

COUNCIL OF THE COUNTY OF MAUI  
**WATER RESOURCES COMMITTEE**

February 6, 2004

**Committee  
Report No.**

04-19

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

Chair and Members:

Your Water Resources Committee, having met on June 18, 2003 and January 14, 2004, makes reference to County Communication No. 03-153, from the Director of Water Supply, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF WATERLINE EASEMENTS FOR THE WAIOLANI ELUA SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of a waterline easement for the Waiolani Elua Subdivision in Waikapu, TMK: (2) 3-5-004:095.

At its meeting of June 18, 2003, your Committee met with the Director of Water Supply and a Deputy Corporation Counsel.

There was no public testimony. The Deputy Corporation Counsel informed your Committee that there is an existing easement across the property that needs to be cancelled before the dedication of the subject waterline easement is considered. The Deputy Corporation Counsel stated that a proposed resolution terminating the existing easement would be submitted. He also indicated that the title of the proposed resolution accepting the dedication of the easement contained a typographical error that would be corrected to reflect that a single easement was being dedicated. The Chair of your Committee requested that the necessary documents be prepared and transmitted to your Committee. The item was deferred pending further discussion.

By correspondence dated June 24, 2003, the Chair of your Committee requested that the Department of the Corporation Counsel provide the following: (1) a proposed resolution terminating the existing easement; (2) a revised proposed resolution accepting the dedication of the subject easement; and (3) a written response regarding whether reference to Waiolani Elua Community

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Association, or any other third party, as a grantee in the easement description is acceptable or requires revision to the proposed resolution.

By correspondence dated August 6, 2003, the Chair of your Committee requested a response to your Committee's correspondence dated June 24, 2003.

By correspondence dated December 12, 2003, the Department of the Corporation Counsel transmitted the following:

1. A proposed resolution entitled "AUTHORIZING CANCELLATION OF A WATERLINE EASEMENT PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

The purpose of the proposed resolution is to authorize the cancellation of a waterline easement in Waikapu, TMK: (2) 3-5-004:095.

2. A document entitled "CANCELLATION OF EASEMENT".

The purpose of the document is to enable the Mayor to exercise the authority to cancel the waterline easement.

3. A revised proposed resolution entitled "ACCEPTING DEDICATION OF WATERLINE EASEMENT FOR THE WAIOLANI ELUA SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", including a revised Exhibit "A".

The revised resolution corrects the title to indicate a single waterline easement. The revised Exhibit "A" eliminates reference to the Waiolani Elua Community Association.

At its meeting of January 14, 2004, your Committee met with the Director of Water Supply, a Deputy Corporation Counsel, and Haunani Lemn, the project developer.

There was no public testimony. Your Committee received a brief overview from the Deputy Corporation Counsel who noted that an existing easement for

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the subject property required cancellation since the property is to be dedicated to the County.

Your Committee discussed whether the proposed easement canceling the existing easement should be granted prior to the property being dedicated to the County. Ms. Lemn informed your Committee that the development has already been granted final subdivision and the dedication of the property is underway.

Your Committee recommended that the revised proposed resolution entitled "ACCEPTING DEDICATION OF WATERLINE EASEMENT FOR THE WAIOLANI ELUA SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be further revised to correct a grammatical error in the title. Your Committee voted to recommend adoption of the proposed resolutions and filing of the communication.

Your Committee is in receipt of a revised proposed resolution entitled "ACCEPTING DEDICATION OF A WATERLINE EASEMENT FOR THE WAIOLANI ELUA SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The revised proposed resolution incorporates your Committee's recommended revision.

Your Water Resources Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING CANCELLATION OF A WATERLINE EASEMENT PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE", be ADOPTED;
2. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF A WATERLINE EASEMENT FOR THE WAIOLANI ELUA SUBDIVISION PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED;
3. That the cancellation document entitled "CANCELLATION OF EASEMENT" be TRANSMITTED to the Department of the Corporation Counsel for further processing; and

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4.     That County Communication No. 03-153 be FILED.

Adoption of this report is respectfully requested.

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**DANNY A. MATEO** **Chair**

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**DAIN P. KANE** **Member**

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**CHARMAINE TAVARES** **Vice-Chair**

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**MICHAEL J. MOLINA** **Member**

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**ROBERT CARROLL** **Member**

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**WAYNE K. NISHIKI** **Member**

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**G. RIKI HOKAMA** **Member**

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**JOSEPH PONTANILLA** **Member**

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**JO ANNE JOHNSON** **Member**