

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

October 12, 2012

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

File: GL No. SP0129  
Kaua'i

Forfeiture of General Lease No. SP0129, Jill Hanna Neerings, Lessee, Lot 83, Waimea Canyon State Park, Waimea (Kona), Kaua'i, Tax Map Key: 4<sup>th</sup>/1-4-002:081

REQUEST:

Forfeiture of General Lease No. SP0129, Jill Hanna Neerings, Lessees.

LEGAL REFERENCE:

Section 171-39 Hawaii Revised Statutes, as amended.

LOCATION:

Lot 83, Pu'u ka Pele, Waimea Canyon State Park, Waimea (Kona), Kaua'i, identified by Tax Map Key: (4) 1-4-002 Parcel 081, as shown on the attached property description and map labeled Exhibit A.

AREA:

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

ZONING:

State Land Use District: Conservation  
Kaua'i County Zoning: None.

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. SP0129 to Jill Hana Neerings, Lessee, and encumbered by Governor's Executive Order No. 2209 adding 1080.50 acres to Waimea Canyon State Park.

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, 2028.

ANNUAL RENTAL:

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

REMARKS:

Jill Hana Neerings is the lessee of General Lease No. SP0129 effective January 6, 2009 covering Lot 83 in Waimea Canyon State Park. The term of the lease is for 20 years.

On August 8, 2011, 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:

Failure to pay lease rent for 2010 and 2011 as well as water and late fees. The total now due to the State for rent, water and other fees is \$9,964.47.

Failure to post required Liability Insurance Policy (Par. 17)

In addition to the items above, our research shows an unpaid balance of \$2,491.78 for unpaid real property taxes. This also constitutes a breach of the terms of the lease. (Par. 2).

You are hereby given sixty (60) days from the of this letter to remedy the above described breach(es). Your failure to act on the above matter will result in the matter being referred to the Board of Land and Natural Resources for action, including but not limited to termination of the lease, retention of all sums heretofore paid under the lease, return of possession to the State, and referral the Department of Attorney General to recover (by lawsuit if necessary) all damages, including but not limited to future rent and other costs allowed by law.

The notice was mailed to Lessee via certified mail, return receipt requested and the letter was returned to State Parks marked "unclaimed unable to forward". Since then, the balance of lease rent, late fees and unpaid water charges has increased to \$15,186.97. Lessee has made no payments on the account and made no attempt to contact State Parks whatsoever or update Lessee's address and the property appears to be abandoned. Lessee has posted a cash deposit as required under paragraph 18 of the lease which State Parks recommends be retained as provided in the lease.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of General Lease No. SP0129 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under General Lease No. SP0129 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 October 12, 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. SP0129 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



DANIEL S. QUINN  
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson  
Attachment

# Exhibit A

## Property Description and Map



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

copy to KAUAI FILE  
FOLDER 2

November 27, 1967

(REVISED - NOVEMBER, 1967)

PUU KA PELE PARK LOTS

LOT 83

Waimea (Kona), Kauai, Hawaii

Being a portion of Waimea Canyon Park  
(Governor's Executive Order 2209)

Beginning at the north corner of this lot, the south-east corner of Lot 12 of Puu Ka Pele Park Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALE 2" being 4674.64 feet South and 3288.47 feet West, as shown on H.S.S. Plat 3095, thence running by azimuths measured clockwise from True South:-

1. 336° 41' 258.04 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209) and Lot 70 of Puu Ka Pele Park Lots;
2. 51° 26' 161.85 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
3. 149° 28' 240.70 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
4. 228° 20' 196.37 feet along Lot 12 of Puu Ka Pele Park Lots, to the point of beginning and containing an Area of 1.00 Acre.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Akira Ishida  
Akira Ishida  
Land Surveyor

Compiled from survey  
by J. Chrystal, Jr.,  
A. Ishida and Govt.  
Survey Records.

EXHIBIT "A"

