

L-268

STATE OF HAWAII  
OFFICE OF ASSISTANT REGISTRAR  
RECORDED

FEB 10, 1992 02:24 PM

Doc No(s) 1888121

Noted on Cert(s) 341,501 & 352,820

/s/ S. FURUKAWA  
ASSISTANT REGISTRAR

CONVEYANCE TAX: \$0.00

REGULAR SYSTEM

RETURN BY MAIL (X) PICKUP ( ) TO:

*Housing Finance Development Corp.  
Seven Waterfront Plaza, Suite 300  
500 Ala Moana Blvd.  
Honolulu, HI 96813*

*att: K. Hayashi*

AMENDMENT TO DECLARATION OF CONDITIONS  
IMPOSED BY THE LAND USE COMMISSION

This Amendment made Feb. 6, 1992, by HOUSING  
FINANCE AND DEVELOPMENT CORPORATION, a public body and body  
corporate and politic of the State of Hawaii (hereinafter  
referred to as "Petitioner"), the business address of which is  
Seven Waterfront Plaza, Suite 300, 500 Ala Moana Boulevard,  
Honolulu, Hawaii 96813.

**W I T N E S S E T H**

By Declaration of Conditions Imposed by the Land Use  
Commission dated June 6, 1990, recorded on June 7, 1990, at the  
Bureau of Conveyances of the State of Hawaii as Document No.

1736622 (hereinafter referred to as "Declaration"), Petitioner caused certain land described in the Declaration (hereinafter referred to as "Property"), which Property was the subject of a petition in Docket No. A88-622 of the Land Use Commission of the State of Hawaii, to be made subject to Conditions numbered 1 to 16, inclusive, as set forth in the Findings of Fact, Conclusions of Law, and Decision and Order dated August 23, 1988, and issued in said Docket No. A88-622 as then required pursuant to the Land Use Commission's Rules of Practice and Procedure.

By Order Granting Motion to Amend Condition No. 7 of the Decision and Order Dated August 23, 1988 (attached hereto as Exhibit "A") affecting the real property at Honouliuli, Ewa, Oahu, State of Hawaii, which is more particularly described in the metes and bounds description attached hereto as Exhibit "B" and incorporated by reference herein, Condition No. 7 of the Decision and Order dated August 23, 1988, is amended to read as follows:

"7. Petitioner shall appoint a transportation manager whose function is the formation, use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems.

In the alternative, Petitioner may participate in a regional program for the transportation management with other developers and/or land owners. This program shall address the formulation, use and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems."

Except as amended herein, the Declaration of Conditions Imposed by the Land Use Commission dated June 6, 1990, and recorded on June 7, 1990, shall continue in effect.

IN WITNESS WHEREOF, the party hereto caused this instrument to be duly executed on 2-5-92.

HOUSING FINANCE AND  
DEVELOPMENT CORPORATION

By   
Joseph K. Conant  
Executive Director

APPROVED AS TO FORM:

  
Deputy Attorney General

8091R

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
HOUSING FINANCE AND DEVELOPMENT )  
CORPORATION, STATE OF HAWAII )  
To Amend the Agricultural Land )  
Use District Boundary into the )  
Urban Land Use District for )  
Approximately 830 Acres at )  
Honouliuli, Ewa, Oahu, State of )  
Hawaii, Tax Map Key Numbers: )  
9-1-16: 23 and Portion of 25 )

DOCKET NO. A88-622  
HOUSING FINANCE AND  
DEVELOPMENT CORPORATION,  
STATE OF HAWAII

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.

NOV 30 1990 by [Signature]  
Date Executive Officer

ORDER GRANTING MOTION TO AMEND CONDITION  
NO. 7 OF THE DECISION AND ORDER DATED AUGUST 23, 1988

NOV 30 7 46 AM '90  
STATE OF HAWAII  
LAND USE COMMISSION

EXHIBIT "A"

