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# HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING CHANNEL, CONCRETE SURGE BREAK OR BREAKWATER, SEAWALL, STEP, AND FILLED LAND, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1           WHEREAS, portions of the existing channel, concrete surge  
2 break or breakwater, seawall, step, and filled land fronting the  
3 property identified as Tax Map Key: (1) 3-9-026: seaward of  
4 044, 045, and 048, Maunaloa, Honolulu, Oahu, were placed upon  
5 state submerged lands; and  
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7           WHEREAS, on November 16, 2001, under agenda item D-13, the  
8 Board of Land and Natural Resources (Board) approved a grant of  
9 a 55-year non-exclusive easement to Evershine VIII, L.P. to  
10 resolve the channel, concrete surge break or breakwater,  
11 seawall, and filled land encroachment; and  
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13           WHEREAS, the easement was issued in October 2003 for a lump  
14 sum payment of \$58,000 and covered the subject area of about  
15 21,032 square feet; and  
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17           WHEREAS, on January 14, 2005, under agenda item D-8, the  
18 Board consented to the assignment of the subject easement from  
19 Evershine VIII, L.P. to Evershine II, L.P.; and  
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21           WHEREAS, on April 25, 2008, under agenda item D-11, the  
22 Board authorized the amendment of the easement to add 384 square  
23 feet to the easement area, insert "step" as part of the purposes  
24 of the easement, and allow the easement to run with the abutting  
25 parcels, which resulted in a one-time payment of \$1,060 by the  
26 owner; and  
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1           WHEREAS, in May 2015, an additional 3,503 square feet, more  
2 or less, of the same encroachment areas were determined to be  
3 encroaching pursuant to a subsequent shoreline certification  
4 application process; and  
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6           WHEREAS, the additional encroaching area was reviewed and  
7 approved by the Department of Accounting and General Services'  
8 Survey Division; and  
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10           WHEREAS, on May 8, 2015, under agenda item D-14, the Board  
11 approved an amendment of the easement by incorporating the  
12 additional encroachment area subject to payment of an additional  
13 consideration assessed at fair market value; and  
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15           WHEREAS, fair market value of the 3,503 square feet, more  
16 or less, was appraised at \$130,000; and  
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18           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
19 the prior approval of the Governor and prior authorization of  
20 the Legislature by concurrent resolution to lease state  
21 submerged lands; now, therefore,  
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23           BE IT RESOLVED by the House of Representatives of the  
24 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
25 of 2017, the Senate concurring, that the Board of Land and  
26 Natural Resources is hereby authorized to issue an amended term,  
27 non-exclusive easement covering a portion of state submerged  
28 lands fronting the property identified as Tax Map Key: (1) 3-9-  
29 026: seaward of 044, 045, and 048, Maunalua, Honolulu, Oahu, for  
30 the maintenance and repair of the existing channel, concrete  
31 surge break or breakwater, seawall, step, and filled land, and  
32 for use, repair, and maintenance of the existing improvements  
33 constructed thereon, pursuant to section 171-53, Hawaii Revised  
34 Statutes; and  
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36           BE IT FURTHER RESOLVED that a certified copy of this  
37 Concurrent Resolution be transmitted to the Chairperson of the  
38 Board of Land and Natural Resources.

