

ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
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April 18, 2018

MEMO TO: Riki Hokama, Chair
Budget and Finance Committee

F R O M:  Michael J. Hopper
Deputy Corporation Counsel

SUBJECT: **FISCAL YEAR ("FY") 2019 BUDGET** (CC-8) (BF-1)

I am in receipt of your correspondence dated April 16, 2018 posing the following question:

As it relates to the Waiale Road Extension capital improvement project, under the Department of Public Works (CBS-1069 on page 800 of the Program Budget), is there an obligation by any private party to fund this project? Please explain. See item 3.a. on page 2 of Exhibit "B" of Ordinance 2053 (1991), attached for your reference.

I am also aware of the correspondence dated April 11, 2018 from Public Works Director David Goode to this Committee in response to the above question (attached).

Ordinance 2053 (1991) requires that the project developer provide: "The extension, construction and improvement of Waiale Drive from the vicinity of the proposed Mahalani Street intersection to Honoapiilani Highway in conformance to the standards of the County of Maui."

In Director Goode's response, he states that "In researching the project files for Kehalani, it was clear that the reference to Honoapiilani Highway in item 3.a is the intersection of Honoapiilani Highway and Kuikahi Drive." By

Riki Hokama, Chair

April 18, 2018

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the Director's reading of the condition, the obligation of the developer would be to construct and dedicate the portion of Waiale road from the current Waiinu Road intersection to Kuikahi Drive, the referenced connection to Honoapiilani Highway.

Thus, the Director concludes that because the Waiale Road Extension CIP project involves design for construction of Waiale Road from Waiko Road to Honoapiilani Highway, it is outside of the responsibility covered by condition 3.a. of ordinance 2053.

Based on my review of ordinance 2053 as well as the Director's response, further research into the legislative history of the ordinance is required to determine the scope of the improvements required by condition 3.a. Items such as the application, staff reports, meeting minutes and other information in the record should be reviewed. I have requested this information from the Department of Planning, but because many of the documents are in storage I will be unable to review the information prior to the response date requested by your letter.

Additionally, it would be beneficial to contact the Department of Planning on this issue as the department responsible for oversight and enforcement of conditions of zoning, as well as the current individuals and entities responsible for compliance with condition 3.a. to add their positions to the record.

Please do not hesitate to contact me with any further questions.

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

Attachment

CC: David C. Goode, Public Works Director (w/attachment)
William R. Spence, Planning Director (w/attachment)

LF 2017-0093
BF-1 CC-8 2018-04-18 Memo to Chair
(Waiale Road Extension Fund)

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
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COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

April 11, 2018

Mr. Sananda K. Baz
Budget Director, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

For Transmittal to:

Honorable Riki Hokama, Chair
Budget and Finance Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Hokama:

SUBJECT: FISCAL YEAR ("FY") 2019 BUDGET (PW-2) (BF-1)

In response to your letter April 9, 2018, the Department of Public Works responds as follows:

As it relates to the Waiale Road Extension capital improvement project (CBS-1069 on page 800 of the Program Budget), is there an obligation by any private party to fund this project? Please explain. See item 3.a. on page 2 of Ordinance 2053, attached for your reference.

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COUNTY OF MAUI
PUBLIC WORKS

Alan M. Arakawa 4/12/18

Mr. Sananda K. Baz
Honorable Alan M. Arakawa
For Transmittal to:
Honorable Riki Hokama, Chair
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Response: Item 3.a. of Ordinance No. 2053 requires the developer of Kehalani to participate in traffic improvements as required by our Department, including but not limited to extending Waiale Road from the proposed Mahalani Street (now known as Waiinu Road) to Honoapiilani Highway.

In researching the project files for Kehalani, it was clear that the reference to Honoapiilani Highway in Item 3.a. is the intersection of Honoapiilani Highway at Kuikahi Drive. Waiale Road was built by Kehalani, and Kuikahi Drive was built by the County using Federal funds.

Additionally, in reviewing the files for Kehalani which included Ordinance No. 2053, State Land Use Commission approval, Project District Phase II approval, and large-lot subdivision approvals, it was agreed between the developer, the Department of Planning, and our Department in 1995 that the developer would:

- For Waiale Road Improvements from Mahalani Street to Honoapiilani Highway:
 - a) dedicate and improve to County standards a road-widening strip along western edge of Waiale Road, from Mahalani Street to Ka Hale Ake Ola driveway,
 - b) dedicate 3.67 acres to provide a 60-foot right of way for Waiale Road extension to Honoapiilani Highway, and
 - c) add with their own funds, two additional lanes between Mahalani Street and Honoapiilani Highway, when warranted by updated Traffic Impact Analysis Reports (TIAR) prepared in accordance with new subdivisions.
- For Imi Kala Extension, between Mill Street and Lower Main Street, they will dedicate the underlying two parcels.
- For Mahalani Street Extension, they will dedicate the cane-haul road (TMK 3-4-003:019).

Mr. Sananda K. Baz
Honorable Alan M. Arakawa
For Transmittal to:
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- For Lower Main Street Improvements, between Mill Street and Mahalani Street, they will dedicate the cane-haul road parcels 3-4-003:019, 3-4-002:036, 3-4-010:002, and 3-4-038:004.
- For the "Waikapu Bypass", they will dedicate the right of way from the Wailuku Agribusiness Baseyard in Waikapu to a terminus near the Tropical Plantation.

The "Waikapu Bypass", as noted in the 1995 correspondence, is the current extension of Waiale Road to a terminus near the Tropical Plantation. The previous Kehalani developers encumbered the property now owned by Waiale 905 Partners, LLC with an agreement to dedicate this right of way to the County. That agreement is being honored by Waiale 905 Partners, LLC.

There is no other project that we are aware of with conditions to design or construct the extension of Waiale Road to Honoapiilani Highway just past the Tropical Plantation.

Should you have any questions, please contact me at Ext. 7845.

Sincerely,



DAVID C. GOODE
Director of Public Works

DCG:jso
Enclosure

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2018 APR -9 PH 3:02
COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

April 9, 2018

319 RUSH
DEPT OF
PUBLIC
WORKS
FISCAL YEAR
BUDGET
COMMITTEE

Mr. David Goode, Director
Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Goode:

SUBJECT: **FISCAL YEAR ("FY") BUDGET** (PW-2) (BF-1)

As it relates to the Waiale Road Extension capital improvement project (CBS-1069 on page 800 of the Program Budget), is there an obligation by any private party to fund this project? Please explain. See item 3.a. on page 2 of Ordinance 2053, attached for your reference.

May I request you provide your response no later than **April 13, 2018**, to enable the Committee to comprehensively review the FY 2019 Budget.

To ensure efficient processing, please duplicate the coding in the subject line of your response for easy reference.

Should you have any questions, please contact me or the Committee staff (Michele Yoshimura at ext. 7663, Shelly Espeleta at ext. 7134, Maggie Clark at ext. 7661, or Yvette Bouthillier at ext. 7758).

Sincerely,

RIKI HOKAMA, Chair
Budget and Finance Committee

bf:2019bgt:180405apw01:tntf

Attachment

cc: Mayor Alan M. Arakawa
Budget Director