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## HOUSE CONCURRENT RESOLUTION

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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  
4

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  
17

18 WHEREAS, the concrete steps were removed in 2021; and  
19

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  
25

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

3  
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

8  
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

13  
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


21  
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

26  
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,

31  
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.

4  
5 OFFERED BY:



6 BY REQUEST  
7

JAN 21 2025

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.