

MAR 8 - 2019

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## SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIHOULI-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL CONSTRUCTED THEREON.

1           WHEREAS, this resolution relates to an existing seawall  
2 ("Seawall") seaward of and fronting a shorefront property in  
3 Kihei, Island of Maui, State of Hawaii, bearing tax map key  
4 number: (2) 3-9-11:8 ("Parcel 8"); and  
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6           WHEREAS, a term, non-exclusive easement ("Original Seawall  
7 Easement") was previously approved for the Seawall by the State  
8 of Hawaii, as described in Senate Concurrent Resolution No. 7,  
9 Regular Session of 2016, the term of the Original Seawall  
10 Easement being sixty-five years commencing on August 10, 1990;  
11 and  
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13           WHEREAS, Parcel 8 is a condominium consisting of Units A  
14 and B of the 1688 Halama Street Condominium (Condominium Map No.  
15 2959) ("Condominium"), managed by the Association of Owners of  
16 1688 Halama Street Condominium, Inc., a Hawaii nonprofit  
17 corporation ("Association"); and  
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19           WHEREAS, it was originally intended that the Association  
20 would hold the Original Seawall Easement; however, the  
21 Condominium apartment owners have subsequently agreed that the  
22 respective portions of the Seawall fronting the Condominium  
23 units will be held by the respective unit owner, and have  
24 amended the Declaration for the Condominium to permit the same;  
25 and  
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27           WHEREAS, it was also discovered that seaward portions of  
28 the Seawall were not covered by the Original Seawall Easement,  
29 and therefore required the approval of additional easement  
30 areas; and



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2 WHEREAS, the Board of the Land and Natural Resources  
3 ("Board"), through Board meetings dated August 25, 2017 (Item  
4 D-9), and October 12, 2018 (Item D-5):

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6 (1) Approved ownership by the respective unit owners;  
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8 (2) Approved the separation of the Original Seawall  
9 Easement into two separate easements; and  
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11 (3) Approved the granting of additional term easements  
12 relating to the additional easement areas associated  
13 with the Seawall; and  
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15 WHEREAS, one of the conditions of the Board relates to  
16 section 171-53, Hawaii Revised Statutes, which requires the  
17 prior approval of the Governor and prior authorization of the  
18 Legislature by concurrent resolution to lease state submerged  
19 lands; now, therefore,  
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21 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
22 of the State of Hawaii, Regular Session of 2019, the House of  
23 Representatives concurring, that, pursuant to section 171-53,  
24 Hawaii Revised Statutes, and subject to compensation being paid  
25 by the owners at fair market value as determined by independent  
26 appraisal, the Board of Land and Natural Resources is hereby  
27 authorized to grant Easements 1 through 7, further identified  
28 below, for a term of sixty-five years for the use, maintenance,  
29 and repair of the existing seawall areas constructed thereon:  
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- 31 (1) With respect to those portions of the Seawall fronting  
32 Unit B of the 1688 Halama Street Condominium  
33 (Condominium Map No. 2959), also being Lot 42 of the  
34 Waiohuli-Keokea Beach Lots, Second Series, bearing tax  
35 map key number (2) 3-9-11:8, and seaward, situated at  
36 Waiohuli-Keokea (Kihei), Wailuku, Maui, and as further  
37 identified on a map prepared by Ailana Surveying and  
38 Geomatics LLC, dated January 10, 2019:

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40 (A) "Easement 1" covering a 169 square foot portion  
41 of state submerged lands;  
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(B) "Easement 2" covering a 288 square foot portion of state submerged lands; and

(C) "Easement 3" covering a 225 square foot portion of state submerged lands ("Easement 3" being a portion of the Original Seawall Easement, and subject to the terms thereof); and

(2) With respect to those portions of the Seawall fronting Unit A of the 1688 Halama Street Condominium (Condominium Map No. 2959), also being Lot 42 of the Waiohuli-Keokea Beach Lots, Second Series, bearing tax map key number (2) 3-9-11:8, and seaward, situated at Waiohuli-Keokea (Kihei), Wailuku, Maui, and as further identified on a map prepared by Ailana Surveying and Geomatics LLC, dated January 10, 2019:

(A) "Easement 4" covering a 130 square foot portion of state submerged lands;

(B) "Easement 5" covering a 225 square foot portion of state submerged lands ("Easement 5" being a portion of the Original Seawall Easement, and subject to the terms thereof);

(C) "Easement 6" covering a 288 square foot portion of state submerged lands; and

(D) "Easement 7" covering a 53 square foot portion of state submerged lands; and

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

OFFERED BY:                     *Randy H. Baker*                      
*D. C. Kals-Boyer*  
*Clarence K. Kishner*