

JAN 23 2014

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING LANDSCAPING AREA, CONCRETE WALL, AND FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing landscaping area, concrete wall, and
2 footing were placed on state submerged lands fronting the
3 property identified as Tax Map Key: (1) 4-7-019: seaward of 078,
4 Kahaluu, Koolaupoko, Oahu, and predated the Conservation District
5 established in 1964; and

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7 WHEREAS, around 2012, the Department of Land and Natural
8 Resources (Department) worked with the owners, David Knox and
9 Beverly Hoversland, to resolve the encroachments; and

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11 WHEREAS, on July 23, 2012, the Department's Office of
12 Conservation and Coastal Lands determined that the encroachments
13 predated the establishment of the Conservation District
14 established in 1964 and supported the issuance of an easement to
15 resolve the encroachments; and

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17 WHEREAS, on December 14, 2012, under agenda item D-14, the
18 Board of Land and Natural Resources approved a grant of a 55-
19 year non-exclusive easement to resolve the encroachments; and

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21 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
22 the prior approval of the Governor and prior authorization of
23 the Legislature by concurrent resolution for this disposition of
24 state submerged lands; now, therefore,

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26 BE IT RESOLVED by the Senate of the Twenty-seventh
27 Legislature of the State of Hawaii, Regular Session of 2014, the
28 House of Representatives concurring, that the Board of Land and
29 Natural Resources is hereby authorized to issue a term, non-
30 exclusive easement covering a portion of state submerged lands

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1 fronting the property identified as Tax Map Key: (1) 4-7-019:
2 seaward of 078, Kahaluu, Koolaupoko, Oahu, for the maintenance
3 and repair of the existing landscaping area, concrete wall, and
4 footing, and for use, maintenance, and repair of the existing
5 improvements constructed thereon, pursuant to section 171-53,
6 Hawaii Revised Statutes; and
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8 BE IT FURTHER RESOLVED that a certified copy of this
9 Concurrent Resolution be transmitted to the Chairperson of the
10 Board of Land and Natural Resources.
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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 KAHALUU, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING LANDSCAPING AREA, CONCRETE WALL, AND FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the maintenance and repair of the existing landscaping area, concrete wall, and footing, 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: Around 2012, the Department of Land and Natural Resources (Department) worked with the owners, David Knox and Beverly Hoversland, to resolve the encroachments of a landscaping area, concrete wall, and footing on state submerged lands fronting the property identified as Tax Map Key: (1) 4-7-019: seaward of 078, Kahaluu, Koolauoko, Oahu.

On July 23, 2012, the Department's Office of Conservation and Coastal Lands determined that the encroachments predated the establishment of the Conservation District established in 1964 and supported the issuance of an easement to resolve the encroachments.

At its meeting of December 14, 2012, under agenda item D-14, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachments.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for this disposition of state submerged lands. 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.