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FILED IN OPEN COURT
AT 8:43 o'clock AM
OCT 28 1988₁₉

S. H. Amadio
Clerk

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU,)
a municipal corporation,)

Plaintiff,)

vs.)

F. E. TROTTER, INC., W. H.)
McVAY, INC., P.R. CASSIDAY,)
INC., and H. C. CORNUELLE,)
INC., all Hawaii)
professional corporations,)
The Trustees Under the Will)
and of the Estate of James)
Campbell, Deceased,)

Defendants,)

and)

OAHU RECLAMATION, INC.,)

Intervenor-)
Defendant.)

CIVIL NO. 85-4820

(EMINENT DOMAIN)

JUDGMENT

(Trial held September 19,
1988, before the Honorable
Wendell K. Huddy)

JUDGMENT

Pursuant to the verdict of the jury returned in the
above-entitled matter and entered herein on October 3, 1988,

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 the real property designated as Parcel 2, in fee simple, and described 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 said real property is required for a public use and purpose 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 by Defendants F. E. TROTTER, INC., W. H. McVAY, INC., P. R. CASSIDAY, INC., and H. C. CORNUELLE, INC., Trustees Under the Will and of the Estate of James Campbell, Deceased (hereinafter "Defendant Trustees"), subject to the following encumbrances:

a. Designation of Easements 291 and 293 as shown on Map 131 (Land Court Order No. 20062).

b. Designation of Easement 362, as shown on Map 140 (Land Court Order No. 20723).

c. Grants for utility purposes in favor of Hawaiian Electric Company, Inc., and assigned to Hawaiian Trust Company, Limited as Trustee.

d. Safety Easement 362 in favor of United States of America, by Quitclaim Deed dated December 30, 1964, Document No. 351377.

4. That pursuant to the verdict of the jury, Judgment is entered in the sum of \$2,532,537.10 for the taking of said real property by Plaintiff as of the date of summons which was December 26, 1985.

5. That having heretofore deposited into Court the sum of \$472,300, which sum was heretofore withdrawn by Defendant Trustees, Plaintiff shall deposit with the Chief Clerk of this Court the additional sum of \$2,060,237.10 (being the difference between the jury verdict of \$2,532,537.10 and the amount of \$472,300 heretofore deposited in Court by the Plaintiff), together with blight of summons damages calculated at the rate of 10 percent per annum simple interest, from the date of summons to the date of payment, which sum shall be paid by said Clerk to Defendant Trustees; 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.

6. That the payment of the additional sum and interest as provided herein, to be paid to Defendant Trustees, 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.

7. That Intervenor-Defendant OAHU RECLAMATION, INC., has been dismissed pursuant to Order Granting Motion for Summary Judgment filed herein on July 27, 1987.

8. That said real property designated as Parcel 2, in fee simple, together with all interests and estates therein, and all improvements thereon, be and are hereby condemned for the public use and purpose mentioned in said Complaint, to wit: Leeward

Sanitary Landfill (Waimanalo Gulch Site), situate at Honouliuli, Ewa, Oahu, Hawaii, subject to the following encumbrances:

a. Designation of Easements 291 and 293 as shown on Map 131 (Land Court Order No. 20062).

b. Designation of Easement 362, as shown on Map 140 (Land Court Order No. 20723).

c. Grants for utility purposes in favor of Hawaiian Electric Company, Inc., and assigned to Hawaiian Trust Company, Limited as Trustee.

d. Safety Easement 362 in favor of United States of America, by Quitclaim Deed dated December 30, 1964, Document No. 351377.


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

DATED: Honolulu, Hawaii, OCT 28 1988.

