

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

December 21, 2007

Committee
Report No.

07-160

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 December 5, 2007, makes reference to County Communication No. 07-317, from the Director of Environmental Management, transmitting the following proposed resolutions entitled:

1. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT B FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the proposed resolution is to accept sewerline Easement B (approximately 2,298 square feet) for Site 10 in the Kehalani Subdivision.
2. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT D FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the proposed resolution is to accept sewerline Easement D (approximately 2,129 square feet) for Site 10 in the Kehalani Subdivision.
3. "ACCEPTING DEDICATION OF SEWERLINE EASEMENT E FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE". The purpose of the proposed resolution is to accept sewerline Easement E (approximately 1,948 square feet) for Site 10 in the Kehalani Subdivision.

Your Committee notes that acceptance of the easements will allow the County to construct, reconstruct, maintain, operate, repair, and remove an eight-inch sewerline running through the subject properties along Kuikahi Drive, Waikapu, Maui, identified as TMK: (2) 3-5-01:portion of 076.

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

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

December 21, 2007
Page 2

**Committee
Report No.** 07-160

At its meeting, your Committee met with the Wastewater Reclamation Division Chief from the Department of Environmental Management and a Deputy Corporation Counsel.

There was no public testimony.

The Wastewater Reclamation Division Chief stated that these types of easements are commonly obtained when housing projects are built by a private developer. He explained that the subject easements will provide the County access to sewerlines that will traverse small pieces of private property, and will connect to sewerlines running beneath the subdivision's roads. He further stated that these easements will provide contiguous access to the sewerline that will be constructed by the developer.

Your Committee asked whether the County will also require a waterline easement for the subject properties, and suggested that the various departments coordinate their efforts to ensure that a single resolution is transmitted, should Council approval be required.

The Wastewater Reclamation Division Chief confirmed that the Department of Water Supply will be seeking an easement for waterline purposes for the subject properties.

The Deputy Corporation Counsel stated that the proposed resolution could be revised to incorporate the acceptance of a waterline easement, but advised that the Department of Water Supply may have the power to accept such easements administratively, without Council action. Your Committee requested that the Department of the Corporation Counsel clarify the Department of Water Supply's authority in order to prevent the transmittal of an unnecessary resolution to the Council.

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

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Resolution No. _____, attached hereto, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT B FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be **ADOPTED**;

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

December 21, 2007
Page 3

Committee
Report No. 07-160

2. That Resolution No. _____, attached hereto, entitled “ACCEPTING DEDICATION OF SEWERLINE EASEMENT D FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE”, be ADOPTED;

3. That Resolution No. _____, attached hereto, entitled “ACCEPTING DEDICATION OF SEWERLINE EASEMENT E FOR SITE 10 AT KEHALANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE”, be ADOPTED; and

4. That County Communication No. 07-0317 be FILED.

Adoption of this report is respectfully requested.

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

December 21, 2007
Page 4

Committee
Report No. 07-160

BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member