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# SENATE CONCURRENT RESOLUTION

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

1           WHEREAS, in July 2002, Tsugio Ueyama, as Trustee of the  
2 unrecorded Tsugio Ueyama Revocable Living Trust dated July 10,  
3 2001, Jane N. Ueyama, as Trustee of the unrecorded Jane N.  
4 Ueyama Revocable Living Trust dated July 10, 2001, and Lynn M.  
5 Wong (now Lynn De Jesus), as grantees, were issued a fifty-five-  
6 year term, non-exclusive easement for a portion of state  
7 reclaimed lands fronting the property identified as Tax Map Key:  
8 (1) 3-6-003:015, Wailupe, Honolulu, Oahu, and comprising an area  
9 of one hundred forty-six square feet including the encroaching  
10 seawall with right, privilege, and authority to construct, use,  
11 maintain, and repair the existing seawall, and paid a lump sum  
12 consideration of \$11,300 to resolve the encroachment; and  
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14           WHEREAS, thereafter, the Bank of Hawaii became the  
15 successor trustee for the Tsugio Ueyama Revocable Living Trust  
16 dated July 10, 2001, and the Jane N. Ueyama Revocable Living  
17 Trust dated July 10, 2001; and  
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19           WHEREAS, in 2007, a shoreline survey showed portions of the  
20 footing and overhang of the existing seawall were located makai  
21 of the existing seawall and encroaching on state submerged  
22 lands; and  
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24           WHEREAS, the Department of Land and Natural Resources'  
25 Office of Conservation and Coastal Lands had no objection to  
26 amend the non-exclusive easement to resolve the additional  
27 seawall encroachment; and  
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1           WHEREAS, at its meeting of August 28, 2020, under agenda  
 2 item D-10, the Board of Land and Natural Resources approved an  
 3 amendment to the original non-exclusive easement to resolve the  
 4 additional seawall encroachment; and

5  
 6           WHEREAS, the additional encroaching area was determined to  
 7 be sixteen square feet, as reviewed and approved by the  
 8 Department of Accounting and General Services' Survey Division;  
 9 and

10  
 11           WHEREAS, the grantees paid the State the fair market value  
 12 of the sixteen square feet additional area of \$1,240 as  
 13 determined by the square foot value prorated by the original  
 14 easement consideration approved by the Board of Land and Natural  
 15 Resources; and

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

21  
 22           BE IT RESOLVED by the Senate of the Thirty-first  
 23 Legislature of the State of Hawaii, Regular Session of 2022, the  
 24 House of Representatives concurring, that the Board of Land and  
 25 Natural Resources is hereby authorized to add a portion of state  
 26 submerged lands to a term, non-exclusive easement covering an  
 27 additional portion of state reclaimed lands fronting the  
 28 property identified as Tax Map Key: (1) 3-6-003:015, Wailupe,  
 29 Honolulu, Oahu, for the existing seawall, and for use, repair,  
 30 and maintenance of the existing improvements constructed thereon  
 31 pursuant to section 171-53, Hawaii Revised Statutes; and

32  
 33           BE IT FURTHER RESOLVED that a certified copy of this  
 34 Concurrent Resolution be transmitted to the Chairperson of the  
 35 Board of Land and Natural Resources.

