

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A92-683
)
HALEKUA DEVELOPMENT CORPORATION,) SECOND SUPPLEMENT TO
a Hawai'i corporation) MOTION FOR ORDER AMEND-
) ING THE AMENDED FIND-
To Amend the Agricultural Land Use) INGS OF FACT, AND CONCLU-
District Boundary into the Urban) SIONS OF LAW, AND
) DECISION AND ORDER FILED
Land Use District for Approximately) OCTOBER 1, 1996
503.886 Acres of land at Waikele)
And Ho`ae`ae, `Ewa, O`ahu, City and)
County of Honolulu, State of Hawai`i, Tax)
Map Key No. 9-4-02: 1, portion of)
52, 70, and 71)
_____)

SECOND SUPPLEMENT TO MOTION FOR ORDER AMENDING THE
AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER FILED OCTOBER 1, 1996
AFFIDAVIT OF WYETH M. MATSUBARA
EXHIBIT "9"
AND
CERTIFICATE OF SERVICE

LAND USE COMMISSION
STATE OF HAWAII
2013 AUG 13 P 3:06

BENJAMIN M. MATSUBARA, #993-0
CURTIS T. TABATA, #5607-0
WYETH M. MATSUBARA, #6935-0
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Attorneys for Petitioner
CANPARTNERS IV ROYAL KUNIA
PROPERTY LLC

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**SECOND SUPPLEMENT TO MOTION FOR ORDER AMENDING THE
AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER FILED OCTOBER 1, 1996**

TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

CANPARTNERS IV ROYAL KUNIA PROPERTY LLC, ("Petitioner") by and through its attorneys, MATSUBARA - KOTAKE, respectfully submits this Second Supplement to its Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order Filed October 7, 1996, filed herein on July 18, 2013 as follows:

Petitioner filed its Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order filed October 1, 1996 in Docket No. A92-683, ("Motion to Amend") on July 15, 2013.

Petitioner, subsequent to its filed Motion to Amend, received further comments and suggestions from the State Department of Transportation ("DOT") regarding Petitioner's highway improvement evaluations and regional and local improvement assessments. Petitioner worked on addressing DOT's comments to further clarify its responsibilities regarding transportation improvements necessitated by the development and those improvements that are deemed regional improvements.

Petitioner now proposes the following modifications to Condition 2 of the 1996 Decision and Order as follows where the ~~strikeout~~ portion shows the deletion and the underlined portion shows the addition:

"2. Petitioner shall fund, design, and construct the local ~~and regional~~ transportation improvements necessitated by the proposed development, ~~on-a-pro-rata-basis, and~~ north of the Cane Haul Road intersection with Kunia Road, as determined and approved by the State Department of Transportation (DOT) and the City and County of Honolulu, Department of Transportation Services, including without limitation the dedication of any rights-of-way to the State or County. Petitioner shall provide its fair share contribution toward regional transportation mitigation improvements, including but not limited to the Interstate H-1 Kunia Interchange and Kunia Road, south of the intersection with the Cane Haul Road, as determined and approved by DOT. Petitioner shall also be required to provide the following:

- A. All of the other improvements needed (which will not be provided by the Village Park and Royal Kunia, Phase I projects) to make Kunia Road a 4-lane highway with auxiliary lanes for both left and right turning movements (between ~~Kunia Interchange~~ Cane Haul Road Intersection and the northernmost boundary of Royal Kunia, Phase II) and a third northbound lane between ~~Kunia Interchange~~ Cane Haul Road Intersection and the north Kupuna Loop

intersection, provided that interim measures prior to full build out may be allowed with the approval of DOT.

- B. A report that analyzes the impact of the proposed Phase II project's traffic on the Kunia Interchange and evaluate alternatives that will mitigate the impacts.
- C. Petitioner shall submit a revised Traffic Impact Study, including the Kunia Interchange Alternatives Report, and obtain DOT's acceptance prior to preliminary subdivision application.
- D. Plans for Construction work within the State highway right-of-way must be submitted to DOT, Highways Division for review and approval.

