
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN KAPAHULU, HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN EXISTING SEAWALL AND STEPS.

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

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5 WHEREAS, upon appeal, the Hawaii Supreme Court ruled that
6 the State owns a portion of the road that includes a seawall and
7 steps; and

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9 WHEREAS, on December 9, 2011, under agenda item D-18, the
10 Board of Land and Natural Resources approved the sale of the
11 portion of the road to the owner of an abutting parcel; and

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13 WHEREAS, a survey determined that portions of the seawall
14 and steps are on one hundred twenty-five square feet of
15 submerged lands; and

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17 WHEREAS, on July 13, 2012, under agenda item D-10, the
18 Board of Land and Natural Resources approved the issuance of a
19 perpetual, nonexclusive easement; and

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

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26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-seventh Legislature of the State of Hawaii, Regular
28 Session of 2013, the Senate concurring, that the Board of Land
29 and Natural Resources is hereby authorized to issue a perpetual,
30 nonexclusive easement covering a portion of state submerged



H.C.R. NO. 37

1 lands fronting the property identified as tax map key (1) 3-1-
2 038: seaward of 042, Kapahulu, Honolulu, Oahu, for use,
3 maintenance, and repair of the existing seawall and steps, and
4 for use, maintenance, and repair of the existing improvements
5 constructed thereon, pursuant to section 171-53, Hawaii Revised
6 Statutes; and

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8 BE IT FURTHER RESOLVED that a certified copy of this
9 Concurrent Resolution be transmitted to the Chairperson of the
10 Board of Land and Natural Resources.

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OFFERED BY: _____

Cindy Evans

FEB - 5 2013

