

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

January 23, 2015

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

Kaua'i

Consent to Assign General Lease No. SP-0163 Nichols Beck, Assignor, to  
Nichols Beck and Elizabeth Ann Kibble, Joint Tenants, as Assignees, Lot 9,  
Halemanu Valley, Kokee State Park, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4)  
1-4-003:006

APPLICANT:

Nichols Beck, Assignor, to Nichols Beck and Elizabeth Ann Kibble, Assignees.

LEGAL REFERENCE:

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

LOCATION:

Lot 9, Halemanu Valley, Kokee State Park, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-  
4-003:006, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

.79 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-1

TERM OF LEASE:

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

ANNUAL RENTAL:

\$4,500.00.

CONSIDERATION:

None pursuant to the Assignment of General Lease No. SP0163 attached as Exhibit B.

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Not applicable because all persons involved are individuals and are not required to register with DCCA.

APPLICANT REQUIREMENTS:

None.

REMARKS:

General Lease SP0163 was entered in to on January 6, 2009 between the Board of Land and Natural Resources ("Board") and lessee Alma Zalopany ("Zalopany"), for the lot described above. On December 21, 2011, the Board approved an assignment of the lease to Nichols Beck. On October 5, 2014, the Division of State Parks received a letter from Mr. Nichols Beck seeking the Board's approval of an assignment of the lease. Attached to the letter was a proposed agreement, attached as Exhibit B, between Nichols Beck as assignor and Nichols Beck and Elizabeth Ann Kibble as assignees.

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Staff asked Mr. Beck to clarify his reason for the request to assign the lease as well as the tenancy he and Ms. Kibble intend to hold. Mr. Beck responded via e-mail that he and Ms. Kibble wish to hold the Lease as Joint Tenants as they share all aspects of their lives.

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 January 1, 2019. There are no outstanding rental reopening issues.

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

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP-0163, from Nichols Beck, Assignor to Nichols Beck and Elizabeth Ann Kibble, Assignees, subject to:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and,
3. 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:

  
\_\_\_\_\_  
CARTY S. CHANG, Acting Chairperson

EXHIBIT A



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

~~WORKING~~ KAUAI FILE  
FOLDER 3

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 9

Waikea (Kona), Kauai, Hawaii

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

Beginning at a pipe at the northwest corner of this lot, the southwest corner of Lot 11 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 2424.67 feet South and 3711.74 feet West, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

- |    |              |             |  |
|----|--------------|-------------|--|
| 1. | 265° 52' 30" | 184.86 feet | along Lot 11 of Kokee Camp Site Lots to a pipe;  |
| 2. | 10° 15' 30"  | 168.20 feet | along remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;   |
| 3. | 91° 42' 30"  | 202.91 feet | along Lot 7 of Kokee Camp Site Lots to a pipe;   |
| 4. | 114° 36' 30" | 39.60 feet  | along Lot 7 of Kokee Camp Site Lots to a pipe;   |
| 5. | 194° 05' 30" | 44.98 feet  | along remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;   |
| 6. | 220° 29'     | 113.11 feet | along remainder of Kokee Park (Governor's Executive Order 1509) to the point of beginning and containing an AREA OF 0.79 ACRE. |

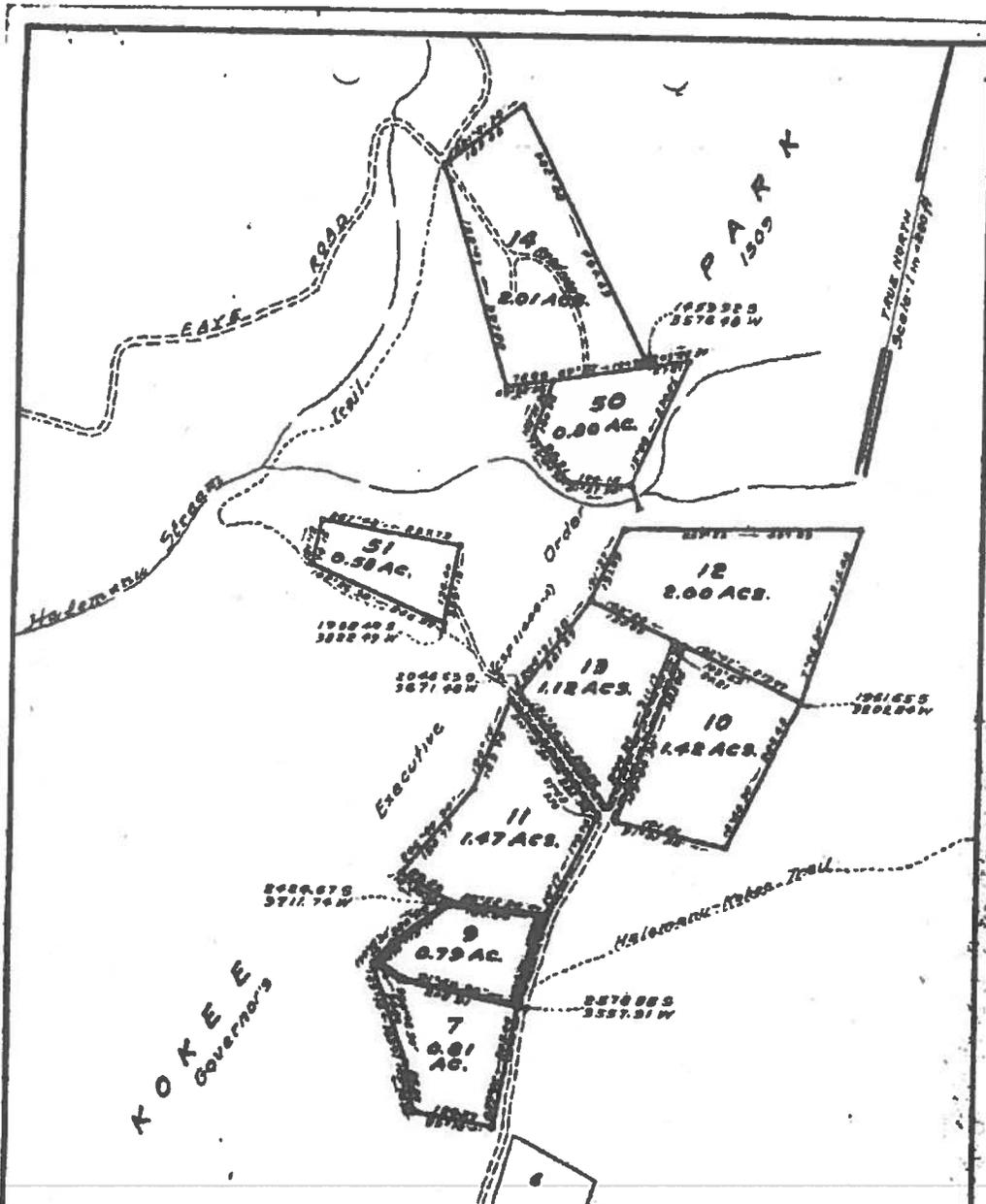
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Akira Taga  
Akira Taga  
Land Surveyor vt

