
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAKAHA, WAIANAЕ, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL, AND FOR THE 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, pursuant to section 171-53, Hawaii Revised
14 Statutes, Senate Concurrent Resolution No. 105 was adopted by
15 the 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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1 WHEREAS, the total encroaching area was then determined to
2 be 321 square feet as reviewed and approved by the Department of
3 Accounting and General Services' Survey Division; and

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5 WHEREAS, the Department of the Attorney General advised
6 that another concurrent resolution pursuant to section 171-53,
7 Hawaii Revised Statutes, is required for the additional
8 encroaching area; and

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10 WHEREAS, the grantee is required to pay the State the fair
11 market value of \$7,351, covering the total encroachment area of
12 321 square feet, as consideration of the use of public lands;
13 and

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

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

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31 BE IT FURTHER RESOLVED that a certified copy of this
32 Concurrent Resolution be transmitted to the Chairperson of the
33 Board of Land and Natural Resources.

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