

JAN 23 2014

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT MOKULEIA, WAIALUA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND CONCRETE FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing seawall and concrete footing were
2 placed on state submerged lands fronting the property identified
3 as Tax Map Key: (1) 6-8-010: seaward of 021, Mokuleia, Waialua,
4 Oahu; and

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6 WHEREAS, around 2013, the Department of Land and Natural
7 Resources (Department) worked with the owner, Gregory Michaels,
8 to resolve the encroachments; and

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10 WHEREAS, on January 24, 2013, the Department's Office of
11 Conservation and Coastal Lands indicated its support to the
12 issuance of an easement to resolve the encroachments; and

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14 WHEREAS, on May 24, 2013, under agenda item D-13, the Board
15 of Land and Natural Resources approved a grant of a 55-year non-
16 exclusive easement to resolve the encroachments; and

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

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23 BE IT RESOLVED by the Senate of the Twenty-seventh
24 Legislature of the State of Hawaii, Regular Session of 2014, the
25 House of Representatives concurring, that the Board of Land and
26 Natural Resources is hereby authorized to issue a term, non-
27 exclusive easement covering a portion of state submerged lands
28 fronting the property identified as Tax Map Key: (1) 6-8-010:
29 seaward of 021, Mokuleia, Waialua, Oahu, for the maintenance and
30 repair of the existing seawall and concrete footing, and for

S.C.R. NO. 20

1 use, maintenance, and repair of the existing improvements
2 constructed thereon, pursuant to section 171-53, Hawaii Revised
3 Statutes; and

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5 BE IT FURTHER RESOLVED that a certified copy of this
6 Concurrent Resolution be transmitted to the Chairperson of the
7 Board of Land and Natural Resources.

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OFFERED BY: 
BY REQUEST

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 MOKULEIA, WAIALUA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND CONCRETE 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 seawall and concrete 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 2013, the Department of Land and Natural Resources (Department) worked with the owner, Gregory Michaels, to resolve the encroachments of an existing seawall and concrete footing on state submerged lands fronting the property identified as Tax Map Key: (1) 6-8-010: seaward of 021, Mokuleia, Waialua, Oahu.

On January 24, 2013, the Department's Office of Conservation and Coastal Lands indicated its support to the issuance of an easement to resolve the encroachments.

At its meeting of May 24, 2013, under agenda item D-13, 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.