
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing pier and portions of the seawall
2 fronting the property identified as Tax Map Key: (1) 3-6-
3 001:seaward of 036, Waikiki, Honolulu, Oahu, were placed upon
4 state submerged lands; and
5

6 WHEREAS, around August 1989, the previous owner, Hope
7 Hearst, worked with the Department of Land and Natural Resources
8 to initially resolve the pier encroachment; and
9

10 WHEREAS, on September 22, 1989, under agenda item F-1-a,
11 the Board of Land and Natural Resources approved a grant of a
12 revocable permit to resolve the encroachment of about 112 square
13 feet; and
14

15 WHEREAS, in October 2012, the previous owner transferred
16 the abutting property to Brigitte J. Coley, trustee; and
17

18 WHEREAS, on March 11, 2016, under agenda item D-8, the
19 Board approved a grant of a 55-year non-exclusive easement to
20 run with the land and to inure to the benefit of the abutting
21 real property, to resolve the encroachment; and
22

23 WHEREAS, an easement survey conducted subsequent to the
24 March 11, 2016 Board meeting showed additional areas of
25 encroachment, including a portion of the seawall, whereby the
26 total encroachment area was determined to be 331 square feet as
27 reviewed and approved by the Department of Accounting and
28 General Services' Survey Division; and
29

1 WHEREAS, on August 12, 2016, under agenda item D-8, the
2 Board approved to amend the total encroachment area to 331
3 square feet and to add seawall purposes to the easement; and
4

5 WHEREAS, fair market value of the 331 square feet was
6 appraised at \$40,000; and
7

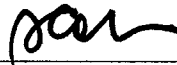
8 WHEREAS, on April 6, 2017, the abutting property was
9 transferred to Jeffrey Weldon, trustee; and
10

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

16 BE IT RESOLVED by the House of Representatives of the
17 Twenty-ninth Legislature of the State of Hawaii, Regular Session
18 of 2018, the Senate concurring, that the Board of Land and
19 Natural Resources is hereby authorized to issue a term, non-
20 exclusive easement covering a portion of state submerged lands
21 fronting the property identified as Tax Map Key: (1) 3-6-
22 001:seaward of 036, Waikiki, Honolulu, Oahu, for the existing
23 pier and seawall, and for use, repair, and maintenance of the
24 existing improvements constructed thereon pursuant to section
25 171-53, Hawaii Revised Statutes; 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.
30
31
32

33 OFFERED BY: _____



34 BY REQUEST

35
36 JAN 22 2018
37
38

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS
AT WAIKIKI, HONOLULU, OAHU, FOR THE EXISTING
PIER AND SEAWALL 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 existing pier and seawall, 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: The existing pier and subsequently portions
of the seawall fronting the property
identified as Tax Map Key: (1) 3-6-
001:seaward of 036, Waikiki, Honolulu, Oahu,
was discovered to be encroaching upon state
submerged lands. Around August 1989, the
previous owner, Hope Hearst, worked with the
Department to initially resolve the pier
encroachment. Subsequently, the Board, at
its meeting on September 22, 1989, under
agenda item F-1-a, approved a grant of a
revocable permit to resolve the encroachment
of about 112 square feet.

In October 2012, the previous owner, Hope
Hearst, transferred the abutting property to
Brigitte J. Coley, trustee.

On March 11, 2016, under agenda item D-8,
the Board approved a grant of a 55-year non-
exclusive easement to run with the land and
to inure to the benefit of the abutting real
property, to resolve the encroachment.

An easement survey conducted subsequent to the March 11, 2016 Board meeting showed additional areas of encroachment, including a portion of the seawall, whereby the total encroachment area was determined to be 331 square feet as reviewed and approved by the Department of Accounting and General Services' Survey Division.

On August 12, 2016, under agenda item D-8, the Board approved to amend the total encroachment area to 331 square feet and to add seawall purposes to the easement. The fair market value of the 331 square feet was appraised at \$40,000.

On April 6, 2017, the abutting property was transferred to Jeffrey Weldon, trustee.

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.