

MAR 12 2013

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, 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, a rock and concrete seawall was placed on lands in
2 Kawaihoa, Waialua, Oahu, sometime prior to 1949; and
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4 WHEREAS, Douglas and Kathleen Giannetti, the current owners
5 of private property located at Kawaihoa, District of Waialua,
6 City and County of Honolulu, Hawaii, identified by tax map key:
7 (1) 6-1-003:024-0001, purchased their property in 2012 and
8 sought to construct a new home on said property; and
9

10 WHEREAS, in 2012, the Department of Land and Natural
11 Resources informed the owners that the seawall comprising
12 approximately 110 feet has encroached on state owned submerged
13 land; and
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15 WHEREAS, Douglas and Kathleen Giannetti applied to the Land
16 Division of the Department of Land and Natural Resources to
17 request a grant of a fifty-five year term for a non-exclusive
18 easement for seawall purposes; and
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20 WHEREAS, on January 11, 2013, under agenda item D-13, the
21 Board of Land and Natural Resources approved the request for the
22 term, non-exclusive easement for seawall purposes to Douglas and
23 Kathleen Giannetti; and
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25 WHEREAS, on January 11, 2013, under agenda item D-13, the
26 Board of Land and Natural Resources declared that, after
27 considering the potential effects of the proposed disposition as
28 provided by chapter 343, Hawaii Revised Statutes, and chapter
29 11-200, Hawaii Administrative Rules, this project will probably
30 have minimal or no significant impact on the environment and is



1 therefore exempt from the preparation of an environmental
2 assessment; and
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4 WHEREAS, on January 11, 2013, under agenda item D-13, the
5 Board of Land and Natural Resources authorized the easement
6 request to be applicable in the event of a change of ownership
7 of the abutting parcel described as tax map key: (1) 6-1-
8 003:024-0001; provided the succeeding owner has not had a lease,
9 permit, easement, or other disposition of state lands terminated
10 within the last five years due to noncompliance with such terms
11 or provisions; and
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13 WHEREAS, the character of the use of the easement is the
14 right, privilege, and authority to use, maintain, repair,
15 replace, and remove the existing seawall over, under, and across
16 state-owned land; and
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18 WHEREAS, the easement term is for fifty-five years in
19 consideration for a one-time payment to be determined by
20 independent or staff appraisal establishing a fair market rent,
21 subject to review and approval by the Chairperson of the Board
22 of Land and Natural Resources; and
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24 WHEREAS, pursuant to section 171-53(c), Hawaii Revised
25 Statutes, the Board of Land and Natural Resources, with the
26 approval of the Governor and the prior authorization of the
27 Legislature by concurrent resolution, may lease state submerged
28 lands and lands beneath tidal waves; now, therefore,
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30 BE IT RESOLVED by the Senate of the Twenty-seventh
31 Legislature of the State of Hawaii, Regular Session of 2013, the
32 House of Representatives concurring, that the fifty-five year
33 term for a non-exclusive easement to Douglas and Kathleen
34 Giannetti, owners of the abutting property identified by tax map
35 key: (1) 6-1-003:0024-0001 seaward, is hereby authorized by the
36 Legislature according to the terms and conditions approved by
37 the Board of Land and Natural Resources on January 11, 2013; and
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39



S.C.R. NO. 103

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor and
3 Chairperson of the Board of Land and Natural Resources.
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OFFERED BY: _____

