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## HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN  
KANEHOE, OAHU, FOR THE RENOVATION AND CONSTRUCTION OF A  
SEAWALL.

1           WHEREAS, David A. Knox and Beverly J. Hoversland, husband  
2 and wife (Applicants) are the owners of a parcel of land located  
3 in Kaneohe, City and County of Honolulu, identified as tax map  
4 key number (1) 4-7-019:077 (Applicants Property), pursuant to  
5 that certain Warranty Deed filed with the Office of the  
6 Assistant Registrar of the Land Court as Document No. 4092887,  
7 and noted on Transfer Certificate Number 1,030,330; and  
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9           WHEREAS, the Applicants applied to the Department of Land  
10 and Natural Resources (File PSF No. 120D-106), for:  
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12           (A) A nonexclusive easement for landscaping purposes  
13           (Easement A consisting of 1,543 square feet); and  
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15           (B) A nonexclusive easement for concrete wall and footing  
16 purposes (Easement B consisting of 63 square feet),  
17 over a portion of state-owned land located seaward of  
18 the Applicants Property; and  
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20           WHEREAS, the seaward boundary of the Applicants Property  
21 (including the area of Easement A) fronts the ocean, and a  
22 seawall exists that straddles the seaward boundary of the  
23 Applicants Property and submerged public land, which is state-  
24 owned and identified by tax map key number (1) 4-7-019:078  
25 seaward; and  
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27           WHEREAS, the portion of the seawall that encroaches into  
28 the state-owned submerged land is approximately 63 square feet,  
29 and such area comprises a portion of the state-owned submerged  
30 land; and



1       WHEREAS, under county requirements, Applicants require an  
2       easement over that portion of the submerged land that includes  
3       the existing seawall in order that Applicants seawall will not  
4       be considered to be encroaching onto state property and will  
5       allow for the issuance of building permits to enable Applicants  
6       to remodel the Applicants' residence and to renovate the  
7       seawall, if and when such become in need of repair; and

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9       WHEREAS, the Applicants Property is classified as Urban and  
10      zoned by the City and County of Honolulu as R-10; and

11  
12      WHEREAS, the character of use sought for the area of the  
13      Easement is the right, privilege, and authority to use,  
14      maintain, repair, replace, and remove the existing seawall over,  
15      under, and across the state-owned land; and

16  
17      WHEREAS, the easement term is for 55 years in consideration  
18      for a one-time payment to be determined by independent or staff  
19      appraisal establishing a fair market rent, subject to review and  
20      approval by the Chairperson of the Board of Land and Natural  
21      Resources; and

22  
23      WHEREAS, the Easements abut the Applicants Property; and

24  
25      WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
26      the prior approval of the Governor and prior authorization of  
27      the Legislature by concurrent resolution to lease state  
28      submerged lands; now, therefore,

29  
30      BE IT RESOLVED by the House of Representatives of the  
31      Twenty-seventh Legislature of the State of Hawaii, Regular  
32      Session of 2013, the Senate concurring, that the Board of Land  
33      and Natural Resources is hereby authorized to issue a  
34      nonexclusive easement for a 55-year term, covering that portion  
35      of state submerged lands described above, located in Kaneohe,  
36      Oahu, for purposes of renovation and construction of a seawall,  
37      pursuant to section 171-53, Hawaii Revised Statutes, subject to  
38      limitations and conditions to be determined by the Board of Land  
39      and Natural Resources; and

40  
41      BE IT FURTHER RESOLVED that a certified copy of this  
42      Concurrent Resolution be transmitted to the Chairperson of the  
43      Board of Land and Natural Resources.



# H.C.R. NO. 145

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OFFERED BY:

*Jessica Woolly*  
MAR 13 2013