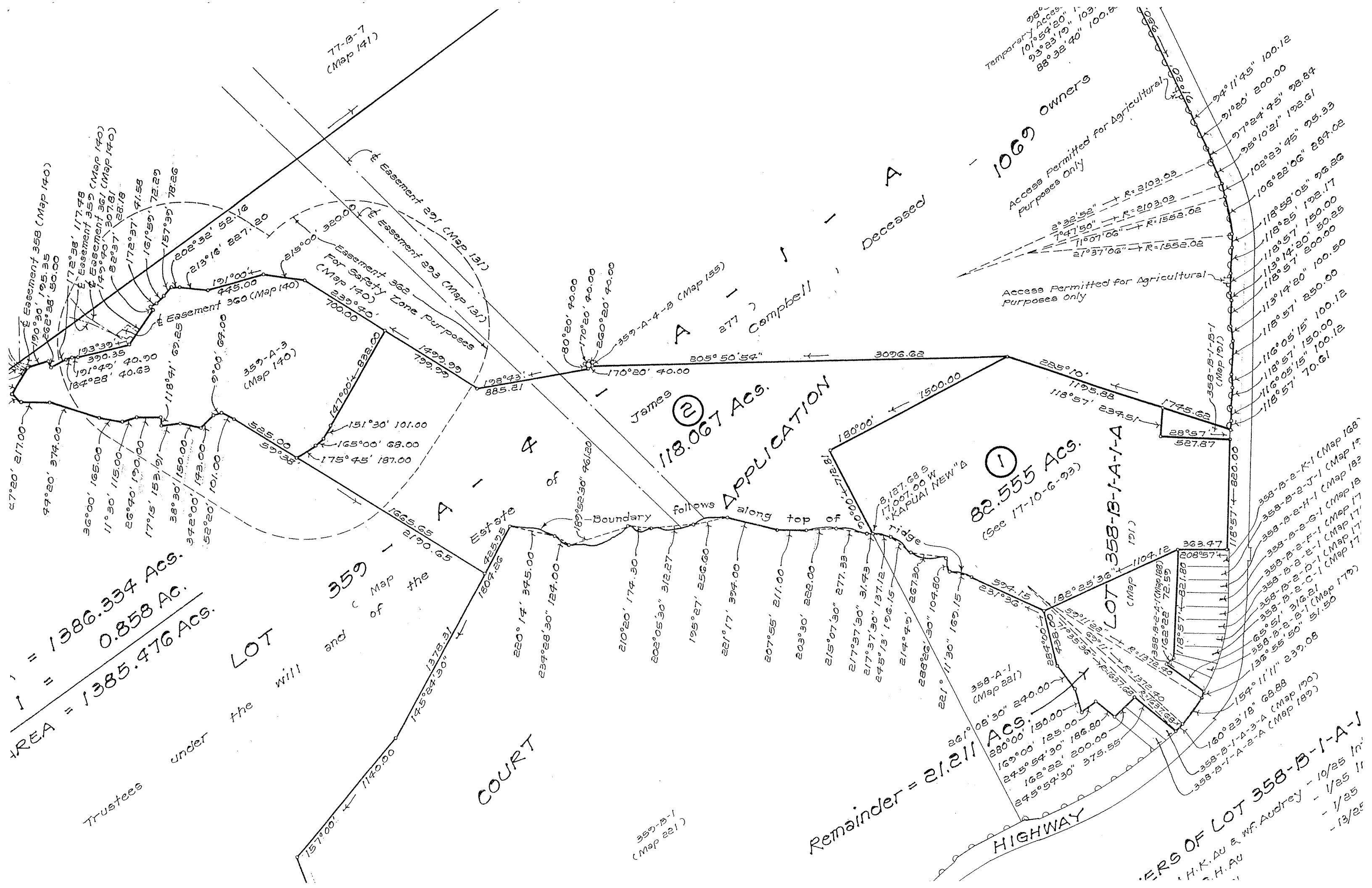
WENDELL K. MUDDY

Judge of the above-entitled Court

APPROVED AS TO FORM:


A. JAMES WRISTON, JR.
PAUL S. AOKI
LORRIN B. HIRANO
235 Queen Street
6th Floor
Honolulu, Hawaii 96813
Attorneys for Defendant Trustees

EXCERPT
OF
EXHIBIT 2



AREA = 1386.334 ACS.
 0.858 AC.
 AREA = 1385.476 ACS.

Trustees under the will of the

LOT

359 of Map the

COURT

359-B-1 (Map 221)

James (2) 118.067 ACS.

APPLICATION

Remainder = 21.211 ACS.

