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COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

September 12, 2022

APPROVED FOR TRANSMITTAL

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street

Michael P. Victorino 9/19/22

Mayor Date

For Transmittal to:

Honorable Yuki Lei Sugimura, Chair
Infrastructure and Transportation Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawai'i 96793

Dear Chair Sugimura:

SUBJECT: BILL 119 (2022), RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI

The Department is in receipt of your correspondence dated August 17, 2022 requesting information relating to the Department's easement reviews. In response to your request, the Department provides the following:

1. *Please identify what kind of projects are impacted by proposed Bill 119 (2022).*

Every type of project will potentially benefit from the changes proposed by Bill 119. The need for the County to acquire easements is typical for both private developments and CIP projects. However, private home and development projects will most benefit as the majority of the easement reviews are associated with building permit and subdivision approvals.

2. *Please provide data on how often the conveyance of an easement request requires an additional review to address potential errors.*

Since 2019 when the Department's incumbent land surveyor retired, the Department received 112 easement review requests. On average, it took the department 50 days to respond with only 27 requests (24%) being rejected for containing errors. Of the 27 rejected requests, the Department identified only 5 requests (4.5% of all requests) that contained errors determined

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to be potentially critical. Potentially critical errors are those errors that have the potential to affect the validity of the easement.

The types of critical errors identified include:

1. Incorrect lot references. Three of the five reviews with potentially critical errors involved incorrect references to the underlying lot which the easement is encumbering (i.e. Lot 7 instead of Lot 7-A).
2. Excessive omissions. One review contained numerous omissions relating to identify the underlying lot and adjacent parcels and in describing the location of each boundary. Additionally, the metes and bounds descriptions did not include a licensed surveyor's stamp.
3. Typographical errors. One review involved errors with the easement's reference coordinates and in one of the boundary courses. The error appears to be a typographical error with two of the digits in the number being reversed.

Despite these errors being deemed as potentially critical errors, the Department does not anticipate that such errors would render the easement completely invalid because the intended location, use, and size of the easement areas can be inferred from other documents such as construction plans and permit approvals related to the easement. Therefore, acceptance of an easement with errors would still afford the County with the necessary land rights to operate and maintain its infrastructure.

The Committee also asked for information on the backlog of easement reviews. There are 18 reviews pending with the Department and the average review time for these pending reviews is 82 days.

3. *Please provide any comments you have regarding proposed Bill 119 (2022).*

The Department offers the following comments:

1. Should Bill 119 be adopted, easement reviews will still occur by the Department of the Corporation Counsel, the Director of Finance, and the department requesting the easement. Additionally, the departments requiring the easements are able to obtain secondary reviews of the easement metes and bounds descriptions by hiring their own survey consultant to conduct such reviews or by voluntarily requesting a review from the Department of Public Works.

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2. Given that only 4.5% of all easements reviewed contained potentially critical errors, the Department feels it is an acceptable risk to eliminate metes and bounds reviews for easements in the interest of expediting building and subdivision permit approvals. Despite the risk for errors, it is unlikely for such errors to completely render an easement invalid.
3. During the Committee's meeting of August 15, 2022, the Committee asked whether our consultant contracts could be expanded to prioritize metes and bounds reviews. The Department does push our local survey industry to provide review services but only two firms have been willing to do so thus far. In addition to easement reviews, our consultants also review subdivision plats and land acquisition documents. These reviews are also backlogged and taking a long time to complete. If we were able to expand our current survey review services, the focus of such expanded services would be on the subdivision and land acquisition reviews as this takes priority over easement reviews.

Thank you for the opportunity to comment on this matter. If you have any question, please contact myself at (808) 270-7845 or via email at jordan.k.molina@mauicounty.gov.

Sincerely,



JORDAN MOLINA
Director of Public Works

JM:pn
Attachment
CC: Engineering Division
Director of Water Supply
Director Environmental Management
Director of Parks and Recreation
Director of Finance
Director of Management

IT Committee

From: Michelle Santos <Michelle.Santos@co.maui.hi.us>
Sent: Monday, September 19, 2022 12:03 PM
To: IT Committee
Cc: Gary Ambrose; Jordan Molina; Josiah Nishita; Kayla Ueshiro; Michele Yoshimura; Pili Nahooikaika; Sandy Baz; Stacy Takahashi; Tyson Miyake; Zeke Kalua
Subject: MT#9880 Bill 119 Relating to Conveyance of Easements to the County of Maui
Attachments: MT#9880-IT Committee.pdf

NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.

Michelle L. Santos

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