

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

November 3, 2006

Committee
Report No.

06-137

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. 06-241, 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 MAKENA, MAUI, HAWAII TO C H MAKENA HOLDINGS, LIMITED, FOR UNDERGROUND PRIVATE WASTEWATER SYSTEM 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 Makena-Keoneoio Road, to C H Makena Holdings, Limited (CHMHL) for underground private wastewater system purposes, TMK: (2) 2-1-11-005.

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.

At its meeting, your Committee met with the Director of Public Works and Environmental Management, a Deputy Corporation Counsel, and Peter Horovitz, Attorney, Mancini, Welch & Geiger LLP.

There was no public testimony.

The Director stated that the proposed resolution would grant CHMHL a non-exclusive easement, for property consisting of approximately 917 square feet, to connect an underground private wastewater system from property situated on the makai side of Makena-Keoneoio Road to an existing County sewer line within the County's right-of-way.

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The Director further stated that CHMHL would be responsible for the construction, repair, and maintenance of the underground private wastewater system. CHMHL would also be responsible for repairs made to the County's right-of-way, including the repair and patching of the pavement after the system is installed.

Mr. Horovitz stated that CHMHL is developing one residential lot on the property with no plans for additional structures to be connected to the system.

The Director noted that a non-exclusive easement would not restrict additional users in the area from connecting to the County's system; however, additional connections would likely require the Council's approval.

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

Your Public Works Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT MAKENA, MAUI, HAWAII TO C H MAKENA HOLDINGS, LIMITED, FOR UNDERGROUND PRIVATE WASTEWATER SYSTEM PURPOSES", be ADOPTED; and
2. That County Communication No. 06-241 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**