

MAR 12 2013

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## SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1 WHEREAS, a rock and concrete seawall was placed on lands in  
2 Kawailoa, Waialua, Oahu, sometime prior to 1949; and  
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4 WHEREAS, Douglas and Kathleen Giannetti, the current owners  
5 of private property located at Kawailoa, District of Waialua,  
6 City and County of Honolulu, Hawaii, identified by tax map key:  
7 (1) 6-1-003:024-0001, purchased their property in 2012 and  
8 sought to construct a new home on said property; and  
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10 WHEREAS, in 2012, the Department of Land and Natural  
11 Resources informed the owners that the seawall comprising  
12 approximately 110 feet has encroached on state owned submerged  
13 land; and  
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15 WHEREAS, Douglas and Kathleen Giannetti applied to the Land  
16 Division of the Department of Land and Natural Resources to  
17 request a grant of a fifty-five year term for a non-exclusive  
18 easement for seawall purposes; and  
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20 WHEREAS, on January 11, 2013, under agenda item D-13, the  
21 Board of Land and Natural Resources approved the request for the  
22 term, non-exclusive easement for seawall purposes to Douglas and  
23 Kathleen Giannetti; and  
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25 WHEREAS, on January 11, 2013, under agenda item D-13, the  
26 Board of Land and Natural Resources declared that, after  
27 considering the potential effects of the proposed disposition as  
28 provided by chapter 343, Hawaii Revised Statutes, and chapter  
29 11-200, Hawaii Administrative Rules, this project will probably  
30 have minimal or no significant impact on the environment and is  
31 therefore exempt from the preparation of an environmental  
32 assessment; and  
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1           WHEREAS, on January 11, 2013, under agenda item D-13, the  
2 Board of Land and Natural Resources authorized the easement  
3 request to be applicable in the event of a change of ownership  
4 of the abutting parcel described as tax map key: (1) 6-1-  
5 003:024-0001; provided the succeeding owner has not had a lease,  
6 permit, easement, or other disposition of state lands terminated  
7 within the last five years due to noncompliance with such terms  
8 or provisions; and  
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10           WHEREAS, the character of the use of the easement is the  
11 right, privilege, and authority to use, maintain, repair,  
12 replace, and remove the existing seawall over, under, and across  
13 state-owned land; and  
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15           WHEREAS, the easement term is for fifty-five years in  
16 consideration for a one-time payment to be determined by  
17 independent or staff appraisal establishing a fair market rent,  
18 subject to review and approval by the Chairperson of the Board  
19 of Land and Natural Resources; and  
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21           WHEREAS, pursuant to section 171-53(c), Hawaii Revised  
22 Statutes, the Board of Land and Natural Resources, with the  
23 approval of the Governor and the prior authorization of the  
24 Legislature by concurrent resolution, may lease state submerged  
25 lands and lands beneath tidal waves; now, therefore,  
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27           BE IT RESOLVED by the Senate of the Twenty-seventh  
28 Legislature of the State of Hawaii, Regular Session of 2013,  
29 that the fifty-five year term for a non-exclusive easement to  
30 Douglas and Kathleen Giannetti, owners of the abutting property  
31 identified by tax map key: (1) 6-1-003:0024-0001 seaward, is  
32 hereby authorized by the Legislature according to the terms and  
33 conditions approved by the Board of Land and Natural Resources  
34 on January 11, 2013; and  
35  
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Governor and Chairperson of the  
3 Board of Land and Natural Resources.  
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OFFERED BY:

*CPTM Hill*

