

---

---

## HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL CONSTRUCTED THEREON.

1           WHEREAS, on March 1, 1977, the Charles E. Hickman Trust and  
2 Virginia S. Hickman Trust (the Hickman Trusts) purchased two  
3 abutting shorefront properties in Kihei, Island of Maui, State  
4 of Hawaii, bearing tax map key numbers: (2) 3-9-11:7 (Parcel 7)  
5 and (2) 3-9-11:8 (Parcel 8); and  
6

7           WHEREAS, on May 2, 1990, the Hickman Trusts applied to the  
8 Department of Land and Natural Resources of the State of Hawaii  
9 (the Department) for an easement to repair and maintain an  
10 existing seawall fronting Parcel 7 and Parcel 8, portions of  
11 which seawall encroached into land owned by the State of Hawaii;  
12 and  
13

14           WHEREAS, the Board of Land and Natural Resources of the  
15 State of Hawaii (the Board), at a meeting held on August 10,  
16 1990, approved the Hickman Trusts' request for a seawall  
17 easement (the 1990 Board Approval); and  
18

19           WHEREAS, the 1990 Board Approval granted a perpetual  
20 easement permitting the use, repair, and maintenance of an  
21 existing seawall seaward of and fronting Parcel 7 and Parcel 8,  
22 consisting of an area of approximately 900 square feet (the  
23 Seawall Easement); and  
24

25           WHEREAS, on August 21, 1990, the Hickman Trusts submitted  
26 payment to the Department of the cost of an independent  
27 appraisal report for the Seawall Easement; and  
28

29           WHEREAS, on October 10, 1990, the Survey Division,  
30 Department of Accounting and General Services of the State of



1 Hawaii, issued C.S.F. 21,373 establishing the formal description  
2 of the Seawall Easement; and

3

4 WHEREAS, on September 30, 1991, an independent appraiser  
5 submitted to the Department the appraisal, with a determination  
6 that the appraised value of the Seawall Easement was \$4,000,  
7 effective as of September 1, 1990; and

8

9 WHEREAS, on January 27, 1992, the Department notified the  
10 Hickman Trusts of the completion of the appraisal and requested  
11 \$4,000 from the Hickman Trusts to pay the appraised value of the  
12 Seawall Easement, plus \$55 for related administrative fees; and

13

14 WHEREAS, on June 23, 1992, the Hickman Trusts paid the  
15 Department \$4,055 for the Seawall Easement and the  
16 administrative fees; and

17

18 WHEREAS, notwithstanding the above, and for reasons that  
19 are unknown, the formal easement document was not finalized  
20 despite administrative approval and payment for the same; and

21

22 WHEREAS, the Hickman Trusts thereafter conveyed Parcel 7  
23 and Parcel 8; and

24

25 WHEREAS, there have been other owners of Parcel 7 and  
26 Parcel 8 between the Hickman Trusts and the current owners,  
27 identified below; and

28

29 WHEREAS, on October 20, 1999, one of the subsequent owners  
30 developed Parcel 8 into a two-apartment residential condominium  
31 identified as the 1688 Halama Street Condominium (the  
32 Condominium); and

33

34 WHEREAS, the Association of Owners of the Condominium (the  
35 Association) consists of the owners of Apartment A and Apartment  
36 B of the Condominium; and

37

38 WHEREAS, by letter to the Department dated January 22,  
39 2015, the Association requested formal approval of the Seawall  
40 Easement with respect to that portion of the Seawall Easement  
41 fronting Parcel 8; and

42



1 WHEREAS, at a meeting held on May 8, 2015, the Board,  
2 subject to certain conditions, approved the formal granting of  
3 that portion of the Seawall Easement fronting Parcel 8, for a  
4 term of sixty-five years, commencing August 10, 1990; and  
5

6 WHEREAS, the Department has caused to be prepared a formal  
7 description of a map that identifies that portion of C.S.F.  
8 21,373 relating to Parcel 8, containing an area of four hundred  
9 fifty square feet, and more particularly described in a legal  
10 description prepared by Akamai Land Surveying, Inc., dated  
11 October 27, 2015, C.S.F. No. \_\_\_\_\_ (the Parcel 8 Seawall  
12 Easement Area); and  
13

14 WHEREAS, one of the conditions of the Board relates to  
15 section 171-53, Hawaii Revised Statutes, which requires the  
16 prior approval of the Governor and prior authorization of the  
17 Legislature by concurrent resolution to lease state submerged  
18 lands; now, therefore,  
19

20 BE IT RESOLVED by the House of Representatives of the  
21 Twenty-eighth Legislature of the State of Hawaii, Regular  
22 Session of 2016, the Senate concurring, that the Board of Land  
23 and Natural Resources is hereby authorized to issue a term, non-  
24 exclusive easement of sixty-five years, commencing on August 10,  
25 1990, covering a portion of state submerged lands, more  
26 particularly described in C.S.F. No. \_\_\_\_\_, and fronting  
27 Apartment A and B of the 1688 Halama Street Condominium  
28 (Condominium Map No. 2959), also being Lot 42 of the Waiohuli-  
29 Keokea Beach Lots, Second Series, bearing tax map key number (2)  
30 3-9-11:8, and seaward, situated at Waiohuli-Keokea (Kihei),  
31 Wailuku, Maui, Hawaii, for the use, maintenance, and repair of  
32 the existing seawall constructed thereon, pursuant to section  
33 171-53, Hawaii Revised Statutes; and  
34

35 BE IT FURTHER RESOLVED that a certified copy of this  
36 Concurrent Resolution be transmitted to the Chairperson of the  
37 Board of Land and Natural Resources.  
38  
39  
40

OFFERED BY: \_\_\_\_\_



JAN 22 2016

