
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the seawall and steps fronting the
2 property identified as Tax Map Key: (1) 3-5-001: seaward of 004,
3 Kahala, Honolulu, Oahu, were placed on state submerged lands;
4 and

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6 WHEREAS, around May 2009, the Department of Land and
7 Natural Resources' Land Division worked with the previous
8 property owner, Kevin Fialko, to resolve the encroachments; and

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10 WHEREAS, on July 22, 2009, under agenda item D-10, the
11 Board of Land and Natural Resources approved a grant of a fifty-
12 five-year non-exclusive easement to run with the land and to
13 inure to the benefit of the abutting real property, to resolve
14 the encroachments; and

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16 WHEREAS, the term, non-exclusive easement covering 773
17 square feet, appraised at a fair market value of \$83,020, was
18 issued in 2010; and

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20 WHEREAS, in April 2013, the previous owner transferred the
21 abutting property to R&I Hawaii Inc.; and

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23 WHEREAS, a subsequent survey showed the shoreline to be
24 further mauka, which resulted in an additional encroachment area
25 of 191 square feet and which has been reviewed and approved by
26 the Department of Accounting and General Services, Survey
27 Division; and
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1 WHEREAS, on July 28, 2017, under agenda item D-5, the Board
2 of Land and Natural Resources approved to amend the easement by
3 incorporating the additional encroachment area subject to
4 payment of additional consideration of \$20,513, which is based
5 on the prorated value of the easement; and
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7 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
8 the prior approval of the Governor and prior authorization of
9 the Legislature by concurrent resolution to lease state
10 submerged lands; now, therefore,
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12 BE IT RESOLVED by the Senate of the Twenty-ninth
13 Legislature of the State of Hawaii, Regular Session of 2018, the
14 House of the Representatives concurring, that the Board of Land
15 and Natural Resources is hereby authorized to amend a term, non-
16 exclusive easement covering a portion of state submerged lands
17 fronting the property identified as Tax Map Key: (1) 3-5-001:
18 seaward of 004, Kahala, Honolulu, Oahu, for the seawall and
19 steps, and for use, repair, and maintenance of the existing
20 improvements constructed thereon pursuant to section 171-53,
21 Hawaii Revised Statutes; and
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23 BE IT FURTHER RESOLVED that a certified copy of this
24 Concurrent Resolution be transmitted to the Chairperson of the
25 Board of Land and Natural Resources.

