

MAR 02 2023

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT HAUULA,
KOOLAULOA, OAHU, FOR THE EXISTING RIPRAP REVETMENT, RAMP,
AND ROCK GROIN, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing riprap revetment, ramp,
2 and rock groin fronting the property identified as Tax Map Key:
3 (1) 5-3-008:seaward of 012, Hauula, Koolauloa, Oahu, were placed
4 on state submerged lands; and

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6 WHEREAS, around April 2022, the Department of Land and
7 Natural Resources' Office of Conservation and Coastal Lands
8 worked with the property owners, Steven Ernest MacBride and
9 Valerie Jean MacBride, trustees of the Steven and Valerie
10 MacBride Revocable Trust dated October 30, 2018, to resolve the
11 encroachment; and

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13 WHEREAS, the Office of Conservation and Coastal Lands
14 indicated they had no objection to a non-exclusive easement to
15 resolve the encroachment; and

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17 WHEREAS, at its meeting of August 26, 2022, under agenda
18 item D-5, the Board of Land and Natural Resources approved a
19 grant of a 25-year non-exclusive easement to resolve the riprap
20 revetment, ramp, and rock groin encroachment, and a
21 non-exclusive easement to run with the land and inure to the
22 benefit of the abutting real property; and

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24 WHEREAS, the total encroachment area was determined to be
25 1,900 square feet, more or less, subject to review and approval
26 by the Department of Accounting and General Services, Survey
27 Division; and

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29 WHEREAS, the grantee has agreed to pay the State the fair
30 market value of the non-exclusive easement as consideration of



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1 the use of public lands to be determined by an independent
2 appraisal; 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-second
10 Legislature of the State of Hawaii, Regular Session of 2023, the
11 House of Representatives concurring, that the Board of Land and
12 Natural Resources is hereby authorized to issue a term,
13 nonexclusive easement covering a portion of state submerged
14 lands fronting the property identified as Tax Map Key:
15 (1) 5-3-008:seaward of 012, Hauula, Koolauloa, Oahu, for the
16 existing riprap revetment, ramp, and rock groin, 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:  _____

