

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

March 16, 2007

Committee
Report No.

_____ 07-33

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

Chair and Members:

Your Public Works and Facilities Committee, having met on February 14, 2007 and February 28, 2007, makes reference to County Communication No. 06-316, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR UNDERGROUND PRIVATE WASTEWATER SYSTEM PURPOSES ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HALIIMAILE, MAUI, HAWAII, TO MAUI LAND & PINEAPPLE COMPANY, INC."

The purpose of the proposed resolution is to grant a non-exclusive easement consisting of approximately 480 square feet across, through and under County property, described as a portion of Haliimaile Road located adjacent to TMK: (2) 2-4-01:003 in Haliimaile, Maui, to Maui Land & Pineapple Company, Inc. (MLP), for private wastewater system purposes.

Your Committee notes that pursuant to Sections 3.44.020, 3.44.030, and 3.44.070, Maui County Code, the Council may, finding that it is in the public interest to do so, waive public hearing, public auction, and appraisal and grant an easement by resolution approved by two-thirds of its members.

At its meeting of January 5, 2007, the Council referred County Communication No. 06-316 to your Public Works and Facilities Committee (County Communication No. 07-4).

At its meeting of February 14, 2007, your Committee met with the Director of Public Works and Environmental Management, the Corporation Counsel, and two Deputy Corporation Counsel.

There was no public testimony.

Your Committee deferred consideration of the matter without discussion.

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At its meeting of February 28, 2007, your Committee met with the Deputy Director of Public Works and Environmental Management, the Corporation Counsel, and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Director stated that the proposed resolution grants a non-exclusive easement, consisting of approximately 480 square feet, to connect private wastewater lines located on the mauka side of Haliimaile Road, near Haliimaile General Store, with sewer lines on the makai side of Haliimaile Road. He stated that this work is necessary to conform to a mandate from the Federal Environmental Protection Agency to close high-capacity cesspools, as well as a State Department of Health requirement to connect to nearby sewerlines.

Your Committee discussed the impact of the proposed construction work on traffic, and the specific requirements that MLP is being asked to comply with.

The Deputy Director stated that once the work has been completed, the roadway will be resurfaced to preexisting standards at MLP's expense. He further stated that traffic is typically restricted during non-peak hours only, and that the developer must ensure that at least one lane of traffic is open at all times.

Noting that the resolution includes a waiver of public hearing, your Committee discussed other means to inform the public in the surrounding areas of the impact of the construction work. Your Committee asked the Department to require MLP to provide adequate notice to residents and abutting property owners.

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

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Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR UNDERGROUND PRIVATE WASTEWATER SYSTEM PURPOSES ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HALIIMAILE, MAUI, HAWAII, TO MAUI LAND & PINEAPPLE COMPANY, INC.", be ADOPTED; and
2. That County Communication No. 06-316 be FILED.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member