

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

October 3, 2003

**Committee
Report No.**

03-112

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

Chair and Members:

Your Committee of the Whole, having met on September 15, 2003, makes reference to County Communication No. 03-178, from the Director of Public Works and Environmental Management, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO MAUI COUNTY COUNCIL OF THE BOY SCOUTS OF AMERICA, LIMITED, FOR PRIVATE WATERLINE PURPOSES".

The purpose of the proposed resolution is to grant a non-exclusive easement to the Maui County Council of the Boy Scouts of America, Limited (Boy Scouts) for private waterline purposes, on that certain County-owned right-of-way and roadway called Kahekili Highway, in the vicinity of Makamakaole Gulch at Kahakuloa, Wailuku, Maui.

By correspondence dated July 14, 2003, the Chair of your Committee requested that the Department of the Corporation Counsel review and, if necessary, revise the definition and application of the term "Easement Area" in Exhibit "1" to the proposed resolution, due to seeming inconsistencies in the document.

Your Committee is in receipt of a copy of correspondence dated July 18, 2003, from the Department of the Corporation Counsel to Paul M. Ueoka, the attorney for the Boy Scouts, confirming that Exhibit "1", on page 2, would be revised to add Exhibits "B" and "C" to the definition of "Easement Area".

By correspondence dated September 8, 2003, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO MAUI COUNTY COUNCIL OF THE BOY SCOUTS OF AMERICA, LIMITED, FOR PRIVATE WATERLINE PURPOSES". The revised proposed resolution provides a consistent definition of "Easement Area" in Exhibit "1" to the resolution.

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

Your Committee notes that Michael Munekiyo, a member of the Board and the Properties Committee for the Boy Scouts, and Robert Fawcett, Scout Executive for the Boy Scouts, were also present at the request of the Chair of your Committee.

Your Committee received testimony from one testifier, Michael Munekiyo, who supported the granting of the easement for waterline purposes across County property.

Mr. Munekiyo gave your Committee a historical overview of the way in which the Boy Scouts had previously obtained its water at that site. He informed your Committee that Camp Maluhia was, for many years, serviced by surface water. When drinking water standards were made stricter a few years ago, it became difficult for the Boy Scouts to continue to use surface water for drinking purposes without treating the water. The Boy Scouts, therefore, began hauling water to its site. When a nearby subdivision in Kahakuloa was proposed, the Boy Scouts approached the developer to see whether the Boy Scouts might be permitted to tie into the private water system, as a more cost-effective means of securing water for the camp.

Mr. Munekiyo further informed your Committee that the private water system is currently in place. The Boy Scouts is requesting that your Committee recommend authorizing the grant of an easement so that a 2-inch pipeline to transmit the water can be constructed across County property, allowing the Boy Scouts to connect to the subdivision's private water system. A portion of the pipeline will be above ground, while another portion will be buried, including the portion in the roadway.

The Director of Public Works and Environmental Management indicated that Mr. Munekiyo had summarized the issues pending before your Committee.

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Your Committee discussed the Boy Scouts' water usage and reporting requirements, and whether other users would also be able to access water through the private waterline. Mr. Munekiyo informed your Committee that the Boys Scouts pay Kahakuloa Acres Private Water Company, Incorporated, for its water usage. Usage varies seasonally, peaking in the summer and tapering down significantly once summer is over. The Boy Scouts has a 23,000-gallon storage tank on its site.

Your Committee was also informed that, as the only easement holder, the Boy Scouts would be the only entity legally allowed to use that portion of the waterline crossing County property.

Based on the information received, your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO MAUI COUNTY COUNCIL OF THE BOY SCOUTS OF AMERICA, LIMITED, FOR PRIVATE WATERLINE PURPOSES", be ADOPTED; and
2. That County Communication No. 03-178 be FILED.

Adoption of this report is respectfully requested.

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