

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: December 5, 2017
From: ELLE COCHRAN, Chair
Infrastructure and Environmental Management Committee

2017 DEC -5 PM 12: 58

TRANSMITTAL

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

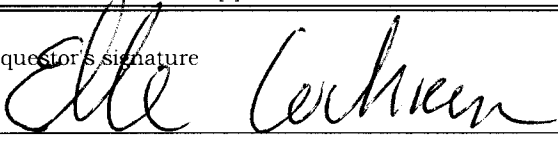

Subject: **URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO EVALUATE THE REPAIR OR REPLACEMENT OF THE LOWER NAHIKU BRIDGE (IEM-10)**

Background Data: Please review and approve as to form and legality. Please provide a hard copy with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY

OTHER:

RECEIVED
2017 DEC -5 PM 2: 08
OFFICE OF THE
COUNTY COUNSEL



Requestor's signature 	Contact Person 
Elle Cochran	Mimi DesJardins (Telephone Extension: 7886)

- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 8, 2017

REASON: For discussion at the December 11, 2017 IEM Committee meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: 	ASSIGNMENT NO. 2017-0092	BY: 
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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 12/5/2017

By 

(Rev. 7/03)

Iem:ltr:010acc01:mzd

Attachment

Resolution

No. _____

URGING THE MAYOR AND THE DEPARTMENT
OF PUBLIC WORKS TO EVALUATE THE REPAIR
OR REPLACEMENT OF 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, Hana, 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 the 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, prior to determining whether the County should invest funds to repair or replace the bridge, it is necessary that an updated title report be prepared, a land survey be conducted, and estimates be obtained to repair the bridge as a footbridge only, or to repair or replace the bridge to accommodate vehicular traffic; and

Resolution No. _____

WHEREAS, the Mayor and the Department of Public Works may evaluate the work necessary to determine the best manner in which to proceed to address potential safety concerns posed by the bridge in its current condition; and

WHEREAS, if funds are not currently available in the Fiscal Year 2018 Budget for the preliminary work described above, the Mayor may initiate a budget amendment consistent with his authority under Section 9-9 or 9-10 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, this preliminary information would provide the Council with essential information needed to make knowledgeable and sound decisions prior to taking any action on repairing or replacing the bridge; now, therefore,

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

1. That it does hereby urge the Mayor and the Department of Public Works to evaluate the possible repair or replacement of the Lower Nahiku Bridge, by obtaining a title report, land survey, and design and cost comparisons for the work; and
2. That certified copies of this resolution be transmitted to the Mayor, the Director of Public Works, the Planning Director, and the Infrastructure and Environmental Management Committee.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel
County of Maui