
HOUSE CONCURRENT
RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE,
KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE,
REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS
CONSTRUCTED THEREON.

1 WHEREAS, the existing pier fronting the property identified
2 as Tax Map Key: (1) 4-6-001:seaward of 015, Kaneohe, Koolaupoko,
3 Oahu, was placed upon state submerged lands; and
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5 WHEREAS, around July 2004, the University of Hawaii,
6 awarded a contract for repair work on the abutting parcel.
7 However, the building permit required a shoreline certification;
8 and
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10 WHEREAS, as a shoreline certification could not be issued
11 without first resolving the pier encroachment issue, the
12 University of Hawaii worked with the Department of Land and
13 Natural Resources to resolve the pier encroachment; and
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15 WHEREAS, at its meeting of July 30, 2004, under agenda item
16 D-28, the Board of Land and Natural Resources, authorized and
17 recommended to the Governor the issuance of an executive order
18 setting aside the subject parcel to the University of Hawaii to
19 resolve the pier encroachment; and
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21 WHEREAS, at its meeting of February 25, 2005, under agenda
22 item D-4, the Board of Land and Natural Resources approved to
23 amend the manner of land disposition by granting a 65-year
24 direct lease to resolve the pier encroachment at gratis rent;
25 and
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27 WHEREAS, the 65-year direct lease was never consummated
28 however, due to lack of agreement on the lease conditions, and
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1 WHEREAS, it was subsequently determined that the Department
2 of Land and Natural Resources should issue a non-exclusive
3 easement to resolve the pier encroachment; and
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5 WHEREAS, at its meeting of August 25, 2017, under agenda
6 item D-5, the Board of Land and Natural Resources approved a
7 grant of a 55-year non-exclusive easement to resolve the pier
8 encroachment, and such non-exclusive easement to run with the
9 land and to inure to the benefit of the abutting real property
10 at gratis rent; and
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12 WHEREAS, the total encroachment area was determined to be
13 8,271 square feet as reviewed and approved by the Department of
14 Accounting and General Services' Survey Division; and
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16 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
17 the prior approval of the Governor and prior authorization of
18 the Legislature by concurrent resolution to lease state
19 submerged lands; now, therefore,
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21 BE IT RESOLVED by the House of Representatives of the
22 Thirtieth Legislature of the State of Hawaii, Regular Session of
23 2020, the Senate concurring, that the Board of Land and Natural
24 Resources is hereby authorized to issue a term, non-exclusive
25 easement covering a portion of state submerged lands fronting
26 the property identified as Tax Map Key: (1) 4-6-001:seaward of
27 015, Kaneohe, Koolaupoko, Oahu, for the existing pier, and for
28 use, repair, and maintenance of the existing improvements
29 constructed thereon pursuant to section 171-53, Hawaii Revised
30 Statutes; and
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32 BE IT FURTHER RESOLVED that a certified copy of this
33 concurrent resolution be transmitted to the Chairperson of the
34 Board of Land and Natural Resources.
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39 OFFERED BY: 

BY REQUEST

JAN 21 2020

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing pier, and for use, repair, and maintenance of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The existing pier fronting the property identified as Tax Map Key: (1) 4-6-001:seaward of 015, Kaneohe, Koolaupoko, Oahu, was placed upon state submerged lands. The property owner, the University of Hawaii (UH), worked with the Department to resolve the encroachment.

At its meeting of July 30, 2004, under agenda item D-28, the Board authorized and recommended to the Governor the issuance of an executive order setting aside the subject lands to UH to resolve the pier encroachment.

Subsequently, at its meeting of February 25, 2005, under agenda item D-4, the Board approved to amend the manner of land disposition by granting a 65-year direct lease to resolve the encroachment at gratis rent. The 65-year direct lease was never consummated however, due to lack of agreement on the lease conditions. It was

subsequently determined that the Department should issue a non-exclusive easement to resolve the pier encroachment.

At its meeting of August 25, 2017, under agenda item D-5, the Board approved a grant of a 55-year term, non-exclusive easement to resolve the pier encroachment, to run with the land and inure to the benefit of the abutting real property at gratis rent.

The total encroachment area was determined to be 8,271 square feet as reviewed and approved by the Department of Accounting and General Services' Survey Division.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands. As such, this concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM DESIGNATION: LNR 101.
OTHER AFFECTED AGENCIES: None.
EFFECTIVE DATE: Upon adoption.