

MAR 10 2017

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIPOULI, KAWAIHAU, KAUAI, FOR A PORTION OF A SEAWALL AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the seawall fronting the property
2 identified as Tax Map Key: (4) 4-3-009: seaward of 001,
3 Waipouli, Kawaihau, Kauai (Parcel 001), have been identified to
4 be on state submerged lands; and

5
6 WHEREAS, in early 2014, then-property owners Katherine
7 Skow, Stephanie Skow, and Matthew Nelson applied to the
8 Department of Land and Natural Resources' (DLNR) Office of
9 Conservation and Coastal Lands to repair an existing seawall;
10 and

11
12 WHEREAS, pursuant to a shoreline certification, a portion
13 of the existing seawall is on state submerged lands; and

14
15 WHEREAS, on May 19, 2014, under agenda item D-1, as
16 subsequently amended at a meeting on October 24, 2014, the Board
17 of Land and Natural Resources (Board) approved the proposed
18 repairs and granted a right-of-entry permit to utilize a portion
19 of approximately eight hundred fifty-two square feet of
20 unencumbered land seaward of Parcel 001; and

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22 WHEREAS, on September 20, 2016, the Chairperson of the
23 Board approved an independent appraisal, dated June 15, 2015, to
24 establish a value for a grant of easement at \$25,200 for a non-
25 exclusive easement covering eight hundred fifty-two square feet,
26 at a lump sum payment of \$25,255 inclusive of fees; and

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28 WHEREAS, DLNR was informed that Parcel 001 was under
29 contract to be transferred to Ellen Berkowitz and Rex Beasley
30 (Purchasers); and



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 2 WHEREAS, on October 17, 2016, the Purchasers issued a check
 3 for the lump sum payment of \$25,255 inclusive of fees for the
 4 grant of easement; and
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6 WHEREAS, on December 12, 2016, DLNR re-issued a right-of-
 7 entry permit to the Purchasers in anticipation of the transfer
 8 of property; and
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10 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 11 the prior approval of the Governor and prior authorization of
 12 the Legislature by concurrent resolution to lease state
 13 submerged lands; now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-ninth
 16 Legislature of the State of Hawaii, Regular Session of 2017, the
 17 House of Representatives concurring, that the Board of Land and
 18 Natural Resources is hereby authorized to issue a fifty-five
 19 year term, non-exclusive easement covering a portion of state
 20 submerged lands fronting the property identified as Tax Map Key:
 21 (4) 4-3-009, seaward of 001, Waipouli, Kawaihau, Kauai, for the
 22 maintenance and repair of the existing seawall, and for the use,
 23 repair, and maintenance of the existing improvements constructed
 24 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
 25 and
 26

27 BE IT FURTHER RESOLVED that a certified copy of this
 28 Concurrent Resolution be transmitted to the Chairperson of the
 29 Board of Land and Natural Resources.
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OFFERED BY: *Am N. W.*
 By Request