

COUNCIL OF THE COUNTY OF MAUI
INFRASTRUCTURE AND ENVIRONMENTAL
MANAGEMENT COMMITTEE

December 6, 2013

Committee
Report No. _____

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

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on November 19, 2013, makes reference to County Communication 13-302, from the Director of Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE KEHALANI SHOPPING CENTER, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication from RCFC Kehalani, LLC, of a perpetual, non-exclusive sewerline easement consisting of 724 square feet, along Waiale Road, Wailuku, Maui, and located within a portion of TMK: (2) 3-5-001:063, for sewerline purposes.

Your Committee notes, pursuant to Section 3.44.015(C), Maui County Code, the Council may accept donations of real property or any interest in real property by resolution, approved by a majority of its members.

The Director of Environmental Management stated the easement is for an existing sewerline that was contained within a previously authorized easement. That easement was canceled earlier this year due to abandoned portions of waterlines and sewerlines no longer deemed necessary.

The Director further stated the subject easement describes only the active portion of the sewer system for which an easement is required. The easement area measures 724 square feet. Approval to authorize the acceptance of this new easement will provide the County certain rights within the easement area, including the ability to repair and replace sewerlines located there.

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran, Vice-Chair Crivello, and members Couch, Guzman, Hokama, and White voted "aye". Committee member Carroll was excused.

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Your Infrastructure and Environmental Management Committee
RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE KEHALANI SHOPPING CENTER, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 13-302 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ELLE COCHRAN, Chair

iem:cr:13026aa:scj

Resolution

No. _____

ACCEPTING DEDICATION OF SEWERLINE EASEMENT
FOR THE KEHALANI SHOPPING CENTER, PURSUANT TO
SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, RCFC KEHALANI, LLC, a Delaware limited liability company, desires to dedicate that certain perpetual, non-exclusive Sewerline Easement affecting Tax Map Key Number (2) 3-5-001:063, as more fully described in Exhibit "1", attached hereto and made a part hereof, to the County of Maui; and

WHEREAS, the Director of Environmental Management has reviewed said dedication and recommends approval of the same; and

WHEREAS, pursuant to Section 3.44.015(C), Maui County Code, the County Council may accept donations of real property or any interest in real property by the passage of a resolution approved by a majority of its members; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby accepts the Sewerline Easement, as described in Exhibit "1", attached hereto, to be dedicated by RCFC Kehalani, LLC to the County of Maui in accordance with the terms and conditions set forth in said easement; and

