

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

February 10, 2017

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawai'i

Kaua'i

Amendment of General Lease No. SP0164, Jan Tenbruggencate, Lessee, Waimea Canyon State Park, Lot 44, Puu Ka Pele Park Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:040. The Purpose of the Amendment is to Correct the Termination Date to Read December 31, 2028; and to Correct the Rent Reopening Date to Read the end of December 2018.

Consent to Assign General Lease No. SP-0164, Jan Tenbruggencate, as Assignor, to Everett Kalani Haumea and Toby Palani Vidinha, as Assignees, Waimea Canyon State Park, Lot 44, Puu Ka Pele Park Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:040.

APPLICANT:

Everett Kalani Haumea, whose mailing address is P.O. Box 453, Kekaha, Hawaii 96752 and Toby Palani Vidinha, whose mailing address is 4813 Puuwai Road, Kalaheo, Hawaii 96741, Assignees as Tenants in Common.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 44, Puu Ka Pele Park Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:040, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

1.0 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _ NO X

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028.
There is one rental reopening scheduled at the end of December 2018.

ANNUAL RENTAL:

\$3,300.

CONSIDERATION:

\$1.00

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Not required. Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit fully executed assignment of lease and meet other requirements as described herein.

REMARKS:

Jan Tenbruggencate, entered in to a lease under General Lease No. SP0164 effective January 6, 2009 as a result of direct negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 SLH 2008. Jan Tenbruggencate held the previous lease covering the property and a revocable permit immediately prior to the new lease being issued.

By way of a letter dated December 22, 2016, Jan Tenbruggen had informed State Parks that due to his and his wife aging health, he would like to transfer his interest in the lease to Everett Kalani Haumea and Toby Palani Vidinha,

Lessees are in compliance with the rent as well as the liability insurance required pursuant to the terms of the lease.

Staff notes that the term of the lease is for a period of 20 years commencing January 1, 2009. On the first page of the lease, however, the termination date is listed as December 31, 2029 in error. This would indicate a 21 year lease and is inconsistent with Act 223. Upon consultation with the Department of the Attorney General, a simple

amendment can be made to the lease correcting the termination date to read December 31, 2028 and that the rental reopening date be corrected to read at the end of December 2018.

Staff recommends this be completed simultaneously with the other documents necessary for the assignment.

Assignees has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no outstanding rental reopening issues. No comments have been solicited or received from any agency or the community.

Staff has no objections to this request

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP-0164, Jan Tenbruggencate, as Assignor, to Everett Kalani Haumea and Toby Palani Vidinha, as Assignees, subject to the terms above which are hereby incorporated by reference and further subject to the following:

- a. That the lease be amended to correct the termination date to read December 31, 2028 and the rental reopening date to be at the end of December 2018;
- b. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time;
- c. Review and approval by the Department of the Attorney General; and,
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



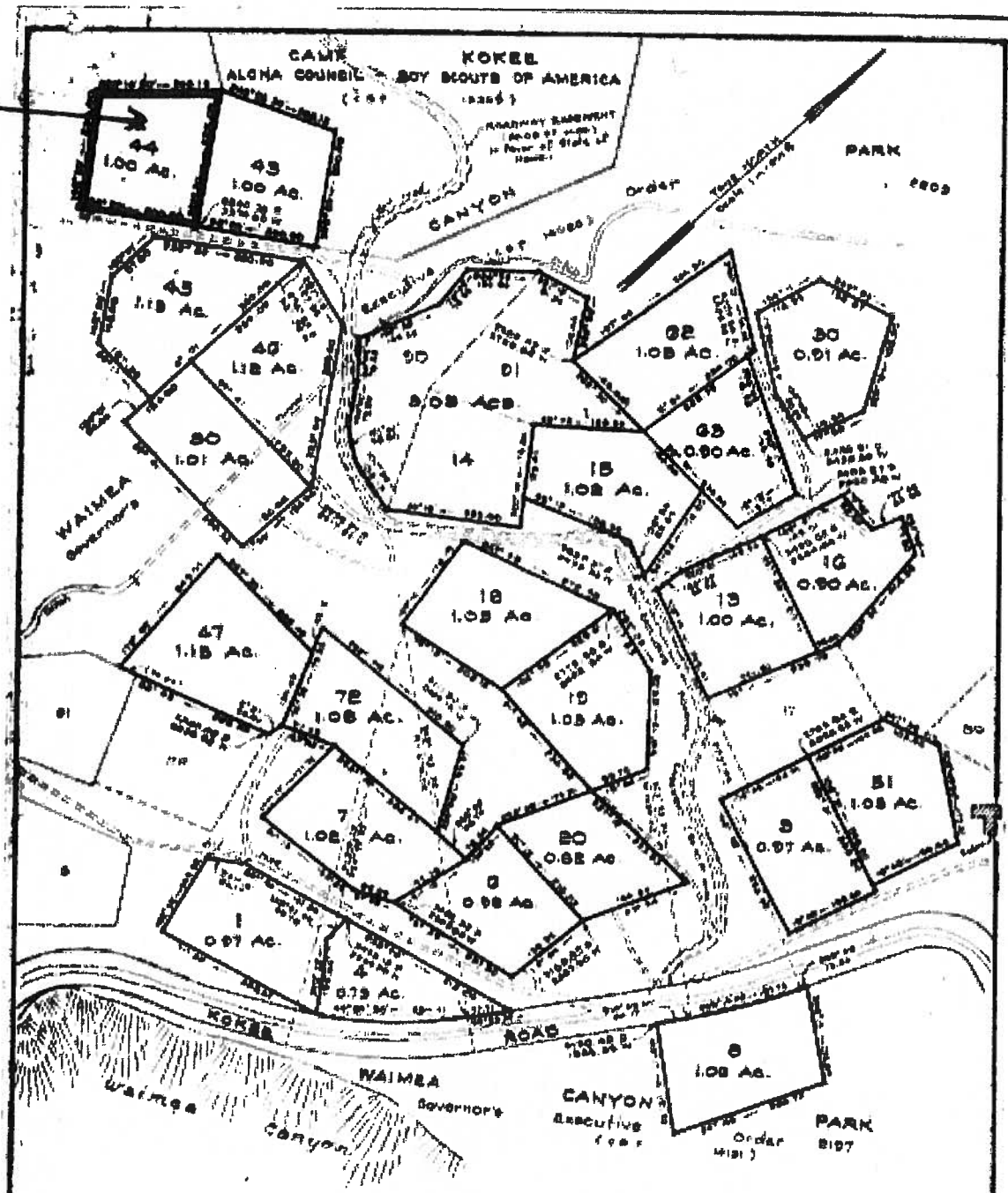
CURT A. COTTRELL
State Parks Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

SUBJECT



(Revised November 1997)

PUU KA PELE PARK LOTS

LOTS 1, 3, 4, 6, 7, 8, 13, 14, 18, 19, 20, 30, 43, 44, 45, 46, 47, 50, 51, 62, 63, 72, 90 AND 91

Waimae (Kona), Kauai, Hawaii
Scale: 1 inch = 500 feet

EXHIBIT A

JOB No. K-871
C. D. H. M. 11/1/97

All lot corners marked with glass
October 1997, A.T. and J.T.
Coordinates referred to H.A.S. 1 & 2

TAB MAP 116-05
Sheet 1 of 2 sheets
See Also Floor B

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

CSD Nov 97 1997