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|                                    |                          |
|------------------------------------|--------------------------|
| In the Matter of the Petition of ) | DOCKET NO. A88-622       |
| )                                  | )                        |
| HOUSING FINANCE AND DEVELOPMENT )  | HOUSING FINANCE AND      |
| CORPORATION, STATE OF HAWAII )     | DEVELOPMENT CORPORATION, |
| )                                  | STATE OF HAWAII          |
| )                                  | )                        |
| To Amend the Agricultural Land )   | )                        |
| Use District Boundary into the )   | )                        |
| Urban Land Use District for )      | )                        |
| Approximately 830 Acres at )       | )                        |
| Honouliuli, Ewa, Oahu, State of )  | )                        |
| Hawaii, Tax Map Key Numbers: )     | )                        |
| 9-1-16: 23 and Portion of 25 )     | )                        |
| )                                  | )                        |

ORDER GRANTING MOTION TO AMEND CONDITION  
NO. 7 OF THE DECISION AND ORDER DATED AUGUST 23, 1988

Housing Finance and Development Corporation, State of Hawaii ("Petitioner"), having filed its motion for order amending condition number seven of the Decision and Order dated August 23, 1988, on October 12, 1990, pursuant to Section 15-15-70 of the Hawaii Land Use Commission Rules, to allow Petitioner's participation in a regional transportation management program with other developers and landowners of surrounding projects and properties to serve as an alternate means of addressing concerns over transportation issues relating to the leeward area of Oahu, Hawaii, and

The Land Use Commission, having considered said motion at its meeting in Honolulu, Hawaii on October 29, 1990, and there being no objections from other parties to this proceeding, hereby grants Petitioner's motion and amends

Condition Number Seven of the Decision and Order dated August 23, 1988, to read as follows:

"7. Petitioner shall appoint a transportation manager whose function is the formation, use, and continuation of alternative transportation opportunities that would maximize the use of existing and proposed transportation systems.

In the alternative, Petitioner may participate in a regional program for the transportation management with other developers and/or land owners. This program shall address the formulation, use and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems."

All other conditions to the Decision and Order dated August 23, 1988, are hereby reaffirmed and shall continue in effect.

DOCKET NO. A88-622 - HOUSING FINANCE AND DEVELOPMENT CORPORATION,  
STATE OF HAWAII

Done at Honolulu, Hawaii, this 30th day of November 1990,  
per motion on October 29, 1990.

LAND USE COMMISSION  
STATE OF HAWAII

By *Renton L. K. Nip*  
RENTON L. K. NIP  
Chairman and Commissioner

By *Allen K. Hoe*  
ALLEN K. HOE  
Vice Chairman and Commissioner

By (absent)  
ALLEN V. KAJICKA  
Vice Chairman and Commissioner

By *Karen S. Ahn*  
KAREN S. AHN  
Commissioner

By *Eusebio Lapenja, Jr.*  
EUSEBIO LAPENJA, JR.  
Commissioner

By *Joann N. Mattson*  
JOANN N. MATTSON  
Commissioner

By *James M. Shinno*  
JAMES M. SHINNO  
Commissioner

By *Elton Wada*  
ELTON WADA  
Commissioner

By *Delmond J. H. Won*  
DELMOND J. H. WON  
Commissioner

Filed and effective on  
November 30, 1990

Certified by:

*[Signature]*  
Executive Officer

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|                                    |                          |
|------------------------------------|--------------------------|
| In the Matter of the Petition of ) | DOCKET NO. A88-622       |
| HOUSING FINANCE AND DEVELOPMENT )  |                          |
| CORPORATION, STATE OF HAWAII )     | HOUSING FINANCE AND      |
| )                                  | DEVELOPMENT CORPORATION, |
| )                                  | STATE OF HAWAII          |
| To Amend the Agricultural Land )   |                          |
| Use District Boundary into the )   |                          |
| Urban Land Use District for )      |                          |
| Approximately 830 Acres at )       |                          |
| Honouliuli, Ewa, Oahu, State of )  |                          |
| Hawaii, Tax Map Key Numbers: )     |                          |
| 9-1-16: 23 and Portion of 25 )     |                          |

