

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

April 16, 1979

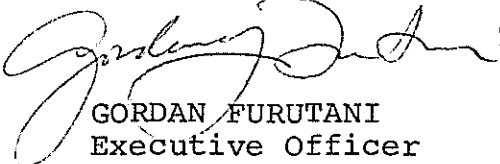
Mr. Sidney Fuke  
Planning Director  
Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Fuke:

SUBJECT: Boundary Interpretation  
Tax Map Key: (3) 2-5-08: Portion of 03  
Location: Por. of Punahoa 1st & 2nd, South Hilo  
Requested By: Hawaii County Planning Department

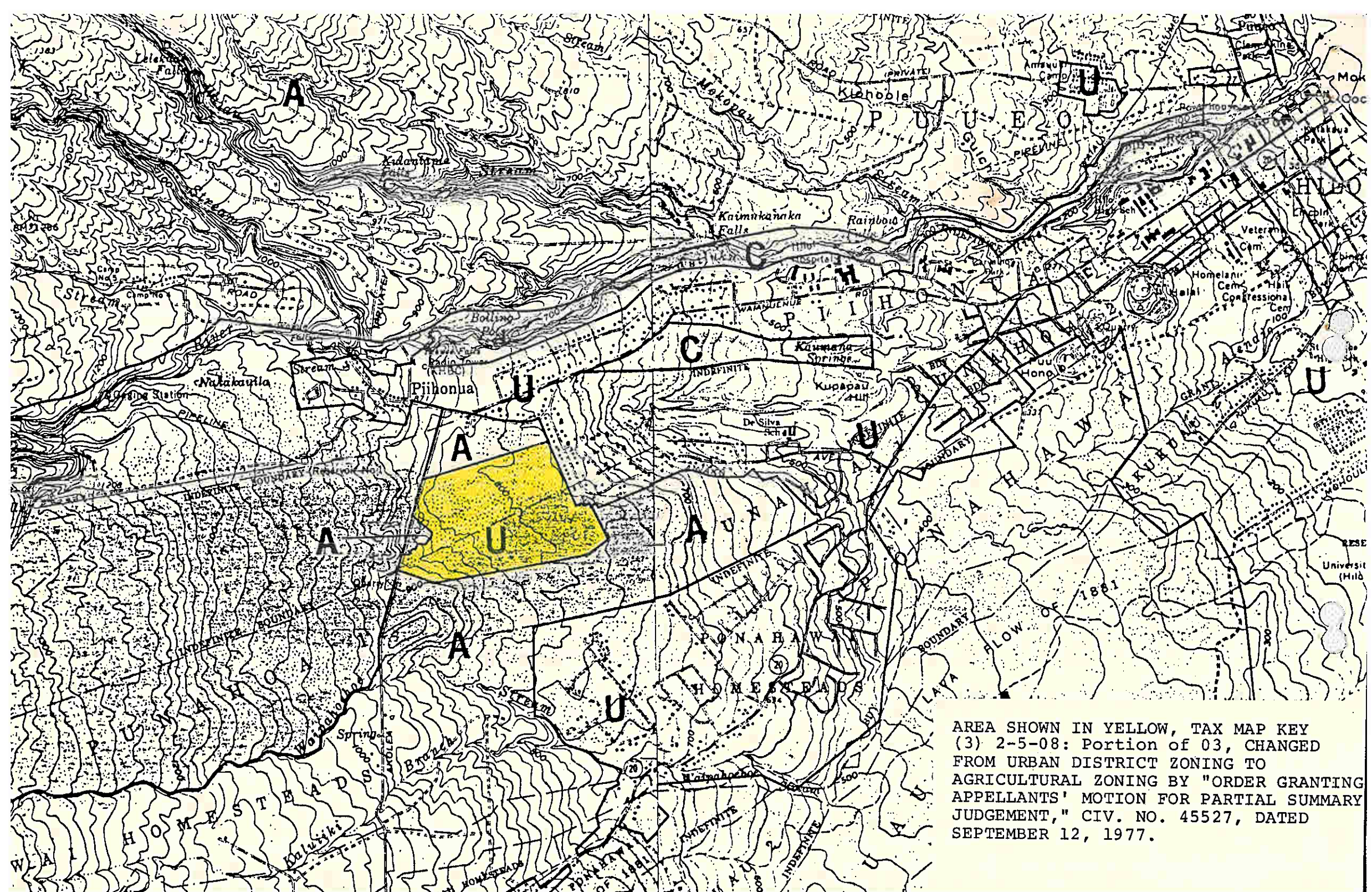
Pursuant to your request of April 11, 1979  
we have delineated the State's Land Use district boundaries on  
the enclosed map.

