
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing pier identified as Tax Map Key: (1)
2 4-1-001:011 and (1) 4-1-001:013, Waimanalo, Koolaupoko, Oahu,
3 was placed upon state submerged lands; and
4

5 WHEREAS, since 1977, the abutting property owner,
6 C. Michael Muller, possessed a month-to-month revocable permit
7 issued by the Board of Land and Natural Resources to resolve the
8 pier encroachment of 716 square feet; and
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10 WHEREAS, in 2016, Mr. Muller expressed an interest in
11 converting the revocable permit to a non-exclusive easement; and
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13 WHEREAS, the Department of Land and Natural Resources'
14 Office of Conservation and Coastal Lands did not indicate any
15 objections to the conversion into a non-exclusive easement
16 regarding the pier; and
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18 WHEREAS, at its meeting of January 13, 2017, under agenda
19 item D-14, the Board of Land and Natural Resources approved a
20 grant of a 55-year non-exclusive easement to resolve the
21 encroachment, to run with the land and to inure to the benefit
22 of the abutting real property; and
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24 WHEREAS, House Concurrent Resolution No. 27, Senate Draft
25 1, adopted in the Twenty-ninth Legislature of the State of
26 Hawaii, Regular Session of 2017, cited the purpose of the
27 requested non-exclusive easement only for pier purposes; and
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1 WHEREAS, an easement survey conducted subsequent to the
 2 Twenty-ninth Legislature of the State of Hawaii, Regular Session
 3 of 2017, showed additional areas of encroachment, including a
 4 portion of the existing seawall and steps fronting the property
 5 identified as Tax Map Key: (1) 4-1-001:011 and (1) 4-1-001:013,
 6 Waimanalo, Koolaupoko, Oahu, whereby the total encroachment area
 7 was determined to be 2,818 square feet; and

8
 9 WHEREAS, at its meeting of April 12, 2019, under agenda
 10 item D-8, the Board of Land and Natural Resources approved to
 11 amend the total encroachment area to 2,818 square feet, subject
 12 to the review and approval by the Department of Accounting and
 13 General Services' Survey Division, and to add seawall and steps
 14 purposes to the non-exclusive easement; and

15
 16 WHEREAS, the grantee shall pay the State the fair market
 17 value of the non-exclusive easement as consideration of the use
 18 of public lands to be determined by an independent appraisal;
 19 and

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 21 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 22 the prior approval of the Governor and prior authorization of
 23 the Legislature by concurrent resolution to lease state
 24 submerged lands; now, therefore,

25
 26 BE IT RESOLVED by the Senate of the Thirty-first
 27 Legislature of the State of Hawaii, Regular Session of 2021, the
 28 House of Representatives concurring, that the Board of Land and
 29 Natural Resources is hereby authorized to issue a term,
 30 non-exclusive easement covering a portion of state submerged
 31 lands identified as Tax Map Key: (1) 4-1-001:011 and (1) 4-1-
 32 001:013, Waimanalo, Koolaupoko, Oahu, for the existing pier,
 33 seawall, and steps, and for use, repair, and maintenance of the
 34 existing improvements constructed thereon pursuant to section
 35 171-53, Hawaii Revised Statutes; and

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

