

STAND. COM. REP. NO. **2561**

Honolulu, Hawaii

MAR 01 2018

RE: S.C.R. No. 19
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred
S.C.R. No. 19 entitled:

"SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A
TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE
SUBMERGED LANDS AT KAHALA, HONOLULU, OAHU, FOR THE SEAWALL
AND STEPS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON,"

begs leave to report as follows:

The purpose and intent of this measure is to provide
legislative authorization for the issuance of a term,
non-exclusive easement covering a portion of state submerged lands
at Kahala, Honolulu, Oahu by the Board of Land and Natural
Resources for the existing seawall and steps, and for use, repair,
and maintenance of the existing improvements constructed thereon.

Your Committee received testimony in support of this measure
from the Department of Land and Natural Resources. Your Committee
received testimony in opposition to this measure from Ho'omanapono
Political Action Committee.

Your Committee finds that portions of an existing seawall and
steps fronting the property identified as Tax Map Key: (1) 3-5-
001: seaward of 004, Kahala, Honolulu, Oahu, are placed on state
submerged lands. A previous owner of the abutting property worked
with the Department of Land and Natural Resources to resolve the



encroachment problem in 2009, and the Department subsequently approved a grant of a fifty-five-year term, non-exclusive easement to run with the land and to inure to the benefit of the abutting property. The term, non-exclusive easement covered 773 square feet and was appraised in 2010 at a fair market value of \$83,020.

Your Committee further finds that a subsequent survey indicated the shoreline to be further mauka, which resulted in an additional encroachment area of 191 square feet. Thus, the Board of Land and Natural Resources approved to amend the term, non-exclusive easement granted in 2009 to incorporate the additional encroachment area subject to the payment of additional consideration of \$20,513, which was based on the prorated value of the easement. Since the Board of Land and Natural Resources has met all statutory prerequisites, this measure authorizes the amendment of a term, non-exclusive easement in accordance with section 171-53, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Amending its title to reflect that the purpose of this measure is to authorize the amendment, rather than the issuance, of a term, non-exclusive easement; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 19, as amended herein, and recommends that it be referred to your Committee on Ways and Means, in the form attached hereto as S.C.R. No. 19, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



KARL RHOADS, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SCR 19	Committee Referral: WTL, HAM	Date: FEB. 21, 2018		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
THIELEN, Laura H.	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes