

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

August 24, 2004

Committee
Report No.

04-141

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 August 5, 2004, makes reference to County Communication No. 04-184, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF EASEMENTS PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" and a fact sheet relating to the easements.

The purpose of the proposed resolution is to authorize the County to accept two nonexclusive easements for sewerline purposes on the Leval Tract, Mokuhaui, Wailuku, Maui (TMK: (2) 3-4-033:003).

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

There was no public testimony.

The Director informed your Committee that the sewerlines are a portion of the Wailuku collection system that has been maintained by the County since approximately 1938. Apparently, the County did not formally accept all of the easements at the time of construction. When the Leval Tract Subdivision was proposed, there was an opportunity to identify and obtain the easements. This dedication will fill one of the holes to the existing easements and allow the County to maintain them.

The Director further informed your Committee that the County is not required to accept the dedication of these easements; however, the Department is maintaining the lines, so there would be more of an impact on the Department than the landowner if the County did not accept them. The Department is currently working on identifying remaining easements that are needed.

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Your Committee discussed the nonexclusive nature of the easements, which would allow use by others for ingress and egress to the easement areas.

Your Committee requested that certain housekeeping and nonsubstantive revisions be made to the proposed resolution.

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

Your Committee is in receipt of a revised proposed resolution, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENTS "B" and "D", LEVAL TRACT, MOKUHAU, WAILUKU, MAUI, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", approved as to form and legality, incorporating your Committee's suggested revisions.

Your Public Works and Traffic Committee RECOMMENDS the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENTS "B" AND "D", LEVAL TRACT, MOKUHAU, WAILUKU, MAUI, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" be ADOPTED; and
2. That County Communication No. 04-184 be FILED.

Adoption of this report is respectfully requested.

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MICHAEL J. MOLINA Chair

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CHARMAINE TAVARES Vice-Chair

JOSEPH PONTANILLA Member

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