

FEB 20 2013

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU,  
HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE  
EXISTING SEAWALL AND STEPS.

1           WHEREAS, the existing subject seawall and steps were  
2 portions of the Old Diamond Head Road; and

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4           WHEREAS, in 1959, various owners of the properties abutting  
5 the road claimed ownership of such road and received rulings  
6 from the Land Court in their favor; and

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8           WHEREAS, the State appealed the decision pertaining to the  
9 subject portion of the road, and the Hawaii Supreme Court ruled  
10 that the State owns the subject portion of the road; and

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12           WHEREAS, the owner of the abutting parcel approached the  
13 Department of Land and Natural Resources (Department) with an  
14 application to purchase the subject portion of the road; and

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16           WHEREAS, on December 9, 2011, under agenda item D-18, the  
17 Board of Land and Natural Resources approved the sale of the  
18 subject portion of the road to the abutting owner; and

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20           WHEREAS, during the survey of the actual remnant area under  
21 the proposed sale, portions of the seawall and steps were  
22 considered to be on 125 square feet of submerged lands; and

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24           WHEREAS, on July 13, 2012, under agenda item D-10, the  
25 Board of Land and Natural Resources approved the issuance of a  
26 perpetual, non-exclusive easement; and

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28           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
29 the prior approval of the Governor and prior authorization of  
30 the Legislature by concurrent resolution to lease state  
31 submerged lands; now, therefore,



# S.C.R. NO. 40

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2 BE IT RESOLVED by the Senate of the Twenty-seventh  
3 Legislature of the State of Hawaii, Regular Session of 2013, the  
4 House of Representatives concurring, that the Board of Land and  
5 Natural Resources is hereby authorized to issue a perpetual,  
6 non-exclusive easement covering a portion of state submerged  
7 lands fronting the property identified as Tax Map Key: (1) 3-1-  
8 038:seaward of 042, Kapahulu, Honolulu, Oahu, for use,  
9 maintenance, and repair of the existing seawall and steps, and  
10 for use, repair, and maintenance of the existing improvements  
11 constructed thereon pursuant to section 171-53, Hawaii Revised  
12 Statutes; and

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

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OFFERED BY:

