
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A 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, Koolaupoko, Oahu, was placed
3 upon state submerged lands; and
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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
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10 WHEREAS, in 2016, Mr. Muller, acting as trustee of the C.
11 Michael Muller Trust, expressed an interest in converting the
12 revocable permit to a long-term easement; and
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14 WHEREAS, the Department of Land and Natural Resources'
15 Office of Conservation and Coastal Lands did not indicate any
16 objections to the conversion from a month-to-month revocable
17 permit for the pier into a long-term easement; and
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19 WHEREAS, on January 13, 2017, under agenda item D-14, the
20 Board of Land and Natural Resources approved a grant of a
21 55-year non-exclusive easement to resolve the encroachment; and
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23 WHEREAS, the subject area is about 716 square feet, which
24 will be reviewed and approved by the Department of Accounting
25 and General Services' Survey Division; and
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27 WHEREAS, the grantee intends to pay the State the fair
28 market value of the easement as consideration of the use of



1 public lands, the value to be determined by an independent
2 appraisal; and

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

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9 BE IT RESOLVED by the House of Representatives of the
10 Twenty-ninth Legislature of the State of Hawaii, Regular Session
11 of 2017, the Senate concurring, that the Board of Land and
12 Natural Resources is hereby authorized to issue a term, non-
13 exclusive easement covering a portion of state submerged lands
14 identified as Tax Map Key: (1) 4-1-001:seaward of 011,
15 Waimanalo, Koolaupoko, Oahu, for the maintenance and repair of
16 the existing pier, and for use, repair, and maintenance of the
17 existing improvements constructed thereon pursuant to section
18 171-53, Hawaii Revised Statutes; and

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

