

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

October 27, 2023

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

Ref No.: GLS-5537

HAWAII

Lessees' Request for Early Termination of General Lease No. S-5537 to Gilbert H. & Mariko Uyeda; Kaniahiku Village Site, Puna, Hawaii, TMKs: (3) 1-4-034:027 (3) 1-4-001:004 por.

PURPOSE:

Lessees are requesting an early termination of General Lease No. S-5537 (GLS-5537) to Gilbert H. & Mariko Uyeda, Lessees, for health reasons.

LEGAL REFERENCE:

Sections 171-6, Hawaii Revised Statutes, as amended.
Condition #31 (Page 14) of GLS-5537.

LOCATION:

Portion of Government lands described as Kaniahiku Village Site, Puna, Hawaii, identified by Tax Map Keys: (3) 1-4-034:027 and (3) 1-4-001:004 por., as shown on the attached maps labeled Exhibit A.

AREA:

(3) 1-4-034:027 (aka Parcel B): 2 acres, more or less.
(3) 1-4-001:004 por (Road Easement): 7,500 square feet, more or less.

ZONING:

TMK: (3) 1-4-034:027 – State Land Use District: Urban
County of Hawaii CZO: Open

TMK: (3) 1-4-001:004 por – State Land Use District: Agriculture, Conservation,
Urban
County of Hawaii CZO: Open

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:

General Lease No. S-5537 to Gilbert H. & Mariko Uyeda.

CHARACTER OF USE:

Intensive Agriculture.

TERM OF LEASE:

July 2, 1997 to July 1, 2032.

ANNUAL RENT:

\$1,740.00 per annum.

REMARKS:

At a public auction held on January 20, 1970, the subject parcels were awarded to Kinji Uyeda and Tsuneyo Uyeda, the highest bidder, under General Lease No. S-4280 (GLS-4280) for a 25-year term. They intended to utilize the subject area as an anthurium farm.

At its meeting of October 14, 1988, under agenda item F-1-c, the BLNR approved the assignment of GLS-4280 from Tsuneyo Uyeda, widow, to Gilbert Uyeda, husband of Mariko Uyeda. The lease expired on January 19, 1995.

On August 25, 1995, under agenda item F-10, the BLNR approved the issuance of a revocable permit, retroactive January 20, 1995, to Gilbert Uyeda to continue use of the subject lands until another lease is issued at public auction.

At its meeting of September 27, 1996, under agenda item D-24, the BLNR approved the lease, via public auction, of the subject parcels for Intensive Agriculture (flora, foliage, and orchard cultivation purposes).

At a public auction held on July 2, 1997, the subject parcels were awarded to Gilbert and Mariko Uyeda (Lessees), the highest bidders, under General Lease No. S-5537 (GLS-5537) for a term of thirty-five (35) years for the purpose of Intensive Agriculture.

Staff has reviewed the lease account. The Lessees are current with the liability insurance and performance bond requirements. The Lessees are current with their rent through December 31, 2023.

The Lease rent was reopened on July 2, 2017 and was redetermined for a ten (10) year period by an independent appraiser for \$1,740.00 per annum. The next rental reopening was scheduled to be on July 2, 2027.

After fifty years of growing and selling anthuriums and other tropical flowers and with less than ten years remaining on the lease, the Lessees were preparing to close their business operation on the State leasehold property. Age and recent health issues are the primary factors in their decision to close their operation.

On May 16, 2023, a final inspection of the leased property was conducted. The Lessees are currently in compliance with all terms and conditions of the lease. There is also no provision in the lease that requires a Phase I Environmental Assessment. At the time of the inspection, the property was observed to be relatively overgrown as the farm operation had been recently neglected due to Gilbert Uyeda's age, medical condition, and recent hospitalization. See Final Inspection, attached as Exhibit B.

On July 26, 2023, the Lessee had informed staff that one of their clients was interested in taking over the subject lease, so the process for cancelling the lease was redirected as a request to assign the lease. Later, it was brought to our attention that the interested party did not meet the requirements as a bona fide farmer or farm entity, so the Lessee is again requesting the cancellation of GLS-5537 as of December 31, 2023.

