

JAN 23 2014

**SENATE CONCURRENT
RESOLUTION**

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

1 WHEREAS, the existing seawall was placed on state submerged
2 lands fronting the property identified as Tax Map Key: (1) 5-3-
3 006: seaward of 021, Haleaha, Koolauloa, Oahu, and appears to be
4 long established as indicated on a survey map dated December 23,
5 1958; and
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7 WHEREAS, around 2003, the Department of Land and Natural
8 Resources (Department) worked with the previous owner of the
9 abutting property, Cho Gilger, to resolve the encroachment; and
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11 WHEREAS, on June 25, 2003, the Department's Office of
12 Conservation and Coastal Lands determined the seawall was
13 constructed prior to the establishment of the Conservation
14 District in 1964; and
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16 WHEREAS, on July 25, 2003, under agenda item D-12, the
17 Board of Land and Natural Resources approved a grant of a 55-
18 year non-exclusive easement to resolve the encroachment; and
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20 WHEREAS, around September 2007, Cho Gilger conveyed the
21 abutting property to the current owners, Phillip T. Spencer,
22 Trustee of the Phillip T. Spencer Revocable Trust and Lisa T.
23 Spencer, Trustee of the Lisa T. Spencer Revocable Trust; and
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25 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
26 the prior approval of the Governor and prior authorization of
27 the Legislature by concurrent resolution for this disposition of
28 state submerged lands; now, therefore,
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30 BE IT RESOLVED by the Senate of the Twenty-seventh
31 Legislature of the State of Hawaii, Regular Session of 2014, the

S.C.R. NO. 22

1 House of Representatives concurring, that the Board of Land and
2 Natural Resources is hereby authorized to issue a term, non-
3 exclusive easement covering a portion of state submerged lands
4 fronting the property identified as Tax Map Key: (1) 5-3-006:
5 seaward of 021, Haleaha, Koolauloa, Oahu, for the maintenance
6 and repair of the existing seawall, and for use, maintenance,
7 and repair of the existing improvements constructed thereon,
8 pursuant to section 171-53, Hawaii Revised Statutes; and
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10 BE IT FURTHER RESOLVED that a certified copy of this
11 Concurrent Resolution be transmitted to the Chairperson of the
12 Board of Land and Natural Resources.

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14 OFFERED BY: 
15 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 HALEAHA, KOOLAULOA, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, 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 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 2003, the Department of Land and Natural Resources (Department) worked with the previous owner of the abutting property, Cho Gilger, to resolve the encroachment of a seawall which existed at the location before 1958, on state submerged lands fronting the property identified as Tax Map Key: (1) 5-3-006: seaward of 021, Haleaha, Koolauloa, Oahu.

On June 25, 2003, the Department's Office of Conservation and Coastal Lands determined the seawall was constructed prior to the establishment of the Conservation District in 1964.

At its meeting of on July 25, 2003, under agenda item D-12, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachment.

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.