

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

July 27, 2012

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

Kaua'i

Forfeiture of General Lease No. SP0140, Dennis Riker and Paul Kyno, Lessees, Kōke'e State Park, Waimea (Kona), Kaua'i, Tax Map Key: 4<sup>th</sup>/1-4-004:060

REQUEST:

Forfeiture of General Lease No. SP0140, Dennis Riker and Paul Kyno, Lessees.

LEGAL REFERENCE:

Section 171-39 Hawaii Revised Statutes, as amended.

LOCATION:

Lot 81, Kōke'e Campsites Lots, Kōke'e State Park, Waimea (Kona), Kaua'i, identified by Tax Map Key: (4) 1-4-004 Parcel 060, as shown on the attached property description and map labeled Exhibit A.

AREA:

.55 acres, more or less, subject to confirmation by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Conservation  
The property is zoned CN, Neighborhood Commercial.

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-1**

CURRENT USE STATUS:

Encumbered by General Lease No. SP0140 to Dennis Riker and Paul Kyno, Lessees, and encumbered by Governor's Executive Order No. 2209.

CHARACTER OF USE:

Recreation - residence.

LEASE TERM:

Twenty (20) years commencing on the first day of January 2009, up to and including the 31<sup>st</sup> day of December, 2029.

ANNUAL RENTAL:

For the first ten (10) years, the sum of FOUR THOUSAND FIVE HUNDRED AND NO/DOLLARS (\$4,500) per annum.

REMARKS:

Lessee's Dennis Riker and Paul Kyno are lessees of General Lease No. SP0140 effective January 6, 2009 covering Lot 81 in Kōke'e State Park. The term of the lease is for 20 years.

On April 24, 2012, the Chairperson issued a Notice of Default as follows:

Pursuant to the authority granted me by the Board of Land and Natural Resources at its meeting of January 11, 1980, the breach provision (Par. 21) contained in the lease, and the provisions of Haw. Rev. Stat. § 171-20 (1993) you are hereby served a Notice of Default on said lease for the following:

- x Failure to pay rent for 2012, due on January 1, 2012 as well as water charges and late fees. The total now due to the State for rent and fees is \$4,750.80.
- x Failure to post required of liability insurance certificate (Par. 17).

Said notice, accepted by Lessee on May 3, 2012, afforded Lessee a 60 day period to cure the areas of default. No response of any kind was received. Rent for 2012, late fees and water charges (currently \$4,905.30), have not been received, and no other evidence of insurance pursuant to the lease has been received by the State. Late fees of \$50.00 per month and water service charges continue to accrue.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of General Lease No. SP0140 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under General Lease No. SP0140 to be applied to any past due amounts;
3. Terminate the lease and all rights of Lessee and all obligations of the Lessor effective as of July 27, 2012, provided that any and all obligations of the Lessee which have accrued to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Lessor reserves all other rights and claims allowed by law; and,
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawai'i under General Lease No. SP0140 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



DANIEL S. QUINN  
State Parks Administrator

APPROVED FOR SUBMITTAL:



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WILLIAM J. AILA, JR., Chairperson  
Attachment

### Exhibit A Property Description and Map



STATE OF HAWAII  
SURVEY DIVISION  
DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

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

November 3, 1966

#### KOKEE CAMP SITE LOTS

LOT 81

Waimea (Kona), Kauai, Hawaii

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

Beginning at a pipe at the westerly corner of this lot, the northerly corner of Lot 86 and the northeast corner of Lot 85 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 1458.40 feet North and 1030.36 feet West, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

1. 251° 50' 30" 117.07 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
2. 105° 34' 30" 167.40 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
3. 45° 09' 144.70 feet along Lot 80 of Kokee Camp Site Lots to a pipe;
4. 137° 54' 30" 148.97 feet along Lot 86 of Kokee Camp Site Lots to a pipe;
5. 139° 23' 30" 69.05 feet along Lot 86 of Kokee Camp Site Lots to the point of beginning and containing an Area of 0.55 Acre.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Akira Taga  
Akira Taga  
Land Surveyor                          bys

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

EXHIBIT "A"

