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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, the existing seawall and landscaped area  
2 identified as Tax Map Key: (1) 4-6-001: seaward of 019, Heeia,  
3 Koolaupoko, Oahu, were placed upon state submerged lands; and  
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5           WHEREAS, the unauthorized seawall was constructed on  
6 accreted state lands in 1978 by a previous owner, Richard  
7 Gessler; and  
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9           WHEREAS, around September 1981, Mr. Gessler worked with the  
10 Department of Land and Natural Resources to attempt to resolve  
11 the encroachments; and  
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13           WHEREAS, however, the after-the-fact Conservation District  
14 Use Application was denied in 1982 by the Board of Land and  
15 Natural Resources without prejudice for "further investigation  
16 into the possibility of any land use violation that may exist in  
17 addition to the seawall", and nothing further was done to  
18 legalize the seawall for more than three decades; and  
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20           WHEREAS, in March 2007, the previous owner transferred that  
21 abutting property to Clayton Honbo; and  
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23           WHEREAS, in August 2014, Mr. Honbo transferred the abutting  
24 property to his company, Nanaina 'O Pali Ku, LLC; and  
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26           WHEREAS, in 2014, Nanaina 'O Pali Ku, LLC, worked with the  
27 Department of Land and Natural Resources to resolve the  
28 encroachments; and  
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1 WHEREAS, the Board of Land and Natural Resources approved  
2 the after-the-fact Conservation District Use Application for the  
3 seawall at its meeting on November 9, 2017; and  
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5 WHEREAS, on December 8, 2017, under agenda item D-11, the  
6 Board of Land and Natural Resources approved a grant of a fifty-  
7 five-year non-exclusive easement to resolve the encroachments;  
8 and  
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10 WHEREAS, the subject area is about 1,379 square feet, which  
11 will be reviewed and approved by the Department of Accounting  
12 and General Services' Survey Division; and  
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14 WHEREAS, the grantee shall pay the State the fair market  
15 value of the easement as consideration of the use of public  
16 lands to be determined by an independent appraisal; and  
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18 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
19 the prior approval of the Governor and prior authorization of  
20 the Legislature by concurrent resolution to lease state  
21 submerged lands; now, therefore,  
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23 BE IT RESOLVED by the Senate of the Twenty-ninth  
24 Legislature of the State of Hawaii, Regular Session of 2018, the  
25 House of Representatives concurring, that the Board of Land and  
26 Natural Resources is hereby authorized to issue a term, non-  
27 exclusive easement covering a portion of state submerged lands  
28 identified as Tax Map Key: (1) 4-6-001: seaward of 019, Heeia,  
29 Koolaupoko, Oahu, for the existing seawall and landscaped area  
30 and for use, repair, and maintenance of the existing  
31 improvements constructed thereon pursuant to section 171-53,  
32 Hawaii Revised Statutes; and  
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34 BE IT FURTHER RESOLVED that a certified copy of this  
35 Concurrent Resolution be transmitted to the Chairperson of the  
36 Board of Land and Natural Resources.

