AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII.

WHEREAS, in or around May 1990, staff of the Department of Land and Natural Resources investigated and found that portions of a seawall were built on government beach reserve lands in Kihei, Maui, without proper state authorization; and

WHEREAS, in August of 1990, under agenda item F-7, the Board of Land and Natural Resources approved the assessment of a $500 fine and a direct sale of a perpetual, non-exclusive easement to the Charles E. Hickman Trust and Virginia S. Hickman Trust for the repair and maintenance of the existing seawall seaward of and fronting tax map key numbers: (2) 3-9-11:7 (Parcel 7) and 8 (Parcel 8); and

WHEREAS, in 1990, pursuant to the terms of the approval, the Hickman Trusts paid the consideration required by the perpetual easement as well as the document and mapping fees assessed by the Department of Land and Natural Resources' Land Division; and

WHEREAS, for reasons which remain unknown, the formal easement document was not finalized despite administrative approval and payment of all required fees; and

WHEREAS, through conveyancing, Garry A. Weber is the current owner of Parcel 7; and

WHEREAS, Parcel 8 was developed into a residential condominium project identified as 1688 Halama Street Condominium and in 2015 the owners of Parcel 8 were granted a sixty-five
year easement for the repair and maintenance of their portion of
the existing seawall; and

WHEREAS, on April 22, 2016, under agenda item D-5, the
Board of Land and Natural Resources, subject to certain
conditions, approved the amendment of the prior action with
respect to Parcel 7 by changing the term of the easement from
perpetual to a term, non-exclusive easement of sixty-five years,
commencing August 10, 1990, for repair and maintenance of the
existing seawall seaward of Parcel 7, belonging to Garry A.
Weber; and

WHEREAS, one of the conditions of the Board relates to
section 171-53, Hawaii Revised Statutes, which 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 hereby authorized to issue a term,
nonexclusive easement of sixty-five years, commencing on
August 10, 1990, covering a portion of state submerged lands,
fronting the property identified as tax map key number: (2)3-9-
11:7, seaward of lot 7, Waiohuli-Keokea Homesteads and Beach
Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii for the
maintenance and repair of the existing seawall constructed
thereon, pursuant to section 171-53(c), 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.