
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006.

1 WHEREAS, Lakala Trust owns property located at 839 Front
2 Street, Lahaina, Maui which includes two wooden decks and
3 concrete piers that extend over submerged land owned by the
4 State of Hawaii and were constructed sometime in the 1920s; and
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6 WHEREAS, on January 26, 1990, the Board of Land and Natural
7 Resources (Land Board) approved a Conservation District Use
8 Permit for the decks over the submerged land; and
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10 WHEREAS, on May 11, 1990, the Land Board authorized the
11 issuance of Non-Exclusive Easement S-5252 commencing on May 25,
12 1992, and running through May 24, 2012, to the property for
13 maintenance and repair of the wooden decks and concrete piers;
14 and
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16 WHEREAS, the property is currently subject to a mortgage,
17 which Lakala Trust and its trustee are seeking to refinance; and
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19 WHEREAS, because of the existence of Non-Exclusive Easement
20 S-5252 over State-owned submerged lands, refinancing of the
21 mortgage requires the mutual cancellation of Non-Exclusive
22 Easement S-5252 and the issuance of a new non-exclusive
23 easement; and
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25 WHEREAS, as part of its submittal to the Land Board on
26 August 28, 2009, under agenda item D-15, the Department of Land
27 and Natural Resources recommended and the Land Board approved
28 Lakala Trust and its trustee's request for the mutual

1 cancellation of Non-Exclusive Easement S-5252 and the issuance
2 of a new sixty-five year non-exclusive easement; and
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4 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
5 the prior approval of the Governor and prior authorization of
6 the Legislature by concurrent resolution to lease state
7 submerged lands; now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fifth
10 Legislature of the State of Hawaii, Regular Session of 2010, the
11 House of Representatives concurring, that the Board of Land and
12 Natural Resources is hereby authorized to cancel Non-Exclusive
13 Easement S-5252 and to issue a term, non-exclusive easement
14 covering a portion of state submerged lands identified by tax
15 map key (2) 4-5-001:055: seaward of tax map key (2)
16 4-5-001:006, comprising 1,310 square feet, more or less; and
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18 BE IT FURTHER RESOLVED that certified copies of this
19 Concurrent Resolution be transmitted to the Board of Land and
20 Natural Resources.