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# SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT 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.

1           WHEREAS, the existing pier fronting the property identified  
2 as Tax Map Key: (1) 4-5-058: 121, Kaneohe, Koolaupoko, Oahu, was  
3 placed upon state submerged lands; and  
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5           WHEREAS, since 1987, the abutting property owner, Conrad  
6 Bryson Bush, possessed a month-to-month revocable permit issued  
7 by the Board of Land and Natural Resources to cover the  
8 encroachment; and  
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10           WHEREAS, in 2016, Mr. Bush passed away and Mrs. Martha K.  
11 Bush became the sole property owner and is interested in  
12 converting the revocable permit to a long-term easement; and  
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14           WHEREAS, the Department of Land and Natural Resources'  
15 Office of Conservation and Coastal Lands has not indicated any  
16 objections to the conversion of the permit into a long-term  
17 easement; and  
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19           WHEREAS, on December 9, 2016, under agenda item D-20, the  
20 Board of Land and Natural Resources approved a grant of a fifty-  
21 five-year non-exclusive easement to resolve the encroachment;  
22 and  
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24           WHEREAS, the subject area is about two hundred eighty-four  
25 square feet, which will be reviewed and approved by the  
26 Department of Accounting and General Services' Survey Division;  
27 and  
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29           WHEREAS, the easement grantee shall pay the State the fair  
30 market value of the easement, to be determined by an independent  
31 appraisal, as consideration for the use of public lands; and



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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, 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 Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY: \_\_\_\_\_ 

