

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

November 13, 2015

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

Kaua'i

Consent to Assign General Lease No. SP-0134, John H.R. Plews, Assignor, to John H.R. Plews as Trustee under that certain unrecorded John H. R. Plews Trust dated March 2, 2015, Assignee, Lots 35 and 36, Kokee Campsite Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:016.

APPLICANT:

John H. R. Plews, Assignor, to John H. R. Plews Trust dated March 2, 2015, Assignee.

LEGAL REFERENCE:

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

LOCATION:

Lots 35 and 36, Pu'u Ka Pele, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-004:016, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

1.46 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

CHARACTER OF USE:

Recreation - residence.

**ITEM E-1**

**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:**

\$8,000.00.

**CONSIDERATION:**

\$1.00.

**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. John Plews acquired his interest for General Lease No. SP0134 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. Mr. Plews held the previous lease covering the property under a revocable permit. By way of a letter dated July 20, 2015, Mr. Plews through his attorney, now wishes to assign his interest as a Trustee under that certain unrecorded John H.R. Plews Trust dated March 2, 2015.

Lessee is in compliance with the lease terms and conditions, except that staff was unable to locate evidence of commercial liability and fire and extended coverage insurance required under the lease. Staff is working with representatives of the parties to resolve the issue and requests the Board condition its approval of the assignment upon Lessee furnishing copies of fire and liability insurance required pursuant to the terms of the lease within 30 days of the date of this meeting.

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.

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-0134, John H.R. Plews, Assignor, to John H.R. Plews, as Trustee under that certain unrecorded John H.R. Plews Trust dated March 2, 2015, 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.

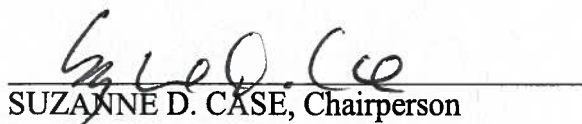
Respectfully submitted,



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CURT A. COTTRELL  
State Parks Administrator

APPROVED FOR SUBMITTAL:



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SUZANNE D. CASE, Chairperson



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.P. NO. KANAI FILE  
FOLDER 3

November 3, 1966

KOKEE CAMP SITE LOTS

LOTS 35 and 36

Waimea (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 northeast corner of Lot 34 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 1230.85 feet North and 818.03 feet East, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

1. 250° 40' 30" 202.20 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
2. 303° 57' 203.89 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
3. 324° 24' 30" 68.10 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
4. 40° 35' 92.10 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
5. 61° 02' 134.46 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
6. 136° 55' 325.03 feet along Lot 34 of Kokee Camp Site Lots to the point of beginning and containing an Area of 1.46 Acres.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

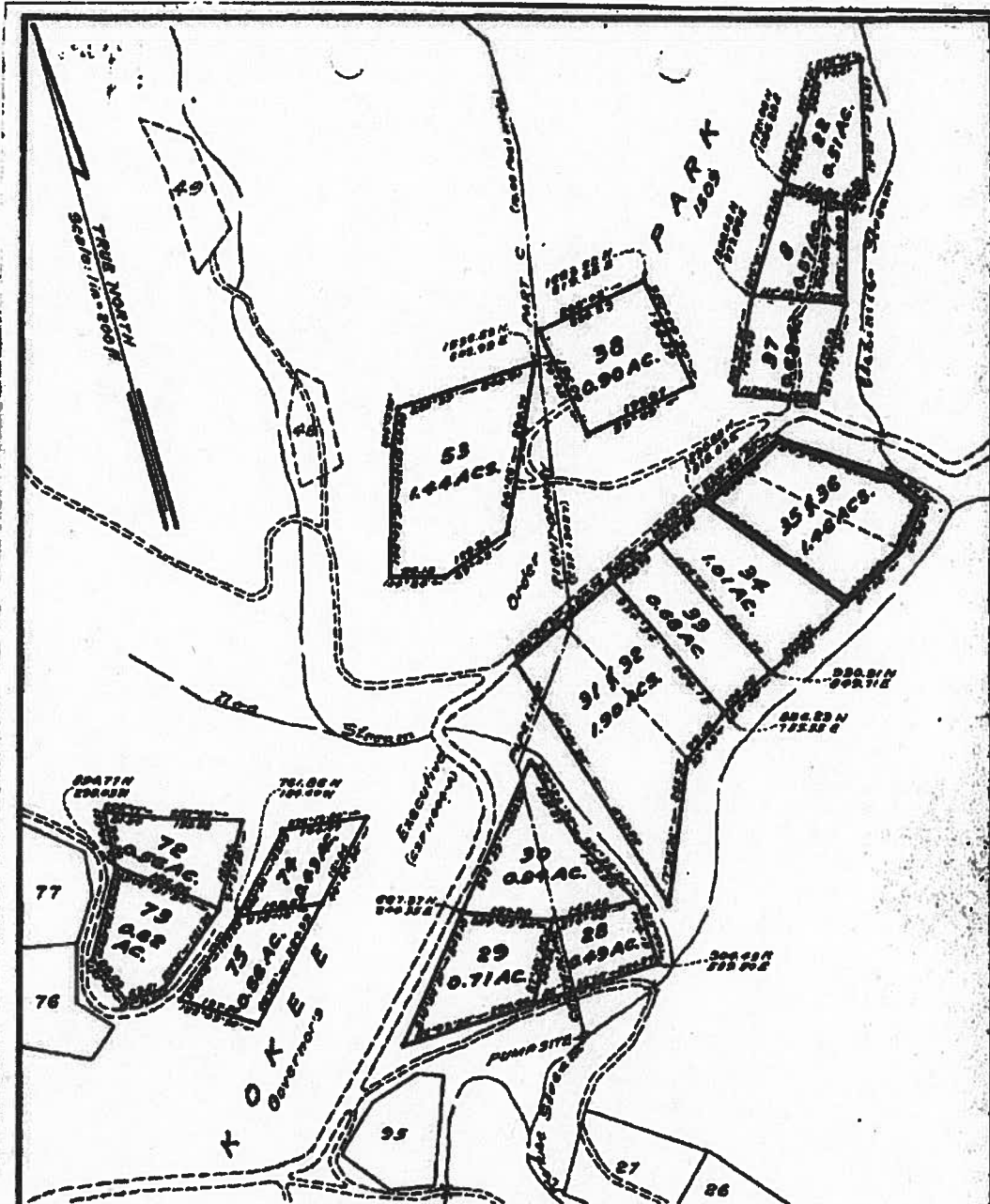
By: Akira Tega  
Akira Tega  
Land Surveyor

bys

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

EXHIBIT "A"

Handwritten notes and stamps at the bottom of the page, including "1966" and "1967".



**KOKEE CAMP SITE LOTS**  
**LOTS 8, 22, 28, 29, 30, 31, 32, 33, 34, 35 & 36,**  
**37, 38, 39, 72, 73, 74 AND 75**  
 Waimea, (Kona) Kauai, Hawaii.

**EXHIBIT "B"**

Scale: 1 inch = 200 feet

Lots 8 and 37 (Combined) See map and description dated May 10, 1965  
 All corners marked with pipe  
 Coordinates referred to KOKEE A

JOB # 3828  
 C. BK

TAX MAP 1-4-66  
 KAUAI FILE  
 FOLDER 3

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

Sheet 4 of 7 Sheets

A.T. Nov. 2, 1966