

JAN 27 2021

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA HOMESTEADS AND BEACH LOTS, KIHEI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, a portion of the existing seawall and rock
2 revetment fronting the property identified as Tax Map Key:
3 (2) 3-9-010:006, Waiohuli-Keokea Homesteads and Beach Lots,
4 Kihei, Maui, was placed upon state submerged lands; and

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6 WHEREAS, around February 2013, the Department of Land and
7 Natural Resources' Office of Conservation and Coastal Lands
8 worked with the previous property owners, Wesley John Hickey and
9 Diane Marie Hickey, to resolve the encroachment; and

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11 WHEREAS, the Office of Conservation and Coastal Lands
12 indicated they had no objection to a long-term easement to
13 resolve the encroachment; and

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15 WHEREAS, at its meeting of July 11, 2014, under agenda item
16 D-3, the Board of Land and Natural Resources approved a grant of
17 a 55-year non-exclusive easement to resolve the seawall and rock
18 revetment encroachment, and such easement shall run with the
19 land and to inure to the benefit of the abutting real property;
20 and

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22 WHEREAS, the total encroachment area was determined to be
23 1,260 square feet as reviewed and approved by the Department of
24 Accounting and General Services' Survey Division; and

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26 WHEREAS, the previous owners paid the fair market value of
27 the 1,260 square feet non-exclusive easement area of \$71,100, as
28 determined by an independent appraisal; and

1 WHEREAS, the previous owners have since sold the abutting
2 real property to Ui Nalu, LLC; and
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4 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
5 the prior approval of the Governor and prior authorization of
6 the Legislature by concurrent resolution to lease state
7 submerged lands; now, therefore,
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9 BE IT RESOLVED by the Senate of the Thirty-first
10 Legislature of the State of Hawaii, Regular Session of 2021, the
11 House of Representatives concurring, that the Board of Land and
12 Natural Resources is hereby authorized to issue a term,
13 non-exclusive easement covering a portion of state submerged
14 lands fronting the property identified as Tax Map Key: (2)
15 3-9-010:006, Waiohuli-Keokea Homesteads and Beach Lots, Kihei,
16 Maui, for the existing seawall and rock revetment, and for use,
17 repair, and maintenance of the existing improvements constructed
18 thereon pursuant to section 171-53, Hawaii Revised Statutes; and
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20 BE IT FURTHER RESOLVED that a certified copy of this
21 concurrent resolution be transmitted to the Chairperson of the
22 Board of Land and Natural Resources.
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OFFERED BY: 
BY REQUEST

S.C.R. NO. 18

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 WAIOHULI-KEOKEA HOMESTEADS AND BEACH LOTS, KIHEI, MAUI, FOR THE EXISTING SEAWALL AND ROCK REVETMENT, 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 rock revetment, 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 and rock revetment fronting the property identified as Tax Map Key: (2) 3-9-010:006, Waiohuli-Keokea Homesteads and Beach Lots, Kihei, Maui, was placed upon state submerged lands.

The previous property owners, Wesley John Hickey and Diane Marie Hickey, worked with the Department's Office of Conservation and Coastal Lands (OCCL) to resolve the encroachment. OCCL indicated they had no objection to a non-exclusive easement to resolve the encroachment.

At its meeting of July 11, 2014, under agenda item D-3, 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.

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The subject area is 1,260 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division.

The previous owners have paid the fair market value, as determined by an independent appraisal, of the 1,260 square feet non-exclusive easement area in the amount of \$71,100. The previous owners have since sold the abutting real property to Ui Nalu, LLC.

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.