

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

January 10, 2020

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

Ref. No.: GLS-5434

HAWAII

Consent to Assign General Lease No. S-5434, Sandra H. Apele-Kipapa,
Assignor, to Haunani Ponilani Kipapa, Assignee, Kikala-Keokea,
Puna, Hawaii, Tax Map Key: (3) 1-2-043:034.

APPLICANT:

Sandra H. Apele-Kipapa, as Assignor, to Haunani Ponilani Kipapa, single, as Assignee

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Lot 34, Kalapana Section situated at Kikala-Keokea,
Puna, Hawaii, identified by Tax Map Key: (3) 1-2-043:034, as shown on the attached
map labeled Exhibit A.

AREA:

1.07 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:

Residential purposes.

TERM OF LEASE:

65-years, commencing on January 1, 1997 and expiring on December 31, 2061. First scheduled rental reopening is for January 1, 2022.

ANNUAL RENTAL:

\$132.00

CONSIDERATION:

The parties report that no consideration is being allocated to the assignment of the lease.

RECOMMENDED PREMIUM:

Not applicable as there is no consideration for the assignment of this lease.

DCCA VERIFICATION:

Neither Assignor, nor Assignee, as natural persons, are required to register with DCCA.

REMARKS:

At its meeting of December 16, 1994, under agenda item F-3, the Board of Land and Natural Resources (Board), pursuant to Act 314,¹ authorized the awarding of direct residential leases at Kikala-Keokea, Puna, Hawaii. A drawing of lots was conducted on December 9, 1995, and Hattie L.N. Santos was awarded a 65-year residential lease, under General Lease No. S-5434 (GLS-5434).

At its meeting of November 20, 1997, under agenda item D-13, the Board consented to the assignment of GLS-5434, from Hattie L.N. Santos, Assignor, to Dolores E. Waipa Gambsky, Assignee.

At its meeting of July 10, 1998, under agenda item D-4, the Board rescinded its prior actions of November 20, 1997 and reassigned GLS-5434 to Virgin Huihuiwaina Headrick, Assignee. Ms. Gambsky asked to be relieved as assignee because she was unemployed and was unable to fulfill the terms of the lease.

¹ Act 314, Session Laws of Hawaii of 1991, as amended by Act 172, Session Laws of Hawaii of 1993, and Act 81, session Laws of Hawaii of 1994, regarding authorization to award residential leases to persons disposed or displaced as a result of volcanic eruptions on the Island of Hawaii which began on January 3, 1983, covering portions of the Government lands of Kikala and Keokea, Puna, Hawaii.

At its meeting of July 8, 2005, under item D-4, the Board rescinded its prior action of July 10, 1998. The Board then consented to the assignment of GLS-5434 to Stephen N. Santos (son of Hattie Santos), Assignee. Mrs. Headrick lived in Las Vegas with her family and did not plan to return back to Hawaii.

At its meeting of August 28, 2009, under agenda item D-6, the Board consented to the assignment of GLS-5434, Stephen N. Santos, Assignor, to Oleander K. Csisko (sister of Stephen N. Santos), Assignee.

Assignee failed to comply with terms of lease, not providing county and state tax clearances, proof of insurance, and document fees. In time Assignee stopped responding to staff inquiries.

In a letter dated January 8, 2014, Stephen N. Santos, Lessee, GLS-5434, requested that the Board rescind its prior action of August 28, 2009. Lessee also requested that the Board approve the assignment of GLS-5434, to Sandra Haunani Apele-Kipapa, Assignee.

At its meeting of February 28, 2014, under agenda item D-2, the Board rescinded its prior actions of August 28, 2009 and consented to the assignment of GLS-5434, Stephen N. Santos, Assignor, to Sandra Haunani Apele-Kipapa, wife of Gabriel Kipapa, Tenant in Severalty, Assignee.

In a letter dated February 7, 2019, Sandra Haunani Apele-Kipapa, Lessee, requested the assignment of GLS-5434 to Haunani Ponilani Kipapa, single, Assignee,

Haunani Ponilani Kipapa, as 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.

Haunani Ponilani Kipapa is a qualified Applicant/ Assignee under Act 314 for a Kikala-Keokea residential lease as the daughter of Sandra H. Apele-Kipapa, Assignor.

There is no dwelling or other structure constructed on the lease premises. See Exhibit A attached. The first rental reopening is scheduled for 1/01/2022. There are no outstanding rental reopening issues.