Very truly yours,

  
GORDAN FURUTANI  
Executive Officer

Encl.

cc: Mr. Herb Welder, Tax Maps Branch

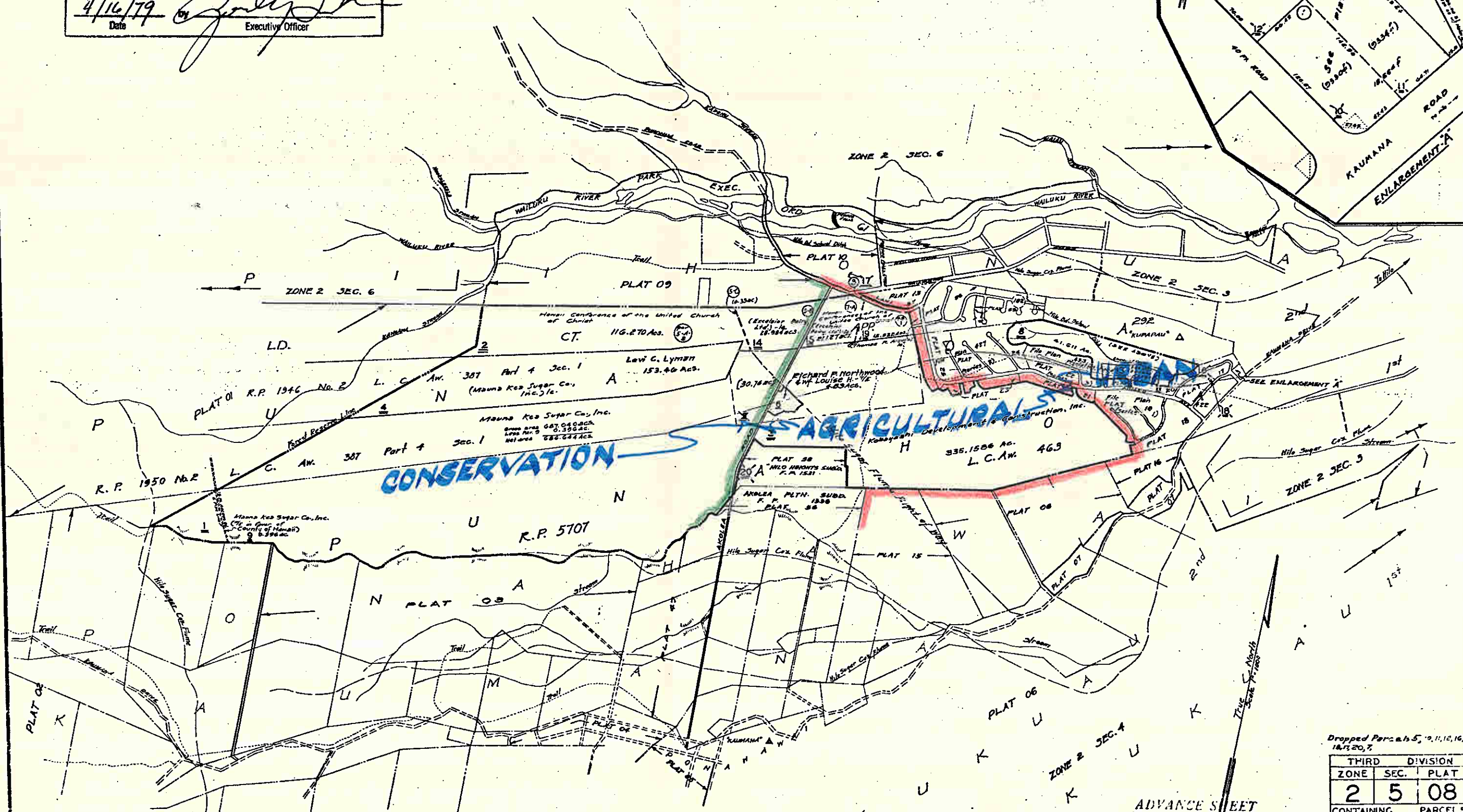


AREA SHOWN IN YELLOW, TAX MAP KEY (3) 2-5-08: PORTION OF 03, CHANGED FROM URBAN DISTRICT ZONING TO AGRICULTURAL ZONING BY "ORDER GRANTING APPELLANTS' MOTION FOR PARTIAL SUMMARY JUDGEMENT," CIV. NO. 45527, DATED SEPTEMBER 12, 1977.

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.

4/16/79  
Date  
Executive Officer

Mauna Kea Sugar Co. Inc.  
(Sirey T. L. O'Brien)  
Robert C. Muller - 762A/B  
Robert C. Muller Realty, Inc.  
CEO, Inc.  
Robert J. Santos - 762 Sub-A/B  
(Sirey T. L. O'Brien)  
Robert C. Muller - 762 Sub-A/B



Div. No. 2-205  
Source: Top. Maps Bureau & Survey Dept.  
By: G. P. ...