CERTIFICATE OF SERVICE

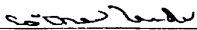
I hereby certify that a copy of the Order Granting Motion to Amend Condition No. 7 of the Decision and Order Dated August 23, 1988 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

|       |                                                                                                                                                                 |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | HAROLD S. MASUMOTO, Director<br>Office of State Planning<br>State Capitol, Room 410<br>Honolulu, Hawaii 96813                                                   |
| CERT. | BENJAMIN B. LEE, Chief Planning Officer<br>Department of General Planning<br>City and County of Honolulu<br>650 South King Street<br>Honolulu, Hawaii 96813     |
| CERT. | BERT T. LAU, ESQ., Attorney for Petitioner<br>Deputy Attorney General<br>Kekuanao'a Bldg., Room 200<br>465 South King Street<br>Honolulu, Hawaii 96813          |
| CERT. | J. GREGORY TURNBULL, ESQ., Attorney for Intervenor<br>Case & Lynch<br>Suite 2600 Mauka Tower<br>Grosvenor Center<br>737 Bishop Street<br>Honolulu, Hawaii 96813 |



CERT. REBECCA M. K. GREENWAY, ESQ., Attorney for Intervenor  
Assistant Counsel, Pacific Division  
Naval Facilities Engineering Command  
Pearl Harbor, Hawaii 96860

DATED: Honolulu, Hawaii, this 30th day of November 1990.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer

May 25, 1990

PORTION OF KAPOLEI VILLAGE  
COVERED BY DECLARATION OF CONDITIONS  
IMPOSED BY THE LAND USE COMMISSION  
STATE OF HAWAII DATED AUGUST 23, 1988

Honolulu, Ewa, Oahu, Hawaii

Comprising the following:-

- A. All of Lot 84-E as shown on Map 118, Lot 221 as shown on Map 36, Lots 299, 300 and 301 as shown on Map 45, Lots 5349 to 5356, inclusive, as shown on Map 505 and Lots 5357 to 5542, inclusive, as shown on Map 507 of Land Court Application 1069, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and covered by Transfer Certificate of Title 341,501 issued to Housing Finance and Development Corporation.
- B. Portion of Lot 298-B as shown on Map 518 of Land Court Application 1069, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and covered by Transfer Certificate of Title 349,311 issued to the State of Hawaii. New CT# 352,820
- C. All of Lot 2 as shown on Map 1 of Land Court Application 1828 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and covered by Transfer Certificate of Title 341,501 issued to Housing Finance and Development Corporation.

*Handwritten:*  
2110  
1352120

Beginning at the southwest corner of this parcel of land and at the southeast corner of Barbers Point Naval Air Station Access Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 18,623.87 feet South and 1502.92 feet East, thence running by azimuths measured clockwise from True South:-

1. 138° 30' 38.47 feet along the easterly side of Barbers Point NAS Access Road,
2. 138° 30' 1214.00 feet along the easterly side of Barbers Point NAS Access Road,
3. Thence along the easterly side of Barbers Point NAS Access Road on a curve to the right with a radius of 1957.19 feet, the chord azimuth and distance being:  
145° 30' 477.04 feet,

EXHIBIT "B"

May 25, 1990

4. 152° 30' 1006.27 feet along the easterly side of  
Barbers Point NAS Access Road;
5. Thence along the easterly side of Barbers Point NAS Access Road on a  
curve to the right with a radius  
of 1190.00 feet, the chord azimuth  
and distance being:  
156° 21' 30" 160.15 feet;
6. Thence along the easterly side of Barbers Point NAS Access Road on a  
curve to the right with a radius  
of 1190.00 feet, the chord azimuth  
and distance being:  
161° 25' 15" 50.02 feet;
7. Thence along the easterly side of Barbers Point NAS Access Road on a  
curve to the right with a radius  
of 1190.00 feet, the chord azimuth  
and distance being:  
179° 04' 45" 674.13 feet;
8. 195° 32' 454.02 feet along the easterly side of  
Barbers Point NAS Access Road;
9. Thence along the easterly side of Barbers Point NAS Access Road on a  
curve to the left with a radius of  
960.00 feet, the chord azimuth and  
distance being:  
163° 06' 30" 1029.49 feet;
10. 130° 41' 359.56 feet along the easterly side of  
Barbers Point NAS Access Road;
11. Thence along the easterly side of Barbers Point NAS Access Road on a  
curve to the right with a radius  
of 1190.00 feet, the chord azimuth  
and distance being:  
136° 48' 30" 253.94 feet;
12. 147° 56' 504.95 feet along the easterly side of  
Barbers Point NAS Access Road;
13. Thence along the southeast corner of the intersection of Barbers  
Point NAS Access Road and  
Farrington Highway on a curve to  
the right with a radius of 80.00  
feet, the chord azimuth and  
distance being:  
187° 56' 113.14 feet;
14. 232° 56' 203.55 feet along the southerly side of  
Farrington Highway;
15. Thence along the southerly side of Farrington Highway on a curve to  
the right with a radius of 988.00  
feet, the chord azimuth and  
distance being:  
233° 49' 22" 30.67 feet;

