

MAR 10 2023

SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR THE EXISTING SEAWALL FOOTING, SEAWALL WALKWAY, AND SWIM-STEP LADDER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing seawall footing and
2 walkway seaward of the property identified as Tax Map Key: (1)
3 3-1-032:006, Waikiki, Honolulu, Oahu, were placed upon state
4 submerged lands; and
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6 WHEREAS, on September 9, 2010, under agenda item J-3, the
7 Board of Land and Natural Resources granted the issuance of a
8 term, non-exclusive easement to the Benevolent and Protective
9 Order of Elks Honolulu Lodge No. 616 (Elks Honolulu) to resolve
10 the approximately 220 square feet of encroached submerged lands
11 and for the construction of a swim-step ladder to provide ocean
12 access on the makai side of the property; and
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14 WHEREAS, in 2017, while still pending authorization for the
15 easement by the Legislature, the Division of Boating and Ocean
16 Recreation issued a right-of-entry permit to allow for the
17 maintenance and repair of the seawall footing and walkway over,
18 under, and across the encroached submerged lands to provide the
19 public with a safe means to enter and exit the ocean at the
20 seawall; and
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22 WHEREAS, new survey drawings have indicated that the total
23 encroachment area is now 278 square feet, which is subject to
24 review and approval by the Department of Accounting and General
25 Services' Survey Division; and
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27 WHEREAS, under the non-exclusive easement, Elks Honolulu
28 will be solely required to maintain and repair the seawall
29 footing, seawall walkway, and swim-step ladder; and
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31 WHEREAS, the grantee is required to pay the State the fair
32 market value of the easement to be determined by independent



1 appraisal as consideration for the use of state submerged lands;
2 and

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

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9 BE IT RESOLVED by the Senate of the Thirty-second
10 Legislature of the State of Hawaii, Regular Session of 2023,
11 that the Board of Land and Natural Resources is hereby
12 authorized to issue a term, non-exclusive easement covering a
13 portion of state submerged lands seaward of the property
14 identified as Tax Map Key: (1) 3-1-032:006, Waikiki, Honolulu,
15 Oahu, for the existing seawall footing, seawall walkway, and
16 swim-step ladder, and for use, repair, and maintenance of the
17 existing improvements constructed thereon, pursuant to section
18 171-53(c), Hawaii Revised Statutes; and

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20 BE IT FURTHER RESOLVED that certified copies of this
21 Resolution be transmitted to the Governor and Chairperson of the
22 Board of Land and Natural Resources.

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OFFERED BY: AKL Y/R

