

JAN 23 2014

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing revetment and steps were placed on
2 state submerged lands fronting the property identified as Tax
3 Map Key: (1) 5-5-002: seaward of 034, Laie, Koolauloa, Oahu; and
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5 WHEREAS, on November 13, 2012, the Department of Land and
6 Natural Resources (Department), Office of Conservation and
7 Coastal Lands indicated its support for the issuance of an
8 easement to resolve the encroachments; and
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10 WHEREAS, around 2013, the Department worked with the owner,
11 Bathtub Beach LLC, to resolve the encroachments; and
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13 WHEREAS, on May 24, 2013, under agenda item D-11, the Board
14 of Land and Natural Resources approved a grant of a 55-year non-
15 exclusive easement to resolve the encroachments; and
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17 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
18 the prior approval of the Governor and prior authorization of
19 the Legislature by concurrent resolution for this disposition of
20 state submerged lands; now, therefore,
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22 BE IT RESOLVED by the Senate of the Twenty-seventh
23 Legislature of the State of Hawaii, Regular Session of 2014, the
24 House of Representatives concurring, that the Board of Land and
25 Natural Resources is hereby authorized to issue a term, non-
26 exclusive easement covering a portion of state submerged lands
27 fronting the property identified as Tax Map Key: (1) 5-5-002:
28 seaward of 034, Laie, Koolauloa, Oahu, for the maintenance and
29 repair of the existing revetment and steps, and for use,
30 maintenance, and repair of the existing improvements constructed

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1 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
2 and

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4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to the Chairperson of the
6 Board of Land and Natural Resources.

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9 OFFERED BY 
10 BY REQUEST
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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 LAIE, KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING REVETMENT AND STEPS, 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 revetment and steps, 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: On November 13, 2012, the Department of Land and Natural Resources (Department), Office of Conservation and Coastal Lands indicated its support for the issuance of an easement to resolve the encroachments of a revetment and steps on state submerged lands fronting the property identified as Tax Map Key: (1) 5-5-002: seaward of 034, Laie, Koolauloa, Oahu.

Around 2013, the Department worked with the owner, Bathtub Beach LLC, to resolve the encroachments.

At its meeting of May 24, 2013, under agenda item D-11, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachments.

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

authorization of the Legislature by 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.