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# HOUSE CONCURRENT RESOLUTION

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

1           WHEREAS, Resorttrust Hawaii, LLC ("RTH"), is the fee owner  
2 of that certain parcel of land identified by Tax Map Key: (1) 3-  
3 5-023:039 (the "Hotel Property"), upon which it operates the  
4 Kahala Hotel & Resort (the "Hotel"); and

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6           WHEREAS, the original owners of the Hotel, pursuant to a  
7 1963 Agreement with the State, developed the Hotel and the beach  
8 area makai of the Hotel, which included three drainage lines  
9 from the Hotel: one stormwater outfall and two lagoon outfalls  
10 (collectively, the "outfalls"); and

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12           WHEREAS, portions of the existing drainage lines seaward of  
13 the Hotel property cross Tax Map Key No. (1) 3-5-023: portions  
14 of 041 and seaward, Waialae, Honolulu, Oahu (the "subject  
15 property"), and are located on state submerged lands; and

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17           WHEREAS, the outfalls were constructed in compliance with  
18 the laws in existence at the time they were developed; and

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20           WHEREAS, the lagoon outfalls were subsequently modified in  
21 compliance with the conservation district requirements, Chapter  
22 183, Hawaii Revised Statutes; and

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24           WHEREAS, the outfalls require authorization to occupy state  
25 lands; and

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27           WHEREAS, at its meeting of September 27, 2024, under agenda  
28 item D-7, the Board of Land and Natural Resources approved the



1 issuance of perpetual, non-exclusive easements to RTH for the  
2 outfalls located on or under the subject property and on state  
3 submerged land at the shoreline abutting the subject property,  
4 along with the right, privilege, and authority to construct,  
5 use, operate, maintain, repair, replace, and remove pipelines  
6 across state-owned land for drainage purposes, with a one-time  
7 payment to be determined by independent appraisal establishing  
8 fair market rent, subject to review and approval by the  
9 Chairperson of the Board of Land and Natural Resources; and

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11 WHEREAS, the total easement area is approximately 12,700  
12 square feet, and is comprised of three separate easements of  
13 approximately 2,983 square feet, 2,190 square feet, and 7,527  
14 square feet, respectively, to be confirmed by the Department of  
15 Accounting and General Services' Survey Division; 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-third Legislature of the State of Hawaii, Regular Session  
24 of 2026, the Senate concurring, that the Board of Land Natural  
25 Resources is hereby authorized to issue three perpetual, non-  
26 exclusive easements covering portions of the subject property  
27 identified (1) 3-5-023: 041, and a portion of state submerged  
28 lands seaward of the subject property, Waialae, Honolulu, Oahu,  
29 for the existing outfalls constructed thereon, along with the  
30 right, privilege, and authority to construct, use, operate,  
31 maintain, repair, replace, and remove pipelines across state-  
32 owned land for drainage purposes, pursuant to section 171-53,  
33 Hawaii Revised Statutes; and

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35 BE IT FURTHER RESOLVED that certified copies of this  
36 Concurrent Resolution be transmitted to the Governor,  
37 Chairperson of the Board of Land and Natural Resources, and  
38 Director of the Department of Planning and Permitting of the  
39 City and County of Honolulu.

