

FEB 0 2 2017

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 SEAWALL AND BOAT RAMP, AND FOR THE
USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON.

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

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

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11 WHEREAS, on June 4, 2004, under agenda item D-6, the Board
12 of Land and Natural Resources (Board) approved to grant a 55-
13 year non-exclusive easement to resolve the encroachments; 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, OCCL was working with the
19 grantee for a Conservation District Use Permit to construct a
20 sloping rock revetment Makai of the seawall; and

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



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1 WHEREAS, on May 27, 2016, under agenda item D-13, the Board
2 approved to amend the easement by incorporating the additional
3 encroachment area subject to payment of additional consideration
4 of \$33,584, which is based on the pro-rated value of the
5 easement; and
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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,
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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 the
20 use, repair, and maintenance of the existing improvements
21 constructed thereon pursuant to section 171-53, Hawaii Revised
22 Statutes; and
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24 BE IT FURTHER RESOLVED that a certified copy of this
25 Concurrent Resolution be transmitted to the Chairperson of the
26 Board of Land and Natural Resources.
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OFFERED BY: _____

