

JAN 23 2020

SENATE CONCURRENT
RESOLUTION

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

1 WHEREAS, portions of the existing storm drain fronting the
2 property identified as Tax Map Key: (1) 4-4-021:seaward of 038,
3 Kaneohe, Koolaupoko, Oahu, were placed on state submerged lands;
4 and

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6 WHEREAS, around April 2013, the Department of Land and
7 Natural Resources' Office of Conservation and Coastal Lands
8 worked with the City and County of Honolulu to resolve the storm
9 drain encroachment; and

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11 WHEREAS, the Office of Conservation and Coastal Lands
12 indicated they had no objection to a perpetual non-exclusive
13 easement to resolve the storm drain encroachment; and

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15 WHEREAS, at its meeting of August 23, 2013, under agenda
16 item D-10, the Board of Land and Natural Resources approved a
17 grant of a perpetual non-exclusive easement to resolve the storm
18 drain encroachment, at gratis consideration; and

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20 WHEREAS, the total encroachment area was determined to be
21 679 square feet as reviewed and approved by the Department of
22 Accounting and General Services' Survey Division; and

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24 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
25 the prior approval of the Governor and prior authorization of
26 the Legislature by concurrent resolution to lease state
27 submerged lands; now, therefore,
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S.C.R. NO. 31

1 BE IT RESOLVED by the Senate of the Thirtieth Legislature
2 of the State of Hawaii, Regular Session of 2020, the House of
3 Representatives concurring, that the Board of Land and Natural
4 Resources is hereby authorized to issue a perpetual, non-
5 exclusive easement covering a portion of state submerged lands
6 fronting the property identified as Tax Map Key: (1)
7 4-4-021:seaward of 038, Kaneohe, Koolaupoko, Oahu, for the
8 existing storm drain, and for use, repair, and maintenance of
9 the existing improvements constructed thereon pursuant to
10 section 171-53, Hawaii Revised Statutes; and

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

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OFFERED BY: 
BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING STORM DRAIN, 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 perpetual, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing storm drain, 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: Portions of the existing storm drain fronting the property identified as Tax Map Key: (1) 4-4-021:seaward of 038, Kaneohe, Koolaupoko, Oahu, was placed upon state submerged lands.

The City and County of Honolulu worked with the Department's Office of Conservation and Coastal Lands (OCCL) to resolve the storm drain encroachment. OCCL had no objections to a perpetual non-exclusive easement to resolve the storm drain encroachment.

At its meeting of August 23, 2013, under agenda item D-10, the Board approved a grant of a perpetual non-exclusive easement to resolve the storm drain encroachment, at gratis consideration.

The subject area is 679 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.