

JAN 28 2015

---

# SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of a family residence, its foundation,  
2 and lanai fronting the property identified as Tax Map Key: (1) 5-  
3 4-010: seaward of 009, Hauula, Koolauloa, Oahu, are located on  
4 state submerged lands; and

5  
6 WHEREAS, around August 2013, the Department of Land and  
7 Natural Resources (Department) was working with the owners,  
8 Scott and Beverly Miyasaki, and Tracy Lindo, to resolve the  
9 encroachments; and

10  
11 WHEREAS, on June 13, 2013, the Department's Office of  
12 Conservation and Coastal Lands indicated its support for the  
13 issuance of an easement to resolve the encroachments because  
14 aerial photographic evidence shows the encroachment has been in  
15 existence since the 1950s or earlier; and

16  
17 WHEREAS, on August 22, 2014, under agenda item D-20, the  
18 Board of Land and Natural Resources approved a grant of a 55-  
19 year non-exclusive easement to resolve the encroachments; and

20  
21 WHEREAS, the grantees shall pay the State the fair market  
22 value of the easement as consideration of the use of public  
23 lands to be determined by an independent appraisal; and

24  
25 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
26 the prior approval of the Governor and prior authorization of  
27 the Legislature by concurrent resolution to lease state  
28 submerged lands; now, therefore,  
29

1 BE IT RESOLVED by the Senate of the Twenty-eighth  
2 Legislature of the State of Hawaii, Regular Session of 2015, the  
3 House of the Representatives concurring, that the Board of Land  
4 and Natural Resources is hereby authorized to issue a term, non-  
5 exclusive easement covering a portion of state submerged lands  
6 fronting the property identified as Tax Map Key: (1) 5-4-010:  
7 seaward of 009, Hauula, Koolauloa, Oahu, for the use,  
8 maintenance, and repair of portion of the existing family  
9 residence, foundation, and lanai constructed thereon, pursuant  
10 to section 171-53, Hawaii Revised Statutes; and

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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

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 HAUULA, KOOLAULOA, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF PORTION OF THE EXISTING RESIDENCE, FOUNDATION, AND LANAI 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 portion of the existing residence, foundation, and lanai 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, Scott and Beverly Miyasaki, and Tracy Lindo, to resolve the encroachments of a family residence, its foundation, and lanai on state submerged lands fronting the property identified as Tax Map Key: (1) 5-4-010: seaward of 009, Hauula, Koolauloa, Oahu.

On June 13, 2013, the Department's Office of Conservation and Coastal Lands indicated its support for the issuance of an easement to resolve the encroachments as aerial photographs indicate the encroachment has been in existence since the 1950s or earlier.

At its meeting of August 22, 2014, under agenda item D-20, 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.