RECOMMENDATION: That the Board:

1. Authorize the mutual cancellation of General Lease No. S-5537, Gilbert H. & Mariko Uyeda, Lessees, 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, 2023;
 - 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,

Dan Gushiken

Dan K. Gushiken
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

gch

KM

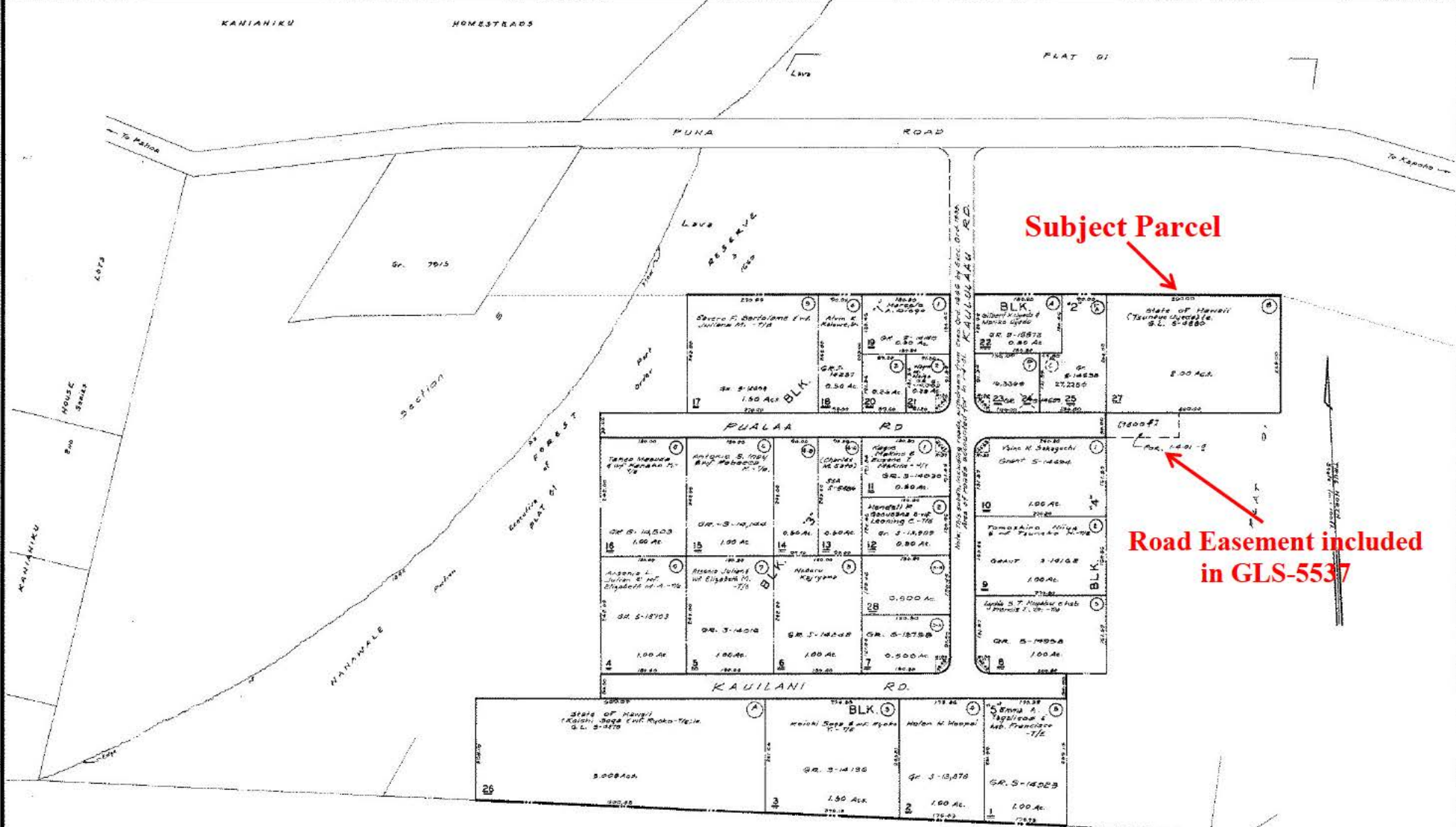
RT

GLS-5537 (Gilbert & Mariko Uyeda): Final Inspection

Portion of Nanawale Forest Reserve, situated at Kaniahiku Village Site, Kaniahiku, Puna, Hawaii
 TMK: (3) 1-4-037:027 & 1-4-001:004por

Exhibit A

1 - 4 - 34 3RD. DIV.



