
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing seawall, steps, and landscaped area
2 identified as Tax Map Key: (1) 8-7-023: seaward of 044,
3 Waianae, Oahu, were placed upon state submerged lands; and
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5 WHEREAS, around August 2016, the property owner, Peter
6 Cushman Lewis, worked with the Department of Land and Natural
7 Resources to resolve the encroachments; and
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9 WHEREAS, on October 13, 2017, under agenda item D-8, the
10 Board of Land and Natural Resources approved a grant of a fifty-
11 five-year non-exclusive easement to run with the land and to
12 inure to the benefit of the abutting real property, to resolve
13 the encroachment; and
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15 WHEREAS, the subject area is about 391 square feet, which
16 will be reviewed and approved by the Department of Accounting
17 and General Services' Survey Division; and
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19 WHEREAS, the grantee shall pay the State the fair market
20 value of the easement as consideration for the use of public
21 lands to be determined by an independent appraisal; and
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23 WHEREAS, during the Department of Land and Natural
24 Resources' review process, the Department of Planning and
25 Permitting of the City and County of Honolulu requested that the
26 grantee remove wooden and chain-link fences from atop the
27 seawall, which the grantee has reported have been removed; and
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1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
2 the prior approval of the Governor and prior authorization of
3 the Legislature by concurrent resolution to lease state
4 submerged lands; now, therefore,
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6 BE IT RESOLVED by the Senate of the Twenty-ninth
7 Legislature of the State of Hawaii, Regular Session of 2018, the
8 House of Representatives concurring, that the Board of Land and
9 Natural Resources is hereby authorized to issue a term, non-
10 exclusive easement covering a portion of state submerged lands
11 identified as Tax Map Key: (1) 8-7-023: seaward of 044,
12 Waianae, Oahu, for the existing seawall, steps, and landscaped
13 area and for use, repair, and maintenance of the existing
14 improvements constructed thereon pursuant to section 171-53,
15 Hawaii Revised Statutes; and
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17 BE IT FURTHER RESOLVED that a certified copy of this
18 Concurrent Resolution be transmitted to the Chairperson of the
19 Board of Land and Natural Resources.

