

MAR 08 2024

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI,
HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND
MAINTENANCE OF STEPS.

1 WHEREAS, an existing seawall fronts state submerged land
2 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki,
3 Honolulu, Oahu; and

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5 WHEREAS, concrete steps were previously constructed on the
6 makai side of the existing seawall on state submerged lands; and

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8 WHEREAS, the concrete steps were removed from the state
9 submerged lands in 2021; and

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11 WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability
12 company, is the owner of property identified as Tax Map Key:
13 (1)3-1-039:005, Waikiki, Honolulu, Oahu, which benefits from
14 easements across the property identified as Tax Map Key: (1)3-
15 1-039:044, Waikiki, Honolulu, Oahu, and the privately held
16 portion of the property identified as Tax Map Key: (1)3-1-
17 039:065, Waikiki, Honolulu, Oahu, including across the seawall,
18 for beach access purposes; and

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20 WHEREAS, HTH DH Ventures, LLC, requested the approval of
21 the Department of Land and Natural Resources' Office of
22 Conservation and Coastal Lands to reconstruct the concrete steps
23 on the state submerged lands in the same location, alignment,
24 configuration, and footprint as the previously existing concrete
25 steps; and

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27 WHEREAS, by letter dated May 4, 2023, the Department of
28 Land and Natural Resources' Office of Conservation and Coastal
29 Lands approved the construction of the concrete steps; and



1 WHEREAS, on October 13, 2023, under agenda item D-14 of a
 2 meeting of the Board of Land and Natural Resources, the Board
 3 approved a grant of a 25-year non-exclusive easement to HTH DH
 4 Ventures, LLC, to run with the land and inure to the benefit of
 5 the abutting real property, to resolve the encroachment; and
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7 WHEREAS, the total encroachment area was determined to be
 8 26.5 square feet, more or less, subject to review and approval
 9 by the Department of Accounting and General Services' Survey
 10 Division; and
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12 WHEREAS, the grantee shall pay the State the fair market
 13 value of the non-exclusive easement as consideration of the use
 14 of public lands, to be determined by an independent appraisal,
 15 subject to review and approval by the Chairperson of the Board
 16 of Land and Natural Resources; and
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18 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
 19 the prior approval of the Governor and prior authorization of
 20 the Legislature by concurrent resolution to lease state
 21 submerged lands; now, therefore,
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23 BE IT RESOLVED by the Senate of the Thirty-second
 24 Legislature of the State of Hawaii, Regular Session of 2024, the
 25 House of Representatives concurring, that the Board of Land and
 26 Natural Resources is hereby authorized to issue a term, non-
 27 exclusive easement covering a portion of state submerged lands
 28 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki,
 29 Honolulu, Oahu, for the construction, use, repair, and
 30 maintenance of concrete steps pursuant to section 171-53, Hawaii
 31 Revised Statutes; and
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33 BE IT FURTHER RESOLVED that a certified copy of this
 34 Concurrent Resolution be transmitted to the Chairperson of the
 35 Board of Land and Natural Resources.
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OFFERED BY: 
 BY REQUEST

