

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

October 20, 2006

Committee
Report No.

06-122

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

Chair and Members:

Your Public Works Committee, having met on October 2, 2006, makes reference to County Communication No. 06-226, 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 SITUATED AT WAILUKU, MAUI, HAWAII FOR WAILUKU WASTEWATER FORCE MAIN REPLACEMENT".

The purpose of the proposed resolution is to authorize proceedings in eminent domain in order to obtain Lot 1-B-2, identified as TMK: (2) 3-4-27:001 (portion). This property is needed for wastewater system improvements anticipated for the Wailuku Force Main right-of-way.

By correspondence dated September 22, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII FOR WAILUKU WASTEWATER FORCE MAIN REPLACEMENT".

The revised proposed resolution corrects a typographical error with regard to the referenced square footage of the property, from 23,554 square feet to 23,556 square feet.

By correspondence dated September 27, 2006, the Director of Public Works and Environmental Management transmitted surveyor maps for the subject project.

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

There was no public testimony.

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The Director reviewed the importance of the Wailuku Wastewater Force Main Replacement Project, and stated that since the current infrastructure is nearing the end of its projected useful life, it must soon be replaced. He further stated that all of the needed property has been acquired with the exception of the subject property.

The Chief further described the project with the aid of a computer-generated slide presentation, which included a map of the Wailuku Wastewater Pump Station and the anticipated alignment of the new force main that will extend from the pump station to the intersection of Amala Place and Hobron Lane. The Wailuku Wastewater Pump Station handles all wastewater generated by Wailuku and Waiehu, which is currently 2.5 million gallons per day. He stated that the ownership of the subject property has changed since the project was initially planned, and that the current owner has not been cooperative with the Department in its efforts to acquire the land.

Your Committee discussed the appraised value of the subject property, and whether it was known why the property owner had been uncooperative. Your Committee further discussed the timetable of the project, whether the current site near the shoreline was adequate, and whether an easement could be obtained for the subject property rather than a land acquisition.

The Chief responded that the appraised value of \$248,000 had not been questioned, that the site was critical for the project since it was the low point of the system, and there were no other options available. He stated that even if the sewage treatment plant was relocated at some point in the future, this force main pump station would still be needed at the current location, and that construction on the project was anticipated to begin in 2007. The Chief stated that due to the potential for future erosion, as well as the need to access the pump station, it was considered prudent to acquire the property rather than seek an easement.

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

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 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 SITUATED AT WAILUKU, MAUI, HAWAII FOR WAILUKU WASTEWATER FORCE MAIN REPLACEMENT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 06-226 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**