

MAR 17 2009

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX  
MAP KEY: (2) 4-3-2: 27, AT KAAPALI, MAUI, FOR CONCRETE  
PIER BLOCK REMNANTS PURPOSES.

1           WHEREAS, as part of a shoreline certification to allow  
2 Napili Kai, Ltd., that owns a condominium at 5900 Lower  
3 Honoapiilani Road, Lahaina, Maui, to make improvements to its  
4 existing swimming pool, the State land surveyor discovered  
5 several encroachments upon public lands, including state  
6 submerged lands;

7  
8           WHEREAS, the encroachments on state submerged lands include  
9 concrete pier block remnants located seaward of that certain  
10 parcel of land identified on the tax maps of the State of Hawaii  
11 as tax map key: (2) 4-3-2: 27; and

12  
13           WHEREAS, Napili Kai, Ltd., proposes to keep the area  
14 containing the pier block remnants in its existing state and  
15 requested that the Board of Land and Natural Resources grant a  
16 non-exclusive easement over the state submerged land area  
17 containing the pier block remnants, measuring 1,262 square feet,  
18 more or less; and

19  
20           WHEREAS, as part of its submittal to the Board on September  
21 26, 2008, under agenda item D-7, the Department of Land and  
22 Natural Resources recommended and the Board approved the  
23 issuance of a non-exclusive easement over the area containing  
24 the pier block remnants located on state submerged lands,  
25 subject to certain terms and conditions; and

26  
27           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
28 the prior approval of the Governor and prior authorization of  
29 the Legislature by concurrent resolution to lease state  
30 submerged lands; now, therefore,



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 2 BE IT RESOLVED by the Senate of the Twenty-fifth  
 3 Legislature of the State of Hawaii, Regular Session of 2009, the  
 4 House of Representatives concurring, that the Board of Land and  
 5 Natural Resources is hereby authorized to issue a term, non-  
 6 exclusive easement covering a portion of state submerged lands  
 7 contiguous to and seaward of that certain parcel of land  
 8 identified on the tax maps of the State of Hawaii as tax map  
 9 key: (2) 4-3-2: 27, comprising 1,262 square feet, more or less;  
 10 and

11  
 12 BE IT FURTHER RESOLVED that a certified copy of this  
 13 Concurrent Resolution be transmitted to the Chairperson of the  
 14 Board of Land and Natural Resources.

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 16  
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OFFERED BY:

*Rosalyn de Bebe*  
*S.B. I. I. I.*  
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