SENATE 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.

WHEREAS, portions of the existing channel, concrete surge break or breakwater, seawall, step, and filled land fronting the property identified as Tax Map Key: (1) 3-9-026: seaward of 044, 045, & 048, Maunalua, Honolulu, Oahu was placed upon state submerged lands; and

WHEREAS, on November 16, 2001, under agenda item D-13, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to Evershine VIII, L.P. to resolve the channel, concrete surge break or breakwater, seawall, and filled land encroachments; and

WHEREAS, on January 14, 2005, under agenda item D-8, the Board of Land and Natural Resources consented to the assignment of the subject easement from Evershine VIII, L.P. to Evershine II, L.P.; and

WHEREAS, on April 25, 2008, under agenda item D-11, the Board of Land and Natural Resources authorized the amendment of the easement to add three hundred eighty-four square feet to the easement area, insert "step" as part of the purposes of the easement, and allow the easement to run with the abutting parcels, which resulted in a one-time payment of $1,060 by the owner; and
WHEREAS, a term, non-exclusive easement, covering about 21,032 square feet, was issued in October 2003 for a lump sum payment of $58,000; and

WHEREAS, in 2015, an additional 3,503 square feet, more or less, of the same encroachment areas were determined to be encroaching pursuant to a subsequent shoreline certification application process; and

WHEREAS, the additional encroaching area was reviewed and approved by the Department of Accounting and General Services' Survey Division; and

WHEREAS, on May 8, 2015, under agenda item D-14, the Board of Land and Natural Resources approved an amendment of the easement by incorporating the additional encroachment area subject to payment of an additional consideration assessed at fair market value; and

WHEREAS, fair market value of the 3,503 square feet, more or less, was appraised at $130,000; and

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

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, that the Board of Land and Natural Resources is authorized to issue an amended term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-9-026: seaward of 044, 045, & 048, 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, pursuant to section 171-53, Hawaii Revised Statutes; and
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.