S.C.R. NO. 46 S.D. 1

SENATE CONCURRENT RESOLUTION

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

WHEREAS, the existing pier identified as Tax Map Key: (1) 4-1-001:seaward of 011, Waimanalo, Koolaupoko, Oahu, was placed upon state submerged lands; and

WHEREAS, since 1977, the abutting property owner, C. Michael Muller, 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. Muller expressed an interest 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 did not indicate any objections to the conversion from a month-to-month revocable permit for the pier into a long-term easement; and

WHEREAS, on January 13, 2017, under agenda item D-14, the Board of Land and Natural Resources approved a grant of a 55-year non-exclusive easement to resolve the encroachment; and

WHEREAS, the subject area is about 716 square feet, which will be reviewed and approved by the Department of Accounting and General Services' Survey Division; and

WHEREAS, the grantee intends to pay the State the fair market value of the easement as consideration of the use of public lands, the value to be determined by an independent appraisal; 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 issue a term, non-exclusive easement covering a portion of state submerged lands identified as Tax Map Key: (1) 4-1-001: seaward of 011, Waimanalo, Koolaupoko, Oahu, for the maintenance and repair of the existing pier, 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 Chairperson of the Board of Land and Natural Resources.