

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

February 6, 2004

**Committee
Report No.**

04-24

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

Chair and Members:

Your Water Resources Committee, having met on January 14, 2004, makes reference to County Communication No. 04-6, from the Director of Water Supply, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A WATERLINE EASEMENT FOR THE PIILANI GARDENS APARTMENTS AND CHILD CARE COMPLEX PROJECT 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 Piilani Gardens Apartments and Child Care Complex project in Kihei, Maui, TMK: (2) 2-2-024:022.

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

There was no public testimony. Your Committee received an overview from the Deputy Corporation Counsel who noted that the description of the easement encompasses a large area of land to eliminate the need for the developer to survey and create five separate easements.

Your Committee discussed the costs associated with creating easements and the possibility that more easements will be done in a similar fashion. The Deputy Corporation Counsel noted that the Department of the Corporation Counsel prefers to see easements limited to the area of the waterlines or associated improvements in order to limit the County's potential liability.

Your Committee noted that the project is located next to the Kihei Aquatic Center, and is currently receiving water service.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

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Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, from the Department of the Corporation Counsel, incorporating a nonsubstantive revision.

Your Water Resources Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF A WATERLINE EASEMENT FOR THE PIILANI GARDENS APARTMENTS AND CHILD CARE COMPLEX PROJECT PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 04-6 be FILED.

Adoption of this report is respectfully requested.

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DANNY A. MATEO **Chair**

DAIN P. KANE **Member**

CHARMAINE TAVARES **Vice-Chair**

MICHAEL J. MOLINA **Member**

ROBERT CARROLL **Member**

WAYNE K. NISHIKI **Member**

G. RIKI HOKAMA **Member**

JOSEPH PONTANILLA **Member**

JO ANNE JOHNSON **Member**