

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
STEVEN K. BAKER)
)
For a Declaratory Order Clarifying the)
Location of the State Land Use Urban District)
Boundary of Petitioner's Parcel at Niu, O'ahu,)
TMK 3-7-02: 1,)
_____)

DOCKET NO. DR01-24
ORDER ACCEPTING LEGAL
DESCRIPTION

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

JUN 29 2001 by *Michael J. ...*
Date Executive Officer

ORDER ACCEPTING LEGAL DESCRIPTION

2001 JUN 29 P 12:38
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. DR01-24
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STEVEN K. BAKER)	ORDER ACCEPTING LEGAL
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Location of the State Land Use Urban District)	
Boundary of Petitioner's Parcel at Niu, O'ahu,)	
TMK 3-7-02: 1,)	
_____)	

ORDER ACCEPTING LEGAL DESCRIPTION

On June 14, 2001, the Land Use Commission ("Commission") met in Honolulu, Hawai'i, to consider acceptance of the legal description submitted by Steven K. Baker ("Petitioner") of Petitioner's parcel located at 5857 Kalaniana'ole Highway, Honolulu, Hawai'i, and identified as TMK 3-7-02: 1 ("Property"), pursuant to the Commission's Declaratory Order dated April 20, 2001, issued in the subject docket.¹

Grace Nihei Kido, Esq., appeared on behalf of Petitioner. At the meeting, Ms. Kido stated that the legal description of the Property was provided to the Commission, the OP and the DLNR. She further stated that she did not receive any

¹ On April 18, 2001, Petitioner filed a metes and bounds map and description of the Property with the Commission, the Office of Planning ("OP"), and the Department of Land and Natural Resources ("DLNR"). Pursuant to staff's request, on May 7, 2001, Petitioner filed a revised metes and bounds map and description, which included a metes and bounds map of the Property within the Conservation District. On May 17, 2001, Petitioner filed a metes and bounds description of the Property within the Conservation District. On May 24, 2001, Petitioner filed a metes and bounds map and description of the Property within both the Urban and Conservation Districts with the Commission, the OP, and DLNR.

objections or comments on the legal description from the OP and the DLNR.

Abe Mitsuda, Administrator, Land Use Division, OP, testified that he had no objections to the legal description.

Thereafter, a motion was made and seconded to accept Petitioner's legal description. Following discussion by the Commission, a vote was taken on the motion to accept Petitioner's legal description. There being a vote tally of 6 ayes and 0 nays, the motion carried.

ORDER

Having duly considered Petitioner's legal description, the statements made by the Petitioner and the OP, and a motion having been made at a hearing conducted on June 14, 2001, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by §15-15-13, Hawai'i Administrative Rules, and there being good cause for the motion, the Commission hereby ACCEPTS Petitioner's legal description.

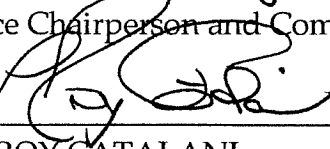
ADOPTION OF ORDER

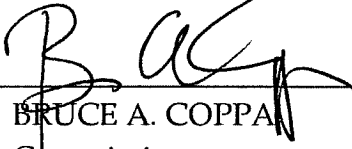
The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 28th day of June 2001. The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by the Commission.


LAND USE COMMISSION
STATE OF HAWAII

By _____ (absent)
MERLE A. K. KELAI
Chairperson and Commissioner

By 
LAWRENCE N.C. INC
Vice Chairperson and Commissioner

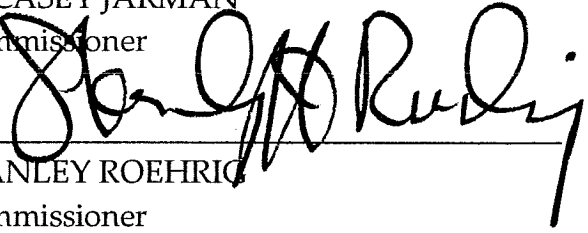
By 
P. ROY CATALANI
Commissioner

By 
BRUCE A. COPPA
Commissioner

By 
PRAVIN DESAI
Commissioner

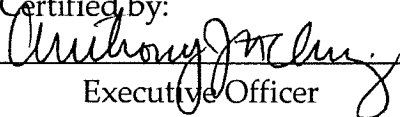
By _____ (absent)
ISAAC FIESTA, JR.
Commissioner