DWG. NO. 455-519
 SOURCE: A.S.S. 519
 DATE: 04/17/2017

KANIAHIKU VILLAGE SITE, KANIAHIKU, PUNA, HAWAII (Formerly Parc. of 1-4-01)

FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE

DEPARTMENT OF TAXATION
 TAXATION MAPS BUREAU
 STATE OF HAWAII
TAX MAP
 TERRITORY TAXATION DIVISION

ZONE	SEC.	PLAT
1	4	34

SCALE 1 IN. = 100 FT.

GLS-5537 (Gilbert & Mariko Uyeda): Final Inspection
Portion of Nanawale Forest Reserve, situated at Kaniahiku Village Site, Kaniahiku, Puna, Hawaii
TMK: (3) 1-4-037:027 & 1-4-001:004por

Exhibit A



Exhibit B

State of Hawai'i
DLNR, Land Division

INSPECTION REPORT Intensive Ag/Special Livestock/Pasture/Commercial Timber FINAL INSPECTION

General Information

Document Number: **GLS-5537** Character of Use: **Intensive Agriculture**
Inspection Date: **5/16/2023** Inspection Time: **1:00PM** Land Agent: **Dan Gushiken**

TENANT INFORMATION

Name: **Gilbert & Mariko Uyeda** Home Phone: **[REDACTED]**
Address: **[REDACTED]** Business Phone: _____
Pahoa, Hawaii 96778 Fax: _____
Contact Person: _____ Contact Phone: _____

SITE INFORMATION

TMK: **(3) 1-4-034:027 (Leased property with area of 2 acres)**
(3) 1-4-001:004 por. (Road Easement with area of 7,500 square feet)

Site Address: _____

FISCAL INFORMATION

ITEM	NOT APPLICABLE	CURRENT = COMPLIANCE	DEFAULT = NON-COMPLIANCE
Rent		X	
Liability Insurance		X	
Fire Insurance	X		
Bond		X	
Mortgage	X		

ANNUAL INSPECTION REPORT
Intensive Ag/Special Livestock/Pasture/Commercial Timber

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Removal of Minerals/Waters	X			GLS-5537 Original Document, Reservations #1
Prehistoric/Historic Remains	X			GLS-5537 Original Document, Reservations #2
Cutting/Removal of Trees	X			
Hazardous Material Storage/Use	X			GLS-5537 Original Document, Agreements and Covenants Between Parties #33
Subletting	X			No Subleases consented, GLS-5537 Original Document, Agreements and Covenants Between Parties #14
Improvement Construction Buildings	X			No improvements consented, GLS-5537 Original Document, Agreements and Covenants Between Parties #6
Improvement Construction Other structures	X			No improvements consented, GLS-5537 Original Document, Agreements and Covenants Between Parties #6
Conservation Plan		X		Conservation Plan approved 8/18/1998 Conservation Plan approved 11/21/2006

Field Inspection

ITEM	CRITERIA FOR COMPLIANCE	MEETS COMPLIANCE			COMMENTS/NOTES
		N/A	YES	NO	
Subletting	consents approved use adheres to lease purpose	X			
Buildings / Residences: roof, paint, exterior, interior	clean, sanitary, orderly suitable & well maintained DLNR construction consent adheres to completion schedule *check for hazardous materials	X			
Structures: roads, walkways, fence lines, pipelines, others	cross check w/ conservation plan clean, sanitary, orderly well maintained adheres to completion schedule *check for hazardous materials		X		
Conservation Plan: conservation structures and plantings	adheres to plan map & schedule well maintained		X		

Premises	clean, sanitary, orderly		X		
Hazardous Material Storage / Use	controlled and adheres to consent	X			
Character of Use	adheres to lease purpose		X		
Phase 1 Environmental Site Inspection	as required in General Lease or Revocable Permit	X			There is no provision in GLS-5537 that requires a Phase I EA
Other					The subject property was observed to be overgrown because farm operation has been recently neglected due to Gilbert Uyeda's age, medical condition and recent hospitalization, which is primary reason for Lessee withdrawing from the lease.