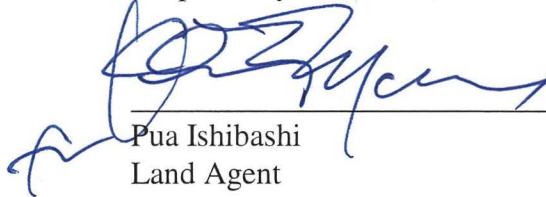
RECOMMENDATION:

That the Board of Land and Natural Resources consent to assign General Lease No. S-5434, Sandra H. Apele-Kipapa, as Assignor, to Haunani Ponilani Kipapa, single, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;

2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



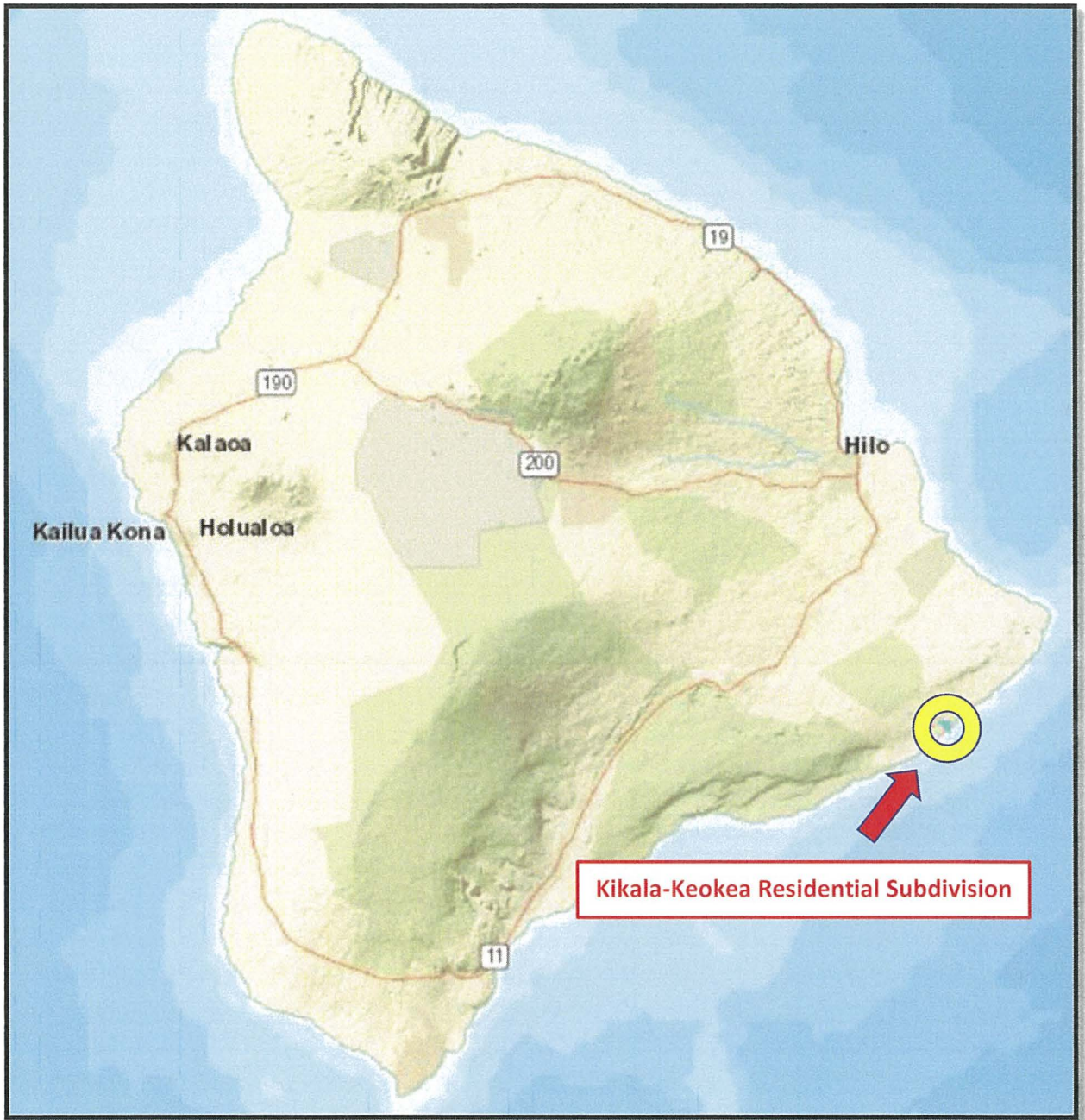
Pua Ishibashi
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A





GLS-5434 – Sandra Apele-Kipapa
TMK: (3) 1-2-043:034

EXHIBIT A



Subject property corner of Kalapana-Kapoho Beach Rd. and Ko'oko'olau Pl.



On Ko'oko'olau Pl., facing makai, subject property on left.



View of house pad, facing makai.



Another view of house pad facing makai.