

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

October 7, 2005

Committee
Report No.

05-139

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

Chair and Members:

Your Public Works Committee, having met on September 12, 2005, makes reference to County Communication No. 04-69, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO USE COUNTY REAL PROPERTY TO HALE MAHAOLU EONO, INC."

The purpose of the proposed resolution is to authorize a grant of a license to Hale Mahaolu Eono, Inc. for the encroachment of a wall on approximately 100 square feet of County property along Lahainaluna Road in Lahaina, Maui.

Your Committee notes that County Communication No. 04-69 was referred to the prior Council's Public Works and Traffic Committee at the Council meeting of February 20, 2004.

Your Committee further notes that the Public Works and Traffic Committee reported on this matter through Committee Report No. 04-62. In that report, the Committee recommended that the proposed resolution be adopted. At its meeting of March 19, 2004, the Council adopted the Committee Report (Resolution No. 04-41). Your Committee further notes that County Communication No. 04-69 remained on the Committee's agenda to enable the Committee to discuss various options for disposition of the subject property.

At its meeting of January 21, 2005, the Council referred County Communication No. 04-69 to your Public Works Committee (County Communication No. 05-13).

At its meeting of September 12, 2005, your Committee met with the Director of Public Works and Environmental Management; a Deputy Corporation Counsel; and Roy Katsuda, the Executive Director of Hale Mahaolu Eono, Inc.

There was no public testimony.

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

October 7, 2005
Page 2

Committee
Report No. 05-139

The Director provided background information on this matter. He stated that the Department had transmitted two proposed resolutions for consideration at the Council meeting of September 16, 2005. The first proposed resolution would authorize the sale of 118 square feet of County property to Hale Mahaolu Eono, Inc. The second proposed resolution would extend the end date of the license agreement to October 31, 2005 pending the sale of the property to Hale Mahaolu Eono, Inc.

Your Committee discussed the Maui County Code requirements relating to the disposition of County property, and the status of the required publication of the sale, as well as the ongoing negotiations with Hale Mahaolu Eono, Inc.

The Deputy Corporation Counsel informed your Committee that all actions taken were structured to comply with Code requirements, and that only one response to the publication was anticipated.

Mr. Katsuda informed your Committee that all costs relating to this matter would be withheld from the final payment to the contractor who constructed the wall that encroached upon County property.

Your Committee considered the amount of time taken thus far to resolve this matter. Your Committee sought assurance that all requirements were fulfilled to the satisfaction of each party, and the sale would be completed by October 31, 2005.

Since the proposed resolutions to extend the license agreement and authorize the sale of the property were scheduled for Council consideration at its meeting of September 16, 2005, your Committee voted to recommend filing of the communication.

Your Public Works Committee **RECOMMENDS** that County Communication No. 04-69 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

October 7, 2005
Page 3

Committee
Report No. 05-139

JOSEPH PONTANILLA **Chair**

G. RIKI HOKAMA **Member**

MICHAEL J. MOLINA **Vice-Chair**

DANNY A. MATEO **Member**

ROBERT CARROLL **Member**