
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 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 3,503 square feet, more or
6 less, of the same encroachment areas were determined to be
7 encroaching pursuant to a subsequent shoreline certification
8 application 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 an amendment of the
16 easement by incorporating the additional encroachment area
17 subject to payment of an additional consideration assessed at
18 fair market value; and
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20 WHEREAS, fair market value of the 3,503 square feet, more
21 or less, was appraised at \$130,000; and
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23 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
24 the prior approval of the Governor and prior authorization of
25 the Legislature by concurrent resolution to lease state
26 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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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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