

JAN 22 2008

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING
PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR
MAINTENANCE AND REPAIR OF EXISTING CONCRETE PILLARS AND
IMPROVEMENTS PURPOSES.

1 WHEREAS, the original decks makai of Lahaina Front Street
2 were constructed in the 1920s, sometime in 1966 or 1967 when
3 Lahaina Yacht Club acquired the Front Street property, the
4 building was restored, and the open deck and some of the piers
5 were replaced, and subsequently, in 1982 or 1983, Lahaina Yacht
6 Club replaced some piers; and

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8 WHEREAS, in 1987, Lahaina Yacht Club filed a conservation
9 district use application with the Department of Land and Natural
10 Resources (Department) to bring the existing deck into
11 conformance with the law; and

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13 WHEREAS, on September 25, 1987, under agenda item H-5, the
14 Board of Land and Natural Resources (Board) granted an after-
15 the-fact conservation district use permit for the clubhouse deck
16 and proposed roof construction over state submerged lands, and,
17 furthermore, the Board assessed Lahaina Yacht Club a \$1,000 fine
18 for unauthorized use and occupancy of state submerged lands; and

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20 WHEREAS, on February 12, 1988, under agenda item F-7, the
21 Board approved the direct issuance of a term, non-exclusive
22 easement to Lahaina Yacht Club for the maintenance and repair of
23 existing concrete pillars and for the use and maintenance of the
24 existing improvements constructed thereon including the proposed
25 roof construction over the clubhouse wood deck subject to
26 certain terms and conditions; and

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28 WHEREAS, on August 2, 1989, the Department issued Grant of
29 Easement No. S-5182 to Lahaina Yacht Club for a term of twenty
30 years, commencing February 12, 1988, and expiring on February

1 11, 2008, with the annual rent for the first ten years having
2 been \$3,000 and the remaining ten years having been \$5,661; and
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4 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
5 the prior approval of the Governor and prior authorization of
6 the Legislature by concurrent resolution to lease state
7 submerged lands; now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fourth
10 Legislature of the State of Hawaii, Regular Session of 2008, the
11 House of Representative concurring, that the Board of Land and
12 Natural Resources is hereby authorized to issue a term, non-
13 exclusive easement covering a portion of state submerged lands
14 fronting the property identified as Tax Map Key: (2) 4-5-1:5 at
15 Lahaina, Maui, for maintenance and repair of existing concrete
16 pillars and improvements purposes pursuant to section 171-53,
17 Hawaii Revised Statutes; and
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19 BE IT FURTHER RESOLVED that certified copies of this
20 Concurrent Resolution be transmitted to the Chairperson of the
21 Board of Land and Natural Resources.
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24 OFFERED BY: _____

BY REQUEST

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: CONCURRENT RESOLUTION AUTHORIZING THE
ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING
PORTION OF STATE SUBMERGED LANDS AT LAHAINA,
MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING
CONCRETE PILLARS AND IMPROVEMENTS PURPOSES.

PURPOSE: To seek the prior approval of the
Legislature by concurrent resolution to
permit the issuance of an easement for state
submerged lands at Lahaina, Maui, for
maintenance and repair of existing concrete
pillars and improvements purposes.

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

JUSTIFICATION: The original decks makai of Lahaina Front
Street were constructed in the 1920s.
Sometime in 1966 or 1967 when Lahaina Yacht
Club acquired the Front Street property, the
building was restored, and the open deck and
some of the piers were replaced. In 1982 or
1983, Lahaina Yacht Club replaced some
piers.

On September 25, 1987, under agenda item H-
5, the Board of Land and Natural Resources
(Board) granted an after-the-fact
conservation district use permit for the
clubhouse deck and proposed roof
construction over state submerged lands.
Furthermore, the Board assessed Lahaina
yacht Club a \$1,000 fine for unauthorized
use and occupancy of state submerged lands.

On February 12, 1988, under agenda item F-7,
the Board approved the direct issuance of a
term, non-exclusive easement to Lahaina
Yacht Club for the maintenance and repair of
existing concrete pillars and for the use
and maintenance of the roof construction

over the clubhouse wood deck subject to certain terms and conditions.

On August 2, 1989, the Department issued Grant of Easement No. S-5182 to Lahaina Yacht Club for a term of twenty (20) years, commencing February 12, 1988 and expiring on February 11, 2008. The annual rent for the first ten (10) years was \$3,000 and for the remaining ten (10) years was/is \$5,661.

This concurrent resolution is requested to allow for the issuance of a non-exclusive easement for state submerged lands as required under 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.