By _____ (absent)
M. CASEY JARMAN
Commissioner

By 
STANLEY ROEHRIG
Commissioner

By _____ (absent)
PETER YUKIMURA
Commissioner

Filed and effective on
June 29, 2001

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
STEVEN K. BAKER) DOCKET NO. DR01-24
)
) CERTIFICATE OF SERVICE
)
For a Declaratory Order Clarifying the)
Location of the State Land Use Urban District)
Boundary of Petitioner's Parcel at Niu, O'ahu,)
TMK 3-7-02: 1,)
_____)

CERTIFICATE OF SERVICE

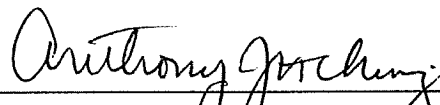
I hereby certify that a copy of the Order Accepting Legal Description was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. DAVID W. BLANE, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. RANDALL K. FUJIKI, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

CERT. ROY A. VITOUSEK III, ESQ., Attorneys for Petitioner
GRACE NIHEI KIDO, ESQ.
Cades Schutte Fleming & Wright
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 29th day of June 2001.



ANTHONY J.H. CHING

Executive Officer

CADES SCHUTTE FLEMING & WRIGHT
A LIMITED LIABILITY LAW COMPANY

1000 Bishop Street
Honolulu, Hawai'i 96813
P.O. Box 939
Honolulu, Hawai'i 96808
Telephone: (808) 521-9200
Facsimile: (808) 521-9210

2001 MAY 24 P 2:54
LAND USE COMMISSION
STATE OF HAWAII

TRANSMITTAL MEMORANDUM

BY HAND DELIVERY

TO: Mr. Bert Saruwatari
Land Use Commission
235 S. Beretania Street
Room 406
Honolulu, HI 96813

