

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

February 28, 2014

Ref. No.: GLS-5434

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

HAWAII

Rescind Prior Board Action of August 28, 2009, Item D-6, Consent to Assignment of General Lease No. S-5434, Stephen N. Santos, Assignor, to Oleander K. Csisko, Assignee, Kikala-Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:034. And

Consent to Assignment of General Lease No. S-5434, Stephen N. Santos, Assignor, to Sandra Haunani Apele-Kipapa, Assignee, Kikala-Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:034.

PURPOSE:

Rescind Prior Board Action of August 28, 2009, Item D-6.

Stephen N. Santos, Assignor, to Sandra Haunani Apele-Kipapa, aka: Sandra Apele-Kipapa, Sandra H. Apele-Kipapa, Sandy Haunani Apele-Kipapa and Sandy Apele-Kipapa, Sandy H. Apele-Kipapa, Assignee, wife of Gabriel Kipapa, Tenant in Severalty, as Assignee.

LEGAL REFERENCE:

Section 171-36, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Lot 34, Kalapana Section situated at Kikala-Keokea, Puna, Hawaii, identified by Tax Map Key: (3) 1-2-043:034.

AREA:

1.07 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:

Residential purposes.

TERM OF LEASE:

65-years, commencing on January 1, 1997 and expiring on December 31, 2061. First scheduled rental reopening is for January 1, 2022.

ANNUAL RENTAL:

\$132.00

REMARKS:

At its meeting of December 16, 1994, Item F-3, the Board of Land and Natural Resources, pursuant to Act 314, authorized the awarding of direct residential leases at Kikala-Keokea, Puna, Hawaii. A drawing of lots was conducted on December 9, 1995, and Hattie L.N. Santos was awarded a 65-year residential lease, under General Lease No. S-5434.

At its meeting of November 20, 1997, Item D-13, the Board consented to the assignment of General Lease No. S-5434, from Hattie L.N. Santos, Assignor, to Dolores E. Waipa Gamsky, Assignee.

At its meeting of July 10, 1998, Item D-4, the Board rescinded its prior Actions of November 20, 1997, Item D-13, assignment of General Lease No. S-5434 to Dolores E. Waipa Gamsky and to reassign General Lease No. S-5434 to Virgin Huihuiwaina Headrick, as Assignee. Ms. Gamsky asked to be relieved as assignee because she was unemployed and was unable to fulfill the terms of the lease.

At its meeting of July 8, 2005, Item D-4, the Board approved to rescind its prior Board action of July 10, 1998, Item D-4, consent to assign General Lease No. S-5434, Hattie L.N. Santos to Virgin Huihuiwaina Headrick and to consent to the assignment of General Lease No. S-5434, to Stephen N. Santos (son of Hattie Santos), as Assignee. Mrs. Headrick currently resides in Las Vegas with her family and has decided not to relocate back to Hawaii.

At its meeting of August 28, 2009, under Agenda Item D-6, the Board of Land and Natural Resources, approved Consent to Assignment of General Lease No. S-5434, Stephen N. Santos, Assignor, to Oleander K. Csisko (sister of Stephen N. Santos), as

Assignee.

In an attempt to process the consent to assignment of the lease, Ms. Csisko failed to provide staff with, 1) county and state tax clearances, 2) proof of insurance, and 3) document fees. Eventually, all communications were lost with Ms. Csisko.

By letter dated January 8, 2014, Mr. Stephen N. Santos, Lessee, General Lease No. S-5434, requested that the Land Board rescind its prior action of August 28, 2009, Item D-6, consent to assignment of GLS-5434 to Oleander K. Csisko. Mr. Santos is now requesting that the Board approve the consent to assignment of General Lease No. S-5434, Stephen N. Santos, Lessee/Assignor, to Sandra Haunani Apele-Kipapa, Assignee.

Sandra Haunani Apele-Kipapa, as 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.

Sandra Apele-Kipapa is a qualified Applicant/ Assignee under Act 314 for a Kikala-Keokea residential lease as the daughter of Samuel Keliioomalu Jr., a survivor and displaced resident of Kalapana from the volcanic eruptions beginning January 3, 1983. Sandra Apele-Kipapa's qualifications were verified through her Birth Certificate, Marriage Certificate, and Affidavits.

The first rental reopening is scheduled for 1/01/2022. There are no outstanding rental reopening issues.

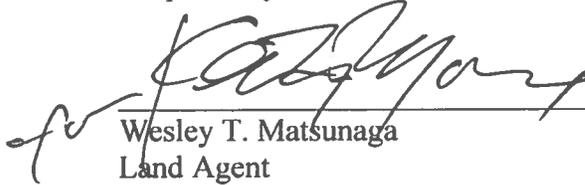
The Office of Hawaiian Affairs was not solicited for comments as this is not a new disposition or change in use.

RECOMMENDATION: That the Board:

1. Rescind its Prior Board Action of August 28, 2009, Item D-6, Consent to Assignment of General Lease No. S-5434, Stephen N. Santos, Assignor, to Oleander K. Csisko, Assignee;
2. Consent to the Assignment of General Lease No. S-5434, Stephen N. Santos, Lessee, to Sandra Haunani Apele-Kipapa, aka: Sandra Apele-Kipapa, Sandra H. Apele-Kipapa, Sandy Haunani Apele-Kipapa, Sandy Apele-Kipapa, and Sandy H. Apele-Kipapa, as Assignee, subject to the following:
 - a. The standard terms and conditions of the most current consent to assignment document form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and

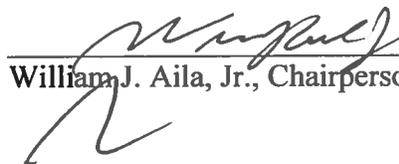
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

