

MAR 01 2018

## SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the existing seawall and landscaped area  
2 identified as Tax Map Key: (1) 4-6-001: seaward of 019, Heeia,  
3 Koolaupoko, Oahu, were placed upon state submerged lands; and  
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5 WHEREAS, around September 1981, the previous owner, Richard  
6 Gessler, worked with the Department of Land and Natural  
7 Resources to resolve the encroachments; and  
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9 WHEREAS, the previous owner was not able to resolve the  
10 encroachments; and  
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12 WHEREAS, in March 2007, the previous owner transferred that  
13 abutting property to Clayton Honbo; and  
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15 WHEREAS, in August 2014, Mr. Honbo transferred the abutting  
16 property to his company, Nanaina 'O Pali Ku, LLC; and  
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18 WHEREAS, in 2014, Nanaina 'O Pali Ku, LLC, worked with the  
19 Department of Land and Natural Resources to resolve the  
20 encroachments; and  
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22 WHEREAS, on December 8, 2017, under agenda item D-11, the  
23 Board of Land and Natural Resources approved a grant of a fifty-  
24 five-year non-exclusive easement to resolve the encroachments;  
25 and  
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27 WHEREAS, the subject area is about 1,379 square feet, which  
28 will be reviewed and approved by the Department of Accounting  
29 and General Services' Survey Division; and  
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1 WHEREAS, the grantee shall pay the State the fair market  
2 value of the easement as consideration of the use of public  
3 lands to be determined by an independent appraisal; and  
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5 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
6 the prior approval of the Governor and prior authorization of  
7 the Legislature by concurrent resolution to lease state  
8 submerged lands; now, therefore,  
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10 BE IT RESOLVED by the Senate of the Twenty-ninth  
11 Legislature of the State of Hawaii, Regular Session of 2018, the  
12 House of Representatives concurring, that the Board of Land and  
13 Natural Resources is hereby authorized to issue a term, non-  
14 exclusive easement covering a portion of state submerged lands  
15 identified as Tax Map Key: (1) 4-6-001: seaward of 019, Heeia,  
16 Koolaupoko, Oahu, for the existing seawall and landscaped area  
17 and for use, repair, and maintenance of the existing  
18 improvements constructed thereon pursuant to section 171-53,  
19 Hawaii Revised Statutes; and  
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21 BE IT FURTHER RESOLVED that a certified copy of this  
22 Concurrent Resolution be transmitted to the Chairperson of the  
23 Board of Land and Natural Resources.  
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OFFERED BY: \_\_\_\_\_

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