

JAN 23 2014

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing seawall and steps were placed on
2 state submerged lands fronting the property identified as Tax Map
3 Key: (1) 4-9-009: seaward of 005, Kualoa, Koolaupoko, Oahu; and
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5 WHEREAS, on July 20, 2012, the Department of Land and
6 Natural Resources (Department), Office of Conservation and
7 Coastal Lands believed the owner should be offered an
8 opportunity for the Board of Land and Natural Resources to
9 consider a request for an easement to resolve the encroachments;
10 and
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12 WHEREAS, around 2013, the Department worked with the owner,
13 Minatoya Real Estate, LLC, to resolve the encroachments; and
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15 WHEREAS, on January 11, 2013, under agenda item D-11, the
16 Board of Land and Natural Resources approved a grant of a 55-
17 year non-exclusive easement to resolve the encroachments; and
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19 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
20 the prior approval of the Governor and prior authorization of
21 the Legislature by concurrent resolution for this disposition of
22 state submerged lands; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-seventh
25 Legislature of the State of Hawaii, Regular Session of 2014, the
26 House of Representatives concurring, that the Board of Land and
27 Natural Resources is hereby authorized to issue a term, non-
28 exclusive easement covering a portion of state submerged lands
29 fronting the property identified as Tax Map Key: (1) 4-9-009:
30 seaward of 005, Kualoa, Koolaupoko, Oahu, for the maintenance
31 and repair of the existing seawall and steps, and for use,

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1 maintenance, and repair of the existing improvements constructed
2 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
3 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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10 OFFERED BY: 
11 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 KUALOA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND STEPS, 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 seawall 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 July 20, 2012, the Department of Land and Natural Resources (Department), Office of Conservation and Coastal Lands believed the owners should be offered an opportunity for the Board to consider a request for an easement to resolve the encroachments of a seawall and steps on state submerged lands fronting the property identified as Tax Map Key: (1) 4-9-009: seaward of 005, Kualoa, Koolaupoko, Oahu..

Around 2013, the Department worked with the owner, Minatoya Real Estate, LLC, to resolve the encroachments.

At its meeting of January 11, 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.