

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

May 27, 2016

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

SP0175

Kaua'i

Amendment of General Lease No. SP0175, Ned Dana and Hollis Dana, Lessees, Waimea Canyon State Park, Lot 3, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:018, The Purpose of the Amendment is to Correct the Termination Date to Read December 31, 2028;

Consent to Assign General Lease No. SP-0175, Ned Dana and Hollis Dana, formerly husband and wife, (Divorce Decree filed on December 22, 2008 in the Fifth Circuit, State of Hawaii, herein collectively referred to as the "Assignors", to Taradan Lewis, Assignee, Waimea Canyon State Park, Lot 3, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:018.

APPLICANT:

Ned Dana and Hollis Dana, formerly husband and wife, (Divorce Decree filed on December 22, 2008 in the Fifth Circuit, State of Hawaii, herein collectively referred to as the "Assignors", to Taradan Lewis, Assignee,

LEGAL REFERENCE:

Section 171-36(a)(5) and 184-3, Hawaii Revised Statutes, as amended.

LOCATION:

Lot 3, Pu'u Ka Pele, Waimea (Kona), Kauai, Tax Map Key: (4) 1-4-002-018, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

.97 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

Item E-1

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

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

ANNUAL RENTAL:

\$5,000.00.

CONSIDERATION:

None.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

Not applicable. Applicants are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Ned Dana and Hollis Dana had initially held the lease covering the subject property under SP0175 effective January 6, 2009 as a result of direct negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 (SLH2008). Ned and Hollis Dana held the previous lease covering the property and a revocable permit immediately prior to the new lease being issued.

By way of a letter along with a copy of the Assignment of Lease Document from the Applicants attorney dated April 18, 2016 State Parks was informed that the Applicants are presently divorced by way of a Divorce Decree filed on December 22, 2008 in the Fifth Circuit, State of Hawaii and are requesting the Board's approval to assign the lease from Ned Dana and Hollis Dana, formerly husband and wife, (Divorce Decree filed on December 22, 2008 in the Fifth Circuit, State of Hawaii, herein collectively referred to as the "Assignors", to Taradan Lewis, Assignee,

In reviewing the proposed assignment, 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 by 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.

Staff has no objections to this request

RECOMMENDATION:

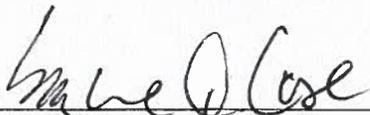
That the Board consent to the Assignment of General Lease No. SP0175, Ned Dana and Hollis Dana, formerly husband and wife, (Divorce Decree filed on December 22, 2008 in the Fifth Circuit, State of Hawaii, herein collectively referred to as the "Assignors", to Taradan Lewis, Assignee, subject to the terms 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;
- 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.

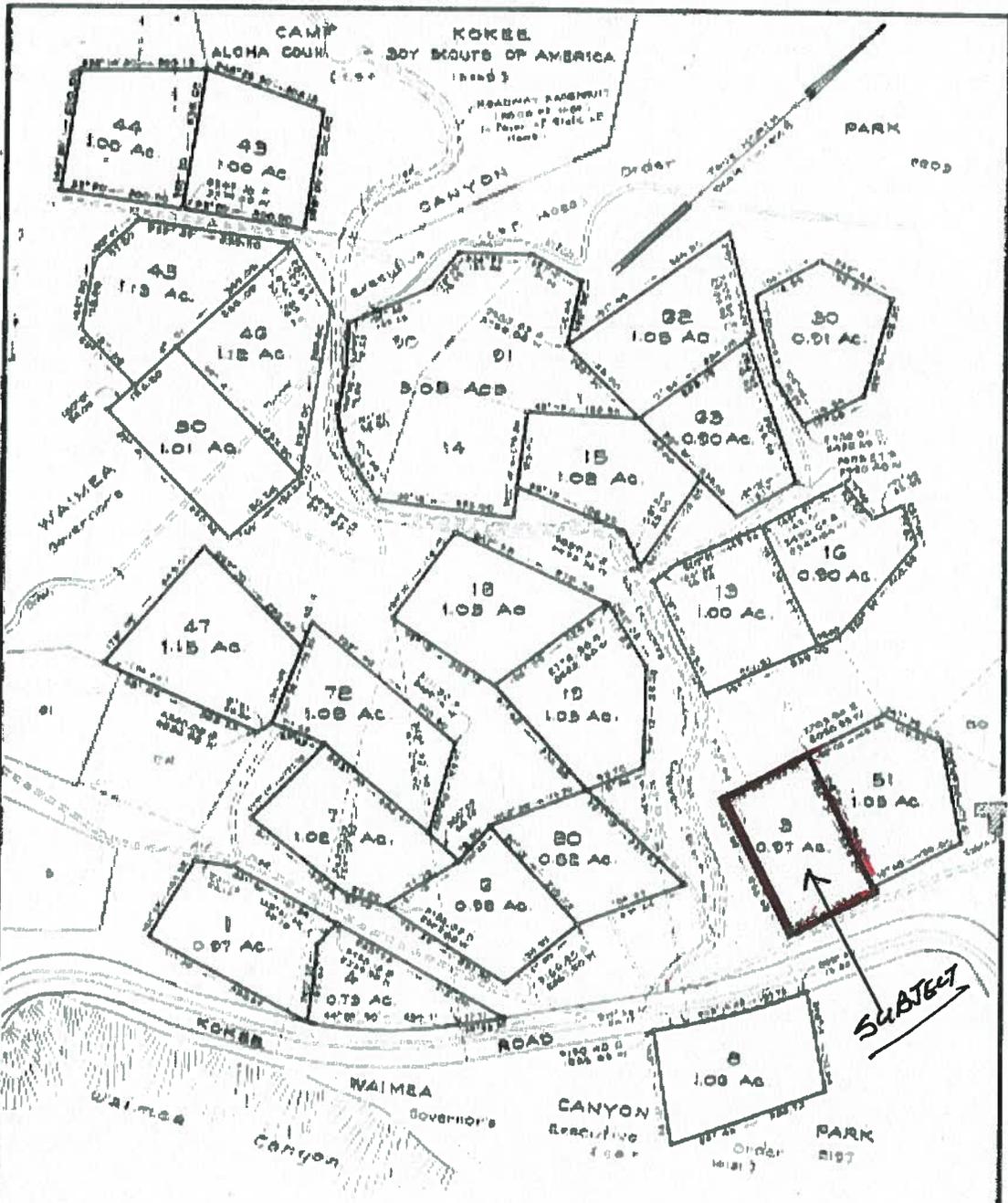


CURT A. COTTRELL
State Parks Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson



(Revised November 1927)

PUU KA PELE PARK LOTS

LOTS 1, 3, 4, 6, 7, 8, 13, 14, 15, 16, 18, 19,
20, 30, 43, 44, 45, 46, 47, 30, 31, 32, 33,
78, 90 AND 91

Waimea (Kona), Kauai, Hawaii
Scale: 1 inch = 200 feet

EXHIBIT "A"

JOB NO. K-2711
C. G. & M. (1927)

All lot corners marked in 1927
October 1927, A.T. and J.T.
coordinates referred to NALB 2

TAR MAP 1-4-06
Sheet 1 of 2 sheets
PULLY FILE FOLDER B

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

CSD Nov 27, 1927