
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE CANCELLATION OF THE LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006; AND URGING THE DEPARTMENT OF EDUCATION TO CONTINUE THE LAHAINALUNA HIGH SCHOOL BOARDING PROGRAM.

1 WHEREAS, Lakala Trust owns property located at 839 Front
2 Street, Lahaina, Maui, which includes two wooden decks and
3 concrete piers that extend over submerged land owned by the
4 State of Hawaii and were constructed sometime in the 1920s; and
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6 WHEREAS, on January 26, 1990, the Board of Land and Natural
7 Resources (Land Board) approved a Conservation District Use
8 Permit for the decks over the submerged land; and
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10 WHEREAS, on May 11, 1990, the Land Board authorized the
11 issuance of non-exclusive easement S-5252 commencing on May 25,
12 1992, and running through May 24, 2012, to the property for
13 maintenance and repair of the wooden decks and concrete piers;
14 and
15

16 WHEREAS, the property is currently subject to a mortgage,
17 which Lakala Trust and its trustee are seeking to refinance; and
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19 WHEREAS, because of the existence of non-exclusive easement
20 S-5252 over State-owned submerged lands, refinancing of the
21 mortgage requires the mutual cancellation of non-exclusive
22 easement S-5252 and the issuance of a new non-exclusive
23 easement; and
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25 WHEREAS, as part of its submittal to the Land Board on
26 August 28, 2009, under agenda item D-15, the Department of Land
27 and Natural Resources recommended and the Land Board approved
28 Lakala Trust and its trustee's request for the mutual



1 cancellation of non-exclusive easement S-5252 and the issuance
2 of a new sixty-five-year non-exclusive easement; and
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4 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
5 the prior approval of the Governor and prior authorization of
6 the Legislature by concurrent resolution to lease state
7 submerged lands; and
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9 WHEREAS, the Lahainaluna High School boarding program
10 allows students from neighbor islands and other areas of Maui to
11 live in dormitories and attend the school in exchange for
12 reasonable custodial and maintenance work on school grounds; and
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14 WHEREAS, the Lahainaluna High School boarding program
15 provides opportunities for students to grow and mature;
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17 WHEREAS, due to the State's deficit, the Department of
18 Education has proposed to eliminate the Lahainaluna High School
19 boarding program; now, therefore,
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21 BE IT RESOLVED by the Senate of the Twenty-fifth
22 Legislature of the State of Hawaii, Regular Session of 2010, the
23 House of Representatives concurring, that the Board of Land and
24 Natural Resources is hereby authorized to cancel non-exclusive
25 easement S-5252 and to issue a term, non-exclusive easement
26 covering a portion of state submerged lands identified as tax
27 map key (2) 4-5-001:055: seaward of tax map key (2)
28 4-5-001:006, comprising 1,310 square feet, more or less; and
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30 BE IT FURTHER RESOLVED that the Legislature urges the
31 Department of Education to continue the Lahainaluna High School
32 boarding program; and
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34 BE IT FURTHER RESOLVED that the Department of Education is
35 requested to convene a seven-member Lahainaluna Boarding Program
36 Working Group, consisting of the following members:
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38 (1) Three representatives from the Department of
39 Education;
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41 (2) Two representative from Lahainaluna High School; and
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43 (3) Two alumni of the Lahainaluna boarding program; and
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1 BE IT FURTHER RESOLVED that the Lahainaluna Boarding
2 Program Working Group is requested to:

- 3
4 (1) Evaluate the true cost of the boarding program;
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6 (2) Determine the cost savings, if any, by having the
7 boarding program students continue to assist with
8 routine repair and maintenance work on the school's
9 campus;
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11 (3) Explore public and private partnerships to continue
12 the boarding program; and
13
14 (4) Explore changes to the current rate structure for
15 resident and non-resident boarding students and the
16 potential impacts those changes might have on the
17 boarding program; and
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19 BE IT FURTHER RESOLVED that the Lahainaluna Boarding
20 Program Working Group is requested to report its findings and
21 recommendations to the Legislature no later than twenty days
22 prior to the convening of the 2011 Regular Session; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Governor,
26 Chairperson of the Board of Land and Natural Resources,
27 Chairperson of the Board of Education, Superintendent of
28 Education, Principal of Lahainaluna High School, and the Trustee
29 of the Lakala Trust.

