

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

April 13, 2017

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SP0152

Kaua'i

Amendment of General Lease No. SP0152, Anna Thuente, widow, Lessee, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:086, The Purpose of the Amendment is to Correct the Rent Reopening Date to Read the end of December 2018.

Consent to Assign General Lease No. SP-0152, Anna Thuente, widow, Assignor, to Anna Thuente, widow, and Donald Thuente, husband of Mary Thuente, Assignees, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:086.

APPLICANT:

Anna Thuente, widow, whose mailing address is 3-3400 Kuhio Highway, #C-310, Lihue, Hawaii 96766, and Donald Thuente, husband of Mary Thuente, whose residence and mailing address is 12544 Wild Trout Trail, Conifer, Colorado 80433.

LEGAL REFERENCE:

Section 171-36(a)(5) and 184-3, Hawaii Revised Statutes, as amended.

LOCATION:

Lot 84, Pu'u Ka Pele, Waimea (Kona), Kauai, Tax Map Key: (4) 1-4-002-086, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

.82 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

Item E-1

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

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:

\$6,500.00.

CONSIDERATION:

\$10.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

Not applicable. Applicants are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Anna Thuente had initially held the lease covering the subject property under SP0152 effective January 6, 2009 as a result of direct negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 (SLH2008). Anna held the previous lease covering the property and a revocable permit immediately prior to the new lease being issued.

At its meeting on July 22, 2009, under item E-11, the Board approved the request to assign the lease from Anna Thuente to Anna Thuente, Miles Kawamoto, Michael Zins and Gary Miller. Subsequently, the Board at its meeting of May 13, 2016, under agenda item E-1, approved to assign the lease from Anna Thuente, widow, Miles Kawamoto, husband of Karen Kawamoto, Michael Zins, husband of Barbara Zins and Gary Miller, husband of Carol Miller, Assignors, to Anna Thuente, widow, Assignee. Staff recommends that no premium be charged for the assignment.

By way of a letter along with a copy of the Assignment of Lease Document from the Applicant's attorney dated March 3, 2017, State Parks was informed that Ms. Thuente, who is 84 years old, would like to request the Board's approval to add her son's name onto the lease and assign the lease from Anna Thuente, widow, Assignor, to Anna Thuente, widow, and Donald Thuente, husband of Mary Thuente, Assignees.

Upon consultation with the Department of the Attorney General, a simple amendment can be made to the lease by correcting the rental reopening date to read at the end of December 2018. Staff recommends this be completed simultaneously with the other documents necessary for the assignment.

Assignee 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. SP0152, Anna Thuente, widow, Assignor, to Anna Thuente, widow, and Donald Thuente, husband of Mary Thuente, 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 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.

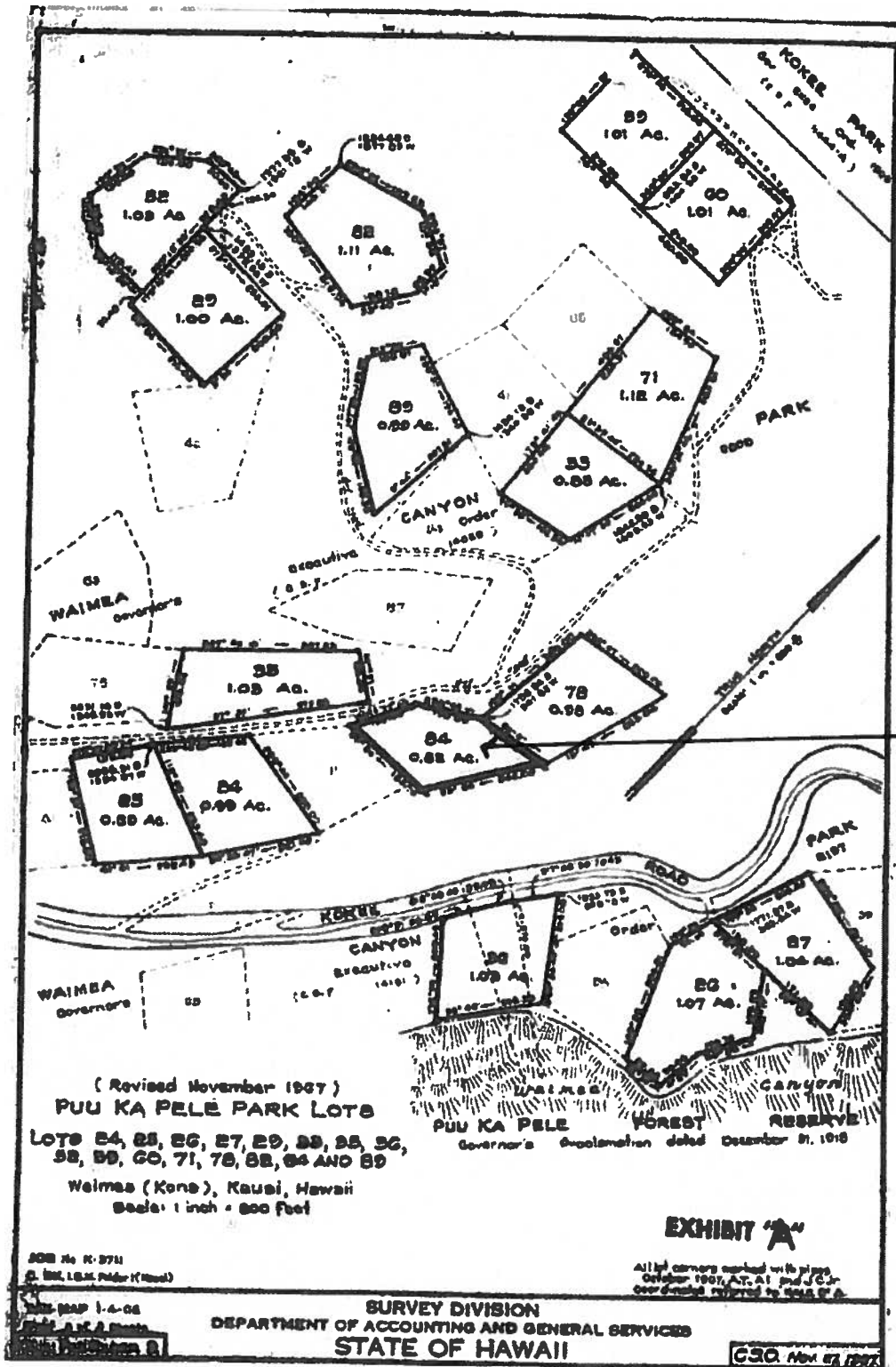


CURT A. COTTRELL
State Parks Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson



SUBJECT