

MAR 12 2013

---

---

## SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A 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, Eric Carl Jonsson and Joanna Fowler Jonsson,  
2 (collectively "Jonssons"), are the successors in interest to  
3 Kenton Thaxter Eldridge and Hannelore Guip Eldridge  
4 (collectively, "the Eldridges"), to the ownership of a parcel of  
5 land located in Honolulu, Hawaii, identified as tax map key  
6 number (1) 3-6-001-021 (the "Jonsson property"), pursuant to  
7 that certain Warranty Deed (Document No. T-8400457) recorded  
8 with the Bureau of Conveyances on December 31, 2012; and  
9

10           WHEREAS, prior to the conveyance of the Jonsson property to  
11 the Jonssons, the Eldridges applied to the Department of Land  
12 and Natural Resources on October 26, 2007, for a non-exclusive  
13 easement over a portion of state-owned land located seaward of  
14 the Jonsson property; and  
15

16           WHEREAS, the seaward boundary of the Jonsson property  
17 fronts the ocean, and a pier straddles the seaward boundary of  
18 the Jonsson property and submerged public land, which is state-  
19 owned and identified by tax map key number (1) 3-6-001-021, a  
20 portion of the pier encroaches into the state-owned submerged  
21 land; and  
22

23           WHEREAS, the area of the pier comprises approximately 270  
24 square feet and comprises a portion of the state-owned submerged  
25 land; and  
26

27           WHEREAS, the Jonsson property is classified as  
28 conservation/urban and zoned by the City and County of Honolulu  
29 as R-3; and  
30

31           WHEREAS, the character of use of the easement is the right,  
32 privilege, and authority to use, maintain, repair, replace, and  
33 remove the existing pier over, under, and across state-owned  
34 land; and



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

WHEREAS, the easement abuts the Jonsson property; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013, that the Board of Land and Natural Resources is hereby authorized to issue a non-exclusive easement for a fifty-five year term, covering that portion of state submerged lands described above, located in Honolulu, for purposes of renovation and construction of a pier, pursuant to section 171-53, Hawaii Revised Statutes, subject to limitations and conditions to be determined by the Board of Land and Natural Resources; and

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

OFFERED BY:

