

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of )  
 )  
HALEKUA DEVELOPMENT CORPORATION, )  
a Hawai'i corporation )  
 )  
To Amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District for Approximately )  
503.886 Acres Situated at Waikele )  
and Hoaeae, Ewa, Oahu, City and )  
County of Honolulu, Hawai'i, TMK )  
9-4-02: portion of 1 and portion )  
of 52 )  
\_\_\_\_\_ )

DOCKET NO. A92-683  
ORDER GRANTING MOTION TO  
CHANGE OWNERSHIP  
INTEREST IN THE PETITION  
AREA

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LAND USE COMMISSION  
STATE OF HAWAII

ORDER GRANTING MOTION TO CHANGE OWNERSHIP  
INTEREST IN THE PETITION AREA

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ORDER GRANTING MOTION TO CHANGE OWNERSHIP  
INTEREST IN THE PETITION AREA

On August 1, 1995, Halekua Development Corporation, a Hawai'i corporation ("Petitioner"), filed a Motion to Change Ownership Interest in the Petition Area ("Motion") pursuant to section 15-15-70, Hawaii Administrative Rules. The Motion requested that the Land Use Commission ("Commission") approve the change in ownership interest of a portion of the land reclassified under the above-entitled docket. Pursuant to Condition No. 24 of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated December 9, 1993 ("Decision and Order"), the ownership interest shall pass from Petitioner to HRT, Ltd., a Hawai'i corporation ("HRT").

Attached in support of the Motion was an affidavit of Herbert K. Horita, Petitioner's President, stating that Petitioner and HRT have entered into two Purchase Agreements and a Loan Agreement under which Petitioner will convey two parcels

of approximately 60 acres and 63 acres zoned I-1 (limited industrial) and a parcel of approximately 9 acres zoned A-1 (low density apartment) within the petition area to HRT. Petitioner further stated that such a change in ownership will allow Petitioner to complete the residential portion of the Royal Kunia Phase II development ("Project") and will allow HRT to complete the industrial portion of the Project while maintaining the integrity, compatibility of uses, and the timetable of the proposed Project.

Also attached in support of the Motion was an affidavit of Alvin Awaya, President of HRT, stating that HRT (1) intends to fully develop its proposed parcels in accordance with the land use plan proposed by Petitioner; (2) has the financial capacity to develop said parcels; (3) is fully aware of the conditions imposed by the Commission in its Decision and Order; and, (4) in the event HRT acquires an interest in the petition area or in its proposed parcels, HRT will comply with all of the conditions of the Decision and Order as such conditions apply to the petition area and/or HRT's proposed parcels, as the case may be.

The Motion came on for hearing at Honolulu, Hawai'i, on August 25, 1995. At the hearing, Petitioner informed the Commission that Petitioner and HRT have agreed to increase the acreage of the A-1 zoned parcel proposed to be conveyed to HRT from approximately 9 acres to approximately 13 acres to address HRT's loss of a portion of the usable lands within its proposed parcels from the widening of Kunia Road and the construction of a drainage culvert. The City and County of Honolulu Planning

Department had no objections to the Motion. The Office of State Planning stated that it would agree to the Motion as long as all of the conditions are complied with.

This Commission, upon consideration of the Motion and affidavits, the oral arguments of Petitioner, the record and files herein, and good cause existing and upon motion duly passed by this Commission,

NOW HEREBY ORDERS that Petitioner's Motion be and is hereby GRANTED.

Done at Honolulu, Hawaii, this 19th day of September 1995,  
per motion on August 25, 1995.

LAND USE COMMISSION  
STATE OF HAWAII

By Allen K. Hoe  
ALLEN K. HOE  
Chairperson and Commissioner

By Eusebio Lapenia, Jr.  
EUSEBIO LAPENIA, JR.  
Vice Chairperson and Commissioner

By Rupert K. Chun  
RUPERT K. CHUN  
Commissioner

By M. Casey Jarman  
M. CASEY JARMAN  
Commissioner

By Lloyd F. Kawakami  
LLOYD F. KAWAKAMI  
Commissioner

By Merle A. K. Kelai  
MERLE A. K. KELAI  
Commissioner

By Joann N. Mattson  
JOANN N. MATTSO  
Commissioner

By Trudy K. Senda  
TRUDY K. SENDA  
Commissioner

Filed and effective on  
September 19, 1995

Certified by:

Esther Lind  
Executive Officer

By (absent)  
ELTON WADA  
Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion to Change Ownership Interest in the Petition Area was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

GREGORY G.Y. PAI, PH.D., Director  
Office of State Planning  
P. O. Box 3540  
Honolulu, Hawaii 96811-3540

CERT.      CHERYL SOON, Chief Planning Officer  
            Planning Department  
            City and County of Honolulu  
            650 South King Street  
            Honolulu, Hawaii 96813

CERT.      JAN N. SULLIVAN, ESQ., Attorney for Petitioner  
            Takeyama & Sullivan  
            1100 Alakea Street, Suite 3110  
            Honolulu, Hawaii 96813

DATED:      Honolulu, Hawaii, this 19th day of September 1995.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer