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# HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAILUA,  
KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE  
EXISTING SEAWALL AND BOAT RAMP, AND FOR THE USE, REPAIR, AND  
MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1           WHEREAS, portions of the seawall and boat ramp fronting the  
2 property identified as Tax Map Key: (1) 4-3-005: seaward of  
3 094, Kailua, Koolauapoko, Oahu, were placed on state submerged  
4 lands; and  
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6           WHEREAS, around April 2004, the Department of Land and  
7 Natural Resources' Office of Conservation and Coastal Lands  
8 (OCCL) worked with the property owner, the Elizabeth Rice  
9 Grossman Family Trust, to resolve the encroachment; and  
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11           WHEREAS, on June 4, 2004, under agenda item D-6, the Board  
12 of Land and Natural Resources (Board) approved to grant a  
13 55-year non-exclusive easement to resolve the encroachments; and  
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15           WHEREAS, a term, non-exclusive easement covering 113 square  
16 feet, for a lump sum payment of \$11,570, was issued in 2006; and  
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18           WHEREAS, around November 2015, OCCL was working with the  
19 grantee for a Conservation District Use Permit to construct a  
20 sloping rock revetment makai of the seawall; and  
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22           WHEREAS, a subsequent survey showed the shoreline boundary  
23 to be further mauka, which resulted in an additional  
24 encroachment area of 328 square feet, which has been reviewed  
25 and finalized by the Department of Accounting and General  
26 Services, Survey Division; and  
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28           WHEREAS, on May 27, 2016, under agenda item D-13, the Board  
29 approved to amend the easement by incorporating the additional



1 encroachment area subject to payment of additional consideration  
2 of \$33,584, which is based on the pro-rated value of the  
3 easement; and  
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5 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
6 the prior approval of the Governor and prior authorization of  
7 the Legislature by concurrent resolution to lease state  
8 submerged lands; now, therefore,  
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10 BE IT RESOLVED by the House of Representatives of the  
11 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
12 of 2017, the Senate concurring, that the Board of Land and  
13 Natural Resources is hereby authorized to amend a term, non-  
14 exclusive easement covering a portion of state submerged lands  
15 fronting the property identified as Tax Map Key: (1) 4-3-005:  
16 seaward of 094, Kailua, Koolaupoko, Oahu, for the maintenance  
17 and repair of the existing seawall and boat ramp, and for the  
18 use, repair, and maintenance of the existing improvements  
19 constructed thereon pursuant to section 171-53, Hawaii Revised  
20 Statutes; and  
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22 BE IT FURTHER RESOLVED that a certified copy of this  
23 Concurrent Resolution be transmitted to the Chairperson of the  
24 Board of Land and Natural Resources.

