

JAN 23 2014

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT HEEIA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing pier was placed on state submerged
2 lands fronting the property identified as Tax Map Key: (1) 4-6-
3 001: seaward of 014, Heeia, Koolaupoko, Oahu, as evidenced by an
4 aerial photo dated 1949; and
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6 WHEREAS, around 2012, the Department of Land and Natural
7 Resources (Department) worked with the owners, Bernice Bailey,
8 Frederick Bailey, Jr., and Susan Koehler, to resolve the
9 encroachment; and
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11 WHEREAS, on September 10, 2012, the Department's Office of
12 Conservation and Coastal Lands determined the non-conforming
13 status of the existing pier in view of the evidence shown on the
14 aerial photo dated 1949; and
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16 WHEREAS, on December 14, 2012, under agenda item D-13, the
17 Board of Land and Natural Resources approved a grant of a 55-
18 year non-exclusive easement to resolve the encroachment; and
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20 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
21 the prior approval of the Governor and prior authorization of
22 the Legislature by concurrent resolution for this disposition of
23 state submerged lands; now, therefore,
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25 BE IT RESOLVED by the Senate of the Twenty-seventh
26 Legislature of the State of Hawaii, Regular Session of 2014, the
27 House of Representatives concurring, that the Board of Land and
28 Natural Resources is hereby authorized to issue a term, non-
29 exclusive easement covering a portion of state submerged lands
30 fronting the property identified as Tax Map Key: (1) 4-6-001:
31 seaward of 014, Heeia, Koolaupoko, Oahu, for the maintenance and

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1 repair of the existing pier, and for use, maintenance, and
2 repair of the existing improvements constructed thereon,
3 pursuant to section 171-53, Hawaii Revised Statutes; and
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5 BE IT FURTHER RESOLVED that a certified copy of this
6 Concurrent Resolution be transmitted to the Chairperson of the
7 Board of Land and Natural Resources.
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OFFERED BY: 
BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT HEEIA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the maintenance and repair of the existing pier, and for use, maintenance, and repair of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Around 2012, the Department worked with the owners, Bernice Bailey, Frederick Bailey, Jr., and Susan Koehler, to resolve the encroachment of a pier on state submerged lands fronting the property identified as Tax Map Key: (1) 4-6-001: seaward of 014, Heeia, Koolaupoko, Oahu.

On September 10, 2012, the Department's Office of Conservation and Coastal Lands determined the non-conforming status of the existing pier in view of the evidence shown on the aerial photo dated 1949.

At its meeting of December 14, 2012, under agenda item D-13, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachment.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by

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concurrent resolution for this disposition of state submerged lands. This concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	LNR 101.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon adoption.