

# REQUEST FOR LEGAL SERVICES

**Date:** February 20, 2018  
**From:** Elle Cochran, Chair  
Infrastructure and Environmental Management Committee


TRANSMITTAL

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

**Subject:** LOWER NAHIKU BRIDGE HEALTH AND SAFETY CONCERNS (NAHIKU) (IEM-10)

**Background Data:** Please review the attached proposed resolution and, if appropriate, approve as to form and legality. Please 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: 7661)
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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 23, 2018, noon  
REASON: For discussion at February 26, 2018 IEM Committee meeting.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	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 \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

iem:ltr:010acc04:mcc

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 2019 Budget to take such action; 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

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Deputy Corporation Counsel  
County of Maui

iem:misc:010areso03