

MAR 07 2017

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING CONCRETE SEAWALL, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing concrete seawall fronting
2 the property identified as Tax Map Key: (2) 4-6-003: seaward
3 of 007, Lahaina, Maui, was placed upon state submerged lands;
4 and
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6 WHEREAS, in mid-2016, the Department of Land and Natural
7 Resources' Office of Conservation and Coastal Lands worked with
8 the property owners to resolve the encroachment; and
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10 WHEREAS, on October 14, 2016, under agenda item D-9, the
11 Board of Land and Natural Resources approved a grant of a fifty-
12 five-year non-exclusive easement to resolve the encroachment;
13 and
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15 WHEREAS, the subject area as described in the October 14,
16 2016, submittal is about 71 square feet, however a subsequent
17 easement survey shows the area to be approximately 65 square
18 feet, which will be reviewed and approved by the Department of
19 Accounting and General Services' Survey Division; and
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21 WHEREAS, the grantees are required to pay the State the
22 fair market value of the easement, to be determined by an
23 independent appraisal, as consideration for the use of public
24 lands; and
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26 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
27 the prior approval of the Governor and prior authorization of
28 the Legislature by concurrent resolution to lease state
29 submerged lands; now, therefore,
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S.C.R. NO. 74

1 BE IT RESOLVED by the Senate of the Twenty-ninth
 2 Legislature of the State of Hawaii, Regular Session of 2017, the
 3 House of Representatives concurring, that the Board of Land and
 4 Natural Resources is hereby authorized to issue a term, non-
 5 exclusive easement covering a portion of state submerged lands
 6 fronting the property identified as Tax Map Key: (2) 4-6-003:
 7 seaward of 007, Lahaina, Maui, for the maintenance and repair of
 8 the existing concrete seawall, and for the use, repair, and
 9 maintenance of the existing improvements constructed thereon
 10 pursuant to section 171-53, Hawaii Revised Statutes; and

11
 12 BE IT FURTHER RESOLVED that a certified copy of this
 13 Concurrent Resolution be transmitted to the Chairperson of the
 14 Board of Land and Natural Resources.

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OFFERED BY:

~~AC. Kook-Agona~~
 [Handwritten signatures: a large stylized signature, "Maitik", and "Hon. B. B. B."]

Ronald L. Baker
 Will Eyo
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 Clarence K. Fushikawa
 [Handwritten signature]
 [Handwritten signature]
 Michelle Sadani
 Karl Rhoad