

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

February 14, 2014

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

Kaua'i

Consent to Assign General Lease No. SP-0161, Daniel Hempey and Patricia Hempey, Assignors, to Karen Marie Bellavita, Assignee, Lot 51, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-003:017

APPLICANT:

Daniel Hempey and Patricia Hempey, Assignors, to Karen Marie Bellavita, Assignee.

LEGAL REFERENCE:

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

LOCATION:

Lot 51, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-003:017, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

.58 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

CHARACTER OF USE:

Recreation - residence.

ITEM E-2

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2029.
There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$6,300.00.

CONSIDERATION:

No monetary consideration.

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Not required. Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

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

REMARKS:

Mr. and Mrs. Hempey acquired their interest in the lease by assignment from the original lessees, Waiyee Carmen Wong and Samuel R. Blair who entered in to the lease cited above 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.

Lessee is in compliance with the lease terms and condition, except as to the requirement to provide proof of fire and extended coverage insurance. Staff requests the Board allow the proposed Assignee the opportunity to acquire a fire and extended insurance policy prior to review and approval by the office of the Attorney General.

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. In addition to this correction, staff also notes that one reference to the lot number on page one of the lease (in the witnesseth paragraph) is incorrect. It incorrectly refers to Lot 85 which is incorrect. The correct lot number is 51. All other references to the lot number and the tax map key references are correct.

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-0161, from Daniel Hempey and Patricia Hempey, Assignors, to Karen Marie Bellavita, Assignee, 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 and the lot number be corrected as described above;
- 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

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

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 51

Waimaa (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 coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 1958.49 feet South and 3822.49 feet West, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

- 1. 102° 26' 30" 246.52 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 2. 181° 12' 74.15 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 3. 267° 48' 237.73 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 4. 359° 19' 136.40 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to the point of beginning and containing an AREA OF 0.58 ACRE.

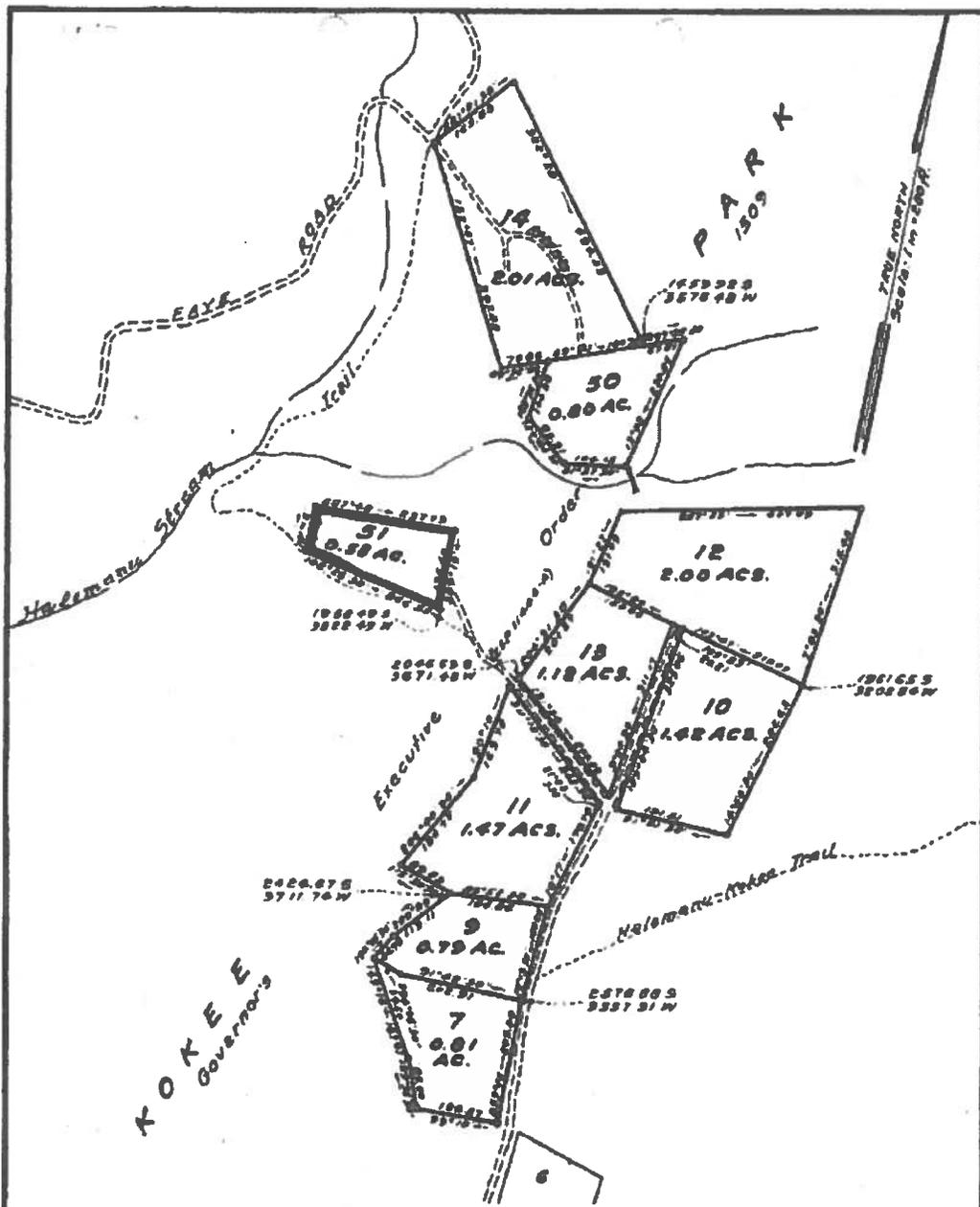
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Akira Tega
Akira Tega
Land Surveyor

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

"K12 (Kokee) 5g 3j" from Court - Crystal.
D. O. S. C. 1004E C.S. 1210c Accepted

EXHIBIT "A"



KOKEE CAMP SITE LOTS
LOTS 7, 9, 10, 11, 12, 13, 14, 50 AND 51
 Waimea, (Kona) Kauai, Hawaii.
 Scale: 1 inch = 200 feet

EXHIBIT "B"

JOB K-2686
C. BK

All corners marked with pipes
Coordinates referred to KOKEE-4

TAX MAP 1-4-84
KAUAI FILE

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

FOLDER 3

Sheet 3 of 7 Sheets

STATE OF HAWAII

A.T. Nov. 9, 1988