

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

April 7, 2006

Committee
Report No.

_____ 06-57 _____

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

Chair and Members:

Your Public Works Committee, having met on March 13, 2006, makes reference to County Communication No. 06-58, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII".

The purpose of the proposed resolution is to authorize proceedings in eminent domain in order to obtain portions of parcels located in Wailuku, Maui, Hawaii, and identified as TMK: (2) 3-4-32:001 (portion), (2) 3-4-33:009 (portion), and (2) 3-4-33:012 (portion). The subject property is required to make certain improvements on Market Street, including reconstructing pavement, installing drainage, installing curbs and sidewalks, and constructing driveways.

By correspondence dated March 3, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel revise the title of the resolution to add geographic detail, and correct the numbering of exhibits to eliminate confusion.

By correspondence dated March 6, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII FOR MARKET STREET IMPROVEMENTS (WELLS STREET TO MOKUHAU ROAD), FEDERAL AID PROJECT STP-3405(1)", incorporating the revisions requested by the Chair of your Committee.

At its meeting, your Committee met with the Director of Public Works and Environmental Management; a Civil Engineer, Engineering Division, Department of Public Works and Environmental Management; and a Deputy Corporation Counsel.

There was no public testimony.

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The Director gave an overview of the proposed resolution and its relation to the Market Street improvement project extending from Wells Street to Mokuhau Road. He stated that the Department is proposing that eminent domain proceedings be initiated for the three property interests, and distributed a map depicting the project area and the subject lots.

The Director described the interest in the first property as a perpetual, non-exclusive drainage easement of 8,564 square feet that is being sought to construct a 48-inch drainage line from Market Street to Alahee Drive. He described the interests in the second property, comprising 36 square feet, and the third property, comprising 157 square feet, as fee simple interests necessary to keep improvements consistent along the stretch of Market Street bounded by Wells Street and Mokuhau Road.

The Director stated that discussions with the owners of the first and second properties have not yielded an agreement on price, and that the owner of the third property has been unwilling to answer the Department's written inquiries.

Your Committee discussed the appraised values for each of the property interests, noting the appraisal of \$1,542 for the first property interest seemed low in comparison to the appraised values for the other two property interests (\$1,345 and \$6,630, respectively), given their much smaller size.

The Civil Engineer stated that the lesser valuation for the first property interest is due to its location in a flood plain and the fact that the County is seeking a non-exclusive easement as opposed to a fee simple interest.

Your Committee questioned the consequence of not obtaining these properties. The Director advised that the likely result of not obtaining the easement would be flooding, while not obtaining the two fee simple interests would result in a discontinuous sidewalk in that area.

Your Committee reviewed the successful negotiations with other property owners in the project area, and the probable impact on the owners with whom the County had not been able to successfully negotiate.

Your Committee notes that passage of a resolution authorizing proceedings in eminent domain requires two readings by the Council (Section 4-2(7), Revised Charter of the County of Maui (1983), as amended, and Section 101-13, Hawaii Revised Statutes).

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

Your Public Works Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII FOR MARKET STREET IMPROVEMENTS (WELLS STREET TO MOKUHAU ROAD), FEDERAL AID PROJECT STP-3405(1)", be PASSED ON FIRST READING and be ORDERED TO PRINT ; and

2. That County Communication No. 06-58 be FILED.

Adoption of this report is respectfully requested.

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JOSEPH PONTANILLA **Chair**

G. RIKI HOKAMA **Member**

MICHAEL J. MOLINA **Vice-Chair**

DANNY A. MATEO **Member**

ROBERT CARROLL **Member**