

SCR 40

AUTHORIZING THE ISSUANCE OF A
PERPETUAL, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED
LANDS AT KAPAHULU, HONOLULU, OAHU,
FOR THE MAINTENANCE AND REPAIR OF THE
EXISTING SEAWALL AND STEPS.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Tuesday, March 12, 2013
1:25 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE CONCURRENT RESOLUTION 40
AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAPAHULU.
HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN
EXISTING SEAWALL AND STEPS**

Senate Concurrent Resolution 40 requests the authorization to issue a perpetual, non-exclusive easement covering 125 square feet, more or less, portion of state submerged lands fronting the property identified as tax map key: (1) 3-1-038: seaward of 042, at Kapahulu, Honolulu, Oahu for maintenance and repair of existing seawall and improvements constructed thereon, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The owner of the abutting property, Dr. Richard Kelley, is in the process of purchasing a remnant, which is a portion of Old Diamond Head Road from the State. During the survey of the remnant area, the Department of Accounting and General Services - Survey Division determined that 125 square feet should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources (Board) may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on July 13, 2012, under agenda item D-10, the Board approved the issuance of a new non-exclusive easement for seawall and steps purposes.

The Department hired the appraisal firm of Medusky & Co., Inc. who determined the one-time payment, fair market value of the easement is \$24,149.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



THE SENATE
27th LEGISLATURE
REGULAR SESSION of 2013

COMMITTEE ON WATER & LAND
Senator Malama Solomon, Chair

3/12/2013
Rm 225, 1:25 PM

SCR 40
Authorizing The Issuance Of A Perpetual Easement

Chair Solomon and Members of this Committee, my name is Max Sword, of Outrigger Hotels Hawaii here on behalf of the Kelley Family in support of this resolution.

This resolution will allow the State to keep the wall and stairs in place, while at the same time allowing the Kelley Family to maintain and repair them.

We urge your favorable disposition of this resolution and thank you for allowing me to testify.