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STATE OF HAWAII  
 FILED

1988 OCT 31 PM 3:27

B. CHO  
 CLERK

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU,	)	CIVIL NO. 85-4819
a municipal corporation,	)	
	)	(EMINENT DOMAIN)
Plaintiff,	)	
	)	
v.	)	JUDGMENT
	)	
ROBERT HING KONG AU, AUDREY	)	(Trial held July 6, 1988
FIELDHOUSE AU, BETTY LAI WONG AU,	)	before the Honorable
EDWARD SIU HEN AU, and JOHN DOE 1	)	Ronald Y. T. Moon,
through JOHN DOE 25, inclusive, and)	)	Judge)
JANE ROE 1 through JANE ROE 25,	)	
inclusive, unknown heirs of Edward	)	
Siu Hen Au, deceased,	)	
	)	
Defendants.	)	
	)	

JUDGMENT

WHEREAS, a trial by jury was had in the above-entitled matter and the jury having rendered its verdict as to just compensation for the taking of the real property and the parties having stipulated to the interest rate of 10% to be applied to the principal amount by which the jury verdict exceeds the amount deposited in Court by the City for the period from December 27, 1985 to January 11, 1988, as blight of summons damages,

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

*Am*

Clerk, Circuit Court, First Circuit

EXHIBIT "23"

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED  
as follows:

1. That all preliminary steps required by law have been taken and exist in order to entitle the Plaintiff to maintain these proceedings and to condemn in fee simple the real property described as Parcel 1 in the Complaint on file herein and delineated upon map marked Exhibit 2, thereto attached, and that the facts set forth in said Complaint are true.

2. That the said real property is required for a public use and purpose as set forth in said Complaint, to wit: Leeward Sanitary Landfill (Waimanalo Gulch Site), situate at Honouliuli, Ewa, Oahu, Hawaii.

3. That said real property herein sought to be condemned is owned as follows:

ROBERT HING KONG AU and AUDREY FIELDHOUSE AU, husband and wife, as Tenants by the Entirety,  
(as to an undivided 2/5ths or 10/25ths or 40% interest)

BETTY LAI WONG AU, widow,  
(as to an undivided 1/25th or 4% interest)

ESTATE OF EDWARD SIU HEN AU, DECEASED,  
(as to an undivided 1/25th or 4% interest)

ROBERT HING KONG AU, husband of Audrey Fieldhouse Au,  
(as to an undivided 28% interest or 7/25th interest covered by Transfer Certificate of Title No. 239,561 and as to an undivided 24% interest or 6/25th interest covered by Transfer Certificate of Title No. 239,562)

Subject to the following encumbrances:

a. Existing easements for public roads and highways, for utilities, for railroads and for pipe lines, as set forth in Document 86278 dated February 13, 1946.

b. Reserving unto the United States of America all uranium, thorium, and other materials as reserved in Deed 161596 dated April 26, 1954.

c. Grant 237251 dated March 9, 1959 for the use of a four-story underground concrete battery position under the within premises and right of way in favor of the City and County of Honolulu.

d. Grant of right-of-way 269152 dated January 26, 1961 in favor of Hawaiian Electric Company, Inc.

e. Designation of Easement 1183 affecting Lot 358-B-1-A-1-A, as set forth in Land Court Order 59027 dated February 5, 1981.

f. Grant 1062606 dated January 5, 1981 in favor of Edward Siu Hen Au, Robert Hing Kong Au, Audrey Fieldhouse Au and Betty Lai Wong Au for a nonexclusive right of easement for vehicular ingress and egress.

g. Grant 1062609 dated January 5, 1981 in favor of Hawaiian Electric Company, Inc. for utility purposes and assigned to Hawaiian Trust Company, Limited, Trustee, as security to Trust Mortgage 45945, as amended, by Assignment 1062610 dated January 16, 1981.

4. That pursuant to the verdict of the jury, Judgment is entered in the sum of \$1,300,000 for the taking of Parcel 1 by the Plaintiff as of the date of summons which was December 26, 1985.

5. That in addition to the foregoing amount, Plaintiff shall pay to Defendants, interest on the sum of \$444,800 at the rate of 10% per annum for the period from December 27, 1985 to January 11, 1988 in the amount of \$90,787.94.

