

JAN 27 2016

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the existing seawall and steps
2 fronting the property identified as Tax Map Key: (1) 3-6-001:
3 seaward of 042, Waikiki, Honolulu, Oahu, were placed upon state
4 submerged lands; and
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6 WHEREAS, in January 2015, the previous owners, Christopher
7 and Wana'ao Eldridge, requested an easement for the encroachments
8 discovered during the due diligence period for the sale of their
9 property; and
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11 WHEREAS, the Department of Land and Natural Resources'
12 Office of Conservation and Coastal Lands supports an easement to
13 resolve the encroachment;
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15 WHEREAS, in March 2015, the previous owners sold the
16 abutting property to Dustin and Lisa Sellers;
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18 WHEREAS, on April 10, 2015, under agenda item D-8, the
19 Board of Land and Natural Resources approved a grant of a 55-
20 year non-exclusive easement to resolve the encroachments; and
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22 WHEREAS, the subject area is about 37 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 grantees 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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1 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
2 the prior approval of the Governor and prior authorization of
3 the Legislature by concurrent resolution to lease state
4 submerged lands; now, therefore,

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6 BE IT RESOLVED by the Senate of the Twenty-eighth
7 Legislature of the State of Hawaii, Regular Session of 2016, the
8 House of Representatives concurring, that the Board of Land and
9 Natural Resources is hereby authorized to issue a term, non-
10 exclusive easement covering a portion of state submerged lands
11 fronting the property identified as Tax Map Key: (1) 3-6-001:
12 seaward of 042, Waikiki, Honolulu, Oahu, for the maintenance and
13 repair of the existing seawall and steps, and for use, repair,
14 and maintenance of the existing improvements constructed thereon
15 pursuant to section 171-53, Hawaii Revised Statutes; and

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

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23 OFFERED BY: _____


BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING PORTION OF STATE SUBMERGED LANDS AT
WAIKIKI, HONOLULU, OAHU, FOR THE MAINTENANCE
AND REPAIR OF THE EXISTING SEAWALL AND
STEPS, 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
seawall and steps, 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 seawall and steps
fronting the property identified as Tax Map
Key: (1) 3-6-001: seaward of 042, Waikiki,
Honolulu, Oahu, were placed upon state
submerged lands.

In January 2015, the previous owners,
Christopher and Wana'ao Eldridge, requested
an easement for the encroachments discovered
during the due diligence period for the sale
of their property to Dustin and Lisa
Sellers.

The Department's Office of Conservation and
Coastal Lands supports a disposition to
resolve the encroachments.

At its meeting of April 10, 2015, under
agenda item D-8, the Board approved a grant
of a 55-year non-exclusive easement to
resolve the encroachments.

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.