

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

November 3, 2006

Committee
Report No.

06-134

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 16, 2006, makes reference to County Communication No. 06-227, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, TO THE ASSOCIATION OF APARTMENT OWNERS OF LAHAINA SHORES FOR DRAINLINE PURPOSES".

The purpose of the proposed resolution is to grant a non-exclusive easement across, through, and under a portion of County real property, located adjacent to 475 Front Street, Lahaina, Maui, to the Association of Apartment Owners (AOAO) of Lahaina Shores, for drainline purposes, TMK: (2) 4-6-02:007.

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.

By correspondence dated October 9, 2006, the Chair of your Committee requested that the Department of the Corporation Counsel make nonsubstantive revisions to number the pages of the exhibit attached to the proposed resolution.

By correspondence dated October 11, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, TO THE ASSOCIATION OF APARTMENT OWNERS OF LAHAINA SHORES FOR DRAINLINE PURPOSES", incorporating the requested revisions.

At its meeting, your Committee met with the Director of Public Works and Environmental Management and a Deputy Corporation Counsel.

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There was no public testimony.

The Director stated that the proposed resolution would grant AOA of Lahaina Shores a non-exclusive easement, consisting of approximately 356 square feet, to construct an underground drainline and connect to an existing County drainline within the County's right-of-way.

The Director noted that AOA of Lahaina Shores would be responsible for the construction, repair, and maintenance of the drainline. The Director further noted that the AOA of Lahaina Shores will indemnify the County against any claims related to the drainline.

The Director stated that a non-exclusive easement would not restrict additional users in the area from connecting to the drainline if the need arises.

Your Committee expressed concern for traffic congestion along Front Street during the construction of the drainline.

Your Committee suggested that the Lahaina Town Action Committee and the West Maui Taxpayers Association be notified of the results of your Committee's discussion.

Your Committee voted to recommend adoption 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 THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, TO THE ASSOCIATION OF APARTMENT OWNERS OF LAHAINA SHORES FOR DRAINLINE PURPOSES", be **ADOPTED**; and
2. That County Communication No. 06-227 be **FILED**.

Adoption of this report is respectfully requested.

