
SENATE 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 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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2 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
3 the prior approval of the Governor and prior authorization of
4 the Legislature by concurrent resolution to lease state
5 submerged lands; now, therefore,
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7 BE IT RESOLVED by the Senate of the Twenty-ninth
8 Legislature of the State of Hawaii, Regular Session of 2017, the
9 House of Representatives concurring, that the Board of Land and
10 Natural Resources is hereby authorized to issue a term, non-
11 exclusive easement covering a portion of state submerged lands
12 identified as Tax Map Key: (1) 4-1-001:seaward of 011,
13 Waimanalo, Koolaupoko, Oahu, for the maintenance and repair of
14 the existing pier, and for use, repair, and maintenance of the
15 existing improvements constructed thereon pursuant to section
16 171-53, Hawaii Revised Statutes; and
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18 BE IT FURTHER RESOLVED that a certified copy of this
19 Concurrent Resolution be transmitted to Chairperson of the Board
20 of Land and Natural Resources.

