

MAR 07 2025

SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIALAE, HONOLULU, OAHU, FOR THE EXISTING DRAINAGE OUTLETS, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, when the Kahala Hotel and Resort was developed,
2 three drainage outlets were also installed from the hotel
3 property, identified as Tax Map Key: (1) 3-5-023: 039, and
4 beneath a parcel owned by the State, identified as Tax Map Key:
5 (1) 3-5-023: 41, which lies between the hotel property and the
6 beach area and ocean; and

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8 WHEREAS, the construction of the Kahala Hotel and Resort
9 pre-existed the Conservation District and Special Management
10 Area laws that require authorization from the Legislature by
11 Concurrent Resolution and the approval of the Governor for the
12 lease of state submerged lands; and

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14 WHEREAS, over the years, the Kahala Hotel and Resort made
15 improvements to the existing structures and obtained the
16 required conservation use district permits for the drainage
17 outlets; however, the Board of Land and Natural Resources did
18 not grant any easements to Kahala Hotel and Resort for the
19 drainage outlets; and

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21 WHEREAS, Resorttrust Hawaii, LLC, purchased the Kahala
22 Hotel and Resort in 2018, and has been working diligently with
23 the Department of Land and Natural Resources to determine the
24 easement areas; and

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26 WHEREAS, on September 27, 2024, under agenda item D-7, the
27 Board of Land and Natural Resources approved a grant of a
28 perpetual, non-exclusive easement for drainage purposes; and

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30 WHEREAS, the total easement area was determined to be
31 12,700 square feet subject to review and approval by the Survey
32 Division of the Department of Accounting and General Notes; and
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1 WHEREAS, before the execution of the non-exclusive
2 easement, the grantee shall pay the State the fair market value
3 of the non-exclusive easement as consideration for the use of
4 state submerged lands to be determined by independent appraisal,
5 subject to approval by the Chairperson of the Board of Land and
6 Natural Resources; and
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8 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
9 the prior approval of the Governor and prior authorization of
10 the Legislature by Concurrent Resolution to lease state
11 submerged lands; now, therefore,
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13 BE IT RESOLVED by the Senate of the Thirty-third
14 Legislature of the State of Hawaii, Regular Session of 2025,
15 that the Board of Land and Natural Resources is hereby
16 authorized to issue a perpetual, non-exclusive easement covering
17 portions of and seaward of state submerged lands identified as
18 Tax Map Key: (1) 3-5-023: 041, Waialae, Honolulu, Oahu, for the
19 existing drainage outlets, and for the use, repair, and
20 maintenance of the existing improvements constructed thereon
21 pursuant to section 171-53, Hawaii Revised Statutes; and
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23 BE IT FURTHER RESOLVED that a certified copy of this
24 Resolution be transmitted to the Chairperson of the Board of
25 Land and Natural Resources.
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OFFERED BY: 

