

MAR 07 2025

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIALAE, HONOLULU, OAHU, FOR THE EXISTING DRAINAGE OUTLETS, AND FOR THE USE, REPAIR, AND MAINTENANCE OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1           WHEREAS, when the Kahala Hotel and Resort was developed,  
2 three drainage outlets were also installed from the hotel  
3 property, identified as Tax Map Key: (1) 3-5-023: 039, and  
4 beneath a parcel owned by the State, identified as Tax Map Key:  
5 (1) 3-5-023: 41, which lies between the hotel property and the  
6 beach area and ocean; and

7  
8           WHEREAS, the construction of the Kahala Hotel and Resort  
9 pre-existed the Conservation District and Special Management  
10 Area laws that require authorization from the Legislature by  
11 Concurrent Resolution and the approval of the Governor for the  
12 lease of state submerged lands; and

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14           WHEREAS, over the years, the Kahala Hotel and Resort made  
15 improvements to the existing structures and obtained the  
16 required conservation use district permits for the drainage  
17 outlets; however, the Board of Land and Natural Resources did  
18 not grant any easements to Kahala Hotel and Resort for the  
19 drainage outlets; and

20  
21           WHEREAS, Resorttrust Hawaii, LLC, purchased the Kahala  
22 Hotel and Resort in 2018, and has been working diligently with  
23 the Department of Land and Natural Resources to determine the  
24 easement areas; and

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26           WHEREAS, on September 27, 2024, under agenda item D-7, the  
27 Board of Land and Natural Resources approved a grant of a  
28 perpetual, non-exclusive easement for drainage purposes; and  
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1 WHEREAS, the total easement area was determined to be  
2 12,700 square feet subject to review and approval by the Survey  
3 Division of the Department of Accounting and General Notes; and  
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5 WHEREAS, before the execution of the non-exclusive  
6 easement, the grantee shall pay the State the fair market value  
7 of the non-exclusive easement as consideration for the use of  
8 state submerged lands to be determined by independent appraisal,  
9 subject to approval by the Chairperson of the Board of Land and  
10 Natural Resources; and  
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12 WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
13 the prior approval of the Governor and prior authorization of  
14 the Legislature by Concurrent Resolution to lease state  
15 submerged lands; now, therefore,  
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17 BE IT RESOLVED by the Senate of the Thirty-third  
18 Legislature of the State of Hawaii, Regular Session of 2025, the  
19 House of Representatives concurring, that the Board of Land and  
20 Natural Resources is hereby authorized to issue a perpetual,  
21 non-exclusive easement covering portions of and seaward of state  
22 submerged lands identified as Tax Map Key: (1) 3-5-023: 041,  
23 Waialae, Honolulu, Oahu, for the existing drainage outlets, and  
24 for the use, repair, and maintenance of the existing  
25 improvements constructed thereon pursuant to section 171-53,  
26 Hawaii Revised Statutes; and  
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28 BE IT FURTHER RESOLVED that a certified copy of this  
29 Concurrent Resolution be transmitted to the Chairperson of the  
30 Board of Land and Natural Resources.  
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OFFERED BY: 