SENNATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEHOE, Koolaupoko, Oahu, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING PIER, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

WHEREAS, the existing pier fronting the property identified as Tax Map Key: (1) 4-5-058: 121, Kaneohe, Koolaupoko, Oahu, was placed upon state submerged lands; and

WHEREAS, since 1987, the abutting property owner, Conrad Bryson Bush, possessed a month-to-month revocable permit issued by the Board of Land and Natural Resources to cover the encroachment; and

WHEREAS, in 2016, Mr. Bush passed away and Mrs. Martha K. Bush became the sole property owner and is interested in converting the revocable permit to a long-term easement; and

WHEREAS, the Department of Land and Natural Resources' Office of Conservation and Coastal Lands has not indicated any objections to the conversion of the permit into a long-term easement; and

WHEREAS, on December 9, 2016, under agenda item D-20, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment; and

WHEREAS, the subject area is about two hundred eighty-four square feet, which will be reviewed and approved by the Department of Accounting and General Services' Survey Division; and
WHEREAS, the easement grantee shall pay the State the fair
market value of the easement, to be determined by an independent
appraisal, as consideration for the use of public lands; 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 a term, non-exclusive
easement covering a portion of state submerged lands identified
as Tax Map Key: (1) 4-5-058:121, Kaneohe, Koolaupoko, Oahu, for
the maintenance and repair of the existing pier, and for the
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.

OFFERED BY:  

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