

FEB 02 2017

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# SENATE 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, 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 expressed an interest in  
11 converting the revocable permit to a long-term easement; and  
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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  
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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  
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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  
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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  
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# S.C.R. NO. 46

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,  
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6 BE IT RESOLVED by the Senate of the Twenty-ninth  
7 Legislature of the State of Hawaii, Regular Session of 2017, the  
8 House of Representatives 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  
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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.  
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OFFERED BY: \_\_\_\_\_

