

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

January 22, 2021

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

KAUA'I

AMENDMENT OF GENERAL LEASE NO. SP0156, FREDERICK BRUCE WICHMAN, ALSO KNOWN AS FREDERICK B. WICHMAN, LESSEE, WAIMEA CANYON STATE PARK, LOT 33, KOKE'E CAMP SITE LOTS, WAIMEA (KONA), KAUA'I, HAWAII, TAX MAP KEY: (4) 1-4-004:018. THE PURPOSE OF THE AMENDMENT IS TO CORRECT THE TERMINATION DATE TO READ DECEMBER 31, 2028 AND CORRECT THE IDENTIFICATION OF THE LOT, IDENTIFIED IN EXHIBIT A AND B OF THE ORIGINAL GENERAL LEASE;

AND

CONSENT TO ASSIGN GENERAL LEASE NO. SP0156, FREDERICK BRUCE WICHMAN, ALSO KNOWN AS FREDERICK B. WICHMAN, ASSIGNORS, TO, ASSIGNEES, STEPHEN ATWOOD WICHMAN AND ANTHONY ISAAC WICHMAN

APPLICANT:

Lisa K. Wisotzky, as Personal Representative of the Estate of Frederick Bruce Wichman, also known as Frederick B. Wichman, Deceased, as Assignor, to Stephen Atwood Wichman and Anthony Isaac Wichman, Assignees, as tenants in common.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawai'i Revised Statutes, as amended.

LOCATION:

Lot 33, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-004:018, as shown on the attached legal description and survey map labeled **EXHIBIT A**.

AREA:

1.01 acres, more or less.

TRUST LAND STATUS:

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

CHARACTER OF USE:

Recreation – residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028.
There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

Nine thousand five hundred dollars (\$9,500.00) annually due on the first of every January.

CONSIDERATION:

NONE

RECOMMENDED PREMIUM:

NONE

DCCA VERIFICATION:

NONE. Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit a fully executed assignment of lease and meet other requirements as described herein.

BACKGROUND:

Frederick Bruce Wichman, also known as Frederick B. Wichman entered into a lease under General Lease No. SP0156 effective January 6, 2009 as a result of direct negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 SLH 2008. Frederick B. Wichman held the previous lease covering the property and a revocable permit immediately prior to the new lease being issued.

By way of a letter dated November 12, 2020, Lisa K. Wisotzky, as Personal Representative of the Estate of Frederick Bruce Wichman, also known as Frederick B.

Wichman, Deceased, as Assignor, had informed State Parks that due to the deceased lessee respectively, they wish to transfer the lease over to their two sons Stephen Atwood Wichman and Anthony Isaac Wichman.

Lisa K. Wisotzky and her brothers, Stephen Atwood Wichman and Anthony Isaac Wichman have a long history connection with Koke'e camp site lots. Anthony Isaac Wichman lives on Kauai and Stephen Atwood Wichman has a daughter and grandson on Kauai and both want to continue the Kokee legacy with all its memories. Here they share a brief memory:

“My brothers and I (along with our parents) would go visit our grandmother, Juliet Rice Wichman, who held the Kokee lease at the time. We would spend weeks at the cabin with her during the summers and have all kinds of hikes and adventures. When she died, my dad took over the lease and the long visits continued. We've had large family gatherings there, and my mother continued the legacy of gardening started by my grandmother and had a friendly competition with my uncle who stayed in the cabin next door. Gardening wars were afoot, those two always trying to outdo each other with garden successes. My mother always won. We still use the dishes, silverware, even dish towels originally supplied by my grandmother. The yard is full of beautiful plantings done by my mother and grandmother.”

Both Stephen Atwood Wichman and Anthony Isaac Wichman have enjoyed spending many years at the Kōke'e cabin and wishes to keep the use of the cabin in the family. As part of their estate planning, they wish to transfer the lease over to their two sons, both of whom live on Kauai and wish to do so while both are still in good health.

REMARKS:

Lessees are in compliance with the rent as well as the liability insurance required pursuant to the terms of the lease.

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 assignment.

Staff recommends correcting the identification of Lot 34, from the original General Lease SP0156.

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.

No comments have been solicited or received from any agency or the community. Staff has no objections to this request.

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP0156, Frederick Bruce Wichman, also known as Frederick B. Wichman, Deceased, as Assignor, to Stephen Atwood Wichman and Anthony Isaac Wichman, Assignees, subject to the terms above which are hereby incorporated by reference and further subject to the following:

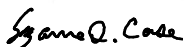
- a. That the lease be amended to correct the termination date to read December 31, 2028;
- b. That the lease be amended to correct the identification of the Lot 34, identified as EXHIBIT A and B from the original General Lease SP0156, to the corrected Lot 33, as shown on the attached legal description and survey map labeled EXHIBIT A.
- c. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time;
- d. Review and approval by the Department of the Attorney General; and,
- e. Such other terms and conditions as may be prescribed by the Chairperson 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:
EXHIBITS A – Lot 33, Legal Description and Survey



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.F. No. KAUAI FILE
FOLDER 3

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 33

Waimea (Kona), Kauai, Hawaii

Being a portion of Kokee Park
(Governor's Executive Order 1509)

Beginning at a pipe at the southwest corner of this lot, the southeast corner of Lots 31 and 32 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 886.23 feet North and 755.55 feet East, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

