

COUNCIL OF THE COUNTY OF MAUI
BUDGET AND FINANCE COMMITTEE

February 22, 2008

**Committee
Report No.**

_____ 08-31

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

Chair and Members:

Your Budget and Finance Committee, having met on February 4, 2008, makes reference to County Communication No. 07-342, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF TWO NON-EXCLUSIVE PERPETUAL EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC. FOR UTILITY PURPOSES".

The purpose of the proposed resolution is to grant two non-exclusive perpetual easements, consisting of approximately 625 square feet, to Maui Electric Company, Limited (MECo) and Hawaiian Telcom, Inc. across, through, and under County property located in the vicinity of Hana Highway, Huelo, Hamakualoa, District of Makawao, Maui, identified as TMK: (2) 2-9-06:010 (por.). The easements will allow MECo and Hawaiian Telcom, Inc. to build, construct, reconstruct, rebuild, repair, maintain, and operate pole and wire lines, remote circuit facility, cross connect equipment site and above ground cabinets, underground lines, and other appliances and equipment as may be necessary for the transmission and distribution of light, power, communication, and control circuits to the general public.

At its meeting, your Committee met with the Deputy Director of Finance; the Director of Public Works; the First Deputy Corporation Counsel; and Sheri Tihada, Outside Plant Engineer, Hawaiian Telcom, Inc.

There was no public testimony.

Your Committee received a revised proposed resolution and other related documents from the Deputy Director of Finance.

The revised proposed resolution: (1) corrects the square footage of the proposed easements, from a total of 625 square feet to 750 square feet for Easement T-1, and 498 square feet for Easement T-2; (2) revises the proposed use of Easement T-1 (Exhibit "A" to Exhibit "1" of the document entitled "UTILITY EASEMENT"), from "telephone

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equipment purposes” to “utility purposes”; (3) revises the proposed use of Easement T-2 (Exhibit “B” to Exhibit “1” of the document entitled “UTILITY EASEMENT”), from “telephone equipment purposes” to “utility purposes”; and (4) incorporates nonsubstantive revisions.

Ms. Tihada provided your Committee a map and a photograph identifying the proposed site of the easements.

The Deputy Director of Finance stated that Hawaiian Telcom, Inc. has agreed to replace an existing bus stop in the area adjacent to Huelo Door of Faith Church Road, and take measures to ensure the safety of endangered seabirds.

The First Deputy Corporation Counsel clarified that although the third whereas clause of the revised proposed resolution states that Easement T-1 is to be used exclusively by Hawaiian Telcom, Inc., the actual easement will be non-exclusive. She explained that the whereas clause was inserted to note that Easement T-1 was for Hawaiian Telcom, Inc., and Easement T-2 was to be used by both Hawaiian Telcom, Inc. and MECo.

Your Committee recommended that the proposed resolution be revised to incorporate nonsubstantive revisions.

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

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality, from the Department of the Corporation Counsel.

Your Budget and Finance Committee **RECOMMENDS** the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled “AUTHORIZING THE GRANTING OF TWO NON-EXCLUSIVE PERPETUAL EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC. FOR UTILITY PURPOSES”, be ADOPTED; and

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2. That County Communication No. 07-342 be FILED.

Adoption of this report is respectfully requested.

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