

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

June 21, 2002

Committee
Report No.

02-71

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 June 5, 2002, makes reference to County Communication No. 02-66, 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 MAKENA ESTATES LLC FOR UNDERGROUND PRIVATE WASTEWATER SYSTEM PURPOSES".

The purpose of the proposed resolution is to grant a non-exclusive easement to Makena Estates LLC, to provide wastewater service for use in connection with their parcels of real property located at TMK (2) 2-1-007:101.

At its meeting, your Committee met with the Deputy Director of Public Works and Waste Management; a Deputy Corporation Counsel; and Mr. Marty Quill, Managing Partner, Makena Estates, LLC.

The Deputy Director provided your Committee with an overview of the matter. He stated that the installation of the wastewater force main would provide service to the residents of Makena Estates, Na Hale O Makena Subdivision. He further stated that the purpose of the installation of the force main along Makena-Keoneoio Road is to allow the developer to transfer wastewater up hill to the County's pump station, which is approximately 300 feet from the subdivision. The Deputy Director indicated that the wastewater from the development will be treated and processed by the County wastewater system.

Mr. Quill stated that the Makena Estates project received all necessary permits and was processed through the standard County Special Management Area review process. He further indicated that the force main installation and connection to the County wastewater treatment system was a condition of approval for the subdivision.

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In response to an inquiry by your Committee, Mr. Quill stated that the delay in securing an easement from the County was an oversight and should have been completed prior to construction of the force main. Mr. Quill apologized for the oversight and stated that the installation of the force main was completed about three to four months ago. He also indicated that the force main is currently being utilized by an adjacent property owner to transport wastewater to the County pump station.

Your Committee noted that since the excavation encompassed over 2,000 square feet along the surface of Makena-Keoneoio Road, the disruption was substantial. Therefore, the mere patching of the roadway will not sufficiently mitigate the disturbance. Furthermore, your Committee noted that the developer should resurface the road instead of patching the excavation.

The Deputy Director stated that the Department usually requires road patching for this type of utility construction. However, he indicated his support for your Committee's recommendation that the entire portion of the road that includes the excavation for the force main installation be resurfaced.

Your Committee requested that the proposed resolution be revised to require that Makena Estates LLC resurface Makena-Keoneoio Road for the entire length of the roadway that was disturbed to accommodate the installation of the force main wastewater line which services their project. Your Committee voted to recommend adoption of the proposed resolution, as revised, and filing of the communication.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, by the Department of the Corporation Counsel incorporating the changes recommended by your Committee.

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 MAKENA ESTATES LLC FOR UNDERGROUND

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PRIVATE WASTEWATER SYSTEM PURPOSES” be ADOPTED;
and

2. That County Communication No. 02-66 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA **Chair**

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DAIN P. KANE **Vice-Chair**

PATRICK S. KAWANO **Member**

ALAN M. ARAKAWA **Member**

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