SENATE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KAILUA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND BOAT RAMP, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

WHEREAS, portions of the existing seawall and boat ramp fronting the property identified as Tax Map Key: (1) 4-3-005: seaward of 094, Kailua, Koolaupoko, Oahu, were placed upon state submerged lands; and

WHEREAS, around April 2004, the Department of Land and Natural Resources' Office of Conservation and Coastal Lands worked with the property owner, Elizabeth Rice Grossman, to resolve the encroachment; and

WHEREAS, on June 4, 2004, under agenda item D-6, the Board of Land and Natural Resources approved a grant of a 55-year non-exclusive easement to resolve the encroachment; and

WHEREAS, a term, non-exclusive easement covering 113 square feet, at a lump sum payment of $11,570, was issued in 2006; and

WHEREAS, around November 2015, the Department of Land and Natural Resources' Office of Conservation and Coastal Lands worked with the grantee of the conservation district use permit to construct a sloping rock revetment makai of the seawall; and

WHEREAS, a subsequent survey showed the shoreline boundary to be further mauka, which resulted in an additional encroachment area of 328 square feet, which has been reviewed and finalized by the Department of Accounting and General Services, Survey Division; and
WHEREAS, on May 27, 2016, under agenda item D-13, the Board of Land and Natural Resources approved to amend the easement by incorporating the additional encroachment area subject to payment of an additional consideration of $33,584, which is based on the pro-rated value of the easement; 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 hereby authorized to amend a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-3-005: seaward of 094, Kailua, Koolaupoko, Oahu, for the maintenance and repair of the existing seawall and boat ramp, 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.

OFFERED BY: [Signature]

By Request