HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NONEXCLUSIVE EASEMENT FOR SEAWALL PURPOSES FOR THE PROPERTY IDENTIFIED AS TAX MAP KEY (1) 6-8-010: SEAWARD OF 015, AT MOKULEIA, WAIALUA, OAHU, HAWAII.

WHEREAS, the lot area of parcel 15 (Lot 22) was originally 11,109 square feet, as shown on Map 4 of Land Court Application 1810; and

WHEREAS, on June 3, 1965, a building permit was issued for the existing single-family dwelling and attached garage; and

WHEREAS, the buildable lot area of parcel 15 (Lot 22) is now 7,664 square feet due to erosion of the seaward portion of the shoreline, as certified by the Board of Land and Natural Resources on August 1, 2013; and

WHEREAS, portions of the rock seawall, which was authorized after-the-fact by the City and County of Honolulu by a shoreline setback variance dated December 21, 2009, are now located makai of the shoreline on submerged land and considered to be encroaching on state lands; and

WHEREAS, the encroachment area was determined to be approximately 313 square feet; and

WHEREAS, on May 24, 2013, under agenda item D-12, the Board of Land and Natural Resources approved the request for a nonexclusive easement by the owner Sutton Family Partners; and

WHEREAS, the Land Division of the Department of Land and Natural Resources has approved the issuance of the easement subject to payment of fair market value, as determined by an appraisal; and

H.C.R. NO. 117

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the legislature by concurrent resolution to lease state submerged lands; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2014, the Senate concurring, that the Board of Land and Natural Resources is hereby authorized to issue a term, nonexclusive easement for seawall purposes for the property identified as tax map key (1) 6-8-010: seaward of 015, at Mokuleia, Waialua, Oahu, Hawaii, pursuant to section 171-53, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY

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