
HOUSE CONCURRENT
RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA HOMESTEADS, KIHEI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, a portion of the existing seawall and rock
2 revetment fronting the property identified as Tax Map Key: (2)
3 3-9-012:seaward of 003, Waiohuli-Keokea Homesteads, Kihei, Maui,
4 was placed upon state submerged lands; and
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6 WHEREAS, around June 2017, the current owners, Robin M.
7 Kean and Jennifer Downs Kean, Trustees of the Robin M. Kean
8 Revocable Living Trust dated October 1, 2015, and Jennifer Downs
9 Kean and Robin M. Kean, Trustees of the Jennifer Downs Kean
10 Revocable Living Trust dated October 1, 2015, worked with the
11 Department of Land and Natural Resources to resolve the existing
12 seawall and rock revetment encroachment; and
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14 WHEREAS, the Department of Land and Natural Resources'
15 Office of Conservation and Coastal Lands recommended disposition
16 of the proposed shoreline easement in order to resolve the
17 existing encroachment; and
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19 WHEREAS, on June 9, 2017, under agenda item D-9, the Board
20 of Land and Natural Resources approved a grant of a 55-year non-
21 exclusive easement to resolve the seawall and rock revetment
22 encroachment for an area of approximately 611 to 650 square
23 feet, pending review and approval by the Department of
24 Accounting and General Services' Survey Division, and such
25 easement shall run with the land and inure to the benefit of the
26 abutting real property; and
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1 WHEREAS, an easement survey conducted on December 12, 2018,
 2 subsequent to the June 9, 2017, Board of Land and Natural
 3 Resources meeting, showed an additional area of encroachment,
 4 being a portion of the existing concrete steps, and a total
 5 easement area of 668 feet, more or less; and

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 7 WHEREAS, on April 26, 2019, under agenda item D-6, the
 8 Board of Land and Natural Resources approved amending the June
 9 9, 2017 authorization to grant a 55-year non-exclusive easement
 10 to resolve the seawall and rock revetment encroachment, by
 11 adding a portion of the concrete steps as an additional
 12 encroachment to be resolved by way of the easement, and
 13 increasing the easement area from 650 square feet, more or less,
 14 to 668 square feet, more or less; and

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 16 WHEREAS, the grantee shall pay the State the fair market
 17 value of the easement as consideration of the use of state
 18 submerged lands to be determined by independent appraisal; and

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

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 25 BE IT RESOLVED by the House of Representatives of the
 26 Thirtieth Legislature of the State of Hawaii, Regular Session of
 27 2020, the Senate concurring, that the Board of Land and Natural
 28 Resources is hereby authorized to issue a term, non-exclusive
 29 easement covering a portion of state submerged lands fronting
 30 the property identified as Tax Map Key: (2) 3-9-012:seaward of
 31 003, Waiohuli-Keokea Homesteads, Kihei, Maui, for the existing
 32 seawall, rock revetment, and concrete steps, and for use,
 33 repair, and maintenance of the existing improvements constructed
 34 thereon pursuant to section 171-53, Hawaii Revised Statutes; and

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 36 BE IT FURTHER RESOLVED that a certified copy of this
 37 Concurrent Resolution be transmitted to the Chairperson of the
 38 Board of Land and Natural Resources.

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OFFERED BY: 
 BY REQUEST

JAN 21 2020

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 WAIOHULI-KEOKEA HOMESTEADS, KIHEI, MAUI, FOR THE EXISTING SEAWALL, ROCK REVETMENT, AND CONCRETE STEPS, 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 seawall, rock revetment, and concrete steps, 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: A portion of the existing seawall and rock revetment fronting the property identified as Tax Map Key: (2) 3-9-012:seaward of 003, Waiohuli-Keokea Homesteads, Kihei, Maui, was placed upon state submerged lands. In June 2017, the current owners, Robin M. Kean and Jennifer Downs Kean, Trustees of the Robin M. Kean Revocable Living Trust dated October 1, 2015, and Jennifer Downs Kean and Robin M. Kean, Trustees of the Jennifer Downs Kean Revocable Living Trust dated October 1, 2015, worked with the Department to resolve the seawall and rock revetment encroachment.

The Department's Office of Conservation and Coastal Lands recommended disposition of the proposed shoreline easement in order to resolve the existing encroachment.

At its meeting of June 9, 2017, under agenda item D-9, the Board approved a grant of a 55-year non-exclusive easement to resolve

the seawall and rock revetment encroachment, to run with the land and to inure to the benefit of the abutting real property.

An easement survey conducted on December 12, 2018, subsequent to the June 9, 2017 Board meeting showed an additional area of encroachment, being a portion of concrete steps, and a total easement area of 668 feet, more or less.

At its meeting of April 26, 2019, under agenda item D-6, the Board approved amending the June 9, 2017 authorization to grant a 55-year non-exclusive easement to resolve the seawall and rock revetment encroachment, by adding a portion of the concrete steps as an additional encroachment to be resolved by way of the easement and increasing the easement area from 650 square feet, more or less, to 668 square feet, more or less.

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.