
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS
COVERING PORTIONS OF STATE SUBMERGED LANDS AT WAIOHULI-
KEOKEA, WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR
THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING
IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of an existing seawall fronting the
2 property identified as Tax Map Key: (2) 3-9-011:seaward of 008,
3 Waiohuli-Keokea, Wailuku, Maui, were placed on state submerged
4 lands; and

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6 WHEREAS, the property is a condominium consisting of CPR
7 0001 owned by Rand 2013 Living Trust, Dated November 25, 2013
8 and CPR 0002 owned by Reconstruct Holdings USA, Inc.

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10 WHEREAS, at its meeting of May 8, 2015, under agenda item
11 D-8, the Board of Land and Natural Resources approved a grant of
12 a 65-year non-exclusive easement to resolve the encroachment, to
13 run with the land and to inure to the benefit of the abutting
14 real property; and

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16 WHEREAS, Senate Concurrent Resolution No. 7, adopted in the
17 Twenty-eighth Legislature of the State of Hawaii, Regular
18 Session of 2016, cited the purpose of the requested non-
19 exclusive easement for seawall purposes; and

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21 WHEREAS, it was later discovered that there were additional
22 portions of the seawall which were not covered by the non-
23 exclusive easement which were encroaching on state submerged
24 lands; and

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26 WHEREAS, the additional total encroachment area was
27 determined to be approximately 928 square feet, more or less,
28 subject to review and approval by the Department of Accounting
29 and General Services' Survey Division; and



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WHEREAS, Reconstruct Holdings USA, Inc., the owner of CPR 0002, requested that the non-exclusive easement that was granted by the Board of Land and Natural Resources on May 8, 2015 be divided into two separate easements; and

WHEREAS, at its meeting of August 25, 2017, under agenda item D-9 as amended, and October 12, 2018, under agenda item D-5, the Board of Land and Natural Resources approved the grant of sixty-five (65) year, non-exclusive easements for the additional portions of the seawall on state submerged lands, to run with the land and inure to the benefit of CPR 0001 and CPR 0002, Waiohuli-Keokea, Wailuku, Maui, of the abutting real property, to resolve the encroachments; and

WHEREAS the grantees shall pay the fair market value of the easements as determined by independent appraisal; and

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, the Senate concurring, that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources is hereby authorized to grant term, non-exclusive easements covering portions of state submerged lands fronting the property identified as Tax Map Keys (2) 3-9-011:seaward of 008 CPR 0001 and CPR 0002, Waiohuli-Keokea, Wailuku, Maui, for the existing seawall, and the use, maintenance, and repair of the existing improvements constructed thereon; and

BE IT FURTHER RESOLVED that a certified copy of this concurrent resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

