
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ADDITION OF A PORTION OF STATE SUBMERGED LANDS TO A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE RECLAIMED LANDS AT WAILUPE, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, in July 2002, Tsugio Ueyama, as Trustee of the
2 unrecorded Tsugio Ueyama Revocable Living Trust dated July 10,
3 2001, Jane N. Ueyama, as Trustee of the unrecorded Jane N.
4 Ueyama Revocable Living Trust dated July 10, 2001, and Lynn M.
5 Wong (now Lynn De Jesus), as grantees, were issued a 55-year
6 term, non-exclusive easement for a portion of state reclaimed
7 lands fronting the property identified as Tax Map Key: (1) 3-6-
8 003:015, Wailupe, Honolulu, Oahu, and constituting an area of
9 146 square feet including the encroaching seawall with right,
10 privilege, and authority to construct, use, maintain, and repair
11 the existing seawall, and paid a lump sum consideration of
12 \$11,300 to resolve the encroachment; and
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14 WHEREAS, thereafter, the Bank of Hawaii became the
15 successor trustee for the Tsugio Ueyama Revocable Living Trust
16 dated July 10, 2001, and the Jane N. Ueyama Revocable Living
17 Trust dated July 10, 2001; and
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19 WHEREAS, in 2007, a shoreline survey showed portions of the
20 footing and overhang of the existing seawall were located makai
21 of the existing seawall and encroaching on state submerged
22 lands; and
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24 WHEREAS, the Department of Land and Natural Resources'
25 Office of Conservation and Coastal Lands had no objection to
26 amend the non-exclusive easement to resolve the additional
27 seawall encroachment; and
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1 WHEREAS, at its meeting of August 28, 2020, under agenda
2 item D-10, the Board of Land and Natural Resources approved an
3 amendment to the original non-exclusive easement to resolve the
4 additional seawall encroachment; and

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6 WHEREAS, the additional encroaching area was determined to
7 be 16 square feet, as reviewed and approved by the Department of
8 Accounting and General Services' Survey Division; and

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10 WHEREAS, the grantees paid the State the fair market value
11 of the 16 square feet additional area of \$1,240 as determined by
12 the square foot value prorated by the original easement
13 consideration approved by the Board of Land and Natural
14 Resources; 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 Thirty-first Legislature of the State of Hawaii, Regular Session
23 of 2022, the Senate concurring, that the Board of Land and
24 Natural Resources is hereby authorized to add a portion of state
25 submerged lands to a term, non-exclusive easement covering a
26 portion of state reclaimed lands fronting the property
27 identified as Tax Map Key: (1) 3-6-003:015, Wailupe, Honolulu,
28 Oahu, for the existing seawall, and for use, repair, and
29 maintenance of the existing improvements constructed thereon
30 pursuant to section 171-53, Hawaii Revised 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.

