

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 KANEOHE, KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING CRM WALL, LANDSCAPING AREA, FLOATING DOCK, AND CONCRETE PIER PURPOSES CONSTRUCTED THEREON.

1           WHEREAS, a CRM wall, landscaping area, floating dock, and  
2 concrete pier fronting the property identified as Tax Map Key:  
3 (1) 4-4-022: seaward of 007, Kaneohe, Koolaupoko, Oahu, are  
4 located on state submerged lands; and  
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6           WHEREAS, around April 2014, the Department of Land and  
7 Natural Resources (Department) was working with the owners,  
8 Clifford and Renee Tillotson, to resolve the encroachments; and  
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10           WHEREAS, on May 12, 2014, the Department's Office of  
11 Conservation and Coastal Lands indicated its support for the  
12 issuance of an easement to resolve the encroachments in view of  
13 evidence indicating that the encroachments have been in  
14 existence since 1963; and  
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16           WHEREAS, on July 11, 2014, under agenda item D-5, the Board  
17 of Land and Natural Resources approved a grant of a 55-year non-  
18 exclusive easement to resolve the encroachments; and  
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20           WHEREAS, the grantees shall pay the State the fair market  
21 value of the easement as consideration of the use of public  
22 lands to be determined by an independent appraisal; and  
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24           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
25 the prior approval of the Governor and prior authorization of  
26 the Legislature by concurrent resolution to lease state  
27 submerged lands; now, therefore,  
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29           BE IT RESOLVED by the Senate of the Twenty-eighth  
30 Legislature of the State of Hawaii, Regular Session of 2015, the

1 House of Representatives concurring, that the Board of Land and  
2 Natural Resources is hereby authorized to issue a term, non-  
3 exclusive easement covering a portion of state submerged lands  
4 fronting the property identified as Tax Map Key: (1) 4-4-022:  
5 seaward of 007, Kaneohe, Koolaupoko, Oahu, for the use,  
6 maintenance, and repair of the existing CRM wall, landscaping  
7 area, floating dock, and concrete pier purposes constructed  
8 thereon, pursuant to section 171-53, Hawaii Revised Statutes; and  
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10 BE IT FURTHER RESOLVED that a certified copy of this  
11 Concurrent Resolution be transmitted to the Chairperson of the  
12 Board of Land and Natural Resources.  
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15 OFFERED BY: *Hanne Mercedes K.*  
16 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 KANEOHE, KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING CRM WALL, LANDSCAPING AREA, FLOATING DOCK, AND CONCRETE PIER PURPOSES 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 CRM wall, landscaping area, floating dock, and concrete pier purposes constructed thereon.

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

JUSTIFICATION: Around August 2013, the Department was working with the owners, Clifford and Renee Tillotson, to resolve the encroachments of a CRM wall, landscaping area, floating dock, and concrete pier on state submerged lands fronting the property identified as Tax Map Key: (1) 4-4-022: seaward of 007, Kaneohe, Koolaupoko, Oahu.

On May 12, 2014, the Department's Office of Conservation and Coastal Lands indicated its support for the issuance of an easement to resolve the encroachments in view of evidence indicating that the encroachments have been in existence since 1963.

At its meeting of July 11, 2014, under agenda item D-5, 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.