

JAN 27 2021

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing storm drain fronting the
2 property identified as Tax Map Key: (1) 3-9-027:007, Maunalua,
3 Honolulu, Oahu, were placed on state submerged lands; and
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5 WHEREAS, in 2006, the Department of Land and Natural
6 Resources' Office of Conservation and Coastal Lands worked with
7 the City and County of Honolulu to resolve the storm drain
8 encroachment; and
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10 WHEREAS, the Office of Conservation and Coastal Lands
11 indicated they had no objection to a perpetual non-exclusive
12 easement to resolve the storm drain encroachment; and
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14 WHEREAS, at its meeting of March 23, 2007, under agenda
15 item D-5, the Board of Land and Natural Resources approved a
16 grant of a perpetual non-exclusive easement to resolve the storm
17 drain encroachment, at gratis consideration; and
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19 WHEREAS, the total encroachment area was determined to be
20 174 square feet as reviewed and approved by the Department of
21 Accounting and General Services' Survey Division; and
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23 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
24 the prior approval of the Governor and prior authorization of
25 the Legislature by concurrent resolution to lease state
26 submerged lands; now, therefore,
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28 BE IT RESOLVED by the Senate of the Thirty-first
29 Legislature of the State of Hawaii, Regular Session of 2021, the

1 House of Representatives concurring, that the Board of Land and
2 Natural Resources is hereby authorized to issue a perpetual,
3 non-exclusive easement covering a portion of state submerged
4 lands fronting the property identified as Tax Map Key: (1)
5 3-9-027:007, Maunaloa, Honolulu, Oahu, for the existing storm
6 drain, and for use, repair, and maintenance of the existing
7 improvements constructed thereon pursuant to section 171-53,
8 Hawaii Revised Statutes; and
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10 BE IT FURTHER RESOLVED that a certified copy of this
11 concurrent resolution be transmitted to the Chairperson of the
12 Board of Land and Natural Resources.
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17 OFFERED BY: _____

M. N. W.

BY REQUEST

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S.C.R. NO. 13

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE EXISTING STORM DRAIN, 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 perpetual, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing storm drain, 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: Portions of the existing storm drain fronting the property identified as Tax Map Key: (1) 3-9-027:007, Maunaloa, Honolulu, Oahu, was placed upon state submerged lands.

The City and County of Honolulu worked with the Department's Office of Conservation and Coastal Lands (OCCL) to resolve the storm drain encroachment. OCCL had no objections to a perpetual non-exclusive easement to resolve the storm drain encroachment.

At its meeting of March 23, 2007, under agenda item D-5, the Board approved a grant of a perpetual non-exclusive easement at gratis consideration to resolve the storm drain encroachment.

The total encroachment area was determined to be 174 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division.

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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: City and County of Honolulu.

EFFECTIVE DATE: Upon adoption.