Agreement by the State Department of Transportation on the level of funding and participation shall be obtained prior to the Petitioner applying for county zoning."

The area in question includes Kunia Road running both north and south directions mauka of the Kunia Interchange up to Cane Haul Road Intersection. Exhibit "9".

[The remainder of this page is intentionally left blank.]

Based upon the foregoing, Petitioner respectfully requests that the Commission grant this motion after a hearing which Petitioner hereby requests pursuant to HAR §15-15-70(i).

DATED: Honolulu, Hawai'i, August 13, 2013.

Of Counsel:
MATSUBARA - KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
WYETH M. MATSUBARA
Attorneys for Petitioner
CANPARTNERS IV ROYAL KUNIA
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_____)

AFFIDAVIT OF WYETH M. MATSUBARA

STATE OF HAWAII)
) ss.:
CITY AND COUNTY OF HONOLULU)

WYETH M. MATSUBARA, being first duly sworn on oath, deposes and says:

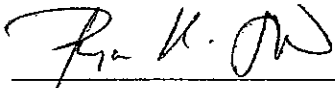
1. Affiant is the attorney for Petitioner CANPARTNERS IV ROYAL KUNIA PROPERTY LLC and agent of the Petitioner for a State of Hawai'i Land Use District Boundary Amendment from Agricultural Land Use District to Urban District, identified as Docket No. A92-683, for land situated at Waikele and Ho`ae`ae, `Ewa, O`ahu, City and County of Honolulu, State of Hawai`i, Tax Map Key No. 9-4-02: 1, portion of 52, 70, and 71.

2. That attached hereto as Exhibit "9" is a true and correct copy of the Kunia Road Widening – Interim Alignment, Figure C-102 dated July 2013.

That further Affiant sayeth naught.


WYETH M. MATSUBARA

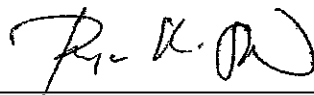
Subscribed and sworn to me
this 13th day of August 2013


Name: Ryan K. Tagomori
Notary Public, State of Hawai'i
My Commission expires: 01/01/2016