6. That having heretofore deposited into Court the sum of \$855,200, which sum was heretofore withdrawn by Defendants, Plaintiff shall deposit with the Chief Clerk of this Court, the additional sum of \$444,800 (being the difference between the jury verdict of \$1,300,000 and the total amount of \$855,200

heretofore deposited in Court by the Plaintiff), together with the interest in the amount of \$90,787.94, as stipulated by the parties, as and for blight of summons damages, for a total deposit of \$535,587.94, which sum shall be paid by said Clerk to Defendants ROBERT HING KONG AU, individually and as Personal Representative of the Estate of EDWARD SIU HEN AU, AUDREY FIELDHOUSE AU and BETTY LAI WONG AU, jointly; said payment to be made subject to the provisions of Sections 101-36 and 101-37, Hawaii Revised Statutes, relating to the procedure with respect to liens for real property taxes and the remission of such taxes in eminent domain proceedings.

7. That if the payment of the sum of \$535,587.94 required to be made under paragraph 6 above is delayed more than thirty days after entry of final judgment, then interest shall be added thereon from the date of entry of final judgment at the rate of 10% per annum on the principal amount of \$444,800, as stipulated by the parties.

8. That the payment of the additional sum and interest as provided herein, to be paid to the aforesaid Defendants, through the Chief Clerk, together with the sum heretofore deposited and withdrawn, shall constitute payment of just compensation and operate as the full satisfaction of this Judgment.

9. That the said real property designated as Parcel 1, in fee simple, together with all interests and estates therein, and all improvements thereon, together with all rights, privileges and appurtenances held and enjoyed therewith be and are hereby

condemned for the public use and purpose mentioned in said  
Complaint, subject to the following encumbrances:

a. Existing easements for public roads and highways, for utilities, for railroads and for pipe lines, as set forth in Document 86278 dated February 13, 1946.

b. Reserving unto the United States of America all uranium, thorium, and other materials as reserved in Deed 161596 dated April 26, 1954.

c. Grant of right-of-way 269152 dated January 26, 1961 in favor of Hawaiian Electric Company, Inc.

d. Designation of Easement 1183 affecting Lot 358-B-1-A-1-A, as set forth in Land Court Order 59027 dated February 5, 1981.

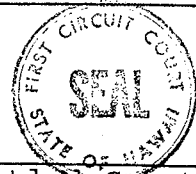
e. Grant 1062609 dated January 5, 1981 in favor of Hawaiian Electric Company, Inc. for utility purposes and assigned to Hawaiian Trust Company, Limited, Trustee, as security to Trust Mortgage 45945, as amended, by Assignment 1062610 dated January 16, 1981.

10. That a Final Order of Condemnation shall be entered forthwith upon deposit by Plaintiff of the additional sum and interest hereinabove stated.

