
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII.

1 WHEREAS, in or around May 1990, staff of the Department of
2 Land and Natural Resources investigated and found that portions
3 of a seawall were built on government beach reserve lands in
4 Kihei, Maui, without proper state authorization; and
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6 WHEREAS, in August of 1990, under agenda item F-7, the
7 Board of Land and Natural Resources approved the assessment of a
8 \$500 fine and a direct sale of a perpetual, non-exclusive
9 easement to the Charles E. Hickman Trust and Virginia S. Hickman
10 Trust for the repair and maintenance of the existing seawall
11 seaward of and fronting tax map key numbers: (2) 3-9-11:7
12 (Parcel 7) and 8 (Parcel 8); and
13

14 WHEREAS, in 1990, pursuant to the terms of the approval,
15 the Hickman Trusts paid the consideration required by the
16 perpetual easement as well as the document and mapping fees
17 assessed by the Department of Land and Natural Resources' Land
18 Division; and
19

20 WHEREAS, for reasons which remain unknown, the formal
21 easement document was not finalized despite administrative
22 approval and payment of all required fees; and
23

24 WHEREAS, through conveyancing, Garry A. Weber is the
25 current owner of Parcel 7; and
26

27 WHEREAS, Parcel 8 was developed into a residential
28 condominium project identified as 1688 Halama Street Condominium
29 and in 2015 the owners of Parcel 8 were granted a sixty-five



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1 year easement for the repair and maintenance of their portion of
2 the existing seawall; and


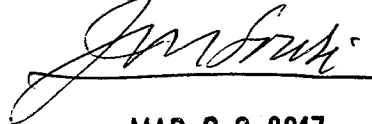
3
4 WHEREAS, on April 22, 2016, under agenda item D-5, the
5 Board of Land and Natural Resources, subject to certain
6 conditions, approved the amendment of the prior action with
7 respect to Parcel 7 by changing the term of the easement from
8 perpetual to a term, non-exclusive easement of sixty-five years,
9 commencing August 10, 1990, for repair and maintenance of the
10 existing seawall seaward of Parcel 7, belonging to Garry A.
11 Weber; and

12
13 WHEREAS, one of the conditions of the Board relates to
14 section 171-53, Hawaii Revised Statutes, which requires the
15 prior approval of the Governor and prior authorization of the
16 Legislature by concurrent resolution to lease state submerged
17 lands; now, therefore,

18
19 BE IT RESOLVED by the House of Representatives of the
20 Twenty-ninth Legislature of the State of Hawaii, Regular Session
21 of 2017, the Senate concurring, that the Board of Land and
22 Natural Resources is hereby authorized to issue a term,
23 nonexclusive easement of sixty-five years, commencing on
24 August 10, 1990, covering a portion of state submerged lands,
25 fronting the property identified as tax map key number: (2)3-9-
26 11:7, seaward of lot 7, Waiohuli-Keokea Homesteads and Beach
27 Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii for the
28 maintenance and repair of the existing seawall constructed
29 thereon, pursuant to section 171-53(c), Hawaii Revised Statutes;
30 and

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

35
36 OFFERED BY:

MAR 09 2017

