

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
DEPARTMENT OF GENERAL PLANNING,)
CITY AND COUNTY OF HONOLULU)
)
To Amend the Agricultural Land Use)
District Boundary to Reclassify)
Approximately 269.454 Acres,)
TMK: 9-4-07:1 at Waipio, Ewa, City)
and County of Honolulu, Oahu,)
State of Hawaii, into the Urban)
Land Use District)
_____)

DOCKET NO. A89-638

DEPARTMENT OF GENERAL
PLANNING, CITY AND
COUNTY OF HONOLULU

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.

SEP - 5 1991

Date

by

Lothar Lind
Executive Officer

ORDER DENYING PETITIONER'S AMENDED MOTION
FOR ORDER EXTENDING THE TIME TO COMPLY WITH
A PRECONDITION IN DECISION AND ORDER

SEP 5 1 21 PM '91
LAND USE COMMISSION
STATE OF HAWAII

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ORDER DENYING PETITIONER'S AMENDED MOTION
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On September 18, 1989, the Land Use Commission (hereinafter "Commission") filed its Decision and Order in Docket No. A89-638 which subject to five preconditions and twenty-one conditions reclassified approximately 269.454 acres of land from the Agricultural District to the Urban District.

On August 27, 1990, Petitioner filed a Motion For Order Extending The Time To Comply With A Precondition In Decision and Order asserting that Petitioner requires additional time in order to satisfy the precondition in the Decision and Order requiring Petitioner to obtain a Resolution from the City Council of the City and County of Honolulu authorizing the taking of land for the project by the power of eminent domain of the City and County of Honolulu.

On November 16, 1990 and February 28, 1991, the Commission heard arguments from the parties on Petitioner's

Motion. At the February 28, 1991 hearing, a motion to continue Petitioner's motion until August 1991 was approved.

On August 20, 1991, Petitioner filed an Amended Motion For Order Extending The Time To Comply With A Precondition In Decision and Order. The Amended Motion came on for hearing on August 22, 1991, with the parties listed in the minutes of the hearing being present. Following the hearing on the amended motion requesting an extension, and after careful review of the amended motion, the supporting affidavit and arguments of the parties, and the records and files herein, a motion was made to grant Petitioner's amended motion. That motion failed to be seconded and therefore died. No further motions were made to approve Petitioner's amended motion. Petitioner has not obtained a resolution from the City Council and has not satisfied the Commission's precondition.

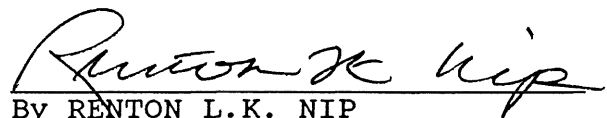
Accordingly, Petitioner's Amended Motion For Order Extending Time To Comply With A Precondition In Decision and Order is Denied.

Petitioner has failed to comply with the Commission's precondition, and has failed to obtain an extension of time to comply with the precondition.

Accordingly, the Commission hereby orders that the Property shall remain in the Agricultural District.

Dated: Honolulu, Hawaii, September 5, 1991 .

LAND USE COMMISSION
STATE OF HAWAII


By RENTON L.K. NIP
Chairman and Commissioner

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_____)	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying Petitioner's Amended Motion For Order Extending The Time To Comply With A Precondition In Decision And Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HAROLD S. MASUMOTO, Director
Office of State Planning
State Capitol, Room 410
Honolulu, Hawaii 96813

CERT. BENJAMIN B. LEE, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 5th day of September 1991.



ESTHER UEDA
Executive Officer