

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

March 16, 2007

Committee
Report No.

07-35

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. 06-278, from the Director of Public Works and Environmental Management, transmitting a proposed resolution, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT KAHAKULOA, MAUI, HAWAII, TO ANTHONY J. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF ANTHONY J. RODRIGUES DATED JULY 9, 2003, AND IRENE G. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF IRENE G. RODRIGUES DATED JULY 9, 2003".

The purpose of the proposed resolution is to grant a non-exclusive easement consisting of approximately 1,256 square feet across, through and under County property, described as a portion of the Kahekili Highway right-of-way located adjacent to TMK: (2) 3-1-01:052, 053, and 076 in Kahakuloa, Maui, for private waterline 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.

Your Committee notes that County Communication No. 06-278 was referred to the former Public Works Committee at the Council meeting of November 3, 2006.

At its meeting of January 5, 2007, the Council referred County Communication No. 06-278 to your Public Works and Facilities Committee (County Communication No. 07-5).

By correspondence dated February 8, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel incorporate a nonsubstantive and technical revision to the proposed resolution for consistency and clarity.

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By correspondence dated February 12, 2007, 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 SITUATED AT KAHAKULOA, MAUI, HAWAII, TO ANTHONY J. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF ANTHONY J. RODRIGUES DATED JULY 9, 2003, AND IRENE G. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF IRENE G. RODRIGUES DATED JULY 9, 2003". The revised proposed resolution incorporates your Committee's suggested revision.

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.

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 revised proposed resolution allows for the replacement of a private waterline located near the ten-mile post between Waihee and Kahakuloa. He stated that the current waterline runs through an adjoining property, and that due to development of that parcel, the waterline must be rerouted. He further stated that the waterline connects a water source in Makamakole Stream on the mauka side of Kahekili Highway with ten existing units on the makai side of Kahekili Highway.

Your Committee discussed whether the water would be used for irrigation and whether the road resurfacing requirements would restore the roadway to its preexisting condition once the construction was completed.

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The Deputy Director stated that the waterline provided potable water for non-irrigation purposes to ten existing units on the makai side of Kahekili Highway. He further stated that the Department would require that the roadway be restored to preexisting conditions once the construction is completed.

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

Your Public Works and Facilities 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 SITUATED AT KAHAKULOA, MAUI, HAWAII, TO ANTHONY J. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF ANTHONY J. RODRIGUES DATED JULY 9, 2003, AND IRENE G. RODRIGUES, TRUSTEE OF THE REVOCABLE LIVING TRUST OF IRENE G. RODRIGUES DATED JULY 9, 2003", be ADOPTED; and
2. That County Communication No. 06-278 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