HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII

H.C.R. NO. 22

HOUSE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONSTRUCTION, USE, REPAIR, AND MAINTENANCE OF STEPS.

WHEREAS, an existing seawall fronts state submerged land 1 2 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, Honolulu, Oahu; and 3 4 WHEREAS, concrete steps were previously constructed on the 5 makai side of the existing seawall on state submerged lands; and 6 7 8 WHEREAS, the concrete steps were removed from the state 9 submerged lands in 2021; and 10 WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability 11 company, is the owner of property identified as Tax Map Key: 12 (1)3-1-039:005, Waikiki, Honolulu, Oahu, which benefits from 13 easements across the property identified as Tax Map Key: (1)3-14 1-039:044, Waikiki, Honolulu, Oahu, and the privately held 15 16 portion of the property identified as Tax Map Key: (1)3-1-039:065, Waikiki, Honolulu, Oahu, including across the seawall, 17 18 for beach access purposes; and 19 20 WHEREAS, HTH DH Ventures, LLC, requested the approval of the Department of Land and Natural Resources' Office of 21 Conservation and Coastal Lands to reconstruct the concrete steps 22 on the state submerged lands in the same location, alignment, 23 configuration, and footprint as the previously existing concrete 24 25 steps; and 26 27 WHEREAS, by letter dated May 4, 2023, the Department of 28 Land and Natural Resources' Office of Conservation and Coastal Lands approved the construction of the concrete steps; and 29

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WHEREAS, on October 13, 2023, under agenda item D-14 of a 1 2 meeting of the Board of Land and Natural Resources, the Board approved a grant of a 25-year non-exclusive easement to HTH DH 3 4 Ventures, LLC, to run with the land and inure to the benefit of 5 the abutting real property, to resolve the encroachment; and 6 7 WHEREAS, the total encroachment area was determined to be 8 26.5 square feet, more or less, subject to review and approval 9 by the Department of Accounting and General Services' Survey Division; and 10 11 WHEREAS, the grantee shall pay the State the fair market 12 13 value of the non-exclusive easement as consideration of the use of public lands, to be determined by an independent appraisal, 14 subject to review and approval by the Chairperson of the Board 15 16 of Land and Natural Resources; and 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 23 BE IT RESOLVED by the House of Representatives of the 24 Thirty-second Legislature of the State of Hawaii, Regular Session of 2024, the Senate concurring, that the Board of Land 25 26 and Natural Resources is hereby authorized to issue a term, non-27 exclusive easement covering a portion of state submerged lands 28 identified as Tax Map Key: (1)3-1-039: seaward of 065, Waikiki, 29 Honolulu, Oahu, for the construction, use, repair, and 30 maintenance of concrete steps pursuant to section 171-53, Hawaii Revised Statutes; and 31 32 33 BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Chairperson of the 34 Board of Land and Natural Resources. 35 36 37 38 B-0 OFFERED BY:

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