

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

February 6, 2004

Committee
Report No.

04-17

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

Chair and Members:

Your Public Works and Traffic Committee, having met on January 15, 2004, makes reference to County Communication No. 03-278, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE TO USE COUNTY REAL PROPERTY TO U.S. BANK NATIONAL ASSOCIATION".

The purpose of the proposed resolution is to authorize a grant of license to U.S. Bank National Association for the encroachment of a rock wall on approximately 90 square feet of County property along Oluolu Place in Kula, Maui.

By correspondence dated November 13, 2003, the Chair of your Committee requested additional background information on the encroachment.

By correspondence dated November 29, 2003, the Director of Public Works and Environmental Management informed your Committee of the following:

1. The building permit to construct the rock wall was issued in February 2000.
2. The encroachment is approximately 4-5 feet in height.
3. There was no roadway alignment that contributed to the encroachment.
4. The rock wall was constructed by Laurence H. Dorcy. The U.S. Bank National Association is acting as trustee for the Laurence H. Dorcy Trust.

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

February 6, 2004
Page 2

Committee
Report No. 04-17

5. Removal and relocation of the encroachment would cost approximately \$5,000.

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

The Director of Public Works and Environmental Management and an attorney representing Mr. Dorcy responded to your Committee's questions about the encroachment and provided related background information.

Your Committee noted technical flaws in the proposed resolution and license agreement. In addition, your Committee noted the inadequacy of accompanying background information. Therefore, your Committee voted to recommend filing of the communication.

Your Public Works and Traffic Committee **RECOMMENDS** that County Communication No. 03-278 be FILED.

Adoption of this report is respectfully requested.

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
TRAFFIC COMMITTEE**

February 6, 2004
Page 3

Committee
Report No. 04-17

MICHAEL J. MOLINA Chair

DAIN P. KANE Member

CHARMAINE TAVARES Vice-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member