

MAR 13 2013

SENATE 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 THE RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1 WHEREAS, the Robert E. Cambra and Agnes L. Freitas Trust
2 applied for a grant of term, non-exclusive easement for seawall
3 and filled land purposes for the state-owned submerged lands of
4 the property identified as tax map key (1) 4-7-014: seaward of
5 010; and

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7 WHEREAS, the character of use for this easement is for the
8 right, privilege, and authority to construct, use, maintain,
9 repair, and replace and remove seawall, filled land over, under,
10 and across state-owned land; and

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12 WHEREAS, the applicants request a term easement to resolve
13 the encroachments containing filled land, seawall, and a small
14 tile wall located makai of the boundary; and

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16 WHEREAS, the encroachment is approximately 2,243 square
17 feet; and

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19 WHEREAS, on November 10, 2011, the Board of Land and
20 Natural Resources authorized the issuance of a term, non-
21 exclusive easement for seawall and filled land purposes to the
22 owners of the abutting private property; and

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24 WHEREAS, on July 9, 2012, under agenda item D-11, the
25 Chairperson of the Board of Land and Natural Resources approved
26 an appraisal that determined that the fair market value of the
27 easement to be \$62,600, to be paid in one lump sum; and

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S.C.R. NO. 126

1 WHEREAS, Robert E. Cambra requested that the consideration
 2 be paid off in three annual installments instead of one lump sum
 3 payment; and

4
 5 WHEREAS, the Board of Land and Natural Resources has
 6 approved the payment of \$62,600 to be paid in three annual
 7 installments instead of one lump sum payment; and

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

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 14 BE IT RESOLVED by the Senate of the Twenty-seventh
 15 Legislature of the State of Hawaii, Regular Session of 2013, the
 16 House of Representatives concurring, that the Board of Land and
 17 Natural Resources is hereby authorized to issue a term non-
 18 exclusive easement covering a portion of state submerged lands
 19 fronting the property identified as tax map key (1) 4-7-014:
 20 seaward of 010, Kaalaea, Koolaupoko, Oahu, for use, maintenance,
 21 and repair of the existing seawall and encroachments, pursuant
 22 to section 171-53, Hawaii Revised Statutes; and

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 24 BE IT FURTHER RESOLVED that certified copies of this
 25 Concurrent Resolution be transmitted to Chairperson of the Board
 26 of Land and Natural Resources and the Trustees of the Robert E.
 27 Cambra and Agnes L. Freitas Trust.

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OFFERED BY: _____


