

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 12, 2018

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

HAWAII

Lessee's Request for Early Termination of General Lease No. S-5439, Anna K. Cordero and James J. Cordero, Lessee, Kikala and Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:039.

APPLICANT:

Anna K. Cordero and James J. Cordero Joint Tenancy (mother & son).

LEGAL REFERENCE:

Section 171-6, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Lot 39, Kalapana Section, situated at Kikala-Keokea, Puna, Hawaii, identified by Tax Map Key: (3) 1-2-043:039, as shown on the attached map labeled Exhibit A.

AREA:

1.070 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	Ag

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-5439, Anna K. Cordero and James J. Cordero for residential purposes as the Lessee's principal domicile.

TERM OF LEASE:

Original term of 65 years, commencing on January 1, 1997 and expiring on December 31, 2061.

CURRENT ANNUAL RENT:

\$132.00 per annum

REMARKS:

Pursuant to the authority granted by the Legislature of the State of Hawaii in Act 314, Session Laws of Hawaii 1991, as amended by Act 172, Session Laws of Hawaii 1993 and Act 81, Session Laws of Hawaii 1994, the Department was authorized to negotiate and enter into long term residential leases with former Kalapana residents who were dispossessed or displaced as a result of the volcanic eruptions on the island of Hawaii, which began January 3, 1983 and who met the qualifications of Section 13D-3(b), Hawaii Revised Statutes.

At its meeting of December 16, 1994, Item F-3, the Board authorized the awarding of direct residential leases, pursuant to Act 314 at Kikala-Keokea, Puna, Hawaii. A drawing of lots was conducted on December 9, 1995, and Anna K. Cordero and James J. Cordero were awarded a 65-year residential lease under General Lease No. S-5439.

In a letter dated June 30, 2017, Mrs. Anna K. Cordero indicated that due to her poor health condition and her son James physical disability, they are unable to continue with the obligation requirements of the lease. General Lease No. S-5439 contains restrictions as to who can take an assignment of the lease.¹ Mrs. Cordero related to staff that her grandchildren were not interested in acquiring the lease, and that she has found no other potential assignee that meets the eligibility criteria.

Staff is recommending the Board authorize the cancellation of General Lease No. S-5439, Anna K. Cordero and James J. Cordero, Lessees.

¹ An assignment can be made if the proposed assignee meets the eligibility criteria set forth in Act 314, Session Laws of Hawaii 1991, as amended; or is a descendant of the Lessee.

RECOMMENDATION: That the Board:

1. Authorize the mutual cancellation of General Lease No. S-5439, Anna K. Cordero and James J. Cordero, Lessee, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current mutual cancellation lease document form, as may be amended from time to time;
 - B. The effective date of cancellation shall be July 1, 2017;
 - 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,




Gordon C. Heit
District Land Agent

APPROVED FOR SUBMITTAL:



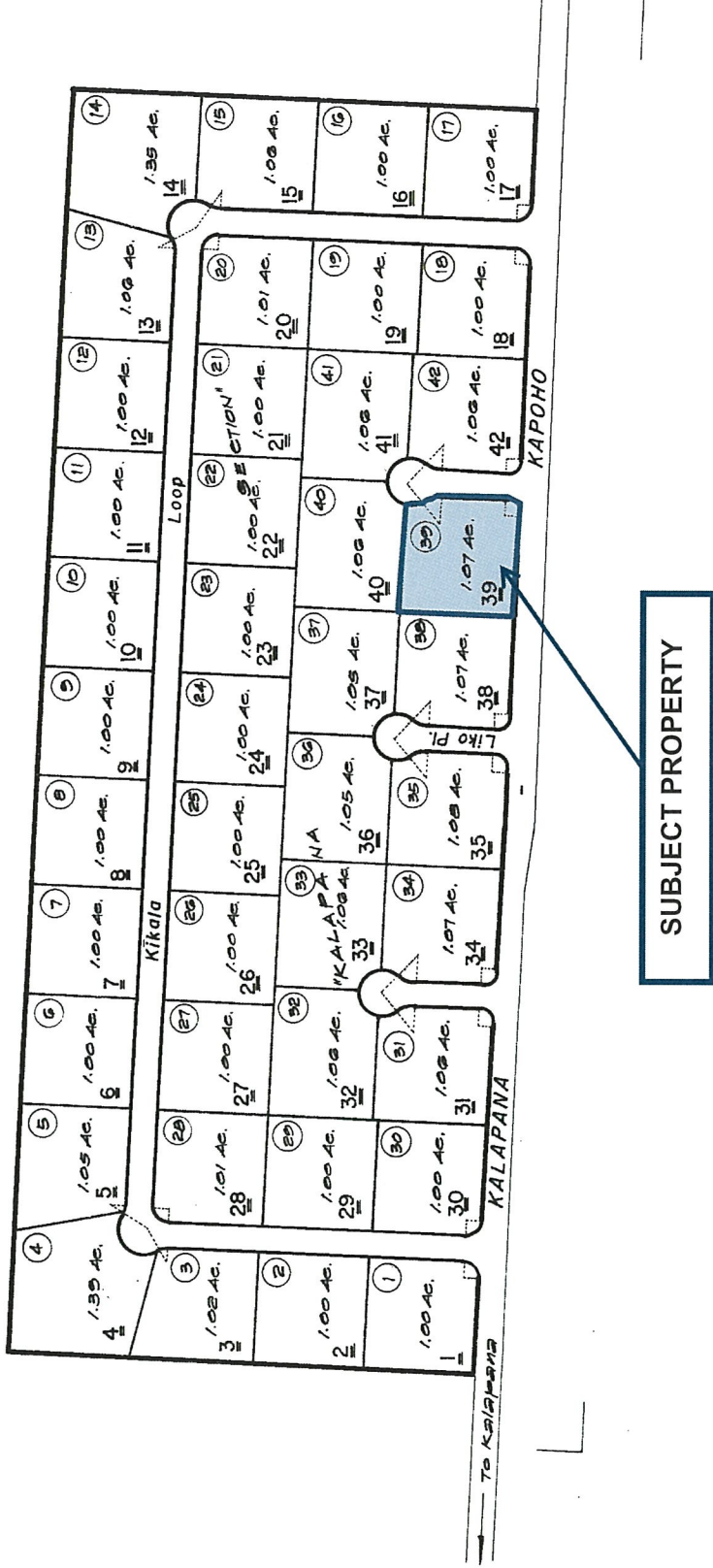
Suzanne D. Case, Chairperson



TMK: (3) 1-2-043:039

EXHIBIT A

F



"KIKALA - KEOKEA RESIDENTIAL SUBD.", KIKALA AND KEOKEA, PUNA, HAWAII, (Formerly par. 1 - 2 - 07)