
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-
EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED
LANDS AT WAIPOULI, KAWAIHAU, KAUAI, FOR A PORTION OF A
SEAWALL AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the seawall fronting the property
2 identified as Tax Map Key: (4) 4-3-009: seaward of 001,
3 Waipouli, Kawaihau, Kauai (Parcel 001), have been identified to
4 be on state submerged lands; and
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6 WHEREAS, in early 2014, then-property owners Katherine
7 Skow, Stephanie Skow, and Matthew Nelson applied to the
8 Department of Land and Natural Resources' (DLNR) Office of
9 Conservation and Coastal Lands to repair an existing seawall;
10 and
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12 WHEREAS, pursuant to a shoreline certification, a portion
13 of the existing seawall is on state submerged lands; and
14

15 WHEREAS, on May 19, 2014, under agenda item D-1, as
16 subsequently amended at a meeting on October 24, 2014, the Board
17 of Land and Natural Resources (Board) approved the proposed
18 repairs and granted a right-of-entry permit to utilize a portion
19 of approximately eight hundred fifty-two square feet of
20 unencumbered land seaward of Parcel 001; and
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22 WHEREAS, on September 20, 2016, the Chairperson of the
23 Board approved an independent appraisal, dated June 15, 2015, to
24 establish a value for a grant of easement at \$25,200 for a non-
25 exclusive easement covering eight hundred fifty-two square feet,
26 at a lump sum payment of \$25,255 inclusive of fees; and
27

28 WHEREAS, DLNR was informed that Parcel 001 was under
29 contract to be transferred to Ellen Berkowitz and Rex Beasley
30 (Purchasers); and



1
2 WHEREAS, on October 17, 2016, the Purchasers issued a check
3 for the lump sum payment of \$25,255 inclusive of fees for the
4 grant of easement; and
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6 WHEREAS, on December 12, 2016, DLNR re-issued a right-of-
7 entry permit to the Purchasers in anticipation of the transfer
8 of property; and
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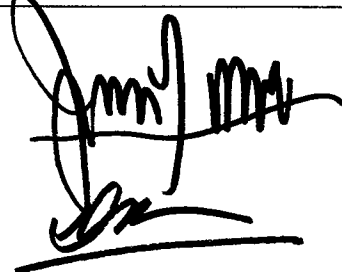
10 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
11 the prior approval of the Governor and prior authorization of
12 the Legislature by concurrent resolution to lease state
13 submerged lands; now, therefore,
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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-ninth Legislature of the State of Hawaii, Regular Session
17 of 2017, the Senate concurring, that the Board of Land and
18 Natural Resources is hereby authorized to issue a fifty-five
19 year term, non-exclusive easement covering a portion of state
20 submerged lands fronting the property identified as Tax Map Key:
21 (4) 4-3-009, seaward of 001, Waipouli, Kawaihau, Kauai, for the
22 maintenance and repair of the existing seawall, and for the use,
23 repair, and maintenance of the existing improvements constructed
24 thereon, pursuant to section 171-53, Hawaii Revised Statutes;
25 and
26

27 BE IT FURTHER RESOLVED that a certified copy of this
28 Concurrent Resolution be transmitted to the Chairperson of the
29 Board of Land and Natural Resources.
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OFFERED BY:





MAR 10 2017

