

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A92-683
)	
HALEKUA DEVELOPMENT CORPORATION,)	FIRST 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
Land Use District for Approximately)	DECISION AND ORDER FILED
503.886 Acres of land at Waikele)	OCTOBER 1, 1996
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)	
_____)	

FIRST 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 "8"
AND
CERTIFICATE OF SERVICE

2013 JUL 18 3:59
 LAND USE COMMISSION
 STATE OF HAWAII

BENJAMIN M. MATSUBARA, #993-0
 CURTIS T. TABATA, #5607-0
 WYETH M. MATSUBARA, #6935-0
 Matsubara - Kotake
 888 Mililani Street, 8th Floor
 Honolulu, Hawai`i 96813

Attorneys for Petitioner
 CANPARTNERS IV ROYAL KUNIA
 PROPERTY LLC

BEFORE THE LAND USE COMMISSION

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**FIRST 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 First Supplement to 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 hereby submits an additional landowner letter from RKES LLC, attached hereto as Exhibit "8".

DATED: Honolulu, Hawai'i, July 18, 2013.

Of Counsel:
MATSUBARA - KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
WYETH M. MATSUBARA
Attorneys for Petitioner
CANPARTNERS IV ROYAL KUNIA
PROPERTY LLC

BEFORE THE LAND USE COMMISSION

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In the Matter of the Petition of) DOCKET NO. A92-683
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HALEKUA DEVELOPMENT CORPORATION,) AFFIDAVIT OF WYETH M.
a Hawai'i corporation) MATSUBARA
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Map Key No. 9-4-02: 1, portion of)
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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 "8" is a true and correct copy of Landowner's letters from RKES LLC.

That further Affiant sayeth naught.

WYETH M. MATSUBARA

Subscribed and sworn to me
this 18th day of July 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: July 18, 2013 No. of Pages: 10

Jurisdiction: 1st Circuit

(in which notarial act is performed)

July 18, 2013

Signature of Notary

Date of Certificate

Ryan K. Tagomori

Printed Name of Notary



(Official Stamp or Seal)

July 18, 2013

Mr. Daniel E. Orodener, Executive Officer
Land Use Commission, State of Hawai'i
235 South Beretania Street, Room 406
Leiopapa A Kamehameha Bldg.
Honolulu, Hawai'i 96813

Re: TMK No. (1) 9-4-002: 079

Dear Mr. Orodener:

RKES, LLC, a Hawaii limited liability company and owner of the above-referenced property, hereby authorizes CANPARTNERS IV ROYAL KUNIA PROPERTY LLC, by and through its attorneys, Matsubara - Kotake, to file for a Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order Filed October 1, 1996 in the Matter of the Petition of Halekua Development Corporation, Land Use Commission Docket No. A92-683, to modify Condition 2 of said order to clarify that the requirement for the third northbound lane between the Kunia Interchange and the North Kupuna Loop intersection is a regional improvement; provided that none of the cost of such improvement shall be allocated to the above-referenced property or payable by RKES, LLC or the Department of Education in connection with the development of a school on said property.

Very truly yours,

RKES, LLC

By: 
Patrick K. Kobayashi
Its Manager

EXHIBIT "8"

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County of Honolulu, State of Hawai`i, Tax)
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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 July 18, 2013:

JESSE SOUKI, Director
Office of Planning, State of Hawai`i
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha
Honolulu, Hawai`i 96813

(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)

BRIAN C. YEE, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai`i 96813

(CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED)

GEORGE I. ATTA, Director
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai`i 96813

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

DAWN TAKEUCHI-APUNA, ESQ.
Deputy Corporation Counsel
Department of the Corporation Counsel
530 South King Street
Room 110, Honolulu Hale
Honolulu, Hawai`i 96813

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

HRT, LTD.
3660 Waialae Avenue, Suite 400
Honolulu, Hawai`i 96816

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

ROBINSON KUNIA LAND LLC
1100 Alakea Street 600
Honolulu, Hawai`i 96813

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

300 CORPORATION
3660 Waialae Avenue, Suite 400
Honolulu, Hawaii 96816

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

HONOLULU, LIMITED
3660 Waialae Avenue, Suite 400
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, July 18, 2013.

Of Counsel:
MATSUBARA - KOTAKE
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
WYETH M. MATSUBARA
Attorneys for Petitioner
CANPARTNERS IV ROYAL KUNIA
PROPERTY LLC