
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the existing seawall, steps, and
2 filled land fronting the property identified as Tax Map Key:
3 (1) 4-7-001:006, Kahaluu, Koolauoko, Oahu, were placed on state
4 submerged lands; and

5
6 WHEREAS, in July 1964, Mr. and Mrs. John Akima, Jr.
7 (initial owners), purchased 1,426 square feet of reclaimed land
8 seaward of the property that included an existing seawall,
9 steps, and filled land, and paid a lump sum consideration amount
10 of \$1,521 for the reclaimed land; and

11
12 WHEREAS, in June 2018, Bryan Spicer, the subsequent owner,
13 sold the property to Lynnette Mau, Trustee of the Lynnette Mau
14 Revocable Living Trust dated May 18, 1977, as amended and
15 restated; and

16
17 WHEREAS, in July 2018, a shoreline survey showed additional
18 areas of the existing seawall and filled land are located makai
19 of the shoreline and encroaching on state submerged lands; and

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21 WHEREAS, the survey also showed that portions of the steps
22 that were included in the 1964 reclaimed land purchase are now
23 located makai of shoreline and encroaching on state submerged
24 lands as well; and

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26 WHEREAS, around October 2018, the Department of Land and
27 Natural Resources' Office of Conservation and Coastal Lands
28 worked with Lynnette Mau to resolve the encroachments; and
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1 WHEREAS, the Office of Conservation and Coastal Lands
2 indicated it had no objection to a non-exclusive easement to
3 resolve the encroachments; and
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5 WHEREAS, at its meeting of February 8, 2019, under agenda
6 item D-8, the Board of Land and Natural Resources approved a
7 grant of a twenty-five-year non-exclusive easement to resolve
8 the existing seawall, steps, and filled land encroachments, and
9 such non-exclusive easement shall run with the land and shall
10 inure to the benefit of the abutting real property; and
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12 WHEREAS, the total encroaching area was determined to be
13 eight hundred forty-two square feet, as reviewed and approved by
14 the Department of Accounting and General Services' Survey
15 Division; and
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17 WHEREAS, the grantee paid the State the fair market value
18 of the eight hundred forty-two square feet non-exclusive
19 easement area of \$32,000, as determined by an independent
20 appraisal; and
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22 WHEREAS, in May 2021, Lynnette Mau sold the property to
23 Martin Wade Cornett and Annette Pauline Cornett; and
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25 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
26 the prior approval of the Governor and prior authorization of
27 the Legislature by concurrent resolution to lease state
28 submerged lands; now, therefore,
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30 BE IT RESOLVED by the Senate of the Thirty-first
31 Legislature of the State of Hawaii, Regular Session of 2022, the
32 House of Representatives concurring, that the Board of Land and
33 Natural Resources is hereby authorized to issue a term, non-
34 exclusive easement covering a portion of state submerged lands
35 fronting the property identified as Tax Map Key: (1) 4-7-
36 001:006, Kahaluu, Koolaupoko, Oahu, for the existing seawall,
37 steps, and filled land, and for use, repair, and maintenance of
38 the existing improvements constructed thereon pursuant to
39 section 171-53, Hawaii Revised Statutes; and
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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Land and Natural Resources.

