

FEB 0 1 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 KAILUA, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING SEAWALL AND BOAT RAMP, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing seawall and boat ramp  
2 fronting the property identified as Tax Map Key: (1) 4-3-005:  
3 seaward of 094, Kailua, Koolauoko, Oahu, were placed upon state  
4 submerged lands; and

5  
6 WHEREAS, around April 2004, the Department of Land and  
7 Natural Resources' Office of Conservation and Coastal Lands  
8 worked with the property owner, Elizabeth Rice Grossman, to  
9 resolve the encroachment; and

10  
11 WHEREAS, on June 4, 2004, under agenda item D-6, the Board  
12 of Land and Natural Resources approved a grant of a 55-year non-  
13 exclusive easement to resolve the encroachment; and

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15 WHEREAS, a term, non-exclusive easement covering 113 square  
16 feet, at a lump sum payment of \$11,570, was issued in 2006; and

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18 WHEREAS, around November 2015, the Department of Land and  
19 Natural Resources' Office of Conservation and Coastal Lands  
20 worked with the grantee of the conservation district use permit  
21 to construct a sloping rock revetment makai of the seawall; and

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23 WHEREAS, a subsequent survey showed the shoreline boundary  
24 to be further mauka, which resulted in an additional  
25 encroachment area of 328 square feet, which has been reviewed  
26 and finalized by the Department of Accounting and General  
27 Services, Survey Division; and  
28



# S.C.R. NO. 44

1 WHEREAS, on May 27, 2016, under agenda item D-13, the Board  
 2 of Land and Natural Resources approved to amend the easement by  
 3 incorporating the additional encroachment area subject to  
 4 payment of an additional consideration of \$33,584, which is  
 5 based on the pro-rated value of the easement; and

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

11  
 12 BE IT RESOLVED by the Senate of the Twenty-ninth  
 13 Legislature of the State of Hawaii, Regular Session of 2017, the  
 14 House of Representatives concurring, that the Board of Land and  
 15 Natural Resources is hereby authorized to amend a term, non-  
 16 exclusive easement covering a portion of state submerged lands  
 17 fronting the property identified as Tax Map Key: (1) 4-3-005:  
 18 seaward of 094, Kailua, Koolaupoko, Oahu, for the maintenance  
 19 and repair of the existing seawall and boat ramp, and for use,  
 20 repair, and maintenance of the existing improvements constructed  
 21 thereon pursuant to section 171-53, Hawaii Revised Statutes; and

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

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27  
28 OFFERED BY:



By Request

