
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing seawall fronting the property
2 identified as Tax Map Key: (1) 8-4-005: seaward of 002, Makaha,
3 Waianae, Oahu, was placed upon state submerged lands; and
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5 WHEREAS, around July 2012, the Department of Land and
6 Natural Resources worked with the owner, West Coast Roofing,
7 Inc., to resolve the encroachment; and
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9 WHEREAS, on January 11, 2013, under agenda item D-14, the
10 Board of Land and Natural Resources approved a grant of a 55-
11 year non-exclusive easement to resolve the encroachment; and
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13 WHEREAS, Senate Concurrent Resolution 105 pursuant to
14 section 171-53, Hawaii Revised Statutes, was adopted by the
15 Twenty-seventh Legislature in May 2013; and
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17 WHEREAS, the subject area was about 131 square feet, as
18 reviewed and approved by the Department of Accounting and
19 General Services' Survey Division; and
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21 WHEREAS, fair market value of the 131 square feet was
22 appraised at \$3,000; and
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24 WHEREAS, other portions of the same seawall were exposed
25 pursuant to a subsequent shoreline certification application
26 process; and
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28 WHEREAS, the total encroaching area was then determined to
29 be 321 square feet as reviewed and approved by the Department of
30 Accounting and General Services' Survey Division; and
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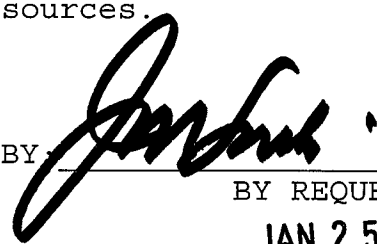
1 WHEREAS, the Department of the Attorney General advised
2 that another concurrent resolution pursuant to section 171-53,
3 Hawaii Revised Statutes, is required for the additional
4 encroaching area; and

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6 WHEREAS, the grantee shall pay the State the fair market
7 value of the additional encroaching area of 190 square feet as
8 consideration of the use of public lands to be determined by an
9 independent appraisal; and

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11 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
12 the prior approval of the Governor and prior authorization of
13 the Legislature by concurrent resolution to lease state
14 submerged lands; now, therefore,

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16 BE IT RESOLVED by the House of Representatives of the
17 Twenty-eighth Legislature of the State of Hawaii, Regular
18 Session of 2016, the Senate concurring, that the Board of Land
19 and Natural Resources is hereby authorized to issue a term, non-
20 exclusive easement covering a portion of state submerged lands
21 fronting the property identified as Tax Map Key: (1) 8-4-005:
22 seaward of 002, Makaha, Waianae, Oahu, for the maintenance and
23 repair of the existing seawall, and for use, repair, and
24 maintenance of the existing improvements constructed thereon
25 pursuant to section 171-53, Hawaii Revised Statutes; and

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27 BE IT FURTHER RESOLVED that a certified copy of this
28 Concurrent Resolution be transmitted to the Chairperson of the
29 Board of Land and Natural Resources.

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33 OFFERED BY:  _____
34 BY REQUEST
35 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
MAKAHA, WAIANAEE, OAHU, FOR THE MAINTENANCE
AND REPAIR OF THE EXISTING SEAWALL, 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 for use, repair, and
maintenance of the existing improvements
constructed thereon.

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

JUSTIFICATION: The existing seawall fronting the property
identified as Tax Map Key: (1) 8-4-005:
seaward of 002, Makaha, Waianae, Oahu, was
placed upon state submerged lands. In 2012,
the Department worked with the owners, West
Coast Roofing, to resolve the encroachment.

As a result, at its meeting of July 11,
2013, under agenda item D-14, the Board
approved a grant of a 55-year non-exclusive
easement to resolve the encroachment.

Senate Concurrent Resolution 105, pursuant
to section 171-53, HRS, was adopted by the
Twenty-seventh Legislature in May 2013,
authorizing the issuance of the 55-year non-
exclusive easement to resolve the
encroachment.

Subsequently, the encroachment area was
found out to be larger, with an additional
190 square feet. As such, the Department of

the Attorney General advised that another concurrent resolution pursuant to section 171-53, HRS, is required for the additional encroaching area.

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.