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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, portions of the existing seawall fronting the  
2 property identified as Tax Map Key: (1) 3-6-003:015, Wailupe,  
3 Honolulu, Oahu, were placed on state submerged lands; and  
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5           WHEREAS, in July 2002, Tsugio Ueyama, as Trustee of the  
6 unrecorded Tsugio Ueyama Revocable Living Trust dated July 10,  
7 2001, Jane N. Ueyama, as Trustee of the unrecorded Jane N.  
8 Ueyama Revocable Living Trust dated July 10, 2001, and Lynn M.  
9 Wong (now Lynn De Jesus), as grantees, were issued a 55-year  
10 term, non-exclusive easement for an area of 146 square feet  
11 including the encroaching seawall with right, privilege, and  
12 authority to construct, use, maintain, and repair the existing  
13 seawall, and paid a lump sum consideration of \$11,300 to resolve  
14 the encroachment; and  
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16           WHEREAS, thereafter, the Bank of Hawaii became the  
17 successor trustee for the Tsugio Ueyama Revocable Living Trust  
18 dated July 10, 2001 and the Jane N. Ueyama Revocable Living  
19 Trust dated July 10, 2001; and  
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21           WHEREAS, in 2007, a shoreline survey showed portions of the  
22 footing and overhang of the existing seawall were located makai  
23 of the existing seawall and encroaching on state submerged  
24 lands; and  
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26           WHEREAS, the Department of Land and Natural Resources'  
27 Office of Conservation and Coastal Lands had no objection to  
28 amend the non-exclusive easement to resolve the additional  
29 seawall encroachment; and

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WHEREAS, at its meeting of August 28, 2020, under agenda item D-10, the Board of Land and Natural Resources approved an amendment to the original non-exclusive easement to resolve the additional seawall encroachment; and

WHEREAS, the additional encroaching area was determined to be 16 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division; and

WHEREAS, the grantees paid the State the fair market value of the 16 square feet additional area of \$1,240 as determined by the square foot value prorated by the original easement consideration approved by the Board of Land and Natural Resources; and

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

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, the House of Representatives concurring, that the Board of Land and Natural Resources is hereby authorized to issue an amendment to the term, non-exclusive easement covering an additional portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-6-003:015, Wailupe, Honolulu, Oahu, for the existing seawall, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that a certified copy of this concurrent resolution be transmitted to the Chairperson of the Board of Land and Natural Resources.

OFFERED BY:   
BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE AMENDMENT OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAILUPE, HONOLULU, OAHU, FOR THE EXISTING SEAWALL, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution for the amendment of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the existing 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: Portions of the existing seawall fronting the property identified as Tax Map Key: (1) 3-6-003:015, Wailupe, Honolulu, Oahu, were placed upon state submerged lands.

In July 2002, the property owners, Tsugio Ueyama, as Trustee of the unrecorded Tsugio Ueyama Revocable Living Trust dated July 10, 2001, Jane N. Ueyama, as Trustee of the unrecorded Jane N. Ueyama Revocable Living Trust dated July 10, 2001, and Lynn Wong (now Lynn De Jesus), as grantees, were issued a 55-year term, non-exclusive easement for an area of 146 square feet including the encroaching seawall with right, privilege, and authority to construct, use, maintain, and repair the existing seawall, and paid a lump sum consideration of \$11,300 to resolve the encroachment.

Thereafter, the Bank of Hawaii became successor trustee of the Tsugio Ueyama

Revocable Living Trust dated July 10, 2001 and the Jane N. Ueyama Revocable Living Trust dated July 10, 2001.

In 2007, a shoreline survey showed portions of the footing and overhang of the existing seawall were located makai of the existing seawall and encroaching on state submerged lands.

The Department's Office of Conservation and Coastal Lands had no objection to amend the non-exclusive easement to resolve the additional seawall encroachment.

At its meeting of August 28, 2020, under agenda item D-10, the Board approved an amendment to the original easement to resolve the additional seawall encroachment.

The additional encroaching area was determined to be 16 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division.

The grantees paid the State the fair market value of the 16 square feet additional area of \$1,240 as determined by the square foot value prorated by the original easement consideration approved by the Board.

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.