

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

January 24, 2020

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

Kaua'i

AMEND GENERAL LEASE NO. SP0115, GLEN HONTZ AND VIRGINIA DUNAS,
LOT 35, WAIMEA (KONA), KAUA'I, TAX MAP KEY: (4) 1-4-002:015

THE PURPOSE OF THIS AMENDMENT IS TO CORRECT THE TERMINATION
DATE TO READ DECEMBER 31, 2028 AND AMEND THE RE-OPENING DATE.
VIRGINIA DUNAS IS TENANT IN SEVERALTY AS THE WIDOWER OF GLEN
HONTZ.

APPLICANT:

VIRGINIA DUNAS

LEGAL REFERENCE:

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

LOCATION:

Lot 35, Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-4-002:015, as shown on the
attached map labeled Exhibit A.

AREA:

Approximately 1.03 acres of improved and unpaved land

ZONING:

State Land Use District	Conservation
County of Kaua'i LUC:	K-4

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 Governor's Executive Order No. 2209 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks as an addition to Kōke'e and Waimea State Park for park purposes.

CHARACTER OF USE:

Recreational residence

TERM OF LEASE:

20 years, commencement date of January 1, 2009

MONTHLY RENTAL:

As of January 1, 2020, new appraised fair market rental \$5,500.00 annually.

DCCA VERIFICATION:

Applicant is not required to register with DCCA.

BACKGROUND:

Glen Hontz And Virginia Dunas, husband and wife, as tenants in entirety hold General Lease No. SP0115. Glen Hontz passed away on January 16, 2016. Upon his death, Virginia Dunas succeeded to the entire ownership interest in the lease. Virginia Dunas requests the lease be amended to reflect her sole interest in the lease.

Lessees have complied with all lease terms and conditions of the lease. Rent, insurance, and performance bond are all current.

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

Lessee has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board:

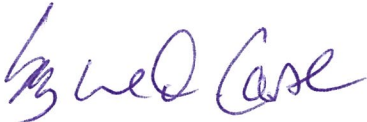
1. Amend General Lease No. SP0115, Virginia Dunas is tenant in severalty as the widower of Glen Hontz.
2. That the lease be further amended to correct the termination date to read December 31, 2028;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson or her designee to best serve the interests of the State.

Respectfully submitted,



CURT A. COTTRELL
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:
Exhibit A – Location

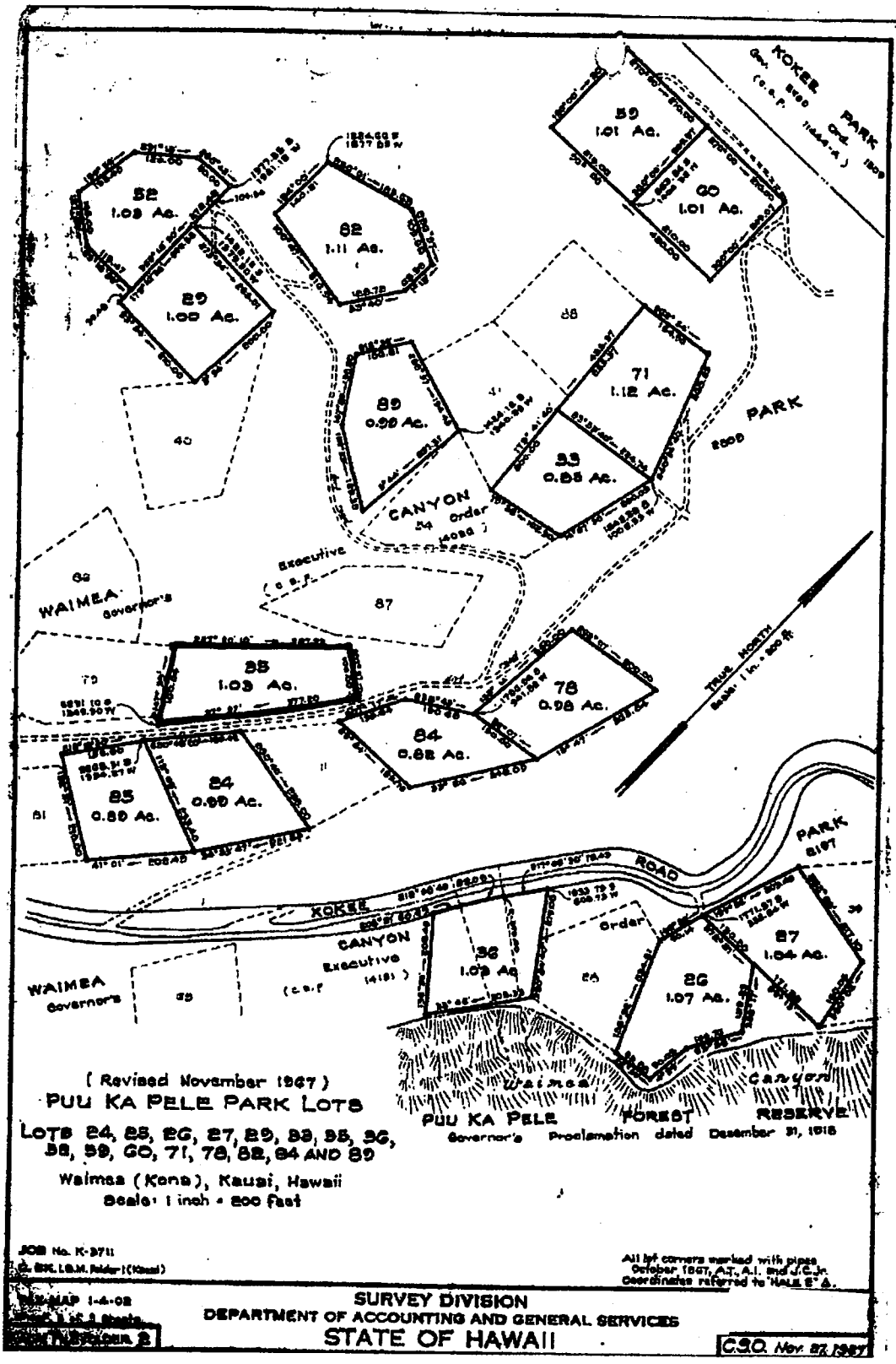


EXHIBIT A