OCT 29 1988

DATED: Honolulu, Hawaii, \_\_\_\_\_

*Ronald J. Y. Moon*



\_\_\_\_\_  
Judge of the above-entitled Court

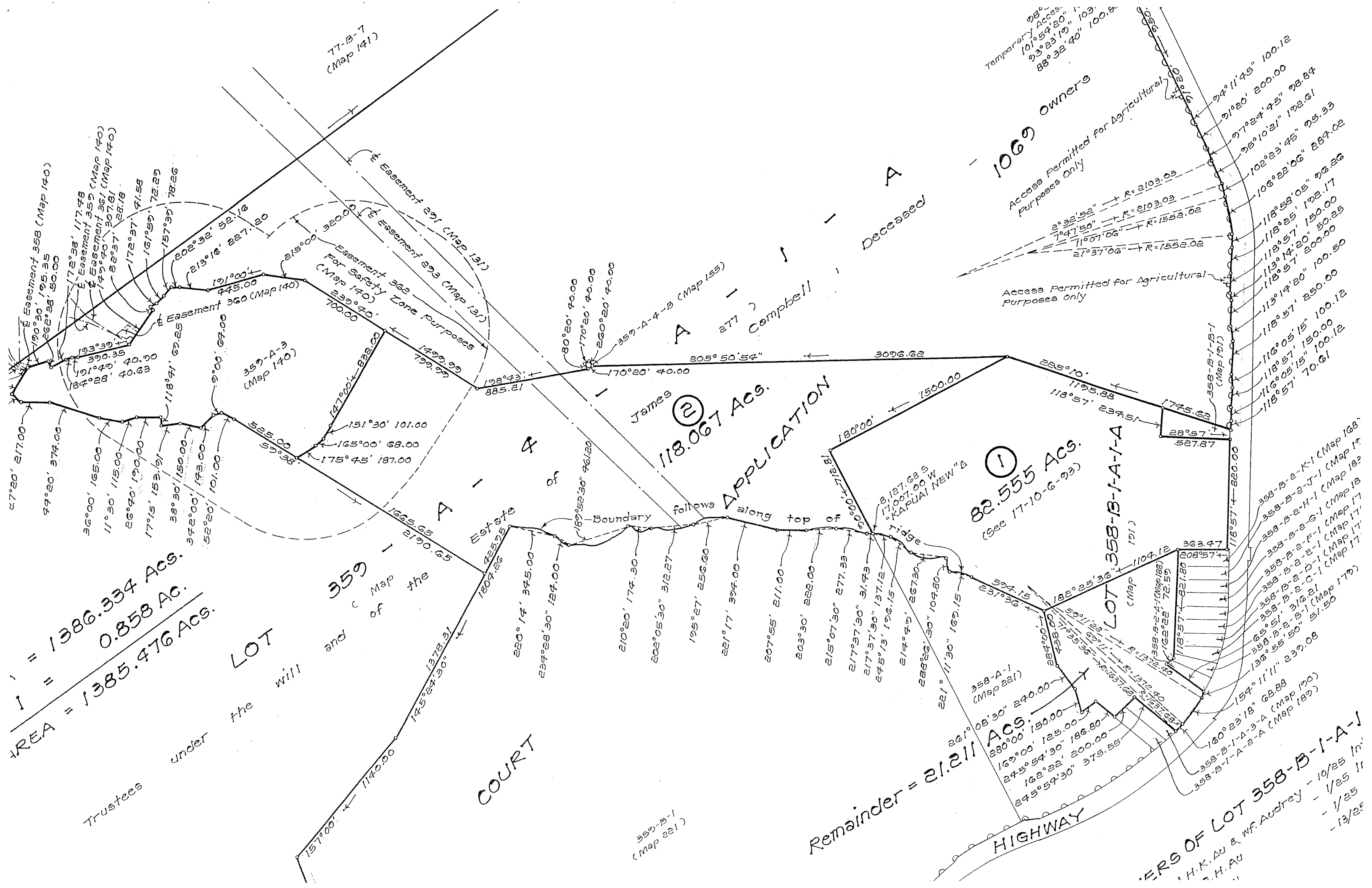
APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Stephen M. Okano".

STEPHEN M. OKANO  
RODNEY UCHIDA  
Attorneys for Defendants

854819

EXCERPT  
OF  
EXHIBIT 2



AREA = 1386.334 Acs.  
 0.858 Ac.  
 AREA = 1385.476 Acs.

Trustees under the will of the

LOT

359 of the Map

COURT

359-B-1 (Map 221)

James Campbell  
 118.067 Acs.

APPLICATION

Remainder = 21.211 Acs.

82.555 Acs.  
 (See 17-10-6-22)

LOT 358-B-1-A-1-A

PARTS OF LOT 358-B-1-A-1  
 H.K. AU & Wf. Audrey - 10/25 Int  
 H.AU - 1/25  
 - 13/25

Deceased

1069 Owners

Access Permitted for Agricultural Purposes Only

Access Permitted for Agricultural Purposes Only

HIGHWAY

77-B-7 (Map 141)  
 Easement 358 (Map 140)  
 Easement 359 (Map 140)  
 Easement 361 (Map 140)  
 Easement 362 For Safety Zone Purposes (Map 140)  
 Easement 360 (Map 140)  
 Easement 291 (Map 131)  
 Easement 293 (Map 131)  
 359-A-3 (Map 140)  
 359-A-4-B (Map 155)  
 358-B-1-B-1 (Map 191)  
 358-B-2-K-1 (Map 168)  
 358-B-2-J-1 (Map 182)  
 358-B-2-H-1 (Map 18)  
 358-B-2-G-1 (Map 17)  
 358-B-2-F-1 (Map 17)  
 358-B-2-E-1 (Map 17)  
 358-B-2-D-1 (Map 17)  
 358-B-2-C-1 (Map 17)  
 358-B-2-B-1 (Map 179)  
 358-B-2-A-1 (Map 188)  
 358-B-1-A-3-A (Map 190)  
 358-B-1-A-2-A (Map 189)

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1ST CIRCUIT COURT  
STATE OF HAWAII  
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1988 APR 13 AM 11:56

