SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIPOULI, KAWAIHAU, KAUAI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

WHEREAS, portions of the seawall fronting the property identified as Tax Map Key: (4) 4-3-009: seaward of 001, Waipouli, Kawaihau, Kauai (Parcel 001), have been identified to be on state submerged lands; and

WHEREAS, in early 2014, then-property owners Katherine Skow, Stephanie Skow, and Matthew Nelson applied to the Department of Land and Natural Resources' (DLNR) Office of Conservation and Coastal Lands to repair an existing seawall; and

WHEREAS, pursuant to a shoreline certification, a portion of the existing seawall is on state submerged lands; and

WHEREAS, on May 9, 2014, under agenda item D-1, as subsequently amended at a meeting on October 24, 2014, the Board of Land and Natural Resources (Board) approved the proposed repairs and granted a right-of-entry permit to utilize a portion of approximately eight hundred fifty-two square feet of unencumbered land seaward of Parcel 001; and

WHEREAS, on September 20, 2016, the Chairperson of the Board approved an independent appraisal, dated June 15, 2015, to establish a value for a grant of easement at $25,200 for a non-exclusive easement covering eight hundred fifty-two square feet, at a lump sum payment of $25,255 inclusive of fees; and

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WHEREAS, DLNR was informed that Parcel 001 was under contract to be transferred to Ellen Berkowitz and Rex Beasley (Purchasers); and

WHEREAS, on October 17, 2016, the Purchasers issued a check for the lump sum payment of $25,255 inclusive of fees for the grant of easement; and

WHEREAS, on December 12, 2016, DLNR re-issued a right-of-entry permit to the Purchasers in anticipation of the transfer of property; 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 fifty-five year term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (4) 4-3-009, seaward of 001, Waipouli, Kawaihau, Kauai, for the maintenance and repair of the existing seawall, 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.