

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: February 12, 2019
From: Alice Lee, Chair
Water and Infrastructure Committee

2019 FEB 12 PM 4:13


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Richelle Thomson, Esq.

Subject: Lower Nahiku Bridge Health and Safety Concerns (WAI-3)

Background Data: Please revise resolution in accordance with attached, marked-up copy incorporating revisions made by the WAI Committee at its meeting of February 11, 2019. Please review revised resolution, and if appropriate, approve as to form and legality. A signed, hard copy is requested.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  _____ Alice Lee	Contact Person <u>Traci Fujita</u> (Telephone Extension: <u>7687</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 25, 2019
REASON: Posting for March 8, 2019 Council meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>RMT</u>	ASSIGNMENT NO. <u>2019-0102</u>	BY: <u>JED</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 2/13/2019

By 

(Rev. 7/03)

wai:ltr:003acc01

Attachment

Resolution

No. _____

URGING THE MAYOR TO TAKE THE STEPS NECESSARY TO ACQUIRE AND REPLACE THE LOWER NAHIKU BRIDGE

WHEREAS, in September 2011, the County retained the structural engineering firm of Nagamine Okawa Engineers Inc. (“NOEI”), to conduct a structural assessment of the Lower Nahiku Bridge (“bridge”), on Lower Nahiku Road, Nahiku, Maui, Hawaii; and

WHEREAS, after conducting a field survey of the bridge, NOEI concluded that vehicular traffic should be limited to a maximum of 5,000 pounds, or a maximum of 3,000 pounds per axle, whichever is less; and

WHEREAS, in October 2014, NOEI was instructed to update the structural assessment of the bridge; and

WHEREAS, according to the updated assessment, it was recommended that the bridge be completely closed to vehicular traffic because of structural deterioration and that only pedestrian traffic be allowed; and

WHEREAS, since then, the bridge has remained open for pedestrian traffic so that residents and visitors can access Nahiku Landing; and

WHEREAS, the residents in the area have expressed interest in seeing the bridge repaired and restored; and

WHEREAS, a title report obtained by the Department of Public Works concluded that the ownership of Lower Nahiku Road from approximately the Makapipi Bridge to the coastline is undetermined, and that owners of property adjacent to or traversed by the roadway include various private parties and the State of Hawaii, but not the County; and


WHEREAS, the Director of the Department of Public Works has noted the bridge is in such severe disrepair that replacement, rather than temporary repairs, is necessary to ensure the safety of residents and visitors; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby urge the Mayor to take the steps necessary to acquire and replace the Lower Nahiku Bridge, including requesting the necessary authorization and monies from the Council in the proposed Fiscal Year 2020 Budget to take such action; and
2. That certified copies of this resolution be transmitted to the Mayor, the Director of Public Works, and the Planning Director.

APPROVED AS TO FORM AND LEGALITY



RICHELLE M. THOMSON
Deputy Corporation Counsel
County of Maui
2019-0102
WAI-3 2019-02-12 Resolution