Part of PUNAHOA 1st & 2nd, SOUTH HILO, HAWAII

Dropped Parcels 5, 9, 11, 12, 16, 18, 20, 7

THIRD DIVISION		
ZONE	SEC.	PLAT
2	5	08
CONTAINING PARCELS		
SCALE 1 in. = 1000 F.		

ADVANCE SHEET SUBJECT TO CHANGE

PRINTED

1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

1977 SEP 12 AM 9:36

RONALD AMEMIYA, #694-0  
Attorney General  
State of Hawaii

BENJAMIN M. MATSUBARA, #993-0  
Special Deputy Attorney General  
State of Hawaii

M. NG

CLERK

Suite 1748, Pacific Trade Center  
190 South King Street  
Honolulu, Hawaii 96813  
Telephone: 536-1835

Attorneys for Appellees  
Land Use Commission of  
the State of Hawaii

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT


STATE OF HAWAII

DR. SATAYA SOOD, et al.,	)	CIVIL NO. 45527
	)	
Appellants,	)	ORDER GRANTING APPELLANTS'
	)	MOTION FOR PARTIAL SUMMARY
vs.	)	JUDGMENT
	)	
THE LAND USE COMMISSION	)	
OF THE STATE OF HAWAII,	)	
et al.,	)	
	)	
Appellees.	)	

ORDER GRANTING APPELLANTS'  
MOTION FOR PARTIAL SUMMARY JUDGMENT

Appellants' Motion for Partial Summary Judgment  
having come on for hearing before this Court on May 5, 1977,  
the Appellants being represented by their attorney Edward  
Cooper Brown, and the Appellees being represented by their  
attorneys Benjamin M. Matsubara and Roy Nihei, and the Court  
having considered the arguments of counsel, the memoranda  
submitted and the files and records of the Court in the  
above-entitled matter, and being fully advised in the pre-  
mises;

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

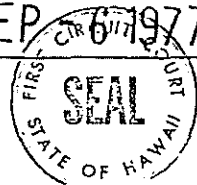
  
Clerk, Circuit Court, First Circuit  
State of Hawaii

IT IS HEREBY ORDERED that Appellants' Motion for Partial Summary Judgment be granted on the grounds that certain records were inadvertently transmitted ex parte by the Land Use Commission staff to the Land Use Commission after the close of the hearing in this matter in violation of the governing provisions of Chapter 91 of the Hawaii Revised Statutes.

IT IS FURTHER ORDERED that the findings and decision of the Land Use Commission be reversed, and that this matter be remanded with leave to Appellee Kobayashi Development & Construction, Inc. to initiate a new proceeding before the Commission consistent with the requirements of Chapter 205, Hawaii Revised Statutes, as amended in 1975.

DATED at Honolulu, Hawaii, SEP 6 1977

*A. Fong*



ARTHUR S. K. FONG  
Judge of the Above-Entitled Court

APPROVED AS TO FORM:

*E. Cooper Brown*  
EDWARD COOPER BROWN, ESQ.  
Attorney for Appellants

*R. Y. Nihei*  
ROY Y. NIHEI, ESQ.  
Attorney for Appellee Kobayashi  
Development & Construction, Inc.

00-11-10  
(6/71)

1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

1977 SEP 12 AM 9:36

M. NG  
CLERK

In the Circuit Court of the First Circuit  
State of Hawaii

DR. SATAYA SOOD, et al.,  
Appellants,  
vs.  
THE LAND USE COMMISSION OF  
THE STATE OF HAWAII, et al.,  
Appellees.

Civ No 45527

~~NOTICE OF ENTRY OF JUDGMENT~~

NOTICE OF ENTRY OF ORDER

RECEIVED

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RECEIVED

~~NOTICE OF ENTRY OF JUDGMENT~~

NOTICE OF ENTRY OF ORDER

Pursuant to the provisions of the Hawaii Rules of Civil Procedure, Rule 77(d), NOTICE IS  
HEREBY GIVEN of the entry of an ORDER GRANTING APPELLANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT

in the above-entitled cause.

Dated: Honolulu, Hawaii, September 12, 1977.

Copies mailed to:  
(at last known address)

- Appellants  
% Edward Cooper Brown
- Appellees Land Use Commission  
of the State of Hawaii  
% Benjamin M. Matsubara  
Special Deputy Attorney General, State of Hawaii
- Appellee Kobayashi Development & Construction, Inc.  
% Roy Y. Nihei

BY ORDER OF THE COURT

V. CHING

Clerk of the above-entitled Court