May 25, 1990

16. Thence along the southerly side of Farrington Highway on a curve to the right with a radius of 988.00 feet, the chord azimuth and distance being:  
236° 09' 44" 50.00 feet;
17. Thence along the southerly side of Farrington Highway on a curve to the right with a radius of 988.00 feet, the chord azimuth and distance being:  
240° 58' 07" 115.69 feet;
18. 244° 19' 30" 126.56 feet along the southerly side of Farrington Highway;
19. Thence along the southerly side of Farrington Highway on a curve to the left with a radius of 1340.00 feet, the chord azimuth and distance being:  
237° 59' 45" 295.44 feet;
20. 231° 40' 885.50 feet along the southerly side of Farrington Highway;
21. Thence along the southerly side of Farrington Highway on a curve to the left with a radius of 1665.00 feet, the chord azimuth and distance being:  
229° 47' 109.44 feet;
22. 227° 54' 1095.00 feet along the southerly side of Farrington Highway;
23. Thence along the southerly side of Farrington Highway on a curve to the left with a radius of 2085.00 feet, the chord azimuth and distance being:  
225° 42' 160.08 feet;
24. 223° 30' 590.36 feet along the southerly side of Farrington Highway;
25. 221° 50' 1076.43 feet along the southerly side of Farrington Highway;
26. 311° 50' 5.00 feet along a jog on the southerly side of Farrington Highway;
27. 221° 50' 100.00 feet along the southerly side of Farrington Highway;
28. Thence along the southerly side of Farrington Highway on a curve to the left with a radius of 2894.79 feet, the chord azimuth and distance being:  
220° 40' 117.88 feet;

May 25, 1990

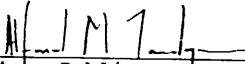
29. 315° 00' 1430.00 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
30. 351° 30' 700.00 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
31. 334° 30' 800.00 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
32. 3° 35' 900.00 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
33. 301° 30' 1500.00 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
34. 252° 45' 150.50 feet along the remainder of Lot 298-B as shown on Map 518 of Land Court Application 1069;
35. 342° 45' 1071.27 feet along Lot 298-A as shown on Map 518 of Land Court Application 1069;
36. 49° 30' 126.05 feet along Lot 298-A as shown on Map 518 of Land Court Application 1069;
37. Thence along Lot 298-A as shown on Map 518 of Land Court Application 1069 on a curve to the right with a radius of 3000.00 feet, the chord azimuth and distance being: 338° 21' 44.5" 1939.78 feet;
38. 70° 00' 5177.47 feet along a portion of R.P. 6971, L.C.Aw. 11216, Ap. 8 to M. Kekauonohi to the point of beginning and containing an AREA OF 830 ACRES.

The above-described Portion of Kapolei Village covered by Declaration of Conditions Imposed by the Land Use Commission, State of Hawaii, dated August 23, 1988 is subject to encumbrances noted in Transfer Certificate of Titles 349,311 issued to the State of Hawaii and 341,501 issued to Housing Finance and Development Corporation.

STATE OF HAWAII )  
 )  
CITY AND COUNTY OF HONOLULU ) SS.

On this \_\_\_\_ day of FEB - 6 1992, ~~1991~~, before me appeared JOSEPH K. CONANT, to me personally known, who, being by me duly sworn, did say that he is the Executive Director of the HOUSING FINANCE AND DEVELOPMENT CORPORATION, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

AMJ  
NP

  
Notary Public, State of Hawaii  
My commission expires: 4-28-95

LS