

COUNCIL OF THE COUNTY OF MAUI
INFRASTRUCTURE AND
ENVIRONMENTAL MANAGEMENT
COMMITTEE

March 9, 2018

Committee
Report No. _____

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

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on November 27, 2017, January 8, 2018, and February 12, 2018, makes reference to County Communication 16-172, from Councilmember Elle K. Cochran, relating to all Hui Roads in West Maui that were part of the Mailepai Partition.

Your Committee notes the Council's Infrastructure and Environmental Management Committee (2015-2017 Council term) met on August 29, 2016 and November 28, 2016.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed resolution, approved as to form and legality, entitled "URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A TITLE REPORT FOR HUI ROAD 'F'." The purpose of the proposed resolution is to urge the Mayor and the Department of Public Works to obtain a title report for Hui Road F in Napili, Maui, Hawaii.

Your Committee notes Hui Roads A through I were created through the Final Decree in Partition entered by the Second Circuit Court of the State of Hawaii in Equity No. 235, dated November 21, 1931, known as the "Mailepai Hui Partition." The partition deemed the Second Circuit Court of the State of Hawaii passive trustee of the roads, with power to transfer title, but without any duty to construct, build, maintain, or repair the roadways.

At its meeting of January 8, 2018, your Committee received a presentation from the Director of Public Works relating to Hui Road F. The

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Director said there are approximately 197 units located in multi-family projects and approximately 57 single-family lots which use the road to access properties and homes.

The Director said the Court is interested in conveying Hui Road F to the County. The County previously acquired Hui Road A to effectuate a land exchange and Hui Road G for drainage purposes.

The Director said the road does not meet County standards and quoted an estimated cost of \$1.5 million for a survey, title report, rights of entry, and design, including new asphalt, signage, striping, curbs, gutters, sidewalks, drainage improvements, and utilities. Construction of improvements to the road may cost between \$1 million and \$4 million.

Your Committee received testimony from several individuals who said the road is in disrepair and has a number of potholes and cracks. The condition of the road presents traffic and safety concerns for residents.

At your Committee's meeting of February 12, 2018, the Director of Public Works said when acquiring a new road, the grantor typically obtains the required title report. The Court attempted to obtain a cost estimate for a title report but was unable to do so because no tax map key number exists for the road lot. The Department has worked with the Department of Finance, Real Property Tax Division, to attempt to have a tax map key number assigned, but has encountered difficulties.

A Deputy Corporation Counsel said pursuant to Section 18.40.010, Maui County Code ("MCC"), the County may acquire roads not fully compliant with standards set forth in Title 18, MCC, if deemed in the public interest by the Council.

Your Committee noted obtaining a title report does not necessarily represent an intent to accept the road. A title report is needed before the acquisition of Hui Road F can be considered.

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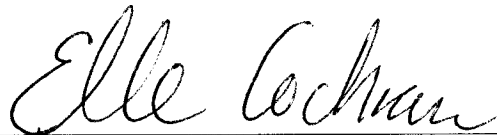
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Your Committee voted 4-0 to recommend adoption of the proposed resolution. Committee Chair Cochran and members Atay, Carroll, and Sugimura voted "aye." Committee Vice-Chair Guzman and members Hokama and White were excused.

Your Committee is in receipt of a revised proposed resolution, entitled "URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A TITLE REPORT FOR HUI ROAD F," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Infrastructure and Environmental Management Committee RECOMMENDS that Resolution _____, attached hereto, entitled "URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A TITLE REPORT FOR HUI ROAD F," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



ELLE COCHRAN, Chair

Resolution

No. _____

URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN A TITLE REPORT FOR HUI ROAD F

WHEREAS, Hui Road F was created in November, 1931, when the lands of the Hui Aina o Mailepai were partitioned into separate lots through a Final Decree in Partition entered by the Second Circuit Court of the State of Hawaii in Equity No. 235, known as the “Mailepai Hui Partition”; and

WHEREAS, Second Circuit Court of the State of Hawaii was deemed a passive trustee of the roads without any responsibility except to transfer title if so ordered; and

WHEREAS, the final decree reads in part, “with full power and authority in said Trustee to convey said roadways to a public body corporate charged by law with the general control of roadways but without any duty whatsoever to construct, build, maintain, or repair such roadways or any of them”; and

WHEREAS, 87 years of wear and tear on the roadway without proper maintenance has resulted in Hui Road F falling into severe disrepair, causing safety concerns for residents; and

WHEREAS, approximately 197 units in multi-family housing projects and 57 single-family homes have been developed along Hui Road F and utilize the road to access their properties and homes; and

WHEREAS, the Court has expressed a desire to convey Hui Road F to the County of Maui; now, therefore,

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

1. That it hereby urges the Mayor and the Department of Public Works to obtain a title report for Hui Road F; and
2. That certified copies of this resolution be transmitted to the Mayor, the Director of Public Works, the Second Circuit Court

Resolution No. _____

of the State of Hawaii, and the Infrastructure and
Environmental Management Committee.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui

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