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# SENATE CONCURRENT RESOLUTION

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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 CPR  
7 0001 owned by Rand 2013 Living Trust, dated November 25, 2013,  
8 and CPR 0002 formerly owned by Reconstruct Holdings USA, Inc.;  
9 and  
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11 WHEREAS, at its meeting of May 8, 2015, under agenda item  
12 D-8, the Board of Land and Natural Resources approved a grant of  
13 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 item  
11 D-5, the Board of Land and Natural Resources approved the grant  
12 of sixty-five year, non-exclusive easements for the additional  
13 portions of the seawall on state submerged lands, to run with  
14 the land and inure to the benefit of CPR 0001 and CPR 0002,  
15 Waiohuli-Keokea (Kihei), Wailuku, Maui, of the abutting real  
16 property, to resolve the encroachments; and  
17

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 0001 and CPR 0002 in the amounts of \$19,700 and \$19,200,  
24 respectively, as determined by an 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 Senate of the Thirty-first  
32 Legislature of the State of Hawaii, Regular Session of 2021, the  
33 House of Representatives concurring, that, pursuant to section  
34 171-53, Hawaii Revised Statutes, the Board of Land and Natural  
35 Resources is hereby authorized to grant term, non-exclusive  
36 easements covering portions of state submerged lands fronting  
37 the property identified as Tax Map Keys: (2) 3-9-011:008 CPR  
38 0001 and CPR 0002, Waiohuli-Keokea (Kihei), Wailuku, Maui, for  
39 the existing seawall, and for use, maintenance, and repair of  
40 the existing improvements constructed 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.

