

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

July 10, 2020

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

KAUAI

Consent to Assign General Lease No. S-4276 from Tony Alik Tay, Assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, Assignee; Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:040.

APPLICANT:

Tony Alik Tay, as Assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, as Assignee.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimea situated at Lot 22, Hanapepe Business Lots, Hanapepe, Waimea (Kona), Kauai identified by Tax Map Key: (4) 1-8-008:040, as shown on the attached map labeled EXHIBIT A.

AREA:

1.256 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: NO

CHARACTER OF USE:

The Lessee shall use or allow the premises leased to be used solely for the conduct and operation of diversified retail and wholesale activities.

TERM OF LEASE:

65 years, commencing on January 27, 1970 and expiring on January 26, 2035. Last rental reopening occurred on January 27, 2015; next rental reopening is scheduled for January 27, 2025.

ANNUAL RENTAL:

\$24,000.00.

CONSIDERATION:

Not applicable as lessee is assigning lease to his trust.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

REMARKS:

General Lease No. S-4276 was issued to Norito Kawakami, Flora Yukie Higuchi and James Hajime Kamo, Trustees under Iolani Sportswear, Limited Profit-Sharing Trust Agreement, dated December 12, 1963 for sixty-five (65) years, commencing on January 27, 1970 to January 26, 2035. The rent was set at \$1,970.00 per annum, which was to be paid semi-annually on the 27th of January and July of each year. The character of use was for construction, operation and maintenance of a garment factory and other allied facilities purposes.

On December 18, 1987, under Item F-31, the Board of Land and Natural Resources approved the amendment of General Lease No. S-4276 to change the character of use to be used solely for the conduct and operation of diversified retail and wholesale activities. In addition, the Board approved consent to sublease to (i) Kim Hoe Tay dba Emico Fashions, (ii) Taba Automotive and Industrial Supplies, Inc. and (iii) Nona V. Del Rosario. The rental was also increased to \$17,100.00 per annum.

On August 28, 1992, under Item F-1-f, the Board of Land and Natural Resources approved the consent to assign General Lease No. S-4276 from Norito Kawakami, Flora Yukie Higuchi and Jame Hajime Kamo, as trustees for Iolani Sportswear, Limited Profit Sharing Trust Agreement , dated December 12, 1963, as assignors, to American Trust Co. of Hawaii, Inc., a Hawaii corporation, under a successor trustee agreement, dated September 30, 1980, as assignee.

On June 10, 1993, under Item F-1-b, the Board of Land and Natural Resources approved the consent to assign American Trust Co. of Hawaii, Inc., a Hawaii corporation, Successor Trustee under Iolani sportswear, Limited Profit-Sharing Trust Agreement, dated December 12, 1963, as assignor, to Tony Alik Tay and Helen H. Tay, as tenants by entirety, as assignees.

On August 26, 2016, Kauai District Land Office received a letter from Tony Alik Tay's Attorney, Walton D.Y. Hong, informing staff that Helen H. Tay passed away on August 16, 2016. As a

result, Tony Alik Tay was the sole lessee under General Lease No. S-4276. The letter also requested for the consent to assignment of General Lease No. S-4276 from Tony Alik Tay, as assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, as assignee.

The applicant 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.

No comments were solicited as there will be no change in land use.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4276 from Tony Alik Tay, as Assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, 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,

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Kurt Yasutake

Kurt Yasutake
Land Agent

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APPROVED FOR SUBMITTAL:

RT

Suzanne D. Case

Suzanne D. Case, Chairperson



