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# HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU,  
HONOLULU, OAHU, FOR SEAWALL PURPOSES.

1           WHEREAS, there exists a seawall and steps on portions of  
2 Old Diamond Head Road near Diamond Head Beach Park on Oahu; and

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4           WHEREAS, in 1959, various owners of the properties abutting  
5 Old Diamond Head Road claimed ownership of the road and received  
6 rulings from the Land Court in their favor; and

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8           WHEREAS, the State appealed the decision pertaining to the  
9 subject portion of Old Diamond Head Road, and the Hawaii Supreme  
10 Court ruled that the State owns the subject portion of the road;  
11 and

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13           WHEREAS, the owner of the abutting parcel approached the  
14 Department of Land and Natural Resources with an application to  
15 purchase the subject portion of Old Diamond Head Road; and

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17           WHEREAS, on December 9, 2011, under agenda item D-18, the  
18 Board of Land and Natural Resources approved the sale of the  
19 subject portion of Old Diamond Head Road to the abutting owner;  
20 and

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22           WHEREAS, during the survey of the actual remnant area under  
23 the proposed sale, portions of the seawall and steps were  
24 considered to be on 125 square feet of submerged lands; and

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26           WHEREAS, on July 13, 2012, under agenda item D-10, the  
27 Board of Land and Natural Resources approved the issuance of a  
28 perpetual, non-exclusive easement; and

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30           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
31 the prior approval of the Governor and prior authorization of



1 the Legislature by concurrent resolution to lease State  
2 submerged lands; now, therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-seventh Legislature of the State of Hawaii, Regular  
6 Session of 2013, the Senate concurring, that the Board of Land  
7 and Natural Resources is authorized to issue a perpetual, non-  
8 exclusive easement covering a portion of State submerged lands  
9 fronting the property identified as Tax Map Key: (1) 3-1-038:  
10 seaward of 042, at Kapahulu, Honolulu, Oahu, for the use,  
11 maintenance, and repair of the existing seawall and steps, and  
12 for use, repair, and maintenance of the existing improvements  
13 constructed thereon pursuant to section 171-53, Hawaii Revised  
14 Statutes; and

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16 BE IT FURTHER RESOLVED that certified copies of this  
17 Concurrent Resolution be transmitted to the Chairperson of the  
18 Board of Land and Natural Resources.

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OFFERED BY: *Joseph M. Loui*

JAN 22 2013

