

SD 1

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX
MAP KEY: (2) 4-3-2: 27, AT KAAPALI, MAUI, FOR CONCRETE
PIER BLOCK REMNANTS PURPOSES.

1 WHEREAS, as part of a shoreline certification to allow
2 Napili Kai, Ltd., that owns a condominium at 5900 Lower
3 Honoapiilani Road, Lahaina, Maui, to make improvements to its
4 existing swimming pool, the state land surveyor discovered
5 several encroachments upon public lands, including state
6 submerged lands; and
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8 WHEREAS, the encroachments on state submerged lands include
9 concrete pier block remnants located seaward of that certain
10 parcel of land identified on the tax maps of the State of Hawaii
11 as tax map key: (2) 4-3-2: 27; and
12

13 WHEREAS, Napili Kai, Ltd., proposes to keep the area
14 containing the pier block remnants in its existing state and
15 requested that the Board of Land and Natural Resources grant a
16 non-exclusive easement over the state submerged land area
17 containing the pier block remnants, measuring 1,262 square feet,
18 more or less; and
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20 WHEREAS, as part of its submittal to the Board on September
21 26, 2008, under agenda item D-7, the Department of Land and
22 Natural Resources recommended and the Board approved the
23 issuance of a non-exclusive easement over the area containing
24 the pier block remnants located on state submerged lands,
25 subject to certain terms and conditions; and
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27 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
28 the prior approval of the Governor and prior authorization of
29 the Legislature by concurrent resolution to lease state
30 submerged lands; now, therefore,

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2 BE IT RESOLVED by the Senate of the Twenty-fifth
3 Legislature of the State of Hawaii, Regular Session of 2009, the
4 House of Representatives concurring, that the Board of Land and
5 Natural Resources is hereby authorized to issue a term, non-
6 exclusive easement covering a portion of state submerged lands
7 contiguous to and seaward of that certain parcel of land
8 identified on the tax maps of the State of Hawaii as tax map
9 key: (2) 4-3-2: 27, comprising 1,262 square feet, more or less;
10 and

11
12 BE IT FURTHER RESOLVED that a certified copy of this
13 Concurrent Resolution be transmitted to the Chairperson of the
14 Board of Land and Natural Resources.