

JAN 24 2019

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, a portion of the existing pier fronting the
2 property identified as Tax Map Key: (1) 4-5-058: seaward of 030,
3 Kaneohe, Koolaupoko, Oahu, was placed upon state submerged
4 lands; and
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6 WHEREAS, around June 2017, the previous owners, Nicholas
7 and Amy Denzer, worked with the Department of Land and Natural
8 Resources to resolve the pier encroachment; and
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10 WHEREAS, the Department of Land and Natural Resources'
11 Office of Conservation and Coastal Lands indicated the pier is a
12 non-conforming structure and had no objection to a long-term
13 easement to resolve the encroachment; and
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15 WHEREAS, on June 13, 2017, during a site inspection, a
16 portion of the existing seawall fronting the property identified
17 as Tax Map Key: (1) 4-5-058: seaward of 030, Kaneohe,
18 Koolaupoko, Oahu, was also determined to be placed upon state
19 submerged lands; and
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21 WHEREAS, in July 2017, the previous owners transferred the
22 abutting property to Shea Alan Sutton; and
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24 WHEREAS, on April 27, 2018, under agenda item D-6, the
25 Board of Land and Natural Resources approved a grant of a 55-
26 year non-exclusive easement to resolve the pier and seawall
27 encroachments, to run with the land and to inure to the benefit
28 of the abutting real property; and
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30 WHEREAS, an easement survey conducted subsequent to the
31 April 27, 2018, Board of Land and Natural Resources meeting
32 showed the total area of encroachments to be 351 square feet,

1 which has been reviewed and approved by the Department of
2 Accounting and General Services' Survey Division; and

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4 WHEREAS, the grantee shall pay the State the fair market
5 value of the easement as consideration of the use of state
6 submerged lands to be determined by independent appraisal; and

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8 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
9 the prior approval of the Governor and prior authorization of
10 the Legislature by concurrent resolution to lease state
11 submerged lands; now, therefore,

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13 BE IT RESOLVED by the Senate of the Thirtieth Legislature
14 of the State of Hawaii, Regular Session of 2019, the House of
15 the Representatives concurring, that the Board of Land and
16 Natural Resources is hereby authorized to issue a term, non-
17 exclusive easement covering a portion of state submerged lands
18 fronting the property identified as Tax Map Key: (1) 4-5-058:
19 seaward of 030, Kaneohe, Koolaupoko, Oahu, for the existing pier
20 and seawall, and for use, repair, and maintenance of the
21 existing improvements constructed thereon pursuant to section
22 171-53, Hawaii Revised Statutes; and

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24 BE IT FURTHER RESOLVED that a certified copy of this
25 Concurrent Resolution be transmitted to the Chairperson of the
26 Board of Land and Natural Resources.

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31 OFFERED BY: 
32 BY REQUEST
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JUSTIFICATION SHEET

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 KANEOHE, KOOLAUPOKO, 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: A portion of the existing pier fronting the property identified as Tax Map Key: (1) 4-5-058: seaward of 030, Kaneohe, Koolauloa, Oahu, was placed upon state submerged lands. Around June 2017, the previous owners, Nicholas and Amy Denzer, worked with the Department to resolve the pier encroachment.

The Department's Office of Conservation and Coastal Lands indicated the pier is a non-conforming structure and had no objection to a long-term easement to resolve the encroachment

On June 13, 2017, during a site inspection, a portion of the existing seawall fronting the property identified as Tax Map Key: (1) 4-5-058: seaward of 030, Kaneohe, Koolaupoko, Oahu, was also determined to be placed on state submerged lands.

In July 2017, the previous owners transferred the abutting property to Shea Alan Sutton.

On April 27, 2018, under agenda item D-6, the Board approved a grant of a 55-year non-exclusive easement to resolve the pier and seawall encroachments, to run with the land and to inure to the benefit of the abutting real property.

An easement survey conducted subsequent to the April 27, 2018, Board meeting showed the total area of encroachment to be 351 square feet, which has been reviewed and approved by the Department of Accounting and General Services' Survey Division.

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.