

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. A93-696
)
KUKUI'ULA DEVELOPMENT) ORDER GRANTING MOTION
COMPANY, INC.) FOR ORDER PERMITTING
) PETITIONER TO ASSIGN ITS
To Amend The Agricultural Land Use) INTEREST IN DOCKET NO.
District Boundary Into The Urban Land) A93-696 TO KUKUI'ULA
Use District For Approximately 822.142) DEVELOPMENT COMPANY
Acres At Lawa'i, Koloa, Kaua'i,) (HAWAII), LLC
Hawai'i, Tax Map Key Nos: 2-6-03:)
Por. 1, 21, Por. 31, Por. 32, And 63;)
2-6-04: Por. 16, Por. 38, Por. 39, Por. 40,)
And Por. 45)
_____)

2003 JUL 30 A 9:58
LAND USE COMMISSION
STATE OF HAWAII

ORDER GRANTING MOTION FOR ORDER PERMITTING PETITIONER TO ASSIGN
ITS INTEREST IN DOCKET NO. A93-696 TO KUKUI'ULA DEVELOPMENT
COMPANY (HAWAII), LLC

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ORDER GRANTING MOTION FOR ORDER PERMITTING PETITIONER TO ASSIGN
ITS INTEREST IN DOCKET NO. A93-696 TO KUKUI'ULA DEVELOPMENT
COMPANY (HAWAII), LLC

On March 31, 2003, Kukui`ula Development Company, Inc., a Hawai`i corporation ("Petitioner"), filed a Motion For Order Permitting Petitioner To Assign Its Interest In Docket No. A93-696 To Kukui`ula Development Company (Hawaii), LLC ("Motion"), pursuant to sections 15-15-70, Hawai`i Administrative Rules ("HAR").

Petitioner requested that the Land Use Commission ("Commission") grant its request to

i) transfer its rights and interest derived under the subject docket to Kukui`Ula Development Company (Hawaii), LLC, a limited liability company; and ii) authorize the amendment of the subject docket by replacing Petitioner with Kukui`Ula

Development Company (Hawaii), LLC, and to amend the existing tax map key designation with the current updated tax map key designation of the Petition Area.¹

On June 9, 2003, the Office of State Planning (“OP”) filed a Statement Of Position In Support Of The Motion.

The Commission considered the Motion at its meeting on July 10, 2003, in Honolulu, Hawai`i. Benjamin M. Matsubara, Esq., appeared on behalf of Petitioner. John W. K. Chang, Esq., appeared on behalf of OP and Laurel Loo, Esq., appeared on behalf of the County of Kaua`i Planning Department. At the meeting, Commissioner Sakumoto stated that his law firm represents one of the principals of Kukui`Ula Development Company (Hawaii), LLC, and he therefore recused himself from participating in this docket. None of the parties raised any objection to Petitioner’s Motion.

Following discussion, a motion was made and seconded to grant Petitioner’s Motion. There being a vote tally of 6 ayes, 1 excused, and 2 absent, the motion carried.


¹ As a result of the Commission’s Orders granting Petitioner’s previous requests to release and discharge approximately 37.928 acres of the original 822.142-acre Petition Area from the application of the conditions as well as property line adjustments (-0.538 acres) based on a field survey, the Petition Area, as currently defined, comprises approximately 783.676 acres and is identified as Tax Map Key Nos: 2-6-03: por. 1, 21, por. 31, and por. 32; 2-6-04: por. 38 and por. 45; and 2-6-15: por. 1.

ORDER

Having duly considered Petitioner's Motion, the written and oral arguments presented by the parties, and a motion having been made at a meeting conducted on July 10, 2003, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission ORDERS that Petitioner's Motion be GRANTED.

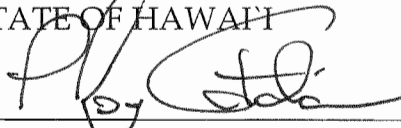
Dated: Honolulu, Hawai'i, JUL 30 2003.

APPROVED AS TO FORM



Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII



By P. Roy Catalani
Vice Chair and Commissioner

Filed and effective on
_____, 2003

Certified by:



Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of) DOCKET NO. A93-696
)
KUKUI'ULA DEVELOPMENT) CERTIFICATE OF SERVICE
COMPANY, INC.)
)
To Amend The Agricultural Land Use)
District Boundary Into The Urban Land)
Use District For Approximately 822.142)
Acres At Lawa`i, Koloa, Kaua`i,)
Hawai`i, Tax Map Key Nos: 2-6-03:)
Por. 1, 21, Por. 31, Por. 32, And 63;)
2-6-04: Por. 16, Por. 38, Por. 39, Por. 40,)
And Por. 45)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion For Order Permitting Petitioner To Assign Its Interest In Docket No. A93-696 To Kukui`ula Development Company (Hawaii), LLC was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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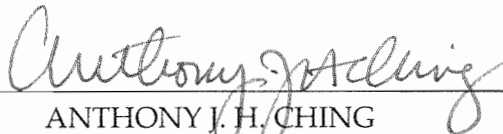
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Dated: Honolulu, Hawaii, JUL 30 2003.



ANTHONY J. H. CHING
Executive Officer