
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING PORTION OF STATE SUBMERGED LANDS AT WAIMANALO,
KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE
EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing pier identified as Tax Map Key: (1)
2 4-1-001:seaward of 011, Waimanalo, Koolauoko, Oahu, was placed
3 upon state submerged lands; and
4

5 WHEREAS, since 1977, the abutting property owner, C.
6 Michael Muller, possessed a month-to-month revocable permit
7 issued by the Board of Land and Natural Resources to cover the
8 encroachment; and
9

10 WHEREAS, in 2016, Mr. Muller expressed an interest in
11 converting the revocable permit to a long-term easement; and
12

13 WHEREAS, the Department of Land and Natural Resources'
14 Office of Conservation and Coastal Lands did not indicate any
15 objections to the conversion from a month-to-month revocable
16 permit for the pier into a long-term easement; and
17

18 WHEREAS, on January 13, 2017, under agenda item D-14, the
19 Board of Land and Natural Resources approved a grant of a
20 55-year non-exclusive easement to resolve the encroachment; and
21

22 WHEREAS, the subject area is about 716 square feet, which
23 will be reviewed and approved by the Department of Accounting
24 and General Services' Survey Division; and
25

26 WHEREAS, the grantee intends to pay the State the fair
27 market value of the easement as consideration of the use of
28 public lands, the value to be determined by an independent
29 appraisal; and
30



H.C.R. NO. 27

1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
2 the prior approval of the Governor and prior authorization of
3 the Legislature by concurrent resolution to lease state
4 submerged lands; now, therefore,
5

6 BE IT RESOLVED by the House of Representatives of the
7 Twenty-ninth Legislature of the State of Hawaii, Regular Session
8 of 2017, the Senate concurring, that the Board of Land and
9 Natural Resources is hereby authorized to issue a term, non-
10 exclusive easement covering a portion of state submerged lands
11 identified as Tax Map Key: (1) 4-1-001:seaward of 011,
12 Waimanalo, Koolaupoko, Oahu, for the maintenance and repair of
13 the existing pier, and for use, repair, and maintenance of the
14 existing improvements constructed thereon pursuant to section
15 171-53, Hawaii Revised Statutes; and
16

17 BE IT FURTHER RESOLVED that a certified copy of this
18 Concurrent Resolution be transmitted to Chairperson of the Board
19 of Land and Natural Resources.
20
21
22

OFFERED BY: _____



JAN 27 2017