FROM: Grace Nihei Kido

DATE: May 24, 2001

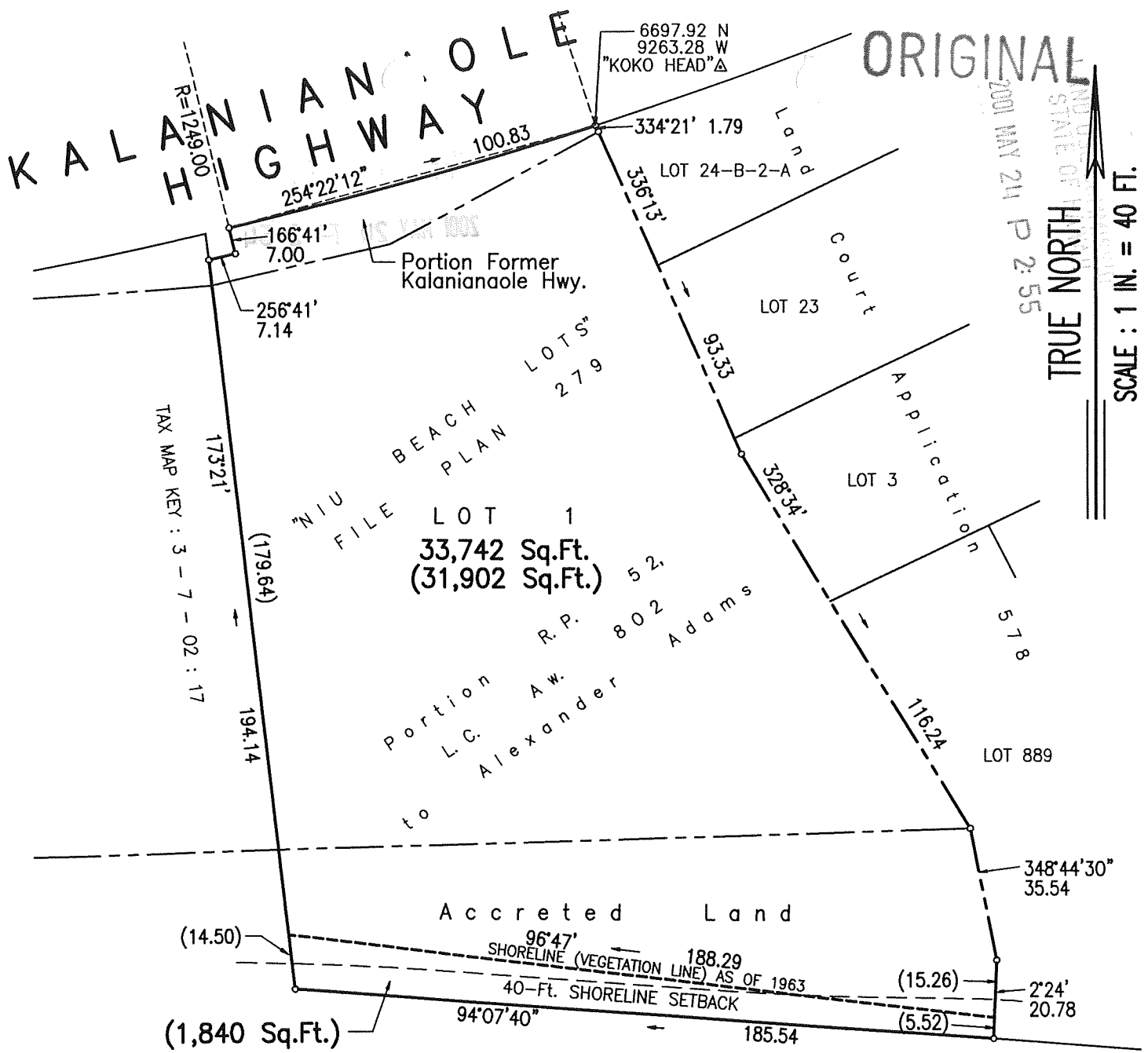
RE: Steven K. Baker
Docket No. DR01-24

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
1	15	5/7/01	Map
1	15	5/4/01	Description of Lot 1, File Plan 279, Niu Beach Lots Portion Former Kalaniana'ole Highway and Portion of Accreted Land
1	15	5/16/01	Metes and Bounds Description for Conservation Area

- | | |
|----------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> For your files | <input type="checkbox"/> For signature, forwarding, as noted below,
and return |
| <input checked="" type="checkbox"/> Per your request | <input type="checkbox"/> For review and comment |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For distribution |
| <input checked="" type="checkbox"/> For necessary action | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> Are returned herewith | |

cc (w/encls.): Mr. Sam Lemmo Mr. Abe Mitsuda Mr. Steven K. Baker



MAUNALUA BAY
MAP SHOWING

LOT 1, FILE PLAN 279, NIU BEACH LOTS
PORTION FORMER KALANIANA'OLE HIGHWAY
AND ACCRETED LAND

AT NIU, WAIKIKI, HONOLULU, OAHU, HAWAII

SCALE: 1 IN. = 40 FT.

MAY 7, 2001

WALTER P. THOMPSON, INC.



THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION

James R. Thompson
TAX MAP KEY: 3 - 7 - 02 : 01
99213t04.dwg/dc/may07

ORIGINAL

LAND USE COMMISSION
STATE OF HAWAII

2001 MAY 24 P 2: 55

DESCRIPTION OF
LOT 1, FILE PLAN 279, NIU BEACH LOTS
PORTION FORMER KALANIANAOLE HIGHWAY
AND PORTION OF ACCRETED LAND

ALL that certain piece or parcel of land being Lot 1 of the Niu Beach Lots, File Plan 279, being also a portion of Former Kalanianaole Highway, being also a portion of Accreted Land and being also a portion of Royal Patent 52, Land Commission Award 802 to Alexander Adams.

Situate at Niu, Waikiki, Honolulu, Oahu, Hawaii.

Beginning at the northeast corner of this parcel of land, the same being the northwest corner of Lot 24-B-2-A of Land Court Application 578 and on the southerly side of Kalanianaole Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKO HEAD" being 6,697.92 feet North and 9,263.28 feet West and thence running by azimuths measured clockwise from true South:

1. 334° 21' 1.79 feet along Lot 24-B-2-A, Ld. Ct. App. 578;
2. 336° 13' 93.33 feet along Lots 24-B-2-A, 23 and 24, Ld. Ct. App. 578;
3. 328° 34' 116.24 feet along Lots 3 and 889, Ld. Ct. App. 578;
4. 348° 44' 30" 35.54 feet along Lot 889, Ld. Ct. App. 578;
5. 2° 24' 15.26 feet along Lot 889, Ld. Ct. App. 578;
6. 96° 47' 188.29 feet along the shoreline (vegetation line of 1963);
7. 173° 21' 179.64 feet along the ocean, along Lot 2, Niu Beach Lots, File Plan 279 and along the former Kalanianaole Highway;

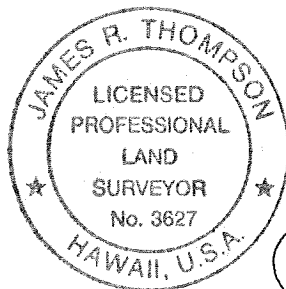
8. 256° 41' 7.14 feet along Kalaniana'ole Highway;

9. 166° 41' 7.00 feet along Kalaniana'ole Highway;

Thence along Kalaniana'ole Highway on a curve to the left with a radius of 1249.00 feet, the chord azimuth and distance being

10. 254° 22' 12" 100.83 feet to the point of beginning and containing an area of 31,902 square feet.

Honolulu, Hawaii
May 4, 2001



WALTER P. THOMPSON, INC.

By

A handwritten signature in black ink that reads "James R. Thompson". The signature is written over a horizontal line.

Licensed Professional
Land Surveyor 3627

99-213

ORIGINAL

LAND USE COMMISSION
STATE OF HAWAII

2001 MAY 24 P 2:55

DESCRIPTION OF
PORTION ACCRETED LAND

ALL that certain piece or parcel of land being a portion of the Accreted Land fronting Lot 1, File Plan 279, Niu Beach Lots.

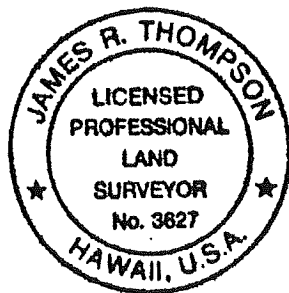
Situate at Niu, Waikiki, Honolulu, Oahu, Hawaii.

Beginning at the southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKO HEAD" being 6,469.46 feet North and 9,343.24 feet West and thence running by azimuths measured clockwise from true South:

- 1. 173° 21' 14.50 feet along Maunalua Bay;
- 2. 276° 47' 188.29 feet along the shoreline (vegetation line of 1963);
- 3. 2° 24' 5.52 feet along Lot 889, Ld. Ct. App. 578;
- 4. 94° 07' 40" 185.54 feet along Maunalua Bay to the point of beginning and containing an area of 1,840 square feet.

WALTER P. THOMPSON, INC.

Honolulu, Hawaii
May 16, 2001



By *James R. Thompson*
 Licensed Professional
 Land Surveyor 3627