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A LIMITED LIABILITY LAW PARTNERSHIP LLP

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Attorneys for Plaintiff
LEEWARD LAND CO.

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2010 JUL 19 AM 8:02

N. ANAYA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEEWARD LAND COMPANY LTD.,

Plaintiff,

vs.

CITY AND COUNTY OF HONOLULU;
MUFI HANNEMANN, in his official
capacity as Mayor of the CITY AND
COUNTY OF HONOLULU; DAVID K.
TANOUE, in his official capacity as
Director, Department of Planning and
Permitting of the CITY AND COUNTY
OF HONOLULU, CRAIG I.
NISHIMURA, P.E. in his official capacity
as Director, Department of Design and
Construction of the CITY AND COUNTY
OF HONOLULU; LESTER K.C. CHANG
in his official capacity as Director,
Department of Parks and Recreation of the
CITY AND COUNTY OF HONOLULU;
and JOHN DOES 1-10,

Defendants.

CIVIL NO. 10-1-1528-07 KKS

COMPLAINT; EXHIBITS A-E;
DEMAND FOR JURY TRIAL;
SUMMONS

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

N. Anaya
Clerk, Circuit Court, First Circuit

COMPLAINT

For its complaint against the CITY AND COUNTY OF HONOLULU (“City”), MUFI HANNEMANN in his official capacity as Mayor of City (“Hannemann”), DAVID K. TANOUE in his official capacity as Director, Department of Planning and Permitting of City (“Tanoue”), CRAIG I. NISHIMURA, P.E., in his official capacity as Director, Department of Design and Construction of City (“Nishimura”); LESTER K.C. CHANG in his official capacity as Director, Department of Parks and Recreation of City (“Chang”), Plaintiff LEEWARD LAND COMPANY, LTD. (“Leeward”) alleges as follows:

I. Allegations

1. Leeward is a Hawaii corporation in good standing whose principal place of business is within this judicial circuit. Leeward is the fee simple owner of real property located within this judicial circuit at Nanakuli and further identified as TMK: 8-7-009-007, a 50-acre portion of which is the City-proposed site of the Nanakuli Regional Park (“Leeward’s land”). Leeward has timely paid and is current in the payment of its real property tax and other tax obligations to the City in connection with said real property and in all other respects.
2. City is a municipal corporation created pursuant to § 56 of the Organic Act for the Territory of Hawaii with its principal office and place of business within this judicial circuit.
3. Hannemann is a resident of this judicial circuit. Hannemann will resign as Mayor of City on or about July 20, 2010 but since 2004 has been Mayor of City,

and in that capacity approved Bill 16, CD2 (2010) on June 25, 2010 as Ordinance 10-12 (“Bill 16”). Hannemann has and had supervisory authority over Tanoue, Nishimura and Chang, and instructed them in substance to take action to facilitate City approval and funding for the Nanakuli Regional Park.

4. Tanoue is a resident of this judicial circuit. Tanoue is the Director of City’s Department of Planning and Permitting, the author of City’s May 13, 2010 report and recommendation to the City Council for approval to add a “Park” (P) symbol to the Waianae Public Infrastructure Map (“PIM”) for the proposed Nanakuli Regional Park on Leeward’s land, the recipient of Nishimura’s February 17, 2010 PIM application for the proposed Nanakuli Regional Park, and a directed recipient of Resolution 10-114 as adopted by the City Council on June 9, 2010 (“Resolution 10-114”).

5. Nishimura is a resident of this judicial circuit. Nishimura is the Director, Department of Design and Construction of City, the author of the February 17, 2010 PIM application submitted to Tanoue for the proposed Nanakuli Regional Park and a directed recipient of Resolution 10-114. A copy of this application is attached as Exhibit A.

6. Chang is a resident of this judicial circuit. Chang is the Director, Department of Parks and Recreation of City and a directed recipient of Resolution 10-114.

7. John Does 1-10 are residents of this judicial circuit. John Does 1-10 are persons or entities currently unknown to Leeward despite a good faith and diligent inquiry and search of records available to it who are responsible for the implementation

of Resolution 10-114 and/or the implementation of Bill 16 insofar as it pertains to funding for the acquisition from Leeward of the site for the Nanakuli Regional Park, and whose joinder may be necessary or advisable in order to afford Leeward complete relief as demanded herein.

8. Jurisdiction and venue are proper in this Court.

9. After a lengthy hearing and debate, the City Council Planning Committee initially rejected Resolution 10-114 on May 27, 2010 by a 3-2 vote, but, at a previously unscheduled "Special" Planning Committee meeting just one week later reversed its prior decision and unanimously approved it at the insistence of Mayor.

