
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAWAIILOA,
WAIALUA, OAHU, FOR MAINTENANCE AND REPAIR OF EXISTING ROCK
AND CONCRETE SEAWALL AND IMPROVEMENTS.

1 WHEREAS, a rock and concrete seawall was placed on lands at
2 Kawaiiloa, Waialua, Oahu, identified by Tax Map Key: (1)6-1-
3 003:024-0001 seaward, sometime prior to 1949; and
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5 WHEREAS, Douglas and Kathleen Giannetti purchased the
6 abutting private property in 2012, and sought to construct a new
7 home on the property; and
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9 WHEREAS, in 2012, the Department of Land and Natural
10 Resources informed Mr. and Mrs. Giannetti that the seawall is
11 now encroaching over 110 feet of state land; and
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13 WHEREAS, on January 11, 2013, under agenda item D-13, the
14 Board of Land and Natural Resources approved the grant of a
15 fifty-five-year term non-exclusive easement to resolve the
16 encroachment; and
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18 WHEREAS, the character of use of the term, non-exclusive
19 easement is the right, privilege, and authority to maintain and
20 repair the existing seawall subject to certain terms and
21 conditions; and
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23 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
24 the prior approval of the Governor and prior authorization of
25 the Legislature by concurrent resolution to lease state
26 submerged lands; now, therefore,
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28 BE IT RESOLVED by the House of Representatives of the
29 Twenty-seventh Legislature of the State of Hawaii, Regular
30 Session of 2013, the Senate concurring, that the Board of Land



1 and Natural Resources is hereby authorized to issue a term, non-
2 exclusive easement covering a portion of state submerged lands
3 fronting the property identified as tax map key: (1) 6-1-
4 003:024-0001 seaward, at Kawaiiloa, Waialua, Oahu, for use,
5 repair, and maintenance of the existing improvements constructed
6 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
7 and
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9 BE IT FURTHER RESOLVED that a certified copy of this
10 Concurrent Resolution be transmitted to the Chairperson of the
11 Board of Land and Natural Resources.
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OFFERED BY: Richard Lu Fhe
(BY REQUEST)

MAR 12 2013

