

JAN 25 2016

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII, FOR THE USE, MAINTENANCE, AND REPAIR OF THE EXISTING SEAWALL CONSTRUCTED THEREON.

1 WHEREAS, on March 1, 1977, the Charles E. Hickman Trust and
2 Virginia S. Hickman Trust (the Hickman Trusts) purchased two
3 abutting shorefront properties in Kihei, Island of Maui, State
4 of Hawaii, bearing tax map key numbers: (2) 3-9-11:7 (Parcel 7)
5 and (2) 3-9-11:8 (Parcel 8); and
6

7 WHEREAS, on May 2, 1990, the Hickman Trusts applied to the
8 Department of Land and Natural Resources of the State of Hawaii
9 (the Department) for an easement to repair and maintain an
10 existing seawall fronting Parcel 7 and Parcel 8, portions of
11 which seawall encroached into land owned by the State of Hawaii;
12 and
13

14 WHEREAS, the Board of Land and Natural Resources of the
15 State of Hawaii (the Board), at a meeting held on August 10,
16 1990, approved the Hickman Trusts' request for a seawall
17 easement (the 1990 Board Approval); and
18

19 WHEREAS, the 1990 Board Approval granted a perpetual
20 easement permitting the use, repair, and maintenance of an
21 existing seawall seaward of and fronting Parcel 7 and Parcel 8,
22 consisting of an area of approximately 900 square feet (the
23 Seawall Easement); and
24

25 WHEREAS, on August 21, 1990, the Hickman Trusts submitted
26 payment to the Department of the cost of an independent
27 appraisal report for the Seawall Easement; and
28

29 WHEREAS, on October 10, 1990, the Survey Division,
30 Department of Accounting and General Services of the State of



S.C.R. NO. 7

1 Hawaii, issued C.S.F. 21,373 establishing the formal description
2 of the Seawall Easement; and
3

4 WHEREAS, on September 30, 1991, an independent appraiser
5 submitted to the Department the appraisal, with a determination
6 that the appraised value of the Seawall Easement was \$4,000,
7 effective as of September 1, 1990; and
8

9 WHEREAS, on January 27, 1992, the Department notified the
10 Hickman Trusts of the completion of the appraisal and requested
11 \$4,000 from the Hickman Trusts to pay the appraised value of the
12 Seawall Easement, plus \$55 for related administrative fees; and
13

14 WHEREAS, on June 23, 1992, the Hickman Trusts paid the
15 Department \$4,055 for the Seawall Easement and the
16 administrative fees; and
17

18 WHEREAS, notwithstanding the above, and for reasons that
19 are unknown, the formal easement document was not finalized
20 despite administrative approval and payment for the same; and
21

22 WHEREAS, the Hickman Trusts thereafter conveyed Parcel 7
23 and Parcel 8; and
24

25 WHEREAS, there have been other owners of Parcel 7 and
26 Parcel 8 between the Hickman Trusts and the current owners,
27 identified below; and
28

29 WHEREAS, on October 20, 1999, one of the subsequent owners
30 developed Parcel 8 into a two-apartment residential condominium
31 identified as the 1688 Halama Street Condominium (the
32 Condominium); and
33

34 WHEREAS, the Association of Owners of the Condominium (the
35 Association) consists of the owners of Apartment A and Apartment
36 B of the Condominium; and
37

38 WHEREAS, by letter to the Department dated January 22,
39 2015, the Association requested formal approval of the Seawall
40 Easement with respect to that portion of the Seawall Easement
41 fronting Parcel 8; and
42



S.C.R. NO. 7

1 WHEREAS, at a meeting held on May 8, 2015, the Board,
2 subject to certain conditions, approved the formal granting of
3 that portion of the Seawall Easement fronting Parcel 8, for a
4 term of sixty-five years, commencing August 10, 1990; and
5

6 WHEREAS, the Department has caused to be prepared a formal
7 description of a map that identifies that portion of C.S.F.
8 21,373 relating to Parcel 8, containing an area of four hundred
9 fifty square feet, and more particularly described in a legal
10 description prepared by Akamai Land Surveying, Inc., dated
11 October 27, 2015, C.S.F. No. _____ (the Parcel 8 Seawall
12 Easement Area); and
13

14 WHEREAS, one of the conditions of the Board relates to
15 section 171-53, Hawaii Revised Statutes, which requires the
16 prior approval of the Governor and prior authorization of the
17 Legislature by concurrent resolution to lease state submerged
18 lands; now, therefore,
19

20 BE IT RESOLVED by the Senate of the Twenty-eighth
21 Legislature of the State of Hawaii, Regular Session of 2016, the
22 House of Representatives concurring, that the Board of Land and
23 Natural Resources is hereby authorized to issue a term, non-
24 exclusive easement of sixty-five years, commencing on August 10,
25 1990, covering a portion of state submerged lands, more
26 particularly described in C.S.F. No. _____, and fronting
27 Apartment A and B of the 1688 Halama Street Condominium
28 (Condominium Map No. 2959), also being Lot 42 of the Waiohuli-
29 Keokea Beach Lots, Second Series, bearing tax map key number (2)
30 3-9-11:8, and seaward, situated at Waiohuli-Keokea (Kihei),
31 Wailuku, Maui, Hawaii, for the use, maintenance, and repair of
32 the existing seawall constructed thereon, pursuant to section
33 171-53, Hawaii Revised Statutes; and
34

35 BE IT FURTHER RESOLVED that a certified copy of this
36 Concurrent Resolution be transmitted to the Chairperson of the
37 Board of Land and Natural Resources.
38
39
40

OFFERED BY: Randy H. Baker



S.C.R. NO. 7

~~sc. exchange~~
Munirul Beel
Munirul

Nichelle Kidani
Will Eyo
Mike Habba

