

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

HAWAII

Lessee's Request for Early Termination of General Lease No. S-5942, Roseannamary
L.K. Robinson, Lessee, Kikala and Keokea, Puna, Hawaii, Tax Map Key:
(3) 1-2- 43:044.

APPLICANT:

Roseannamary L.K. Robinson (Mrs. Robinson)

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Lot 44, Kapono Section, situated at Kikala-Keokea, Puna, Hawaii, identified by Tax Map Key: (3) 1-2-043:044, as shown on the attached map labeled Exhibit A.

AREA:

1.00 acre

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-5942, Mrs. Robinson, for residential purposes as the Lessee's principal domicile.

TERM OF LEASE:

Original term of fifty-three (53) years, commencing on May 16, 2008 and expiring on December 31, 2061.

CURRENT ANNUAL RENT:

\$480.00 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 April 11, 2008, Item D-3, as amended, the Board authorized the awarding of direct residential leases, pursuant to Act 314 at Kikala-Keokea, Puna, Hawaii. A subsequent drawing of lots was conducted and Roseannamary L.K. Robinson (Mrs. Robinson) was awarded a fifty-three (53) year residential lease under General Lease No. S-5942 (GLS-5942).

In a written note dated November 20, 2018, Mrs. Robinson provided notice of her intent to terminate GLS-5942.¹ Mrs. Robinson indicated that termination was due, in part, to continuing lava activity in Puna, subject property lava zoning, high insurance cost, and difficulty securing financing to build a residence.

GLS-5942 contains restrictions as to who can take an assignment of the lease.² Mrs. Robinson has informed staff that her children are not interested in acquiring the lease and

1 Paragraph 41, GLS-5942, Lessee may terminate lease with thirty (30) days' written notice.

2 Paragraph 13, GLS-5942, Assignee must meet the eligibility criteria set forth in Act 73, Session Laws of Hawaii 2007, as amended; or is a descendant of the Lessee.

that she has found no other potential assignee that meets the eligibility criteria.

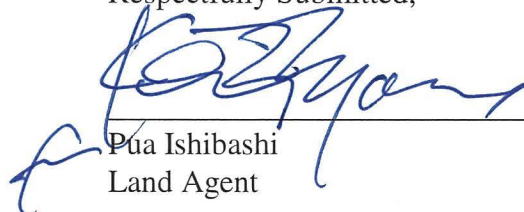
Lessee is compliant with all lease terms and conditions of GLS-5942, including lease payments.

Staff is recommending the cancellation of GLS-5942 effective December 31, 2018.

RECOMMENDATION: That the Board:


1. Authorize the mutual cancellation of General Lease No. S-5942, Roseannamary L.K. Robinson, 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 December 31, 2018, and that any lease payments made after this date will be refunded to Lessee;
 - 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,



