
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the existing seawall and steps
2 fronting the property identified as Tax Map Key: (1) 3-6-001:
3 seaward of 042, Waikiki, Honolulu, Oahu, were placed upon state
4 submerged lands; and

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6 WHEREAS, in January 2015, the previous owners, Christopher
7 and Wana'ao Eldridge, requested an easement for the encroachments
8 discovered during the due diligence period for the sale of their
9 property; and

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11 WHEREAS, the Department of Land and Natural Resources'
12 Office of Conservation and Coastal Lands supports an easement to
13 resolve the encroachment;

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15 WHEREAS, in March 2015, the previous owners sold the
16 abutting property to Dustin and Lisa Sellers;

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18 WHEREAS, on April 10, 2015, under agenda item D-8, the
19 Board of Land and Natural Resources approved a grant of a 55-
20 year non-exclusive easement to resolve the encroachments; and

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22 WHEREAS, the subject area is about 37 square feet, which
23 will be reviewed and approved by the Department of Accounting
24 and General Services' Survey Division; and

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26 WHEREAS, the grantees shall pay the State the fair market
27 value of the easement as consideration of the use of public
28 lands to be determined by an independent appraisal; and

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1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
2 the prior approval of the Governor and prior authorization of
3 the Legislature by concurrent resolution to lease state
4 submerged lands; now, therefore,
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6 BE IT RESOLVED by the House of Representatives of the
7 Twenty-eighth Legislature of the State of Hawaii, Regular
8 Session of 2016, the Senate concurring, that the Board of Land
9 and Natural Resources is hereby authorized to issue a term, non-
10 exclusive easement covering a portion of state submerged lands
11 fronting the property identified as Tax Map Key: (1) 3-6-001:
12 seaward of 042, Waikiki, Honolulu, Oahu, for the maintenance and
13 repair of the existing seawall and steps, and for use, repair,
14 and maintenance of the existing improvements constructed thereon
15 pursuant to section 171-53, Hawaii Revised Statutes; and
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17 BE IT FURTHER RESOLVED that a certified copy of this
18 Concurrent Resolution be transmitted to the Chairperson of the
19 Board of Land and Natural Resources.
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23 OFFERED BY:  BY REQUEST

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26 JAN 25 2016
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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 WAIKIKI, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE 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 steps, and for use, repair, and maintenance of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Portions of the existing seawall and steps fronting the property identified as Tax Map Key: (1) 3-6-001: seaward of 042, Waikiki, Honolulu, Oahu, were placed upon state submerged lands.

In January 2015, the previous owners, Christopher and Wana'ao Eldridge, requested an easement for the encroachments discovered during the due diligence period for the sale of their property to Dustin and Lisa Sellers.

The Department's Office of Conservation and Coastal Lands supports a disposition to resolve the encroachments.

At its meeting of April 10, 2015, under agenda item D-8, 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 to lease state submerged lands. As such, 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.