

FEB 28 2013

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LANIKAI,
KOOLAPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES.

1 WHEREAS, the 18,376 square foot property was developed with
2 a single-family dwelling built in 1939 and a shoreline
3 protection structure around 1953 prior to the establishment of
4 the state land use laws; and

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6 WHEREAS, on September 13, 1968, the previous owners of the
7 subject and three adjoining properties obtained Shore Water
8 Construction Permit No. 1395 issued by the Harbors Division of
9 the Department of Transportation to construct a six- to eight-
10 foot wide "protective stone blanket for erosion control" seaward
11 of the existing five-foot high retaining walls; and

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13 WHEREAS, in October, 1968, the City and County of Honolulu
14 Planning Commission granted a variance to permit the
15 construction of the stone blanket; and

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17 WHEREAS, permission was also obtained from the United
18 States Army Corp of Engineers and the Department of Land and
19 Natural Resources; and

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21 WHEREAS, the Office of Conservation and Coastal Lands of
22 the Department of Land and Natural Resources in a letter dated
23 September 18, 2008, stated that it does not consider the stone
24 blanket to be a conservation district violation and that the
25 structure provides stability and erosion control; and

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27 WHEREAS, on January 13, 2012, under agenda item BD-17, the
28 Board of Land and Natural Resources approved the request for a
29 non-exclusive easement by the owners, James Hugh Duncan and
30 Barbara-Jeann Duncan; and



1 WHEREAS, the encroachment area was determined to be
2 approximately 1,268 square feet; and

3
4 WHEREAS, on October 16, 2012, the Land Division of the
5 Department of Land and Natural Resources confirmed acceptance by
6 the owners of the consideration payable for the subject easement
7 as determined by an independent appraisal dated August 27, 2012;
8 and

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

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15 BE IT RESOLVED by the Senate of the Twenty-seventh
16 Legislature of the State of Hawaii, Regular Session of 2013, the
17 House of Representatives concurring, that the Board of Land and
18 Natural Resources is authorized to issue a term, non-exclusive
19 easement covering a portion of state submerged lands identified
20 as tax map key (1) 4-3-005: seaward of 56, at Lanikai, Oahu,
21 Hawaii for seawall and revetment purposes; and

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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Governor and
25 Chairperson of the Board of Land and Natural Resources.

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OFFERED BY:



