
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR THE EXISTING PIER, HOUSE, ROCK WALL, AND LANDSCAPE AREA, AND FOR USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, the existing pier, and portions of the existing
2 house, rock wall, and landscape area fronting the property
3 identified as Tax Map Key: (1) 4-4-016:016, Kaneohe, Koolaupoko,
4 Oahu, were placed on state lands (a portion of which is
5 submerged); and
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7 WHEREAS, around February 2019, 20 Baldwin Partners LLC, a
8 Hawaii Limited Liability Company, and Phillip K. Binney, also
9 known as Philip K. Binney, Trustee of the Phillip K. Binney 2018
10 Irrevocable Gift Trust Agreement dated September 18, 2018,
11 purchased the abutting property that included the encroaching
12 existing pier and portions of the existing house; and
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14 WHEREAS, around April 2019, the Department of Land and
15 Natural Resources' Office of Conservation and Coastal Lands
16 worked with the property owners to resolve the encroachments;
17 and
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19 WHEREAS, in July 2019, a shoreline survey showed a portion
20 of an existing rock wall was also encroaching in addition to the
21 portions of the existing house and pier; and
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23 WHEREAS, the shoreline survey also identified a portion of
24 state land requested by the grantees for landscape purposes; and
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26 WHEREAS, the Office of Conservation and Coastal Lands
27 indicated it supported an easement to resolve the encroachments;
28 and
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1 WHEREAS, at its meeting of November 8, 2019, under agenda
 2 item D-14, the Board of Land and Natural Resources approved a
 3 grant of a twenty-five-year non-exclusive easement to resolve
 4 the subject encroachments, and such non-exclusive easement shall
 5 run with the land and shall inure to the benefit of the abutting
 6 real property; and

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 8 WHEREAS, the total encroachment area was determined to be
 9 1,898 square feet as reviewed and approved by the Department of
 10 Accounting and General Services' Survey Division; and

11
 12 WHEREAS, in September 2020, 20 Baldwin Partners LLC
 13 quitclaimed its interest in the abutting real property to
 14 Phillip K. Binney; and

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 16 WHEREAS, the grantee has paid the fair market value of the
 17 1,898 square feet non-exclusive easement area of \$77,000, as
 18 determined by an independent appraisal; and

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

24
 25 BE IT RESOLVED by the Senate of the Thirty-first
 26 Legislature of the State of Hawaii, Regular Session of 2022, the
 27 House of Representatives concurring, that the Board of Land and
 28 Natural Resources is hereby authorized to issue a term,
 29 non-exclusive easement covering a portion of state submerged
 30 lands fronting the property identified as Tax Map Key: (1)
 31 4-4-016:016, Kaneohe, Koolaupoko, Oahu, for the existing pier,
 32 house, rock wall, and landscape area, and for use, repair, and
 33 maintenance of the existing improvements constructed thereon
 34 pursuant to section 171-53, Hawaii Revised Statutes; and

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

