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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of GILBERT AND MARGARET McCONNELL To Amend the Agricultural Land Use District Boundary to Reclassify Approximately 5.153 Acres, Tax Map Key 5-5-08:3 at Kaauhuhu, North Kohala, Island of Hawaii, into the Urban Land Use District	DOCKET NO. A84-563 GILBERT AND MARGARET McCONNELL

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.

DEC 12 1985 by _____
Date Executive Officer

ORDER TO AMEND THE DECISION AND ORDER

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ORDER TO AMEND THE DECISION AND ORDER

On September 9, 1985, Gilbert and Margaret McConnell (Petitioner) filed a Motion to Amend the Decision and Order dated November 27, 1984 by which the Commission reclassified approximately 5.153 acres of land from the Agricultural District to the Urban District at Kaauhuhu, North Kohala, Hawaii, Hawaii, Tax Map Key No.: 5-5-08:3 for a residential subdivision. The Land Use Commission (Commission) having heard testimony and examined evidence presented, hereby concludes that an amendment to the Decision and Order to partially remove the condition to the Decision and Order that the Petitioner shall not sell or transfer the Subject Property to any grantee who is not a member of the Petitioner's family for a period of five years from the date of the Decision and Order for only two of the proposed lots is justified because this will facilitate the Petitioner's ability to develop the Subject Property for residential use.

IT IS HEREBY ORDERED that the Decision and Order dated November 27, 1984 in Docket No. A84-563 - Gilbert and Margaret McConnell is hereby modified by amending the order to read as follows (new language is underscored):

"That the property which is the subject of this Petition in this Docket No. A84-563, consisting of approximately 5.153 acres situated at Kaauhuhu, North Kohala, Island and County of Hawaii, State of Hawaii, identified as Tax Map Key No. 5-5-08:3 shall be and hereby is reclassified from Agricultural to Urban and the district boundaries are amended accordingly with the express condition that 1) Petitioner shall not sell or transfer the Subject Property to any grantee who is not a member of the Petitioner's family for a period of five years from the date of this Order, <u>except that this condition shall not apply to two of the proposed lots and</u>, 2) Petitioner may mortgage the Subject Property to a financial institution qualified to do business in the State of Hawaii for the purpose of securing a loan to improve the Subject Property."

Done at Honolulu, Hawaii, this <u>12th</u> day of December 1985, per motion on November 5, 1985.

LAND USE COMMISSION
STATE OF HAWAII

By TPTacbian
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By _____
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By _____
ROBERT S. TAMAYE
Commissioner

By _____
TORU SUZUKI
Commissioner

By _____
WILLIAM W. L. YUEN
Commissioner

By _____
EVERETT L. CUSKADEN
Commissioner

By _____
WINONA E. RUBIN
Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission 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:

KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ALBERT LONO LYMAN, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

GILBERT McCONNELL AND MARGARET McCONNELL
P. O. Box 269
Hawi, Hawaii 96719

DATED: Honolulu, Hawaii, this 12th day of December 1985.

Esther Ueda

ESTHER UEDA
Executive Officer