

COUNCIL OF THE COUNTY OF MAUI  
**PUBLIC WORKS AND  
TRANSPORTATION COMMITTEE**

August 21, 2001

**Committee  
Report No.**

01-147

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

Chair and Members:

Your Public Works and Transportation Committee, having met on August 1, 2001, makes reference to County Communication No. 01-195, from the Director of Public Works and Waste Management, transmitting a proposed resolution entitled "AUTHORIZING DISPOSITION OF A DRAINAGE EASEMENT PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

The purpose of the resolution is to cancel a portion of Easement 5 in the Honolua Watershed Project, Kahana Basin.

At its meeting, your Committee met with the Deputy Director of Public Works and Waste Management and the First Deputy Corporation Counsel.

The Deputy Director of Public Works and Waste Management provided a brief overview of the matter. He indicated that the subject easement is no longer necessary and that the Department is recommending releasing a portion of the easement. He further stated that the County obtained the easement for a nominal fee of one dollar from the property owner(s).

In an inquiry from your Committee, the Deputy Director stated that the easement to be released consists of 3,833 square feet.

The First Deputy Corporation Counsel indicated that the County is "lifting the encumbrance" from the land, and that it is in the best interest of the County to eliminate the liability exposure by releasing possession of the property. Further, in response to your Committee, the First Deputy Corporation Counsel stated that pursuant to Section 7-5 of the Charter of the County of Maui, the resolution is correct in authorizing the Mayor, rather than the Director of Finance, to execute the necessary documents, in connection with the disposition of said property.

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As a result, your Committee voted to recommend the adoption of the proposed resolution and the filing of the communication.

Your Committee notes that the Council may approve, by two-thirds of its members, the disposition of the property by some manner other than public auction if it is in the public interest, pursuant to Section 3.44.030, Maui County Code.

Your Public Works and Transportation Committee RECOMMENDS the following:

1. That Resolution No. \_\_\_\_\_, attached hereto, entitled "AUTHORIZING DISPOSITION OF A DRAINAGE EASEMENT PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication No. 01-195 be FILED.

Adoption of this report is respectfully requested.

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