

# NOTICE OF SALE

## PUBLIC AUCTION SALE OF ONE (1) STATE OF HAWAII LEASE ON THE ISLAND OF MAUI

The Department of Land and Natural Resources ("DLNR"), Division of Boating and Ocean Recreation, Planning and Coordination Office, will be conducting a public auction sale of one (1) lease for State land at the following date and location:

**DATE & TIME:** Thursday, July 30, 2020, at 10:00AM (HST)

**PLACE:** 101 Maalaea Boat Harbor Road, Wailuku, Hawaii 96793

The above date, time, and/or place of auction are subject to change by DLNR.

The lease to be auctioned on the above date covers the following parcel located at Mala Wharf.

**Location:** Portions of Government Lands situated at Alamahi, Lahaina, Island of Maui, Hawaii as shown and described on Government Survey Map C.S.F. No. 25,708 dated December 11, 2018

**Tax Map Key:** (2) 4-5-005:01 9(por.)

**Land Area:** Approximately 18,644 square feet

**Permitted Uses:** For small boat harbor and maritime related purposes. The successful bidder shall occupy and use the Premises for the landscaping, maintenance, storage of small boats and trailers and other maritime related activities.

**Lease Term:** Twenty (20) years

**Commencement Date:** No more than thirty (30) calendar days from the date DLNR transmits the lease to the successful bidder for execution; provided that if such date is not on the first day of any month, the commencement date shall be the first day of the month following such date; and further provided that the Chairperson may amend the commencement date for good cause.

**Upset Minimum Annual Base Rent:** \$49,580 per annum, payable monthly or 10% of gross receipts, payable quarterly, whichever is greater.

**Fixed Increases in Minimum Annual Base Rent:** Twenty (20) years of known rent subject to fixed increases in the minimum annual base rent

Years 1 thru 5 \$49,580.00 per annum vs 10%

Years 6 thru 10 \$57,017.00 per annum vs 10%

Years 11 thru 15 FMR per annum

Years 16 thru 20 FMR per annum

**Performance Bond:** Equal to two times the annual rental payable

**Improvement Bond:** Equal to the value of improvements, if any.

**Encumbrances:** Refer to the draft lease document and the exhibits to the lease for encumbrances to the lease, including but not limited to existing easements.

### APPLICATION AND BIDDING INFORMATION

Any person wishing to bid and purchase the lease described above must first qualify to bid under the general qualifying criteria and the pre-qualifying criteria as described in the Public Auction Bid Packet ("Bid Packet"). Eligibility to bid shall be determined by the information supplied by prospective bidders in the Application and Qualification Questionnaire ("Application") provided as Appendix A of the Bid Packet.

Applications by prospective bidders for the above listed Lease must be **received** by DLNR no later than; **Thursday, July 2, 2020 4:00 PM (HST)** at any one of the District Offices listed below.

Applicants shall submit one (1) original and three (3) copies of the Application (including copies of all required attachments). Any person who has failed to submit the completed Application and all required attachments (and required copies) by this date and time will not be allowed to bid.

Each Applicant shall be informed in writing in advance of the auction date as to the Applicant's eligibility to bid at the public auction. See Bid Packet for further instructions.

The Bid Packet describes the auction sale procedures, bidder qualifications and other requirements, and contains the Application form, memorandum of lease, draft lease document (including survey map and descriptions of the subject premises), and other relevant information.

The Bid Packet may be examined at any of the District Offices listed below or downloaded from the DLNR website at [www.hawaWpov/dlnr/dobor/dobor-Dm](http://www.hawaWpov/dlnr/dobor/dobor-Dm). Any person requiring special accommodation or information in an alternate format is asked to contact the Division of Boating and Ocean Recreation at (808) 587-1964.

#### **Administrative Office**

4 Sand Island Access Road

Honolulu, Hawaii 96819

Telephone (808) 587-1964

#### **Qahu District Office**

4 Sand Island Access Road

Honolulu, Hawaii 96819

Telephone: (808) 832-3520

#### **Hawaii District Office**

Honokohau Small Boat Harbor

74-380 Kealakehe Parkway

Kailua-Kona, Hawaii 96740-2704

Telephone: (808) 327-3690

#### **Maui District Office**

101 Maalaea Boat Harbor Road

Wailuku, Hawaii 96793

Telephone: (808) 243-5824

#### **Kauai District Office**

2494 Niualu Road

Lihue, Hawaii 96766

Telephone: (808) 241-3111

Prospective bidders are responsible to thoroughly read and understand the covenants, terms, reservations, and conditions contained in the Bid Packet and draft lease document. The premises are to be Leased in an "as is" condition, and prospective bidders are solely responsible to complete their own due diligence.

All bidders or authorized representatives must be present in person at the auction. DLNR reserves the right to cancel the public auction, to postpone or change the date of the public auction or any other deadlines, to reject any and all Applications or request the submittal of additional information, and to waive any defects when, in the opinion of the Chairperson, such action will be in the best interest of the State.

DONE at the office of the Department of Land and Natural Resources, State of Hawaii this June 3, 2020 day of June, 2020.

BOARD OF LAND AND NATURAL RESOURCES

By /s/ Suzanne D. Case

By SUZANNE D. CASE, Chairperson

(MN: June 11, 12, 13, 2020)