

MAR 12 2013

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# 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 RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1           WHEREAS, the Board of Land and Natural Resources approved  
2 the request of West Coast Roofing, Inc., ("Applicant") for a  
3 non-exclusive easement over a portion of state-owned land  
4 located in Makaha, Waianae, Oahu, on January 11, 2013; and  
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6           WHEREAS, the seaward boundary of the property fronts the  
7 ocean, and a seawall straddles the seaward boundary of the  
8 property and submerged public land, which is state-owned and  
9 identified by tax map key number (1) 8-4-005:002 seaward of  
10 parcel 2. A portion of the seawall encroaches into the state-  
11 owned submerged land; and  
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13           WHEREAS, the area of the seawall comprises approximately  
14 one hundred thirty-one square feet and comprises a portion of  
15 the state-owned submerged land; and  
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17           WHEREAS, under county requirements, the Applicant requires  
18 an easement over that portion of the submerged land that  
19 includes the existing seawall in order for the Applicant to  
20 obtain a county building permit to renovate the seawall; and  
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22           WHEREAS, the character of use of the easement is the right,  
23 privilege, and authority to use, maintain, repair, replace, and  
24 remove the seawall over, under, and across state-owned land; and  
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26           WHEREAS, the easement term is for fifty-five years in  
27 consideration for a one-time payment to be determined by  
28 independent or staff appraisal establishing a fair market rent,  
29 subject to review and approval by the Chairperson of the Board  
30 of Land and Natural Resources; and  
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1 WHEREAS, the easement abuts the Applicant's property; now,  
2 therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-seventh  
5 Legislature of the State of Hawaii, Regular Session of 2013, the  
6 House of Representatives concurring, that the Board of Land and  
7 Natural Resources is hereby authorized to issue a non-exclusive  
8 easement for a fifty-five year term, covering that portion of  
9 state submerged lands described above, located in Makaha,  
10 Waianae, Oahu, for purposes of renovation and construction of a  
11 seawall, pursuant to section 171-53, Hawaii Revised Statutes,  
12 subject to limitations and conditions to be determined by the  
13 Board of Land and Natural Resources; and

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

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19  
20 OFFERED BY: \_\_\_\_\_

