

MAR 10 2017

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT MAUNALUA, HONOLULU, OAHU, FOR THE MAINTENANCE AND REPAIR OF PORTIONS OF THE EXISTING CHANNEL, CONCRETE SURGE BREAK OR BREAKWATER, SEAWALL, STEP, AND FILLED LAND, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1           WHEREAS, portions of the existing channel, concrete surge  
2 break or breakwater, seawall, step, and filled land fronting the  
3 property identified as Tax Map Key: (1) 3-9-026: seaward of 044,  
4 045, & 048, Maunalua, Honolulu, Oahu was placed upon state  
5 submerged lands; and  
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7           WHEREAS, on November 16, 2001, under agenda item D-13, the  
8 Board of Land and Natural Resources approved a grant of a fifty-  
9 five-year non-exclusive easement to Evershine VIII, L.P. to  
10 resolve the channel, concrete surge break or breakwater,  
11 seawall, and filled land encroachments; and  
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13           WHEREAS, on January 14, 2005, under agenda item D-8, the  
14 Board of Land and Natural Resources consented to the assignment  
15 of the subject easement from Evershine VIII, L.P. to Evershine  
16 II, L.P.; and  
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18           WHEREAS, on April 25, 2008, under agenda item D-11, the  
19 Board of Land and Natural Resources authorized the amendment of  
20 the easement to add three hundred eighty-four square feet to the  
21 easement area, insert "step" as part of the purposes of the  
22 easement, and allow the easement to run with the abutting  
23 parcels, which resulted in a one-time payment of \$1,060 by the  
24 owner; and  
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1           WHEREAS, a term, non-exclusive easement, covering about  
2 21,032 square feet, was issued in October 2003 for a lump sum  
3 payment of \$58,000; and  
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5           WHEREAS, in 2015, an additional 3,501 square feet of the  
6 same encroachment areas were determined to be encroaching  
7 pursuant to a subsequent shoreline certification application  
8 process; and  
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10           WHEREAS, the additional encroaching area was reviewed and  
11 approved by the Department of Accounting and General Services'  
12 Survey Division; and  
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14           WHEREAS, on May 8, 2015, under agenda item D-14, the Board  
15 of Land and Natural Resources approved to amend the easement by  
16 incorporating the additional encroachment area subject to  
17 payment of an additional consideration assessed at fair market  
18 value; and  
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20           WHEREAS, fair market value of the 3,501 square feet was  
21 appraised at \$130,000; and  
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23           WHEREAS, sections 171-13 and 171-53, Hawaii Revised  
24 Statutes, requires the prior approval of the Governor and prior  
25 authorization of the Legislature by concurrent resolution to  
26 lease state submerged lands; now, therefore,  
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28           BE IT RESOLVED by the Senate of the Twenty-ninth  
29 Legislature of the State of Hawaii, Regular Session of 2017, the  
30 House of Representatives concurring, that the Board of Land and  
31 Natural Resources is authorized to issue an amended term, non-  
32 exclusive easement covering a portion of state submerged lands  
33 fronting the property identified as Tax Map Key: (1) 3-9-026:  
34 seaward of 044, 045, & 048, Maunalua, Honolulu, Oahu, for the  
35 maintenance and repair of the existing channel, concrete surge  
36 break or breakwater, seawall, step, and filled land, and for  
37 use, repair, and maintenance of the existing improvements  
38 constructed thereon pursuant to section 171-53, Hawaii Revised  
39 Statutes; and  
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# S.C.R. NO. 120

1 BE IT FURTHER RESOLVED that a certified copy of this  
2 Concurrent Resolution be transmitted to the Chairperson of the  
3 Board of Land and Natural Resources.

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OFFERED BY:

*Kal Rhoah*

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