

JAN 23 2025

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE-YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONCRETE STAIRS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE IMPROVEMENTS CONSTRUCTED THEREON.

1 WHEREAS, an existing seawall on the property identified as
2 Tax Map Key: (1) 3-1-039:065, Waikiki, Honolulu, Oahu, abuts
3 state submerged lands; and
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5 WHEREAS, HTH DH Ventures, LLC, a Hawaii limited liability
6 company, is the owner of property identified as Tax Map
7 Key: (1) 3-1-039:005, Waikiki, Honolulu, Oahu, which benefits
8 from easements across the property identified as Tax Map
9 Key: (1) 3-1-039:044, Waikiki, Honolulu, Oahu, and the
10 privately held portion of the property identified as Tax Map
11 Key: (1) 3-1-039:065, Waikiki, Honolulu, Oahu, including across
12 the seawall, for beach access purposes; and
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14 WHEREAS, the seawall previously included concrete steps on
15 its makai side, which were situated on the state submerged
16 lands; and
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18 WHEREAS, the concrete steps were removed in 2021; and
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20 WHEREAS, on May 4, 2023, the Department of Land and Natural
21 Resources' Office of Conservation and Coastal Lands approved
22 construction of new steps on the subject state submerged land in
23 the same location, alignment, and footprint to replace those
24 removed in 2021; and
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26 WHEREAS, at its meeting on October 13, 2023, under agenda
27 item D-14, the Board of Land and Natural Resources approved the
28 grant of a twenty-five-year, non-exclusive easement for the
29 replacement steps, to run with the land and inure to the benefit

1 of the real property identified as Tax Map Key: (1) 3-1-039:065;
2 and

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4 WHEREAS, the Office of Conservation and Coastal Lands has
5 no objection to a non-exclusive easement to allow for
6 replacement of the removed concrete steps on state submerged
7 lands; and

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9 WHEREAS, the total area of the replacement steps was
10 determined to be approximately twenty-six and five tenths square
11 feet, subject to the review and approval of the Department of
12 Accounting and General Services' Survey Division; and

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14 WHEREAS, HTH DH Ventures, LLC, has not yet constructed the
15 replacement steps on state submerged lands and has agreed not to
16 do so until the non-exclusive easement approved by the Board of
17 Land and Natural Resources receives the prior approval of the
18 Governor and prior authorization of the Legislature pursuant to
19 section 171-53(c), Hawaii Revised Statutes, and the easement is
20 issued; and

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22 WHEREAS, HTH DH Ventures, LLC, shall pay the State the fair
23 market value of the non-exclusive easement as consideration for
24 the use of state submerged lands, to be determined by an
25 independent appraisal; and

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27 WHEREAS, section 171-53(c), Hawaii Revised Statutes,
28 requires the prior approval of the Governor and the prior
29 authorization of the Legislature by concurrent resolution to
30 lease state submerged lands; now, therefore,

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32 BE IT RESOLVED by the House of Representatives of the
33 Thirty-third Legislature of the State of Hawaii, Regular Session
34 of 2025, the Senate concurring, that the Board of Land and
35 Natural Resources is hereby authorized to issue a twenty-five-
36 year term, non-exclusive easement covering a portion of state
37 submerged land seaward of the property identified as Tax Map
38 Key: (1) 3-1-039:065, Waikiki, Honolulu, Oahu, to HTH DH
39 Ventures LLC, for the concrete steps, and for use, repair, and
40 maintenance of the improvements constructed thereon pursuant to
41 section 171-53, Hawaii Revised Statutes; and

1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Chairperson of the
3 Board of Land and Natural Resources.

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OFFERED BY: *M. H. [Signature]*

BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TWENTY-FIVE-YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIKIKI, HONOLULU, OAHU, FOR CONCRETE STAIRS, AND FOR USE, REPAIR, AND MAINTENANCE OF THE 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 concrete stairs 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: The original concrete steps seaward of the property identified as Tax Map Key: (1) 3-1-039:065, Waikiki, Honolulu, Oahu, were situated on state submerged lands. The original steps were removed in 2021.

In October 2023, the Board approved the grant of a twenty-five-year term, non-exclusive easement to HTH DH Ventures, LLC, as grantee, for an area of twenty-six and five tenths square feet to construct and maintain replacement steps with the right, privilege, and authority to construct, use, maintain, and repair the concrete steps.

HTH DH Ventures, LLC, has agreed to pay for an appraisal of the encroachment area by an appraiser selected and contracted by the State of Hawaii to determine the value of the encroachment area and to pay a lump sum in the amount of the appraised value in exchange for a twenty-five-year term, non-exclusive easement to resolve the encroachment.

The Department's Office of Conservation and Coastal Lands had no objection to the non-exclusive easement to resolve the encroachment.

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(c), 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.