1. 154° 34' 284.15 feet along Lots 31 and 32 of Kokee Camp Site Lots to a pipe;
2. 244° 41' 102.79 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
3. 334° 19' 284.39 feet along Lot 34 of Kokee Camp Site Lots to a pipe;
4. 64° 49' 104.05 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to the point of beginning and containing an Area of 0.68 Acre.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: _____

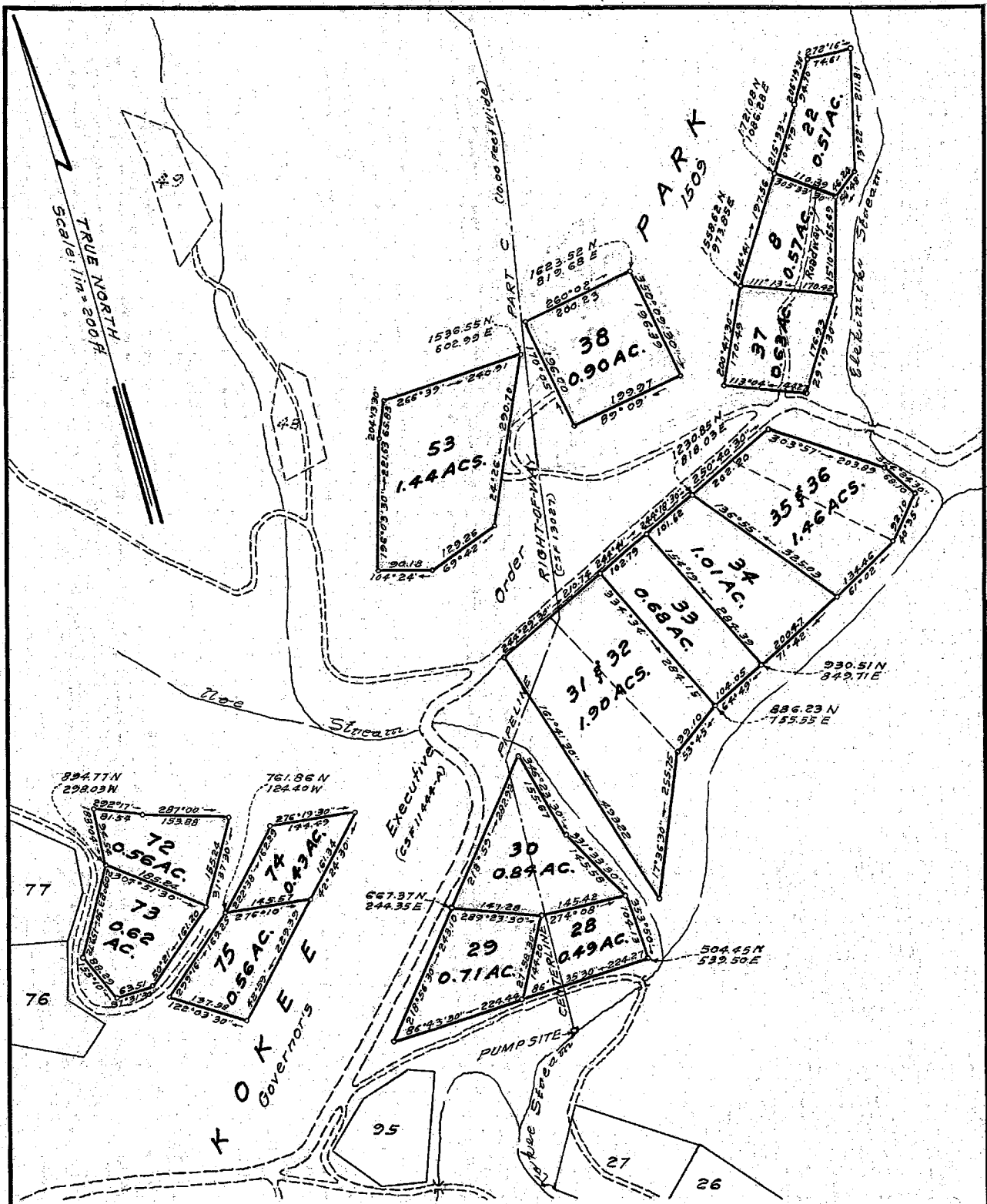
Akira Taga
Land Surveyor

bys

Compiled from maps by
Henry Sumida and Associates,
Inc. and Govt. Survey Records.

EXHIBIT A

1.B.M. Closure (Pg. 33) Area - Coord. J. Christal Jr.
0.0015 0.019w 0.675 Ac. Accepted 11/14/66



KOKEE CAMP SITE LOTS
LOTS 8, 22, 28, 29, 30, 31 & 32, 33, 34, 35 & 36,
37, 38, 53, 72, 73, 74 AND 75

Waimea, (Kona) Kauai, Hawaii.

Scale: 1 inch = 200 feet

Lots 8 and 37 (Combined) See map
 and description dated May 13, 1965
 All corners marked with pipes
 Coordinates referred to KOKEE Δ

JOB K-3626
 C. BK

TAX MAP 1-4-04
 KAUAI FILE
 FOLDER 3

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

A.T. Nov. 2, 1966

Sheet 4 of 7 Sheets