

Resolution

No. 24-106

URGING THE MAYOR TO ACQUIRE FOR THE COUNTY A ROADWAY REMNANT PORTION OF KENOLIO ROAD IN KIHEI, MAUI, HAWAII VIA NEGOTIATION OR LITIGATION

WHEREAS, a roadway remnant that was once connected to Kenolio Road was created by improvements constructed as a part of the Ka Ono Ulu Estates subdivision in Kihei, Maui, Hawaii in 1989; and

WHEREAS, either the State or the County own the roadway remnant, but it is not clear which of the two is the owner; and

WHEREAS, after years of non-use, the roadway remnant is in disrepair and overgrown with vegetation; and

WHEREAS, the roadway remnant consists of approximately 11,600 square feet and abuts the properties of the Jewish Congregation of Maui, Inc. at tax map key (2) 3-9-048:109, and the Maui Bay Villas Vacation Suites at tax map key (2) 3-9-001:086; and

WHEREAS, under Ordinance 5337 (2022), the Council authorized a Community Plan Amendment for Jewish Congregation of Maui, Inc. to provide adequate off-street parking on its property; and

WHEREAS, the Maui Planning Commission recommended that the property owner work with the County to provide adequate off-street parking; and

WHEREAS, Jewish Congregation of Maui, Inc. received a \$150,000 grant under the Federal Emergency Management Agency's Nonprofit Security Grant Program in February 2023; and

WHEREAS, Jewish Congregation of Maui, Inc. intends to use the grant funds to enhance its safety infrastructure; and

WHEREAS, the roadway remnant could be put to good use if acquired by the County and then made available to the Jewish Congregation of Maui, Inc. by lease or other means; and

Resolution No. 24-106

WHEREAS, Jewish Congregation of Maui, Inc. intends to use the roadway remnant to provide off-street parking to improve access and safety for its employees, congregation, guests, and others; and

WHEREAS, the County could acquire the roadway remnant either by receiving a quitclaim deed from the State by negotiation or by bringing a quiet-title action in the Second Circuit Court, State of Hawai'i; and

WHEREAS, granting the roadway remnant to Jewish Congregation of Maui, Inc. would allow the roadway remnant to be put to its best use; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Mayor to acquire for the County a roadway remnant portion of Kenolio Road in Kihei, Maui, Hawai'i via negotiation or litigation;
2. That it requests that, once the roadway remnant is acquired by the County, the Mayor enter negotiations to lease or transfer the roadway remnant to Jewish Congregation of Maui, Inc.; and
3. That certified copies of this Resolution be transmitted to the Mayor; Director of Public Works; Stephanie Vojdani Mallek, Treasurer, Jewish Congregation of Maui, Inc.; and Kalo Yujuico, Executive Director, Jewish Congregation of Maui, Inc.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:jpp:23-121o

INTRODUCED BY:

A handwritten signature in blue ink, appearing to read "Tom Cook". The signature is fluid and cursive, with a large initial "T" and "C".

TOM COOK