

JAN 24 2018

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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, the existing pier and portions of the seawall  
2           fronting the property identified as Tax Map Key: (1) 3-6-  
3           001:seaward of 036, Waikiki, Honolulu, Oahu, were placed upon  
4           state submerged lands; and

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6           WHEREAS, around August 1989, the previous owner, Hope  
7           Hearst, worked with the Department of Land and Natural Resources  
8           to initially resolve the pier encroachment; and

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10          WHEREAS, on September 22, 1989, under agenda item F-1-a,  
11          the Board of Land and Natural Resources approved a grant of a  
12          revocable permit to resolve the encroachment of about 112 square  
13          feet; and

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15          WHEREAS, in October 2012, the previous owner transferred  
16          the abutting property to Brigitte J. Coley, trustee; and

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18          WHEREAS, on March 11, 2016, under agenda item D-8, the  
19          Board approved a grant of a 55-year non-exclusive easement to  
20          run with the land and to inure to the benefit of the abutting  
21          real property, to resolve the encroachment; and

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23          WHEREAS, an easement survey conducted subsequent to the  
24          March 11, 2016 Board meeting showed additional areas of  
25          encroachment, including a portion of the seawall, whereby the  
26          total encroachment area was determined to be 331 square feet as  
27          reviewed and approved by the Department of Accounting and  
28          General Services' Survey Division; and

29

1 WHEREAS, on August 12, 2016, under agenda item D-8, the  
2 Board approved to amend the total encroachment area to 331  
3 square feet and to add seawall purposes to the easement; and  
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5 WHEREAS, fair market value of the 331 square feet was  
6 appraised at \$40,000; and  
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8 WHEREAS, on April 6, 2017, the abutting property was  
9 transferred to Jeffrey Weldon, trustee; and  
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11 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
12 the prior approval of the Governor and prior authorization of  
13 the Legislature by concurrent resolution to lease state  
14 submerged lands; now, therefore,  
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16 BE IT RESOLVED by the Senate of the Twenty-ninth  
17 Legislature of the State of Hawaii, Regular Session of 2018, the  
18 House of Representatives concurring, that the Board of Land and  
19 Natural Resources is hereby authorized to issue a term, non-  
20 exclusive easement covering a portion of state submerged lands  
21 fronting the property identified as Tax Map Key: (1) 3-6-  
22 001:seaward of 036, Waikiki, Honolulu, Oahu, for the existing  
23 pier and seawall, and for use, repair, and maintenance of the  
24 existing improvements constructed thereon pursuant to section  
25 171-53, Hawaii Revised Statutes; and  
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27 BE IT FURTHER RESOLVED that a certified copy of this  
28 Concurrent Resolution be transmitted to the Chairperson of the  
29 Board of Land and Natural Resources.  
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31  
32 OFFERED BY:   
33 BY REQUEST  
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JUSTIFICATION SHEET

S. C. R. NO. 18

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR THE EXISTING PIER AND SEAWALL AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing pier and seawall, and for use, repair, and maintenance of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The existing pier and subsequently portions of the seawall fronting the property identified as Tax Map Key: (1) 3-6-001:seaward of 036, Waikiki, Honolulu, Oahu, was discovered to be encroaching upon state submerged lands. Around August 1989, the previous owner, Hope Hearst, worked with the Department to initially resolve the pier encroachment. Subsequently, the Board, at its meeting on September 22, 1989, under agenda item F-1-a, approved a grant of a revocable permit to resolve the encroachment of about 112 square feet.

In October 2012, the previous owner, Hope Hearst, transferred the abutting property to Brigitte J. Coley, trustee.

On March 11, 2016, under agenda item D-8, the Board approved a grant of a 55-year non-exclusive easement to run with the land and to inure to the benefit of the abutting real property, to resolve the encroachment.

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An easement survey conducted subsequent to the March 11, 2016 Board meeting showed additional areas of encroachment, including a portion of the seawall, whereby the total encroachment area was determined to be 331 square feet as reviewed and approved by the Department of Accounting and General Services' Survey Division.

On August 12, 2016, under agenda item D-8, the Board approved to amend the total encroachment area to 331 square feet and to add seawall purposes to the easement. The fair market value of the 331 square feet was appraised at \$40,000.

On April 6, 2017, the abutting property was transferred to Jeffrey Weldon, trustee.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands. As such, this concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 101.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon adoption.