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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, portions of the existing rock seawall fronting the  
2 property identified as Tax Map Key: (4) 2-6-012: seaward of  
3 001, Kukuiula, Koloa, Kauai, were placed on state submerged  
4 lands; and

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6           WHEREAS, in 2014, the Department of Land and Natural  
7 Resources' Office of Conservation and Coastal Lands worked with  
8 the property owners, David G. Jorgensen and Annette Thatcher  
9 Jorgensen, Trustees of the David and Annette Jorgensen Revocable  
10 Trust, to resolve the encroachment; and

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12           WHEREAS, on November 14, 2014, the Board of Land and  
13 Natural Resources, under agenda item D-2, approved a grant of a  
14 fifty-five-year non-exclusive easement to resolve the  
15 encroachment; and

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17           WHEREAS, the subject area is about 535 square feet, which  
18 will be reviewed and approved by the Department of Accounting  
19 and General Services' Survey Division; and

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21           WHEREAS, the grantees are required to pay the State the  
22 fair market value of the easement as consideration for the use  
23 of public lands to be determined by an independent appraisal;  
24 and

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26           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
27 the prior approval of the Governor and prior authorization of  
28 the Legislature by concurrent resolution for this disposition of  
29 state submerged lands; now, therefore,



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2 BE IT RESOLVED by the Senate of the Twenty-eighth  
3 Legislature of the State of Hawaii, Regular Session of 2016, the  
4 House of Representatives concurring, that the Board of Land and  
5 Natural Resources is hereby authorized to issue a term, non-  
6 exclusive easement covering a portion of state submerged lands  
7 fronting the property identified as Tax Map Key: (4) 2-6-012:  
8 seaward of 001, Kukuiula, Koloa, Kauai, for the maintenance and  
9 repair of the existing rock seawall, and for the use,  
10 maintenance, and repair of the existing improvements constructed  
11 thereon, pursuant to section 171-53, Hawaii Revised Statutes;  
12 and

13  
14 BE IT FURTHER RESOLVED that a certified copy of this  
15 Concurrent Resolution be transmitted to the Chairperson of the  
16 Board of Land and Natural Resources.