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

LOT 358-B-1-A-1-A (Map 191)

PARTS OF LOT 358-B-1-A-1
 H.K. AU & W.F. 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

Temporary Access:
 101°54'20" 103.10
 93°23'19" 103.10
 88°32'40" 100.8

358-B-2-K-1 (Map 168)
 358-B-2-J-1 (Map 17)
 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 17)
 358-B-2-A-1 (Map 17)

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1ST CIRCUIT COURT
 STATE OF HAWAII
 FILED
 1989 APR 14 AM 11:48

Attorneys for Plaintiff

B. TERAOKA
 CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU,)	CIVIL NO. 85-4820
a municipal corporation,)	
)	(EMINENT DOMAIN)
Plaintiff,)	
)	FINAL ORDER OF
v.)	CONDEMNATION; EXHIBIT A
)	
F. E. TROTTER, INC., W. H. McVAY,)	(Trial held September 19,
INC., P. R. CASSIDAY, INC., and)	1988 before the
H. C. CORNUELLE, INC., all Hawaii)	Honorable Wendell K.
professional corporations, The)	Huddy, Judge)
Trustees Under the Will and of the)	
Estate of James Campbell, Deceased,)	
)	
Defendants,)	
)	
and)	
)	
OAHU RECLAMATION, INC.,)	
)	
Intervenor-)	
Defendant.)	
)	

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 2 in the Complaint on file and more specifically described in Exhibit A attached

FINAL ORDER OF CONDEMNATION
 filed June 20, 1989, as
 LAND COURT DOCUMENT NO. 1643609

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. Designation of Easements 291 and 293 as shown on Map 131 (Land Court Order No. 20062).

b. Designation of Easement 362, as shown on Map 140 (Land Court Order No. 20723).

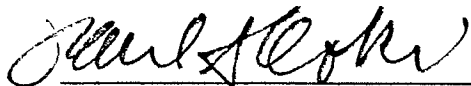
c. Grants for utility purposes in favor of Hawaiian Electric Company, Inc., and assigned to Hawaiian Trust Company, Limited, as Trustee.

d. Safety Easement 362 in favor of United States of America, by Quitclaim Deed dated December 30, 1964, Document No. 351377.

DATED: Honolulu, Hawaii, APR 13 1989.

1st Wendell K. Huddy (Seal)
Judge of the above-entitled Court

APPROVED:



A. JAMES WRISTON, JR.
PAUL S. AOKI
LORRIN B. HIRANO
Attorneys for Defendant Trustees

854820W

LEEWARD SANITARY LANDFILL
(WAIMANALO GULCH SITE)

PARCEL 2
(Fee Simple)

Being a portion of Lot 359-A-4-A-1-A (Map 277) of Land Court Application 1069 and covered by Transfer Certificate of Title No. 15,790.

Situate at Honouliuli, Ewa, Oahu, Hawaii.

Beginning at the Southwest 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:

Along Lot 359-B-1 (Map 221) of Land Court Application 1069, along the middle of ridge for the next eleven (11) courses, the direct azimuths and distances between points on said middle of ridge being:

- | | | | | |
|----|------|-----|-----|--------------|
| 1. | 217° | 37' | 30" | 31.43 feet; |
| 2. | 215° | 07' | 30" | 277.33 feet; |
| 3. | 203° | 30' | | 222.00 feet; |
| 4. | 207° | 55' | | 211.00 feet; |
| 5. | 221° | 17' | | 394.00 feet; |
| 6. | 195° | 27' | | 256.60 feet; |
| 7. | 202° | 05' | 30" | 312.27 feet; |
| 8. | 210° | 20' | | 174.30 feet; |

9. 189° 52' 30" 461.20 feet;
10. 234° 28' 30" 124.00 feet;
11. 220° 14' 345.00 feet;
12. 145° 24' 30" 425.95 feet along Lot 359-B-1 (Map 221) of Land Court Application 1069;
13. 239° 38' 1,665.65 feet along remainder of Lot 359-A-4-A-1-A (Map 277) of Land Court Application 1069;
14. 355° 45' 187.00 feet along Lot 359-A-3 (Map 140) of Land Court Application 1069;
15. 345° 00' 68.00 feet along same;
16. 331° 30' 101.00 feet along same;
17. 327° 00' 832.00 feet along same;
18. 59° 40' 799.99 feet along remainder of Lot 359-A-4-A-1-A (Map 277) of Land Court Application 1069;
19. 18° 43' 885.21 feet along same;
20. 350° 20' 40.00 feet along Lot 359-A-4-B (Map 155) of Land Court Application 1069;
21. 25° 50' 54" 3,096.62 feet along remainder of Lot 359-A-4-A-1-A (Map 277) of Land Court Application 1069;
22. 180° 00' 1,500.00 feet along Lot 358-B-1-A-1-A (Map 191) of Land Court Application 1069;
23. 90° 00' 712.81 feet along same to the point of beginning and containing an area of 118.067 acres.