

JAN 26 2022

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALUU,
KOOLAUPOKO, OAHU, FOR THE EXISTING SEAWALL, STEPS, AND
FILLED LAND, AND FOR USE, REPAIR, AND MAINTENANCE OF THE
EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, portions of the existing seawall, steps, and
2 filled land fronting the property identified as Tax Map Key: (1)
3 4-7-001:006, Kahaluu, Koolauoko, Oahu, were placed on state
4 submerged lands; and
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6 WHEREAS, in July 1964, Mr. and Mrs. John Akima, Jr.
7 (initial owners), purchased 1,426 square feet of reclaimed land
8 seaward of the property that included an existing seawall,
9 steps, and filled land, and paid a lump sum consideration amount
10 of \$1,521 for the reclaimed land; and
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12 WHEREAS, in June 2018, Bryan Spicer, the subsequent owner,
13 sold the property to Lynnette Mau, Trustee of the Lynnette Mau
14 Revocable Living Trust dated May 18, 1977, as amended and
15 restated; and
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17 WHEREAS, in July 2018, a shoreline survey showed additional
18 areas of the existing seawall and filled land are located makai
19 of the shoreline and encroaching on state submerged lands; and
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21 WHEREAS, the survey also showed that portions of the steps
22 that were included in the 1964 reclaimed land purchase are now
23 located makai of shoreline and encroaching on state submerged
24 lands as well; and
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26 WHEREAS, around October 2018, the Department of Land and
27 Natural Resources' Office of Conservation and Coastal Lands
28 worked with Lynnette Mau to resolve the encroachments; and
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1 WHEREAS, the Office of Conservation and Coastal Lands
2 indicated it had no objection to a non-exclusive easement to
3 resolve the encroachments; and
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5 WHEREAS, at its meeting of February 8, 2019, under agenda
6 item D-8, the Board of Land and Natural Resources approved a
7 grant of a 25-year non-exclusive easement to resolve the
8 existing seawall, steps, and filled land encroachments, and such
9 non-exclusive easement shall run with the land and shall inure
10 to the benefit of the abutting real property; and
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12 WHEREAS, the total encroaching area was determined to be
13 842 square feet, as reviewed and approved by the Department of
14 Accounting and General Services' Survey Division; and
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16 WHEREAS, the grantee paid the State the fair market value
17 of the 842 square feet non-exclusive easement area of \$32,000,
18 as determined by an independent appraisal; and
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20 WHEREAS, in May 2021, Lynnette Mau sold the property to
21 Martin Wade Cornett and Annette Pauline Cornett; and
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23 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
24 the prior approval of the Governor and prior authorization of
25 the Legislature by concurrent resolution to lease state
26 submerged lands; now, therefore,
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28 BE IT RESOLVED by the Senate of the Thirty-first
29 Legislature of the State of Hawaii, Regular Session of 2022, the
30 House of Representatives concurring, that the Board of Land and
31 Natural Resources is hereby authorized to issue a term, non-
32 exclusive easement covering a portion of state submerged lands
33 fronting the property identified as Tax Map Key: (1) 4-7-
34 001:006, Kahaluu, Koolaupoko, Oahu, for the existing seawall,
35 steps, and filled land, and for use, repair, and maintenance of
36 the existing improvements constructed thereon pursuant to
37 section 171-53, Hawaii Revised Statutes; and
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39 BE IT FURTHER RESOLVED that a certified copy of this
40 concurrent resolution be transmitted to the Chairperson of the
41 Board of Land and Natural Resources.
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S.C.R. NO. 4

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OFFERED BY: *M. N. Ali*
BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE
ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS
AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE
EXISTING SEAWALL, STEPS, AND FILLED LAND,
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 issuance of
a term, non-exclusive easement by the Board
of Land and Natural Resources (Board) for
the existing seawall, steps, and filled
land, 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, steps, and
filled land fronting the property identified
as Tax Map Key: (1) 4-7-001:006, Kahaluu,
Koolaupoko, Oahu, were placed upon state
submerged lands.

In July 1964, Mr. and Mrs. John Akima, Jr.
(initial owners), purchased 1,426 square
feet of reclaimed land seaward of the
property up to the makai face of the
existing seawall, steps, and filled land,
and paid a lump sum consideration amount of
\$1,521 for the reclaimed land.

In June 2018, Bryan Spicer, the subsequent
owner, sold the property to Lynnette Mau,
Trustee of the Lynnette Mau Revocable Living
Trust dated May 18, 1977, as amended and
restated.

In July 2018, a shoreline survey showed
additional areas of the existing seawall and

filled land are located makai of shoreline and encroaching on state submerged lands. The survey also showed that portions of the steps that were included in the 1964 reclaimed land purchase are now located makai of shoreline and encroaching on state submerged lands as well.

In October 2018, the Department's Office of Conservation and Coastal Lands worked with Lynnette Mau to resolve the encroachments. The Office of Conservation and Coastal Lands indicated it had no objection to a non-exclusive easement to resolve the encroachments.

At its meeting of February 8, 2019, under agenda item D-8, the Board approved a grant of a 25-year non-exclusive easement to resolve the existing seawall, steps, and filled land encroachments, and such non-exclusive easement shall run with the land and shall inure to the benefit of the abutting real property.

The total encroaching area was determined to be 842 square feet, as reviewed and approved by the Department of Accounting and General Services' Survey Division.

The grantee paid the State the fair market value of the 842 square feet non-exclusive easement area of \$32,000, as determined by an independent appraisal.

In May 2021, Lynnette Mau sold the property to Martin Wade Cornett and Annette Pauline Cornett.

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.

S.C.R. NO. 4

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.