

# REQUEST FOR LEGAL SERVICES


**Date:** May 10, 2018  
**From:** Elle Cochran, Chair  
Infrastructure and Environmental Management Committee

TRANSMITTAL  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Patrick K. Wong, Esq.

**Subject:** GRANT OF NON-EXCLUSIVE EASEMENT FOR PRIVATE WATERLINE TMK: (2) 2-8-005:004, KAIAPA PLACE (IEM-62)

**Background Data:** Please see attached for markup version of resolution, incorporating non-substantive revisions. Please incorporate suggested revisions and, if appropriate, approve as to form and legality. Provide a signed hard copy with your response.

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

Requestor's signature  Elle Cochran	Contact Person <u>Maggie Clark</u> (Telephone Extension: <u>7661</u> )
--	--

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): May 11, 2018  
REASON: For distribution at Committee meeting on May 14, 2018

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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 \_\_\_\_\_

By \_\_\_\_\_

iem:ltr:065acc01

(Rev. 7/03)

Attachment

# Resolution

No. \_\_\_\_\_

AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY ~~SITUATED~~ <sup>situated</sup> AT HAIKU, MAUI, HAWAI'I TO MISHNA ORION FOR PRIVATE UNDERGROUND WATERLINE PURPOSES

WHEREAS, the County of Maui ("County") is the owner of those certain rights-of-way and roadways referred to as Kaiapa Place and Kaupakalua Road, situated in Haiku, Island and County of Maui, State of Hawai'i ("County's Property"); and

WHEREAS, MISHNA ORION ("Grantee") wishes to provide a private waterline for use in connection with her parcel of real property, located at Haiku, Island and County of Maui, State of Hawai'i, designated as Tax Map Key No. (2) 2-8-005:004 ("Grantee's Property"); and

WHEREAS, Grantee wishes to be granted a non-exclusive, perpetual easement as an appurtenance to and in favor of Grantee's Property, and any subdivision of that parcel, to build, construct, reconstruct, rebuild, repair and maintain a private underground waterline and appurtenant equipment for Grantee's exclusive use over, under, along and through portions of Kaiapa Place and Kaupakalua Road, containing an area of approximately 2, ~~733~~ <sup>773</sup> square feet, as more particularly described in Exhibit "A" and depicted on the map designated as Exhibit "B" to the Grant of Non-

**Resolution No. \_\_\_\_\_**

Exclusive Easement For Private Waterline, attached hereto as Exhibit "1" ("Grant of Non-Exclusive Easement") and made a part hereof; and

WHEREAS, pursuant to Section 3.44.020 of the Maui County Code, the County Council may grant easements by resolution; and

WHEREAS, the County desires to grant an easement under, across, over and through the Easement Area, identified as Easement "W" in the attached Grant of Non-Exclusive Easement, in favor of the Grantee; now, therefore,

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

1. That it does hereby grant an easement to the Grantee, in accordance with the terms and conditions of the Grant of Non-Exclusive Easement; and

2. That it does hereby authorize the Mayor of the County of Maui, or the Mayor's duly authorized representative, to execute all necessary documents in connection with the granting of the easement, including the Grant of Non-Exclusive Easement; and

3. That certified copies of this Resolution be transmitted to the Grantee, the Mayor, and the Director of Public Works.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
DAVID A. GALAZIN  
Deputy Corporation Counsel  
County of Maui

2017-1101

2018-01-31 Resolution