

JAN 21 2010

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006.

1           WHEREAS, Lakala Trust owns property located at 839 Front  
2 Street, Lahaina, Maui which includes two wooden decks and  
3 concrete piers that extend over submerged land owned by the  
4 State of Hawaii and were constructed sometime in the 1920s; and

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6           WHEREAS, on January 26, 1990, the Board of Land and Natural  
7 Resources (Land Board) approved a Conservation District Use  
8 Permit for the decks over the submerged land; and

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10           WHEREAS, on May 11, 1990, the Land Board authorized the  
11 issuance of Non-Exclusive Easement S-5252 commencing on May 25,  
12 1992 and running through May 24, 2012 to the property for  
13 maintenance and repair of the wooden decks and concrete piers;  
14 and

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16           WHEREAS, the property is currently subject to a mortgage,  
17 which Lakala Trust and its trustee are seeking to refinance; and

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19           WHEREAS, because of the existence of Non-Exclusive Easement  
20 S-5252 over State-owned submerged lands, refinancing of the  
21 mortgage requires the mutual cancellation of Non-Exclusive  
22 Easement S-5252 and the issuance of a new non-exclusive  
23 easement; and

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25           WHEREAS, as part of its submittal to the Land Board on  
26 August 28, 2009, under agenda item D-15, the Department of Land  
27 and Natural Resources recommended and the Land Board approved  
28 Lakala Trust and its trustee's request for the mutual



1 cancellation of Non-Exclusive Easement S-5252 and the issuance  
2 of a new sixty-five year non-exclusive easement; 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 Twenty-fifth  
10 Legislature of the State of Hawaii, Regular Session of 2010, the  
11 House of Representatives concurring, that the Board of Land and  
12 Natural Resources is hereby authorized to cancel Non-Exclusive  
13 Easement S-5252 and to issue a term, non-exclusive easement  
14 covering a portion of state submerged lands identified as tax  
15 map key (2) 4-5-001:055: seaward of tax map key (2)  
16 4-5-001:006, comprising 1,310 square feet, more or less; and  
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18 BE IT FURTHER RESOLVED that certified copies of this  
19 Concurrent Resolution be transmitted to the Chairperson of the  
20 Board of Land and Natural Resources.  
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22  
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OFFERED BY:

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