

S.C.R. NO. 22

JAN 24 2013

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAALAEA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the seawall at Kaalaea, Koolaupoko, Oahu,
2 identified as Tax Map Key: (1) 4-7-024: seaward of 022, was
3 believed to be placed on state submerged lands when the abutting
4 subdivision was developed in the 1940s; and

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6 WHEREAS, Mr. Bruce H. S. Kim purchased the adjacent private
7 property in 2011; Mr. Kim could not locate the copies for any
8 approval for the portions of seawall over state submerged lands;
9 and, around June 2012, Mr. Kim, through his agent, requested to
10 resolve the encroachment, which is about 117 square feet; and

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12 WHEREAS, on July 2, 2012, the Office of Conservation and
13 Coastal Lands of the Department of Land and Natural Resources
14 determined the non-conforming status of encroaching structures
15 has been sufficiently established by the information provided by
16 Mr. Kim; and

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18 WHEREAS, at its meeting of September 14, 2012, under agenda
19 item D-15, the Board of Land and Natural Resources approved the
20 grant of a fifty-five-year non-exclusive easement to resolve the
21 encroachment; 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 Senate of the Twenty-seventh
29 Legislature of the State of Hawaii, Regular Session of 2013, the
30 House of Representatives concurring, that the Board of Land and

1 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) 4-7-024:
4 seaward of 022, Kaalaea, Koolaupoko, Oahu, for the maintenance
5 and repair of the existing seawall, and for use, maintenance,
6 and repair of the existing improvements constructed thereon
7 pursuant to section 171-53, Hawaii Revised Statutes; 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.
12

13 OFFERED BY: 
14 BY REQUEST
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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAALAEA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the approval of the Legislature by concurrent resolution of a Board of Land and Natural Resources action for the maintenance and repair of an existing seawall, and for use, maintenance, and repair of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The seawall at Kaalaea, Koolaupoko, Oahu, identified as Tax Map Key: (1) 4-7-024: seaward of 022, was believed to be placed on state submerged lands when the abutting subdivision was developed in the 1940s.

Mr. Bruce H. S. Kim purchased the adjacent private property in 2011. Mr. Kim could not locate the copies for any approval for the portions of seawall over state submerged lands. Around June 2012, Mr. Kim, through his agent, requested to resolve the encroachment, which is about 117 square feet.

On July 2, 2012, the Office of Conservation and Coastal Lands of the Department determined the non-conforming status of encroaching structures has been sufficiently established by the information provided by Mr. Kim.

At its meeting of September 14, 2012, under agenda item D-15, the Board of Land and Natural Resources approved the grant of a fifty-five-year non-exclusive easement to resolve the encroachment.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands. As such, this concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 101.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon adoption.