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

1611 C. DEPT. (No. 9) AUG 24 (KONA) J. CHIU

EXHIBIT "A"



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

JOB NO. 2828  
 C. BK

All corners marked with pipes  
 Coordinates referred to KOKEE-6

TAX MAP 1-4-58  
 KAUAI FILE

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

RECORD 3

Sheet 3 of 7 sheets

A.T. Nov. 8, 1960

EXHIBIT B

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE OFFICE BUILDING

ASSIGNMENT OF STATE GENERAL LEASE NO. SP-0163

KNOWN ALL MEN BY THESE PRESENTS:

THAT, NICHOLS BECK, whose mailing address is PO BOX 91, Hanalei, Hawaii 96714, herein referred to as the "Assignor", for no valuable consideration or money paid by NICHOLS BECK and ELIZABETH ANN KIBBLE, whose address is P.O. Box 91, Hanalei, Hawaii, 96714, herein referred to as the "Assignees", and in further consideration of assuming the obligations of State General Lease No. SP-0163, has assigned and does hereby assign, transfer and set over unto the said Assignees, that certain indenture of lease from the Board of Land and Natural Resources for and on behalf of the Government of the State of Hawai'i, as lessor, and known as General Lease No. SP-0163, and all of his right, title and interest under and by virtue of the said lease in and to the premises therein described, being a portion of the government land known as Lot 9 Kokee Lots, Halemanu, situated at Waimea (Kona), Island and County of Kauai, State of Hawai'i, and more particularly identified as Kauai Tax Map Key No. (4) 1-4-003:006, in said lease more particularly described.

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TO HAVE AND TO HOLD the same unto the Assignees, its heirs, successors and permitted assigns, from and after the date hereof, for and during the remaining term of said General Lease, and the rights and privileges in and under said lease, subject always to the rents, covenants, and provisions therein contained and on the part of the

Assignees to be kept, observed and performed, and to the consent of the Board of Land and Natural Resources being hereto attached.

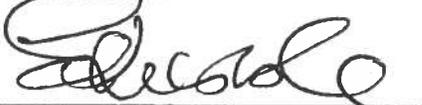
AND, the said Assignees aforesaid, for and in consideration of the execution of this instrument of assignment and transfer of said General Lease, do hereby undertake and agree with the said Assignor and the said State of Hawai'i, that said Assignees will pay the rent reserved in said lease and keep, observe and perform all of the terms, covenants, and conditions therein to be kept, observed and performed.

IN WITNESS WHEREOF, the said Assignor and Assignee have caused this instrument to be executed as of this 5 day of FEB, 2014.

ASSIGNOR:

  
\_\_\_\_\_  
NICHOLS BECK

ASSIGNEES:

  
\_\_\_\_\_  
NICHOLS BECK  
  
\_\_\_\_\_  
ELIZABETH ANN KIBBLE

STATE OF HAWAII

{ SS

COUNTY OF KAUAI

On this 5<sup>th</sup> day of February, 2014, in the 5<sup>th</sup> Circuit,

State of Hawaii, before me personally appeared Nichols Beck

and Elizabeth Ann Kibble to me personally known (or proved to be

on the basis of satisfactory evidence), who being dully sworn of affirmed, did say

that such person (s) executed the foregoing instrument identified or described as

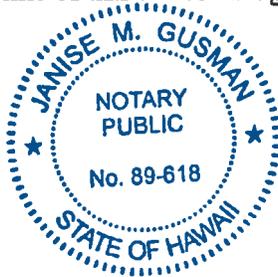
State of Hawaii, Assignment of State General Lease No. SP-0163

as the free act and deed of such person (s), and if applicable, in the capacity shown,

having been duly authorized to execute such instrument in such capacity. The fore-

going instrument is dated February 5, 2014 and contained 3 ~~2~~ pages

at the time of this acknowledgement/certification.



A handwritten signature in black ink, appearing to read "Janise M. Gusman".

Janise M. Gusman  
Fifth Judicial Circuit, State of Hawaii  
My Commission Expires: November 1, 2017  
My Commission No. 89-168