

JAN 27 2016

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING PORTION OF STATE SUBMERGED LANDS AT KANEOHE,
KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE
EXISTING PIER, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing pier fronting the
2 property identified as Tax Map Key: (1) 4-5-001: seaward of 018,
3 Kaneohe, Koolaulupoko, Oahu, was placed upon state submerged
4 lands; and

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6 WHEREAS, since 1977, the property owner, Paul Noto,
7 possessed a monthly revocable permit issued by the Board of Land
8 and Natural Resources to cover the encroachment; and

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10 WHEREAS, in early 2015, Mr. Noto inquired about converting
11 the revocable permit to a long-term easement; and

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13 WHEREAS, the Department of Land and Natural Resources'
14 Office of Conservation and Coastal Lands did not object to the
15 conversion of the revocable permit to a long-term easement
16 regarding the pier; and

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18 WHEREAS, on June 26, 2015, under agenda item D-8, the Board
19 of Land and Natural Resources approved a grant of a 55-year non-
20 exclusive easement to resolve the encroachment; and

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22 WHEREAS, the subject area is about 100 square feet, which
23 will be reviewed and approved by the Department of Accounting
24 and General Services' Survey Division; and

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26 WHEREAS, the grantee shall pay the State the fair market
27 value of the easement as consideration of the use of public
28 lands to be determined by an independent appraisal; and

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30 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
31 the prior approval of the Governor and prior authorization of

1 the Legislature by concurrent resolution to lease state
2 submerged lands; now, therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-eighth
5 Legislature of the State of Hawaii, Regular Session of 2016, the
6 House of the Representatives concurring, that the Board of Land
7 and Natural Resources is hereby authorized to issue a term, non-
8 exclusive easement covering a portion of state submerged lands
9 fronting the property identified as Tax Map Key: (1) 4-5-001:
10 seaward of 018, Kaneohe, Koolaupoko, Oahu, for the maintenance
11 and repair of the existing pier, and for use, repair, and
12 maintenance of the existing improvements constructed thereon
13 pursuant to section 171-53, Hawaii Revised Statutes; and
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15 BE IT FURTHER RESOLVED that a certified copy of this
16 Concurrent Resolution be transmitted to the Chairperson of the
17 Board of Land and Natural Resources.
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21 OFFERED BY: _____

BY REQUEST

JUSTIFICATION SHEET

S. C. R. NO. 15

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING PORTION OF STATE SUBMERGED LANDS AT
Kaneohe, Koolau Poko, Oahu, for the
maintenance and repair of the existing pier,
and for use, repair, and maintenance of the
existing improvements constructed thereon.

PURPOSE: To seek the authorization of the Legislature
by concurrent resolution of the issuance of
a term, non-exclusive easement by the Board
of Land and Natural Resources (Board) for
the maintenance and repair of the existing
pier, and for use, repair, and maintenance
of the existing improvements constructed
thereon.

MEANS: Concurrent resolution pursuant to section
171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Portions of the existing pier fronting the
property identified as Tax Map Key: (1) 4-5-
001: seaward of 018, Kaneohe, Koolauloa,
Oahu, was placed upon state submerged lands.
Since 1977, the property owner, Paul Noto,
possessed a month-to-month revocable permit
issued by the Board to cover the
encroachment.

In early 2015, Mr. Noto inquired about
converting the revocable permit to a long-
term easement. The Department's Office of
Conservation and Coastal Lands did not
object to the conversion of the revocable
permit to a long term easement regarding the
pier.

At its meeting of June 26, 2015, under
agenda item D-8, the Board approved a grant
of a 55-year non-exclusive easement to
resolve the encroachment.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands. As such, this concurrent resolution has been prepared in compliance with the requirements of section 171-53, HRS.

Impact on the public: None.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 101.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon adoption.