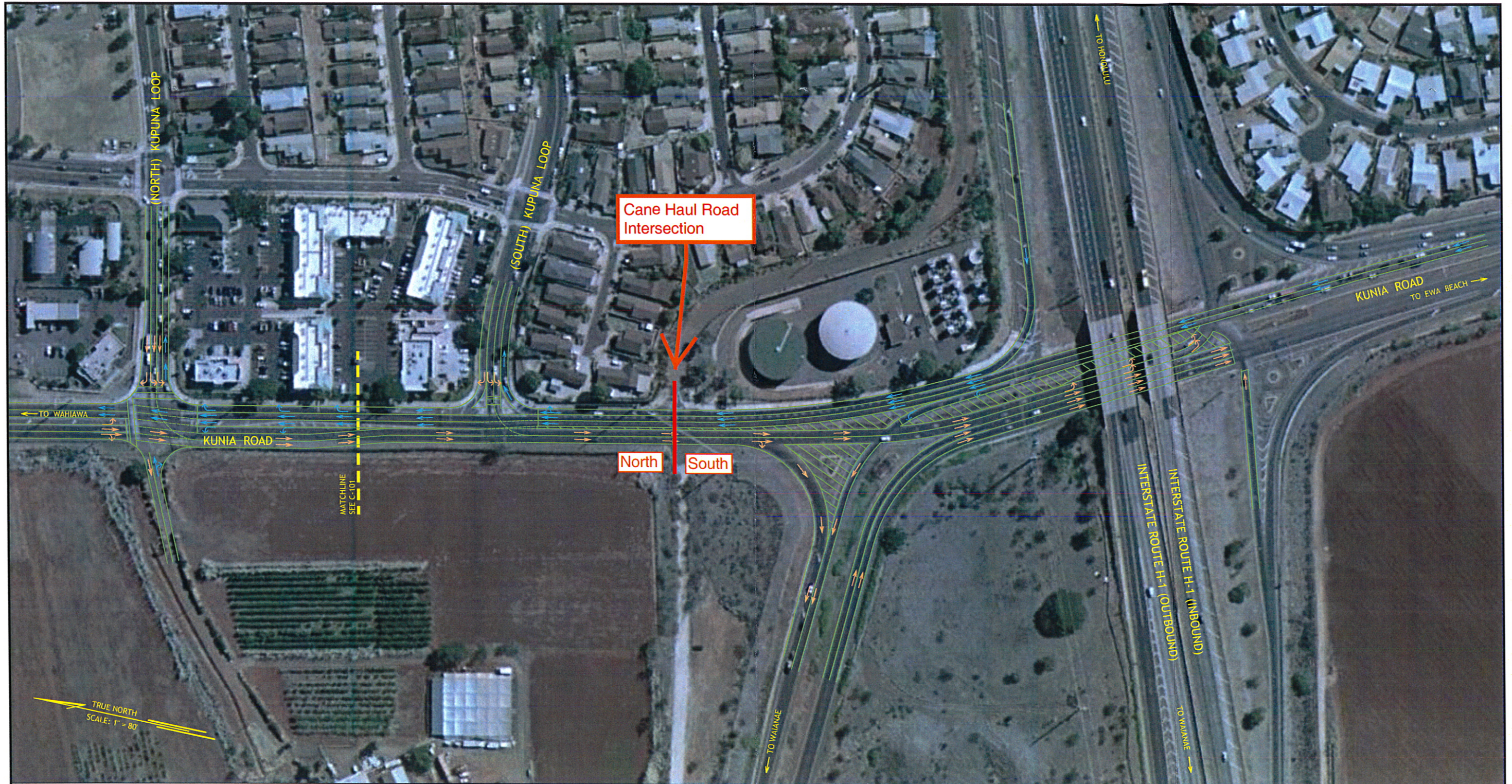
NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: Affidavit of Wyeth M. Matsubara
 Doc. Date: August 13, 2013 No. of Pages: 11
 Jurisdiction: 1st Circuit
 (in which notarial act is performed)


 Signature of Notary 08/13/2013
 Date of Certificate

Ryan K. Tagomori
 Printed Name of Notary


 (Official Stamp or Seal)



GRAPHIC SCALE



JULY 2013



KUNIA ROAD WIDENING - INTERIM ALIGNMENT

Intersection of Kunia Road and Interstate Route H-1, exists 5, 5A and 5B

FIGURE
C-102

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_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was duly served upon the following parties listed below AS INDICATED BELOW on August 13, 2013:

JESSE SOUKI, Director (HAND DELIVERY)
Office of Planning, State of Hawai`i
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha
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BRIAN C. YEE, ESQ. (HAND DELIVERY)
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Department of the Attorney General
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GEORGE I. ATTA, Director
Department of Planning & Permitting
City & County of Honolulu
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Honolulu, Hawai`i 96813

(HAND DELIVERY)

DAWN TAKEUCHI-APUNA, ESQ.
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**(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)**

ROBINSON KUNIA LAND LLC
1100 Alakea Street 600
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**(CERTIFIED MAIL,
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REQUESTED)**

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Honolulu, Hawaii 96816

**(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)**

HONOLULU, LIMITED
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Honolulu, Hawai`i 96816

**(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)**

RKES LLC
1288 Ala Moana Boulevard, Suite 201
Honolulu, Hawai`i 96814

**(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)**

DATED: Honolulu, Hawai`i, August 13, 2013.

Of Counsel:
MATSUBARA - KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA

CURTIS T. TABATA

WYETH M. MATSUBARA

Attorneys for Petitioner

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PROPERTY LLC