
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 THE MAINTENANCE AND
REPAIR OF THE EXISTING 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
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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
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12 WHEREAS, pursuant to a shoreline certification, a portion
13 of the existing seawall is on state submerged lands; and
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15 WHEREAS, on May 9, 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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1 WHEREAS, DLNR was informed that Parcel 001 was under
2 contract to be transferred to Ellen Berkowitz and Rex Beasley
3 (Purchasers); and
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5 WHEREAS, on October 17, 2016, the Purchasers issued a check
6 for the lump sum payment of \$25,255 inclusive of fees for the
7 grant of easement; and
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9 WHEREAS, on December 12, 2016, DLNR re-issued a right-of-
10 entry permit to the Purchasers in anticipation of the transfer
11 of property; and
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13 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
14 the prior approval of the Governor and prior authorization of
15 the Legislature by concurrent resolution to lease state
16 submerged lands; now, therefore,
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18 BE IT RESOLVED by the Senate of the Twenty-ninth
19 Legislature of the State of Hawaii, Regular Session of 2017, the
20 House of Representatives concurring, that the Board of Land and
21 Natural Resources is hereby authorized to issue a fifty-five
22 year term, non-exclusive easement covering a portion of state
23 submerged lands fronting the property identified as Tax Map Key:
24 (4) 4-3-009, seaward of 001, Waipouli, Kawaihau, Kauai, for the
25 maintenance and repair of the existing seawall, and for the use,
26 repair, and maintenance of the existing improvements constructed
27 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
28 and
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30 BE IT FURTHER RESOLVED that a certified copy of this
31 Concurrent Resolution be transmitted to the Chairperson of the
32 Board of Land and Natural Resources.
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