
HOUSE 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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2 WHEREAS, at its meeting of August 28, 2020, under agenda
3 item D-10, the Board of Land and Natural Resources approved an
4 amendment to the original non-exclusive easement to resolve the
5 additional seawall encroachment; and
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7 WHEREAS, the additional encroaching area was determined to
8 be 16 square feet, as reviewed and approved by the Department of
9 Accounting and General Services' Survey Division; and
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11 WHEREAS, the grantees paid the State the fair market value
12 of the 16 square feet additional area of \$1,240 as determined by
13 the square foot value prorated by the original easement
14 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,
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22 BE IT RESOLVED by the House of Representatives of the
23 Thirty-first Legislature of the State of Hawaii, Regular Session
24 of 2022, the Senate concurring, that the Board of Land and
25 Natural Resources is hereby authorized to issue an amendment to
26 the term, non-exclusive easement covering an additional portion
27 of state submerged lands fronting the property identified as Tax
28 Map Key: (1) 3-6-003:015, Wailupe, Honolulu, Oahu, for the
29 existing seawall, and for use, repair, and maintenance of the
30 existing improvements constructed thereon pursuant to section
31 171-53, Hawaii Revised Statutes; and
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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.
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37
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40 OFFERED BY: 

41 BY REQUEST

42 JAN 24 2022
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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.