B. TERAOKA  
CLERK

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU,	)	CIVIL NO. 85-4819
a municipal corporation,	)	
	)	(EMINENT DOMAIN)
Plaintiff,	)	
	)	FINAL ORDER OF
v.	)	CONDEMNATION; EXHIBIT A
	)	
ROBERT HING KONG AU, AUDREY	)	(Trial held July 6, 1988
FIELDHOUSE AU, BETTY LAI WONG AU,	)	before the Honorable
EDWARD SIU HEN AU, and JOHN DOE 1	)	Ronald Y. T. Moon,
through JOHN DOE 25, inclusive, and	)	Judge)
JANE ROE 1 through JANE ROE 25,	)	
inclusive, unknown heirs of Edward	)	
Siu Hen Au, deceased,	)	
	)	
Defendants.	)	

FINAL ORDER OF CONDEMNATION

It appearing from the records and files in this cause that the payment required by the Judgment on file herein with respect to the real property described as Parcel 1 in the Complaint on file and more specifically described in Exhibit A attached hereto and made a part hereof has been made by the Plaintiff in accordance with the terms and conditions of said Judgment,



NOW, THEREFORE, IT IS FINALLY ORDERED AND ADJUDGED as follows:

That the said Judgment with respect to the said real property be and the same is fully satisfied and that all claims of the Defendants above named or of anyone claiming through said Defendants in connection with the payment by the Plaintiff as required by the terms of said Judgment be and the same are hereby fully satisfied;

That the said real property be and the same is hereby condemned for the use of the City and County of Honolulu, to wit: Leeward Sanitary Landfill (Waimanalo Gulch Site), situate at Honouliuli, Ewa, Oahu, Hawaii, the said use being a public use to and for which said real property and its appurtenances are necessary;

That the City and County of Honolulu, Plaintiff herein, does have and acquires the said real property and all appurtenances thereto, including all of the interests and estates of the Defendants therein and that the title to the same be and it is hereby vested in fee simple in the City and County of Honolulu; subject to the following encumbrances:

a. Existing easements for public roads and highways, for utilities, for railroads and for pipe lines, as set forth in Document 86278 dated February 13, 1946.

b. Reserving unto the United States of America all uranium, thorium, and other materials as reserved in Deed 161596 dated April 26, 1954.

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DATED: Honolulu, Hawaii, APR 13 1989

*Ronald J. Y. Moon*



Judge of the above-entitled Court

APPROVED:

A handwritten signature in dark ink, appearing to read "Stephen M. Okano", written over a horizontal line.

STEPHEN M. OKANO  
RODNEY UCHIDA  
Attorneys for Defendants

854819A

LEEWARD SANITARY LANDFILL  
(WAIMANALO GULCH SITE)

PARCEL 1  
(Fee Simple)

Being a portion of Lot 358-B-1-A-1-A (Map 191) of Land Court Application 1069 and covered by Transfer Certificates of Title Nos. 66,314, 239,561 and 239,562.

Situate at Honouliuli, Ewa, Oahu, Hawaii.

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot 358-A-1 and the Southeast corner of Lot 359-B-1 (Map 221) of Land Court Application 1069, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 8,127.68 feet South and 17,007.00 feet West, as shown on Division of Land Survey and Acquisition Parcel Map File No. 18-2-3-11, and running by azimuths measured clockwise from true South:

1. 270° 00' 712.81 feet along Lot 359-A-4-A-1-A (Map 277)  
of Land Court Application 1069;
2. 360° 00' 1,500.00 feet along same;
3. 45° 10' 1,195.88 feet along same;
4. 118° 57' 234.51 feet along Lot 358-B-1-B-1 (Map 191)  
of Land Court Application 1069;
5. 28° 57' 527.87 feet along same;
6. 118° 57' 820.00 feet along the Northeast side of  
Farrington Highway;
7. 208° 57' 363.47 feet along Lot 358-B-2-K-1 (Map 168)  
of Land Court Application 1069;
8. 182° 25' 36" 1,104.12 feet along remainder of Lot 358-B-1-A-1-A  
(Map 191) of Land Court Applica-  
tion 1069;

9. 231° 36' 594.15 feet along Lot 358-A-1 (Map 221) of Land Court Application 1069;

Thence along same, along the middle of ridge for the next five (5) courses, the direct azimuths and distances between points on said middle of ridge being:

10. 221° 11' 30" 169.15 feet;

11. 288° 26' 30" 104.80 feet;

12. 214° 49' 267.30 feet;

13. 245° 13' 196.15 feet;

14. 217° 37' 30" 137.12 feet to the point of beginning and containing an area of 82.555 acres.