

JAN 28 2015

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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, a portion of an abandoned drainage structure  
2           fronting the property identified as Tax Map Key: (1) 5-6-003:  
3           seaward of 010, Kahuku, Koolauloa, Oahu, is located on state  
4           submerged lands; and

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6           WHEREAS, around August 2013, the Department of Land and  
7           Natural Resources (Department) was working with the owner of the  
8           structure, Makai Ranch, LLC, to resolve the encroachment; and

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10           WHEREAS, on November 1, 2013, the Department's Office of  
11           Conservation and Coastal Lands indicated its support to the  
12           issuance of an easement to resolve the encroachment; and

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14           WHEREAS, on June 27, 2014, under agenda item D-13, the  
15           Board of Land and Natural Resources approved a grant of a 55-  
16           year non-exclusive easement to resolve the encroachment; and

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18           WHEREAS, the grantee shall pay the State the fair market  
19           value of the easement as consideration of the use of public  
20           lands to be determined by an independent appraisal; and

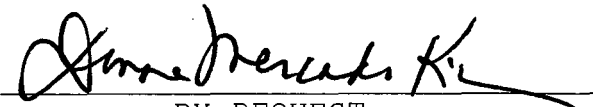
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22           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
23           the prior approval of the Governor and prior authorization of  
24           the Legislature by concurrent resolution to lease state  
25           submerged lands; now, therefore,

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27           BE IT RESOLVED by the Senate of the Twenty-eighth  
28           Legislature of the State of Hawaii, Regular Session of 2015, the  
29           House of Representatives concurring, that the Board of Land and  
30           Natural Resources is hereby authorized to issue a term, non-  
31           exclusive easement covering a portion of state submerged lands

1 fronting the property identified as Tax Map Key: (1) 5-6-003:  
2 seaward of 010, Kahuku, Koolauloa, Oahu, for the use,  
3 maintenance, and repair of the existing drainage structure  
4 constructed thereon, pursuant to section 171-53, Hawaii Revised  
5 Statutes; and

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7 BE IT FURTHER RESOLVED that a certified copy of this  
8 Concurrent Resolution be transmitted to the Chairperson of the  
9 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 KAHUKU, KOOLAULOA, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING DRAINAGE STRUCTURE 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 use, maintenance, and repair of the existing drainage structure constructed thereon.

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

JUSTIFICATION: Around August 2013, the Department was working with the owner, Makai Ranch, LLC, to resolve the encroachment of an abandoned drainage structure on state submerged lands, fronting the property identified as Tax Map Key: (1) 5-6-003: seaward of 010, Kahuku, Koolauloa, Oahu.

On November 1, 2013, the Department's Office of Conservation and Coastal Lands indicated its support to the issuance of an easement to resolve the encroachment.

At its meeting of June 27, 2014, 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 concurrent resolution for the 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.