

MAR 10 2023

SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, portions of the existing boat ramp and concrete
2 wall fronting the property identified as Tax Map Key: (1) 4-5-
3 047: seaward of 051, Kaneohe, Koolaupoko, Oahu, were placed upon
4 state submerged lands; and

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6 WHEREAS, around March 2022, the Department of Land and
7 Natural Resources' Office of Conservation and Coastal Lands
8 worked with the property owner, James Michael Elhoff, Trustee of
9 the Michael Elhoff Living Trust dated November 30, 2017, to
10 resolve the encroachments; and

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12 WHEREAS, the Office of Conservation and Coastal Lands
13 indicated they supported a non-exclusive easement to resolve the
14 encroachments; and

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16 WHEREAS, on August 26, 2022, under agenda item D-4 of a
17 meeting of the Board of Land and Natural Resources, the Board
18 approved a grant of a 25-year non-exclusive easement to resolve
19 the boat ramp and concrete wall encroachments, to run with the
20 land and to inure to the benefit of the abutting real property;
21 and

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23 WHEREAS, as determined by the property owner, the total
24 encroachment area was 319 square feet, which is subject to
25 review and approval by the Department of Accounting and General
26 Services' Survey Division; and

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28 WHEREAS, the grantee shall pay the State the fair market
29 value of the non-exclusive easement as consideration of the use



1 of state submerged lands to be determined by an independent
2 appraisal; 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 Thirty-second
10 Legislature of the State of Hawaii, Regular Session of 2023, the
11 House of Representatives 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: (1) 4-5-047:
15 seaward of 051, Kaneohe, Koolaupoko, Oahu, for the existing boat
16 ramp and concrete wall, and for use, repair, and maintenance of
17 the existing improvements constructed thereon pursuant to
18 section 171-53, Hawaii Revised Statutes; and

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20 BE IT FURTHER RESOLVED that a certified copy of this
21 Concurrent Resolution be transmitted to the Chairperson of the
22 Board of Land and Natural Resources.

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25 OFFERED BY:  _____

