

MAR 8 - 2019

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## SENATE 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  
5

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

- 4  
5           (1) Approved ownership by the respective unit owners;  
6  
7           (2) Approved the separation of the Original Seawall  
8 Easement into two separate easements; and  
9  
10          (3) Approved the granting of additional term easements  
11 relating to the additional easement areas associated  
12 with the Seawall; and  
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14           WHEREAS, one of the conditions of the Board relates to  
15 section 171-53, Hawaii Revised Statutes, which requires the  
16 prior approval of the Governor and prior authorization of the  
17 Legislature by concurrent resolution to lease state submerged  
18 lands; now, therefore,  
19

20           BE IT RESOLVED by the Senate of the Thirtieth Legislature  
21 of the State of Hawaii, Regular Session of 2019, the House of  
22 Representatives concurring, that, pursuant to section 171-53,  
23 Hawaii Revised Statutes, and subject to compensation being paid  
24 by the owners at fair market value as determined by independent  
25 appraisal, the Board of Land and Natural Resources is hereby  
26 authorized to grant Easements 1 through 7, further identified  
27 below, for a term of sixty-five years for the use, maintenance,  
28 and repair of the existing seawall areas constructed thereon:  
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- 30           (1) With respect to those portions of the Seawall fronting  
31 Unit B of the 1688 Halama Street Condominium  
32 (Condominium Map No. 2959), also being Lot 42 of the  
33 Waiohuli-Keokea Beach Lots, Second Series, bearing tax  
34 map key number (2) 3-9-11:8, and seaward, situated at  
35 Waiohuli-Keokea (Kihei), Wailuku, Maui, and as further  
36 identified on a map prepared by Ailana Surveying and  
37 Geomatics LLC, dated January 10, 2019:  
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- 39           (A) "Easement 1" covering a 169 square foot portion  
40 of state submerged lands;  
41



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- 1 (B) "Easement 2" covering a 288 square foot portion
- 2 of state submerged lands; and
- 3
- 4 (C) "Easement 3" covering a 225 square foot portion
- 5 of state submerged lands ("Easement 3" being a
- 6 portion of the Original Seawall Easement, and
- 7 subject to the terms thereof); and
- 8
- 9 (2) With respect to those portions of the Seawall fronting
- 10 Unit A of the 1688 Halama Street Condominium
- 11 (Condominium Map No. 2959), also being Lot 42 of the
- 12 Waiohuli-Keokea Beach Lots, Second Series, bearing tax
- 13 map key number (2) 3-9-11:8, and seaward, situated at
- 14 Waiohuli-Keokea (Kihei), Wailuku, Maui, and as further
- 15 identified on a map prepared by Ailana Surveying and
- 16 Geomatics LLC, dated January 10, 2019:
- 17
- 18 (A) "Easement 4" covering a 130 square foot portion
- 19 of state submerged lands;
- 20
- 21 (B) "Easement 5" covering a 225 square foot portion
- 22 of state submerged lands ("Easement 5" being a
- 23 portion of the Original Seawall Easement, and
- 24 subject to the terms thereof);
- 25
- 26 (C) "Easement 6" covering a 288 square foot portion
- 27 of state submerged lands; and
- 28
- 29 (D) "Easement 7" covering a 53 square foot portion of
- 30 state submerged lands; and
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32 BE IT FURTHER RESOLVED that a certified copy of this  
 33 Resolution be transmitted to the Chairperson of the Board of  
 34 Land and Natural Resources.

35 OFFERED BY: Ronald H. Bell  
 36 ~~S.C. Smith-Agana~~  
 37 Clarence K. Nishikawa