

STAND. COM. REP. NO.

1240

Honolulu, Hawaii

APR 02 2013

RE: H.C.R. No. 37

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred
H.C.R. No. 37 entitled:

"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,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the
Board of Land and Natural Resources to issue a perpetual,
nonexclusive easement covering a portion of state submerged lands
located in Kapahulu, Honolulu, Oahu, for use, maintenance, and
repair of the existing seawall and steps, and for use,
maintenance, and repair of the existing improvements constructed
thereon.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources and Outrigger
Hotels.

The subject property fronts property identified as tax map
key (1) 3-1-038: seaward of 042, Kapahulu, Honolulu, Oahu. In
1959, various owners of the properties abutting Old Diamond Head
Road claimed ownership of the road and received rulings in their
favor from the Land Court. Upon appeal, the Hawaii Supreme Court
ruled that the State owns a portion of the road that includes a
seawall and steps. A survey determined that portions of the
seawall and steps are on one hundred twenty-five square feet of

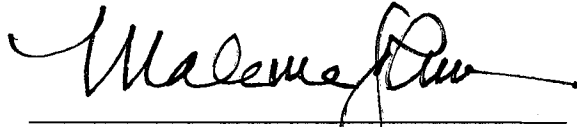
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submerged lands. On July 13, 2012, under agenda item D-10, the Board of Land and Natural Resources approved the issuance of a perpetual, nonexclusive easement.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 37, and recommends that it be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



MALAMA SOLOMON, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

| | | | | |
|--|--|-------------------------|-----|-------------------------|
| Bill / Resolution No.:* HCR37 | Committee Referral: WTL, WAM | Date: 3/28/13 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| SOLOMON, Malama (C) | ✓ | | | |
| SHIMABUKURO, Maile S.L. (VC) | ✓ | | | |
| DELA CRUZ, Donovan M. | | | | ✓ |
| IHARA, Jr., Les | ✓ | | | ✓ <i>WMS</i> |
| RUDERMAN, Russell E. | ✓ | | | |
| THIELEN, Laura H. | ✓ | | | |
| SLOM, Sam | ✓ | | | |
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| TOTAL | 6 | | | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes