (portion), for public purposes.

3. A revised proposed resolution entitled "ACCEPTING DEDICATION OF A DRAINAGE EASEMENT FOR THE HONUALAHELE SUBDIVISION II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

   The purpose of the revised proposed resolution is to accept Drainage Easement C in Honualahele Subdivision II identified as TMK: (2) 3-9-35:001 (portion), for drainage purposes.

At its meeting of August 28, 2006, your Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

There was no public testimony.

The Director informed your Committee that both subdivisions are located on two abutting rectangular parcels located between Kenolio Road and Kaiola Place in North Kihei. Subdivision I includes Lot 34 consisting of 5,520 square feet and Lot 35

consisting of 50,344 square feet. Subdivision II includes Lot 34 consisting of 57,302 square feet and Lot 35 consisting of 4,847 square feet, as well as Drainage Easement C measuring 1,813 square feet. Final subdivision approval for Subdivision I was granted on July 8, 2003. Improvements were completed and approved by the Department of Water Supply on September 8, 2004, and the Department of Public Works and Environmental Management on October 18, 2004. Final subdivision approval for Subdivision II was granted on August 9, 2005. Improvements were completed and approved by the Department of Public Works and Environmental Management on August 31, 2004, and the Department of Water Supply on September 8, 2004.

Your Committee discussed the nature of drainage easements and whether requirements for such easements should be codified to ensure that the requirements are uniformly applied to every easement. Your Committee further questioned the lapse of time between subdivision approval and the transmittal of this matter to the Council.

The Director responded that the Department currently reviews the language in each easement document to assure that the County's interests are protected. He pointed out that flexibility is needed, at times, given the different needs the County may have for each easement. He further stated that after subdivision approval is granted, the onus is on the developer to prepare and submit paperwork for the dedication of parcels similar to this one, and that delays are often within the developer's control.

The Deputy Corporation Counsel stated that non-exclusive easements can be distinguished from County rights-of-way in which the County is the sole owner of the property, but advised that the Council had the option to make certain provisions part of the Maui County Code, if desired.

Your Committee voted to recommend adoption of the revised proposed resolutions, and filing of the communication.

Your Public Works Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION I, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;

2. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE HONUALAHELE SUBDIVISION II, AT WAIAKOA MAKAI HOMESTEADS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;

3. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF A DRAINAGE EASEMENT FOR THE HONUALAHELE SUBDIVISION II, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and

4. That County Communication No. 06-180 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** | |