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HOUSE CONCURRENT  
RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING LANDSCAPING AREA, CONCRETE WALL, AND FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

1           WHEREAS, the existing landscaping area, concrete wall, and  
2 footing were placed on state submerged lands fronting the  
3 property identified as Tax Map Key: (1) 4-7-019: seaward of 078,  
4 Kahaluu, Koolaupoko, Oahu, and predated the Conservation  
5 District established in 1964; and  
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7           WHEREAS, around 2012, the Department of Land and Natural  
8 Resources (Department) worked with the owners, David Knox and  
9 Beverly Hoversland, to resolve the encroachments; and  
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11           WHEREAS, on July 23, 2012, the Department's Office of  
12 Conservation and Coastal Lands determined that the encroachments  
13 predated the establishment of the Conservation District  
14 established in 1964 and supported the issuance of an easement to  
15 resolve the encroachments; and  
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17           WHEREAS, on December 14, 2012, under agenda item D-14, the  
18 Board of Land and Natural Resources approved a grant of a 55-  
19 year non-exclusive easement to resolve the encroachments; and  
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21           WHEREAS, section 171-53, Hawaii Revised Statutes, requires  
22 the prior approval of the Governor and prior authorization of  
23 the Legislature by concurrent resolution for this disposition of  
24 state submerged lands; now, therefore,  
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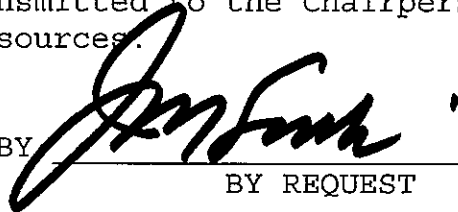
26           BE IT RESOLVED by the House of Representatives of the  
27 Twenty-seventh Legislature of the State of Hawaii, Regular  
28 Session of 2014, the Senate concurring, that the Board of Land  
29 and Natural Resources is hereby authorized to issue a term, non-  
30 exclusive easement covering a portion of state submerged lands

H.C.R. NO. 21

1 fronting the property identified as Tax Map Key: (1) 4-7-019:  
2 seaward of 078, Kahaluu, Koolaupoko, Oahu, for the maintenance  
3 and repair of the existing landscaping area, concrete wall, and  
4 footing, and for use, maintenance, and repair of the existing  
5 improvements constructed thereon, pursuant to section 171-53,  
6 Hawaii Revised Statutes; and  
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8 BE IT FURTHER RESOLVED that a certified copy of this  
9 Concurrent Resolution be transmitted to the Chairperson of the  
10 Board of Land and Natural Resources.  
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12  
13 OFFERED BY



BY REQUEST

JAN 21 2014

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## JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT KAHALUU, KOOLAUPOKO, OAHU, FOR THE MAINTENANCE AND REPAIR OF THE EXISTING LANDSCAPING AREA, CONCRETE WALL, AND FOOTING, AND FOR USE, MAINTENANCE, AND REPAIR OF THE EXISTING IMPROVEMENTS CONSTRUCTED THEREON.

PURPOSE: To seek the authorization of the Legislature by concurrent resolution of the issuance of a term, non-exclusive easement by the Board of Land and Natural Resources (Board) for the maintenance and repair of the existing landscaping area, concrete wall, and footing, and for use, maintenance, and repair of the existing improvements constructed thereon.

MEANS: Concurrent resolution pursuant to section 171-53, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Around 2012, the Department of Land and Natural Resources (Department) worked with the owners, David Knox and Beverly Hoversland, to resolve the encroachments of a landscaping area, concrete wall, and footing on state submerged lands fronting the property identified as Tax Map Key: (1) 4-7-019: seaward of 078, Kahaluu, Koolauoko, Oahu.

On July 23, 2012, the Department's Office of Conservation and Coastal Lands determined that the encroachments predated the establishment of the Conservation District established in 1964 and supported the issuance of an easement to resolve the encroachments.

At its meeting of December 14, 2012, under agenda item D-14, the Board approved a grant of a 55-year non-exclusive easement to resolve the encroachments.

Section 171-53, HRS, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution for this disposition of state submerged lands. This concurrent resolution has been prepared in compliance with the requirements of section 171-53, 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.