

JAN 29 2010

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA,
KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES.

1 WHEREAS, Joseph J. Phillips Jr., Trustee of the Joseph J.
2 Phillips Jr. Living Trust under an unrecorded trust instrument
3 dated October 5, 1987, and Stephanie J. Phillips, Trustee of the
4 Stephanie J. Phillips Living Trust under an unrecorded trust
5 instrument dated October 5, 1987 are the owners of the private
6 property abutting state reclaimed lands identified as Tax Map
7 Key: (1) 4-7-24: seaward of 29, Kaalaea, Koolaupoko, Oahu; and
8

9 WHEREAS, during the implementation of the Kaneohe Bay Piers
10 Amnesty Program in 2001, Joseph and Stephanie Phillips, Jr.
11 obtained a pier lease from the Department of Land and Natural
12 Resources; and
13

14 WHEREAS, a field survey discovered approximately 156 square
15 feet of state reclaimed land abutting their private property;
16 and
17

18 WHEREAS, subsequently, Joseph and Stephanie Phillips, Jr.
19 obtained from the Board of Land and Natural Resources a 55-year
20 term non-exclusive easement, issued as Grant of Non-Exclusive
21 Easement S-5175, effective July 13, 2001, and with a one-time
22 payment was \$4,700, for the use of subject state reclaimed
23 land; and
24

25 WHEREAS, in or around 2007, Joseph and Stephanie Phillips,
26 Jr. requested the opportunity to purchase the fee title of
27 subject state reclaimed land; and
28

29 WHEREAS, on June 8, 2007, under agenda Item D-4, the Board
30 of Land and Natural Resources approved the sale of subject state
31 reclaimed land to Joseph J. Phillips Jr., Trustee of the Joseph
32 J. Phillips Jr. Living Trust under an unrecorded trust
33 instrument dated October 5, 1987, and Stephanie J. Phillips,

1 Trustee of the Stephanie J. Phillips Living Trust under an
2 unrecorded trust instrument dated October 5, 1987; and

3
4 WHEREAS, the appraised value of subject state reclaimed
5 land is \$11,550; and

6
7 WHEREAS, the appraisal report was prepared by Curtis
8 Nishimura of Yamaguchi & Yamaguchi, Inc.; and

9
10 WHEREAS, the date of the appraisal valuation was June 8,
11 2007; and

12
13 WHEREAS, the proposed sale will facilitate Joseph and
14 Stephanie Phillips, Jr. to be responsible for maintenance of
15 subject state reclaimed land in perpetuity; and

16
17 WHEREAS, Joseph and Stephanie Phillips, Jr. do not have
18 plans to develop subject state reclaimed land other than keeping
19 it well maintained as an extension of their backyard; and

20
21 WHEREAS, an informational briefing on the proposed sale of
22 subject state reclaimed land was held on November 30, 2009 at
23 Windward Community College in Kaneohe, Oahu; and

24
25 WHEREAS, section 171-64.7, Hawaii Revised Statutes,
26 requires the state department or agency proposing to sell or
27 gift state lands shall submit for introduction to the
28 legislature a concurrent resolution for review of the proposed
29 sale or gift of state lands; and

30
31 WHEREAS, a copy of the subject concurrent resolution is
32 submitted to the Office of Hawaiian Affairs; now, therefore,

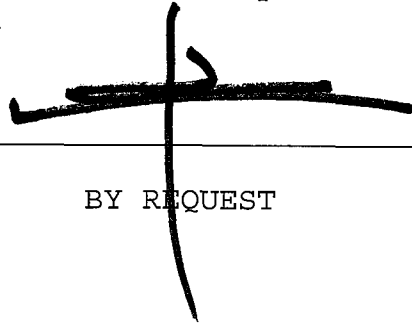
33
34 BE IT RESOLVED by the Senate of the Twenty-fifth
35 Legislature of the State of Hawaii, Regular Session of 2010, the
36 House of Representatives concurring, that the Board of Land and
37 Natural Resources is hereby authorized to sell state reclaimed
38 land fronting the property identified as Tax Map Key: (1) 4-7-
39 24: seaward of 29, Kaalaea, Koolaupoko, Oahu, to Joseph J.
40 Phillips Jr., Trustee of the Joseph J. Phillips Jr. Living Trust
41 under an unrecorded trust instrument dated October 5, 1987, and
42 Stephanie J. Phillips, Trustee of the Stephanie J. Phillips
43 Living Trust under an unrecorded trust instrument dated October

1 5, 1987, for private property purposes pursuant to section 171-
2 64.7, Hawaii Revised Statutes; and

3
4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to the Chairperson of the
6 Board of Land and Natural Resources.

7
8
9
10
11

OFFERED BY: _____

A large, bold, handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be a single character or a very short word.

BY REQUEST