

JAN 27 2017

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A SIXTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF THE EXISTING SEAWALL SEAWARD OF AND FRONTING TAX MAP KEY NUMBER: (2) 3-9-11:7; WAIOHULU-KEOKEA HOMESTEADS AND BEACH LOTS, WAIOHULU-KEOKEA (KIHEI), WAILUKU, MAUI, HAWAII.

1 WHEREAS, in or around May 1990, staff of the Department of  
2 Land and Natural Resources investigated and found that portions  
3 of a seawall were built on government beach reserve lands in  
4 Kihei, Maui, without proper state authorization; and  
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6 WHEREAS, in August of 1990, under agenda item F-7, the  
7 Board of Land and Natural Resources approved the assessment of a  
8 \$500 fine and a direct sale of a perpetual, non-exclusive  
9 easement to the Charles E. Hickman Trust and Virginia S. Hickman  
10 Trust for the repair and maintenance of the existing seawall  
11 seaward of and fronting tax map key numbers: (2) 3-9-11:7  
12 (Parcel 7) and 8 (Parcel 8); and  
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14 WHEREAS, in 1990, pursuant to the terms of the approval,  
15 the Hickman Trusts paid the consideration required by the  
16 perpetual easement as well as the document and mapping fees  
17 assessed by the Department of Land and Natural Resources' Land  
18 Division; and  
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20 WHEREAS, for reasons which remain unknown, the formal  
21 easement document was not finalized despite administrative  
22 approval and payment of all required fees; and  
23

24 WHEREAS, through conveyancing, Garry A. Weber is the  
25 current owner of Parcel 7; and  
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27 WHEREAS, Parcel 8 was developed into a residential  
28 condominium project identified as 1688 Halama Street Condominium  
29 and in 2015 the owners of Parcel 8 were granted a sixty-five



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1 year easement for the repair and maintenance of their portion of  
2 the existing seawall; and

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4 WHEREAS, on April 22, 2016, under agenda item D-5, the  
5 Board of Land and Natural Resources, subject to certain  
6 conditions, approved the amendment of the prior action with  
7 respect to Parcel 7 by changing the term of the easement from  
8 perpetual to a term, non-exclusive easement of sixty-five years,  
9 commencing August 10, 1990, for repair and maintenance of the  
10 existing seawall seaward of Parcel 7, belonging to Garry A.  
11 Weber; and

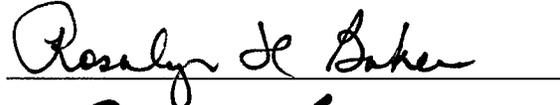
12  
13 WHEREAS, one of the conditions of the Board relates to  
14 section 171-53, Hawaii Revised Statutes, which requires the  
15 prior approval of the Governor and prior authorization of the  
16 Legislature by concurrent resolution to lease state submerged  
17 lands; now, therefore,

18  
19 BE IT RESOLVED by the Senate of the Twenty-ninth  
20 Legislature of the State of Hawaii, Regular Session of 2017, the  
21 House of Representatives concurring, that the Board of Land and  
22 Natural Resources is hereby authorized to issue a term,  
23 nonexclusive easement of sixty-five years, commencing on  
24 August 10, 1990, covering a portion of state submerged lands,  
25 fronting the property identified as tax map key number: (2)3-9-  
26 11:7, seaward of lot 7, Waiohuli-Keokea Homesteads and Beach  
27 Lots, Waiohuli-Keokea (Kihei) Wailuku, Maui, Hawaii for the  
28 maintenance and repair of the existing seawall constructed  
29 thereon, pursuant to section 171-53(c), Hawaii Revised Statutes;  
30 and

31  
32 BE IT FURTHER RESOLVED that a certified copy of this  
33 Concurrent Resolution be transmitted to the Chairperson of the  
34 Board of Land and Natural Resources.

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OFFERED BY:



  
Clarence Washida  
