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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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LAND USE COMMISSION
STATE OF HAWAII

In the Matter of the Petition of NOTEPOWER LIMITED, successor to PALACE DEVELOPMENT CORPORATION, a Hawai'i corporation, and HAWAI'I KA'U AINA, a Hawai'i general partnership To Amend the Agricultural District Boundary into the Urban District for Approximately 900 Acres and to Amend the Conservation District Boundary into the Urban District for Approximately 2,420 Acres at Kahuku, Ka'u, Island, County, and State of Hawai'i, Hawai'i Tax Map Key Nos. 9-2-01: por. 72, por. 75, and por. 76	DOCKET NO. A88-630 ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

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 13 1995 by
Date Executive Officer

LAND USE COMMISSION
STATE OF HAWAII
DEC 13 8 27 AM '95

ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of NOTEPOWER LIMITED, successor to PALACE DEVELOPMENT CORPORATION, a Hawai'i corporation, and HAWAI'I KA'U AINA, a Hawai'i general partnership To Amend the Agricultural District Boundary into the Urban District for Approximately 900 Acres and to Amend the Conservation District Boundary into the Urban District for Approximately 2,420 Acres at Kahuku, Ka'u, Island, County, and State of Hawai'i, Hawai'i Tax Map Key Nos. 9-2-01: por. 72, por. 75, and por. 76	)	DOCKET NO. A88-630 ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

At its meeting on November 30, 1995, in Kailua-Kona, Hawai'i, this Commission admitted into the record a letter from Dean H. Robb, Esq., counsel to Notepower Limited ("Notepower"), dated November 28, 1995, stating that Notepower has no current plans regarding the development of a marina or the development of the subject property in general, that it does not plan to present evidence, call witnesses, or conduct cross-examination, and that Notepower will not participate in the November 30, 1995, meeting. No representative of Notepower was present at the November 30, 1995, meeting.

This Commission, having considered the entire record in this matter, upon its own motion,

HEREBY ORDERS a constructive withdrawal by Notepower in the above-entitled docket.

IT IS FURTHER ORDERED that Petitioners shall be subject to the requirements of section 15-15-76, Hawai'i Administrative Rules, and that the property which is the subject of this docket shall remain in the State Land Use Agricultural and Conservation Districts.

Dated: Honolulu, Hawai'i, December 13, 1995.

LAND USE COMMISSION
STATE OF HAWAI'I

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

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of NOTEPOWER LIMITED, successor to PALACE DEVELOPMENT CORPORATION, a Hawai'i corporation, and HAWAI'I KA'U AINA, a Hawai'i general partnership To Amend the Agricultural District Boundary into the Urban District for Approximately 900 Acres and to Amend the Conservation District Boundary into the Urban District for Approximately 2,420 Acres at Kahuku, Ka'u, Island, County, and State of Hawai'i, Hawai'i Tax Map Key Nos. 9-2-01: por. 72, por. 75, and por. 76	)	DOCKET NO. A88-630 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order (Re: Constructive Withdrawal) was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. GREGORY G.Y. PAI, PH.D., Director
Office of State Planning
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Honolulu, Hawaii 96811-3540

CERT. VIRGINIA GOLDSTEIN, Planning Director
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CERT. DEAN ROBB, ESQ., Attorney for Petitioner
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CERT. THOMAS A. BODDEN
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ALAN MURAKAMI, ESQ., Attorney for Intervenor
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Native Hawaiian Legal Corporation
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Honolulu, Hawaii 96813

GLEN WINTERBOTTOM, Intervenor
CERT. P. O. Box 109
Naalehu, Hawaii 96772

DATED: Honolulu, Hawaii, this 13th day of December 1995.

ESTHER UEDA
Executive Officer