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SENATE CONCURRENT RESOLUTION

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

WHEREAS, the existing pier and portions of seawall fronting the property identified as Tax Map Key: (1) 3-6-001:036, Waikiki, Honolulu, Oahu, were placed upon state submerged lands; and

WHEREAS, around August 1989, the previous owner, Hope Hearst, worked with the Department of Land and Natural Resources to resolve the pier encroachment; and

WHEREAS, on September 22, 1989, under agenda item F-1-a, the Board of Land and Natural Resources (Board) approved a grant of a revocable permit to resolve the encroachment for about 112 square feet; and

WHEREAS, in October 2012, the previous owner transferred the abutting property to Brigitte J. Coley; and

WHEREAS, on March 11, 2016, under agenda item D-8, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachments; and

WHEREAS, the total encroaching area, including a portion of the seawall discovered during a subsequent shoreline certification application process, was determined to be 331 square feet as reviewed and approved by the Department of Accounting and General Services, Survey Division; and 1

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

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, the House of Representatives concurring, pursuant to section 171-53, Hawaii Revised Statutes, that the Board of Land and Natural Resources is authorized to issue a term lease of fifty-five years and non-exclusive easement for approximately 331 square feet, subject to confirmation by the Department of Accounting and General Services of the existing pier and portions of seawall fronting the property identified as Tax Map Key: (1) 3-6-001:036, Waikiki, Honolulu, Oahu, to resolve the pier encroachment for the maintenance and repair of the existing pier and seawall; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

