

JAN 27 2021

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the existing seawall fronting the
2 property identified as Tax Map Key: (1) 3-1-041:025, Kaalawai,
3 Honolulu, Oahu, were placed on state submerged lands; and
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5 WHEREAS, around October 2017, the Department of Land and
6 Natural Resources' Office of Conservation and Coastal Lands
7 worked with the property owner, Ashley Wu-Fang Chen, to resolve
8 the encroachment; and
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10 WHEREAS, the Office of Conservation and Coastal Lands
11 indicated they had no objection to a non-exclusive easement to
12 resolve the encroachment; and
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14 WHEREAS, at its meeting of April 13, 2018, under agenda
15 item D-7, the Board of Land and Natural Resources approved a
16 grant of a 55-year non-exclusive easement to resolve the seawall
17 encroachment, and such non-exclusive easement shall run with the
18 land and shall inure to the benefit of the abutting real
19 property; and
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21 WHEREAS, the total encroachment area was determined to be
22 214 square feet as reviewed and approved by the Department of
23 Accounting and General Services' Survey Division; and
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25 WHEREAS, the grantee has paid the fair market value of the
26 214 square feet non-exclusive easement area of \$30,300, as
27 determined by an independent appraisal; and
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1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 2 the prior approval of the Governor and prior authorization of
 3 the Legislature by concurrent resolution to lease state
 4 submerged lands; now, therefore,

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 6 BE IT RESOLVED by the Senate of the Thirty-first
 7 Legislature of the State of Hawaii, Regular Session of 2021, the
 8 House of Representatives concurring, that the Board of Land and
 9 Natural Resources is hereby authorized to issue a term,
 10 non-exclusive easement covering a portion of state submerged
 11 lands fronting the property identified as Tax Map Key: (1)
 12 3-1-041:025, Kaalawai, Honolulu, Oahu, for the existing seawall,
 13 and for use, repair, and maintenance of the existing
 14 improvements constructed thereon pursuant to section 171-53,
 15 Hawaii Revised Statutes; and

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 17 BE IT FURTHER RESOLVED that a certified copy of this
 18 concurrent resolution be transmitted to the Chairperson of the
 19 Board of Land and Natural Resources.

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OFFERED BY: 
 BY REQUEST

S.C.R. NO. 10

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 KAALAWAI, HONOLULU, OAHU, FOR THE EXISTING 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 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: Portions of the existing seawall fronting the property identified as Tax Map Key: (1) 3-1-041:025, Kaalawai, Honolulu, Oahu, was placed upon state submerged lands.

The property owner, Ashley Wu-Fang Chen, worked with the Department's Office of Conservation and Coastal Lands (OCCL) to resolve the encroachment. OCCL had no objections to a non-exclusive easement to resolve the encroachment.

At its meeting of April 13, 2018, under agenda item D-7, the Board approved a grant of a 55-year non-exclusive easement to run with the land and to inure to the benefit of the abutting real property, to resolve the encroachment.

The subject area is 214 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division.

The grantee has paid the fair market value, as determined by an independent appraisal, of the 214 square feet non-exclusive easement area in the amount of \$30,300.

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.