HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE GRANT OF A FIFTY-FIVE YEAR TERM FOR A NON-EXCLUSIVE EASEMENT TO KOOLAU PROPERTIES, LLC, FOR SEAWALL PURPOSES AT SPRECKLESVILLE BEACH LOTS, WAILUKU, MAUI, AS APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES.

WHEREAS, Koolau Properties, LLC, is the current owner of recorded private property at Spreckelsville Beach Lots, Wailuku, Maui, Tax Map Key (2)3-8-002:051 that abuts State-owned land; and

WHEREAS, the Koolau Properties, LLC, property has encroached on approximately two thousand thirty square feet of the State-owned land since the year 1924, and the encroachment includes a large seawall; and

WHEREAS, Koolau Properties, LLC, applied to the Land Division of the Department of Land and Natural Resources to request a grant of a fifty-five year term for a non-exclusive easement over, under, and across the State-owned land, including the right, privilege and authority to use, maintain, repair, replace or remove the seawall; and

WHEREAS, on September 9, 2010, under agenda item D-10, the Board of Land and Natural Resources approved the request for the term easement for seawall purposes; and

WHEREAS, on October 20, 2011, the Department of Land and Natural Resources notified Koolau Properties, LLC, by letter that the easement's appraised value is \$53,400, and that amount, plus fees, was paid on November 17, 2011; and

WHEREAS, pursuant to section 171-53(c), Hawaii Revised Statutes, the Board of Land and Natural Resources, with the approval of the Governor and the prior authorization of the

Legislature by concurrent resolution, may lease State submerged lands and lands beneath tidal waves; now, therefore,

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BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the Senate concurring, that the fifty-five year term for a non-exclusive easement to Koolau Properties, LLC, for seawall purposes, is hereby authorized by the Legislature according to the terms and conditions approved by the Board of Land and Natural Resources on September 9, 2010; and

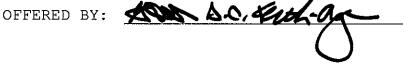
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BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Chairperson of the Board of Land and Natural Resources, and Koolau Properties, LLC.

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