Pua Ishibashi
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A

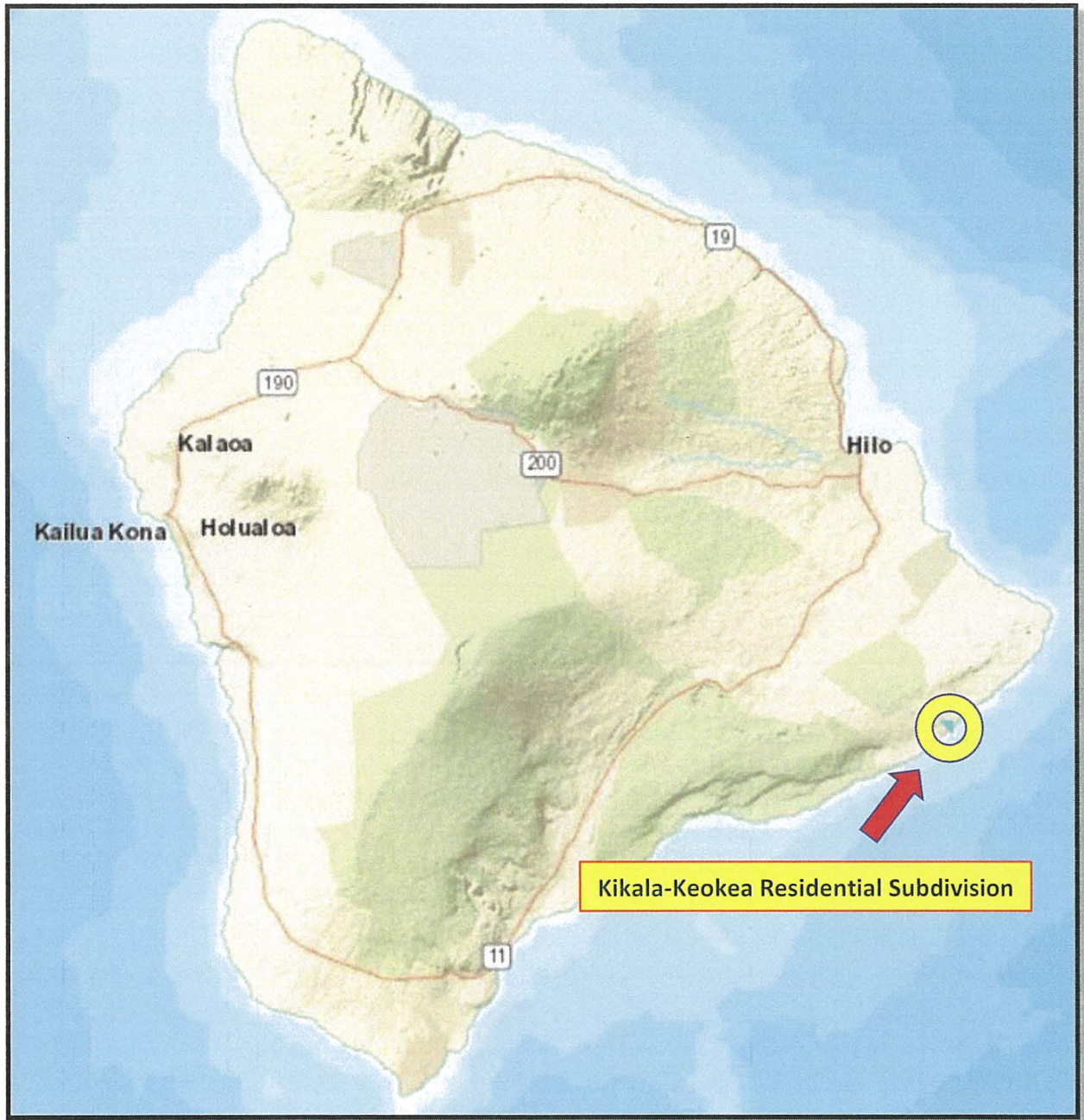
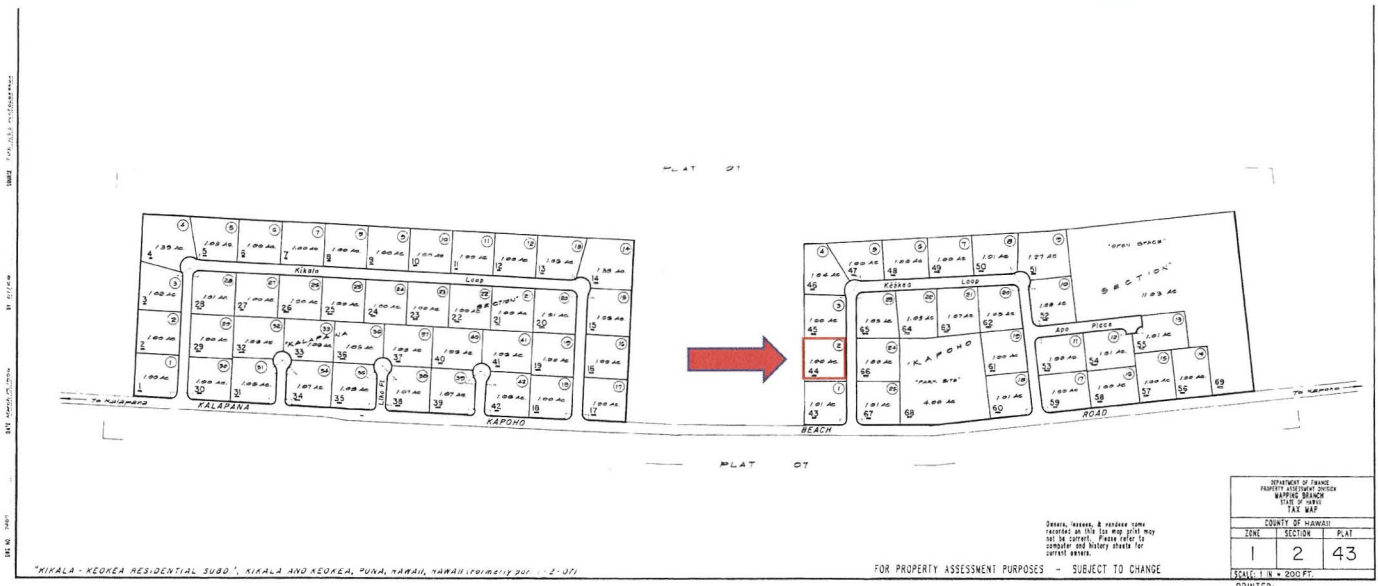
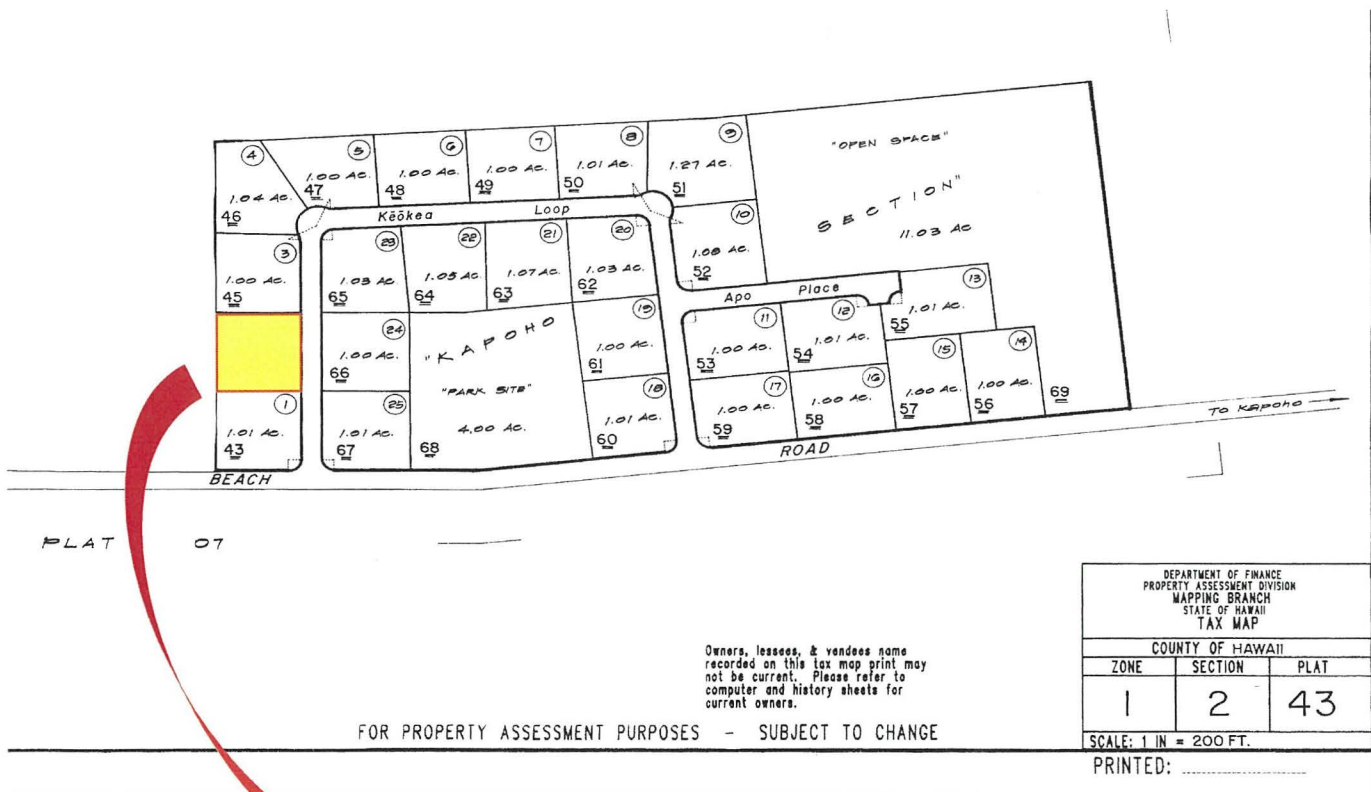


EXHIBIT A



Kikala-Keokea Residential Subdivision, Kapoho Section Lot 44



TMK: (3) 1-2-043:044

EXHIBIT A

Photos: 6/7/2019



Turning left from Kapoho Road onto Keokea Lane.



Looking North up Keokea Lane, property on left side of road, where truck is.

EXHIBIT A

Photos: 6/7/2019



Looking at East boarder of property.



Another view of East boarder of property.

EXHIBIT A

Photos: 6/7/2019



Looking at North East corner of property. There are approximately two properties between the two utility poles. Subject property North boarder is about where closest pole in photo is.