

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS COMMITTEE

November 17, 2006

Committee
Report No.

06-150

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 30, 2006, makes reference to County Communication No. 06-252, 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 WAHIKULI, LAHAINA, MAUI, HAWAII, TO THE WILLIAM H. MCFARLAND AND ROSE-MARIE MCFARLAND FAMILY TRUST, FOR PRIVATE SEWER LINE PURPOSES".

The purpose of the proposed resolution is to grant a non-exclusive easement of approximately 2,326 square feet to the William H. McFarland and Rose-Marie McFarland Family Trust (WMRMFT) to provide a private sewer line under a portion of Front Street adjacent to property located at TMK: (2) 4-5-13:003 in Lahaina, Maui.

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 and a Deputy Corporation Counsel.

There was no public testimony.

The Director stated that the proposed resolution would grant WMRMFT a non-exclusive easement, consisting of approximately 2,326 square feet, to connect a private wastewater system located on the makai side of Front Street to an existing County wastewater line located near Olona Place on the mauka side of Front Street.

The Director further stated that WMRMFT would be responsible for the construction, repair, and maintenance of the sewer line. WMRMFT would also be

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responsible for repairs made to the County's right-of-way, including the repair and patching of the pavement after the system is installed.

Your Committee discussed the amount of time needed to complete the project, and expressed concern for traffic congestion along Front Street during the construction of the sewer line.

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.

The Director stated that the Department would notify those two organizations, and mentioned that the Department would require that the traffic control plan submitted by WMRMFT ensure that at least one lane of traffic remain open at all times. He further stated that the developer is typically required to publish a public notice whenever traffic flow will be impacted by a project.

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 WAHIKULI, LAHAINA, MAUI, HAWAII, TO THE WILLIAM H. MCFARLAND AND ROSE-MARIE MCFARLAND FAMILY TRUST, FOR PRIVATE SEWER LINE PURPOSES", be ADOPTED; and
2. That County Communication No. 06-252 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**