

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

December 7, 2001

**Committee
Report No.**

01-243

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 September 19, 2001 and November 14, 2001, makes reference to County Communication No. 01-226, from the Director of Public Works and Waste Management, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO CLARA BELLE REEVE FOR UNDERGROUND PRIVATE WATERLINE PURPOSES".

The purpose of the proposed resolution is to authorize the granting of a non-exclusive easement on County of Maui real property for underground private waterline purposes to Clara Belle Reeve.

At its meeting of September 19, 2001, your Committee met with the Director of Public Works and Waste Management; the Deputy Director of Water Supply; a Deputy Corporation Counsel; and Glenn Kosaka, attorney representing the applicant, Clara Belle Reeve.

Mr. Kosaka provided a brief overview of the matter and indicated that the applicant's existing waterline, which runs through a neighboring property, is leaking. Because the adjacent property owner will not grant permission to repair the existing waterline, it is, therefore, necessary to construct another waterline. Based on the scope of excavation work that would be required to place a new waterline underground, Mr. Kosaka requested that the stipulation requiring that the waterline be placed underground be deleted from the proposed resolution and from the Grant of Non-Exclusive Easement document (Grant document).

Your Committee noted that the stipulation referred to by Mr. Kosaka was not included in the Grant document attached as Exhibit "1" to the proposed resolution. However, the Deputy Corporation Counsel advised your Committee that although the stipulation is not incorporated in the Grant document,

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inconsistencies exist in the Grant document and the proposed resolution. Therefore, she requested that the Department of the Corporation Counsel be given the opportunity to amend both documents to address the inconsistencies.

The Deputy Director of Water Supply indicated that the Department would have no objection to the waterlines being placed above ground. He added that the County's two-inch waterline is inadequate to provide water to the Reeve's property.

The Director of Public Works and Waste Management requested the opportunity for his Department to review the changes to the proposed resolution and Grant document.

Your Committee deferred the matter pending revisions to the proposed resolution and Grant document.

By correspondence dated November 8, 2001, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO CLARA BELLE REEVE FOR PRIVATE WATERLINE PURPOSES" along with a revised Grant document attached as Exhibit "1". The revised resolution and Grant document delete the word "underground" from all descriptions of the private waterline and incorporate other nonsubstantive changes.

At its meeting of November 14, 2001, your Committee met with the Deputy Director of Public Works and Waste Management; the Deputy Director of Water Supply; the First Deputy Corporation Counsel; and Glenn Kosaka, attorney representing the applicant, Clara Belle Reeve.

The Deputy Director of Public Works and Waste Management reported that the subject easement is approximately 3 feet in width and 908 square feet in size. He indicated that the applicant is requesting the easement in order to construct and maintain a private waterline to obtain water service for her property. The Deputy Director further indicated his Department's support for the request, on the condition that the County's existing waterline is not disturbed.

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In response to your Committee's concerns, Mr. Kosaka asserted that language protecting the condition of the existing County waterline is included in the Grant document.

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

Your Public Works and Transportation Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled " AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO CLARA BELLE REEVE FOR PRIVATE WATERLINE PURPOSES", be ADOPTED; and
2. That County Communication No. 01-226 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Chair**

G. RIKI HOKAMA **Member**

DAIN P. KANE **Vice-Chair**

PATRICK S. KAWANO **Member**

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