
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1 WHEREAS, Christine K. Ho, as Trustee of that certain
2 unrecorded Trust established under the Living Trust Declaration
3 of Christine K. Ho, dated January 15, 1988 (and amendments
4 thereto) ("Ho"), is successor in interest to Thomas R. Brayton
5 and Christine D. Brayton (collectively, the "Braytons"), to the
6 ownership of a parcel of land located in Lahaina, Maui,
7 identified as tax map key number (2) 4-6-3:5 (the "Ho
8 property"), pursuant to that certain Warranty Deed (Document
9 No. 2007-124951) recorded with the Bureau of Conveyances on
10 July 13, 2007; and

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12 WHEREAS, prior to the conveyance of the Ho property to Ho,
13 the Braytons applied to the Department of Land and Natural
14 Resources on February 9, 2007, for a non-exclusive easement over
15 a portion of state-owned land located seaward of the Ho
16 property; and

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18 WHEREAS, the seaward boundary of the Ho property fronts the
19 ocean, and a seawall straddles the seaward boundary of the Ho
20 property and submerged public land, which is state-owned and
21 identified by tax map key number (2)4-6-3, seaward of :5. A
22 portion of the seawall encroaches into the state-owned submerged
23 land; and

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25 WHEREAS, the area of the seawall comprises approximately
26 sixty-nine square feet and comprises a portion of the state-
27 owned submerged land; and

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29 WHEREAS, under county requirements, Ho requires an easement
30 over that portion of the submerged land that includes the
31 existing seawall in order for Ho to obtain a county building



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1 permit to remodel the Ho residence and to renovate the seawall,
2 which is in need of repair; and

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4 WHEREAS, the Ho property is classified as
5 conservation/urban and zoned by the County of Maui as R-3; and
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7 WHEREAS, the character of use of the easement is to approve
8 the right, privilege, and authority to use, maintain, repair,
9 replace, and remove the existing seawall over, under, and across
10 state-owned land; and

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12 WHEREAS, the easement term is for fifty-five years in
13 consideration for a one-time payment to be determined by
14 independent or staff appraisal establishing a fair market rent,
15 subject to review and approval by the Chairperson of the Board
16 of Land and Natural Resources; and

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18 WHEREAS, the easement abuts the Ho property; now,
19 therefore,
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21 BE IT RESOLVED by the House of Representatives of the
22 Twenty-sixth Legislature of the State of Hawaii, Regular Session
23 of 2011, the Senate concurring, that the Board of Land and
24 Natural Resources is hereby authorized to issue a non-exclusive
25 easement for a fifty-five year term, covering that portion of
26 state submerged lands described above, located in Lahaina, Maui,
27 for purposes of renovation and construction of a seawall,
28 pursuant to section 171-53, Hawaii Revised Statutes, subject to
29 limitations and conditions to be determined by the Board of Land
30 and Natural Resources; and

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32 BE IT FURTHER RESOLVED that a certified copy of this
33 Concurrent Resolution be transmitted to the Chairperson of the
34 Board of Land and Natural Resources.
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OFFERED BY: _____



JAN 27 2011

