
HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF TERM, NON-EXCLUSIVE EASEMENTS COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIOHULI-KEOKEA (KIHEI), WAILUKU, MAUI, FOR THE EXISTING SEAWALL, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of an existing seawall fronting the
2 property identified as Tax Map Key: (2) 3-9-011:008, Waiohuli-
3 Keokea (Kihei), Wailuku, Maui, were placed on state submerged
4 lands; and
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6 WHEREAS, the property is a condominium consisting of
7 CPR 0001 owned by Rand 2013 Living Trust, dated November 25,
8 2013, and CPR 0002 formerly owned by Reconstruct Holdings USA,
9 Inc.; and
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11 WHEREAS, at its meeting of May 8, 2015, under agenda
12 item D-8, the Board of Land and Natural Resources approved a
13 grant of a sixty-five-year non-exclusive easement to resolve the
14 encroachment, to run with the land and to inure to the benefit
15 of the abutting real property; and
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17 WHEREAS, Senate Concurrent Resolution No. 7, adopted in the
18 Twenty-eighth Legislature of the State of Hawaii, Regular
19 Session of 2016, cited the purpose of the requested non-
20 exclusive easement for seawall purposes; and
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22 WHEREAS, it was later discovered that there were additional
23 portions of the seawall which were not covered by the non-
24 exclusive easement which were encroaching on state submerged
25 lands; and
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27 WHEREAS, the additional total encroachment area was
28 determined to be approximately 928 square feet, subject to



1 review and approval by the Department of Accounting and General
2 Services' Survey Division; and

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4 WHEREAS, Reconstruct Holdings USA, Inc., the former owner
5 of CPR 0002, requested that the non-exclusive easement that was
6 granted by the Board of Land and Natural Resources on May 8,
7 2015, be divided into two separate easements; and

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9 WHEREAS, at its meeting of August 25, 2017, under agenda
10 item D-9 as amended, and October 12, 2018, under agenda
11 item D-5, the Board of Land and Natural Resources approved the
12 grant of sixty-five-year, non-exclusive easements for the
13 additional portions of the seawall on state submerged lands, to
14 run with the land and inure to the benefit of CPR 0001 and
15 CPR 0002, Waiohuli-Keokea (Kihei), Wailuku, Maui, of the
16 abutting real property, to resolve the encroachments; and

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18 WHEREAS, Reconstruct Holdings USA, Inc. conveyed its
19 interest in CPR 0002 to Timothy Vaugon Isted by Apartment Deed
20 A72910038 dated December 3, 2019; and

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22 WHEREAS, the grantees have paid the fair market value for
23 CPR 001 and 002 in the amounts of \$19,700 and \$19,200,
24 respectively, as determined by independent appraisal; and

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

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31 BE IT RESOLVED by the House of Representatives of the
32 Thirty-first Legislature of the State of Hawaii, Regular Session
33 of 2021, the Senate concurring, that, pursuant to
34 section 171-53, Hawaii Revised Statutes, the Board of Land and
35 Natural Resources is hereby authorized to grant term,
36 non-exclusive easements covering portions of state submerged
37 lands fronting the property identified as Tax Map Keys:
38 (2) 3-9-011:008 CPR 0001 and CPR 0002, Waiohuli-Keokea (Kihei),
39 Wailuku, Maui, for the existing seawall, and for use,
40 maintenance, and repair of the existing improvements constructed
41 thereon; and
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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Land and Natural Resources.

