HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND MAINTENANCE OF STEPS.

WHEREAS, an existing seawall fronts state submerged land identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu; and

WHEREAS, concrete steps were previously constructed on the makai side of the existing seawall on state submerged lands; and

WHEREAS, the concrete steps were removed from the state submerged lands in 2021; and $\,$

WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability company, is the owner of property identified as Tax Map Key: (1)3-1-039:005, Waikiki, Honolulu, Oahu, which benefits from easements across the property identified as Tax Map Key: (1)3-1-039:044, Waikiki, Honolulu, Oahu, and the privately held portion of the property identified as Tax Map Key: (1)3-1-039:065, Waikiki, Honolulu, Oahu, including across the seawall, for beach access purposes; and

WHEREAS, HTH DH Ventures, LLC, requested the approval of the Department of Land and Natural Resources' Office of Conservation and Coastal Lands to reconstruct the concrete steps on the state submerged lands in the same location, alignment, configuration, and footprint as the previously existing concrete steps; and

WHEREAS, by letter dated May 4, 2023, the Department of Land and Natural Resources' Office of Conservation and Coastal Lands approved the construction of the concrete steps; and 1 2

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WHEREAS, on October 13, 2023, under agenda item D-14 of a meeting of the Board of Land and Natural Resources, the Board approved a grant of a 25-year non-exclusive easement to HTH DH Ventures, LLC, to run with the land and inure to the benefit of the abutting real property, to resolve the encroachment; and

WHEREAS, the total encroachment area was determined to be 26.5 square feet, more or less, subject to review and approval by the Department of Accounting and General Services' Survey Division; and

WHEREAS, the grantee shall pay the State the fair market value of the non-exclusive easement as consideration of the use of public lands, to be determined by an independent appraisal, subject to review and approval by the Chairperson of the Board of Land and Natural Resources; and

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2024, the Senate concurring, that the Board of Land and Natural Resources is hereby authorized to issue a term, non-exclusive easement covering a portion of state submerged lands identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu, for the construction, use, repair, and maintenance of concrete steps pursuant to section 171-53, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY:

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