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## HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN  
HEEIA, KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, REPAIR,  
AND REMOVAL OF AN EXISTING PIER.

1           WHEREAS, Bernice K. Y. Bailey, Frederick K. Bailey, Jr. and  
2 Susan K. Koehler (Applicants) are the owners of a parcel of land  
3 at Heeia, Koolaupoko, Oahu, City and County of Honolulu,  
4 identified as tax map key number (1) 4-6-001:014 (Applicants  
5 Property); and  
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7           WHEREAS, the Applicants applied to the Department of Land  
8 and Natural Resources (File PSF No. 120D-112), for a non-  
9 exclusive easement for pier purposes over a portion of state-  
10 owned land located seaward of the Applicants Property; and  
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12           WHEREAS, the seaward boundary of the Applicants Property  
13 fronts the ocean, and a pier is located over submerged public  
14 land, which is state-owned and which is identified by tax map  
15 key number (1) 4-6-001: seaward of Parcel 014; and  
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17           WHEREAS, the area of the pier comprises approximately 589  
18 square feet, and comprises a portion of the state-owned  
19 submerged land; and  
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21           WHEREAS, under county requirements, Applicants require an  
22 easement over that portion of the submerged land that includes  
23 the pier in order for Applicants to legalize the encroaching  
24 pier; and  
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26           WHEREAS, the Applicants Property is classified as  
27 Conservation; and



1 WHEREAS, the character of use of the easement is the right,  
2 privilege, and authority to use, maintain, repair, replace and  
3 remove the existing pier over, under, and across state-owned  
4 land; and

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6 WHEREAS, the easement term is for 55 years in consideration  
7 for a one-time payment to be determined by independent or staff  
8 appraisal establishing a fair market rent, subject to review and  
9 approval by the Chairperson of the Board of Land and Natural  
10 Resources; and

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12 WHEREAS, the easement abuts the Applicants Property; and

13  
14 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
15 the prior approval of the Governor and prior authorization of  
16 the Legislature by concurrent resolution to lease state  
17 submerged lands; now, therefore,

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19 BE IT RESOLVED by the House of Representatives of the  
20 Twenty-seventh Legislature of the State of Hawaii, Regular  
21 Session of 2013, the Senate concurring, that the Board of Land  
22 and Natural Resources is hereby authorized to issue a  
23 nonexclusive easement for a 55-year term, covering that portion  
24 of state submerged lands described above, located in Heeia,  
25 Koolaupoko, Oahu, City and County of Honolulu for purposes of  
26 the right, privilege, and authority to use, maintain, repair,  
27 replace and remove the existing pier, pursuant to section 171-  
28 53, Hawaii Revised Statutes, subject to limitations and  
29 conditions to be determined by the Board of Land and Natural  
30 Resources; and

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32 BE IT FURTHER RESOLVED that a certified copy of this  
33 Concurrent Resolution be transmitted to the Chairperson of the  
34 Board of Land and Natural Resources.

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OFFERED BY: Janice Woolley  
MAR 13 2013