

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

October 25, 2013

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

FILE: SP0147

Kaua'i

Consent to Assign General Lease No. SP-0147, Richard Taubman, Workstar Occupational Health Systems, Inc., James Wise and Tracy Wise, and Elizabeth Freeman, Assignors, to Workstar Occupational Health Systems, Inc., Kaua'i Kuleana LP, Elizabeth Freeman, James Wise, Tracy Lyman fka Tracy Wise, Assignees, Lot 12, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-003:010

APPLICANT:

Richard Taubman, Workstar Occupational Health Systems, Inc., James Wise and Tracy Wise, and Elizabeth Freeman, Assignors, to Workstar Occupational Health Systems, Inc., Kaua'i Kuleana LP, Elizabeth Freeman, James Wise, Tracy Lyman fka Tracy Wise, Assignees as tenants in common.

LEGAL REFERENCE:

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

LOCATION:

Lot 12, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-003:010, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

2.00 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: YES _ NO X

ITEM E-2

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028¹. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$5,900.00.

CONSIDERATION:

One dollar.

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Applicants Workstar Occupational Health Systems Inc., Kaua'i Kuleana, LP (and Moloa'a Mala, General Partner for Kaua'i Kuleana LP) have been verified and are in good standing with DCCA.

APPLICANT REQUIREMENTS:

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

REMARKS:

Richard Taubman, Workstar Occupational Health Systems, Inc., James Wise and Tracy Wise, and Elizabeth Freeman entered in to the cited lease 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 and held the previous lease covering the property. On December 11, 2009, Lessee's sought the Board's approval of an assignment but the matter was deferred. Since then, Lessee's have sought to modify the assignment by Mr. Taubman assigning his interest to those listed above.

Lessee is in compliance with the lease terms and conditions. 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

¹ See Remarks section regarding a correction to the termination date.

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.

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.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

No comments have been solicited or received from any agency or the community.

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP-0147, from Richard Taubman, Workstar Occupational Health Systems, Inc., James Wise and Tracy Wise, and Elizabeth Freeman, Assignors, to Workstar Occupational Health Systems, Inc., Kaua'i Kuleana LP, Elizabeth Freeman, James Wise, Tracy Lyman fka Tracy Wise, Assignees subject to the following:

- a. That the lease be amended to correct the termination date to read December 31, 2028;
- b. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time;
- 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,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson

Exhibit A – Legal Description and Survey Map



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

MEMORANDUM KAHUA FILE
FOLDER 3

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 12

Waimea (Kona), Kauai, Hawaii

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

Beginning at a pipe at the southeast corner of this lot, the northeast corner of Lot 10 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 1961.65 feet south and 3202.84 feet West, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

- 1. 103° 47' 219.07 feet along Lot 10 of Kokee Camp Site Lots to a pipe;
- 2. 103° 53' 20.21 feet along remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 3. 105° 24' 158.40 feet along Lot 13 of Kokee Camp Site Lots to a pipe;
- 4. 191° 27' 131.09 feet along remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 5. 257° 53' 407.09 feet along remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 6. 7° 05' 30" 315.48 feet along remainder of Kokee Park (Governor's Executive Order 1509) to the point of beginning and containing an AREA OF 2.00 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Akira Taga
Akira Taga
Land Surveyor

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

EXHIBIT "A"