10. On June 9, 2010, City Council passed Bill 16 on third reading and thereafter adopted Resolution 10-114. A copy of Resolution 10-114 is attached as Exhibit B. A copy of Bill 16 insofar as it pertains to funding for the acquisition from Leeward of the site for the Nanakuli Regional Park is attached as Exhibit C.

11. Pursuant to the adoption of Resolution 10-114, the PIM has been or will be revised to include a "P" symbol on Leeward's land for the Nanakuli Regional Park.

12. Pursuant to Hannemann's approval of Bill 16, \$3 million has been appropriated and encumbered from the Clean Water and Natural Land Fund ("Fund") maintained by City from the proceeds of real property taxes paid in part by Leeward for the acquisition of the site for the Nanakuli Regional Park.

13. The adoption of Resolution 10-114 and the approval of Bill 16 were unlawful because:

a. pursuant to Revised Ordinances of Honolulu (“ROH”) § 4-8.2(d), PIM revisions shall be made only for public infrastructure projects that are consistent with the general plan, the development plans, any applicable special area plans *and* the appropriate functional plans. Resolution 10-114 is not consistent with any of these plans, much less *all* of them, as § 4-8.2(d) requires. None of these plans calls for or references the Nanakuli Regional Park. For example:

1. Resolution 10-114 is contrary to the Waianae Sustainable Communities Plan because it provides only for a regional park adjacent to Waianae High School, makes no provision for a regional park in Nanakuli, provides for a regional park 19 acres in size instead of 50 acres in size, identifies neighborhood and district parks and not a regional park as the types of parks which should be the subject of future planning, and recognizes the importance of the construction and demolition (“C&D”) landfill operated by Leeward’s sister company, PVT Land Co., Ltd. (“PVT”) directly across Lualualei Naval Road from the site, which landfill is projected to reach capacity at current usage rates in 6-10 years. A copy of the pertinent map from the Waianae Sustainable Communities Plan showing the planned location of the Waianae Regional Park in the vicinity of Waianae High School, and the absence of any other planned regional park, much less any regional park on Leeward’s land, is attached as Exhibit D;

2. Resolution 10-114 is contrary to City's Integrated Solid Waste Management Plan, as updated October 2008, because it proposes to direct C&D waste to the PVT landfill for at least 18 years. Leeward had planned to expand the capacity of the PVT landfill by using the Leeward land, one of only 4 of 45 sites comprising the short list of possible sites recommended to City by the comprehensive report of City's Landfill Siting Committee in May, 2003. Use of the Leeward land for the Nanakuli Regional Park will make implementation of the Integrated Solid Waste Management Plan not feasible because it will preclude the necessary expansion of the PVT landfill site;

3. Resolution 10-114 is contrary to City's Disaster Debris Management Operations Plan, which provides for storage of disaster debris on the site. A copy of the map from the City's Disaster Debris Management Operations Plan showing the disaster debris storage area in the same location as the Nanakuli Regional Park is attached as Exhibit E; and

4. Resolution 10-114 is inconsistent with the City General Plan, which, while calling for the development of regional parks in the Culture and Recreation section in Policy 2 thereof, indicates in Policy 14 thereof that the City's goal shall be to encourage State and Federal governments (i.e., *not* private parties), to transfer excess and underutilized land for public recreation use. Moreover, the General Plan calls for City to

allocate fiscal resources to efficiently implement these policies in the Government Operations and Fiscal Management section, Objective B, Policy 2. It is inconsistent with the General Plan to squander fiscal resources on the acquisition of valuable private property for public recreational purposes, especially in the absence of any asserted or discernable effort by City to obtain regional park land from the State or Federal government.

b. pursuant to Revised Charter of Honolulu (“RCH”) § 9-204(2), the Fund shall be used only for land conservation purposes. Public outdoor recreation and education, including access to beaches and mountains is a permissible use of the Fund, provided that the purpose is *land conservation*. The Nanakuli Regional Park will consist of four multi-use ball fields, eight play courts, parking, two comfort stations, a maintenance building and associated improvements. This use is prohibited by Revised Charter of Honolulu § 9-204(6), which provides that Fund money shall not be used for any purposes except those listed. The Nanakuli Regional Park is not among those purposes.

c. pursuant to ROH § 6-62.5(a), all expenditures from the Fund must be consistent with the priorities established by the Clean Water and Natural Lands Fund Commission (“Commission”). The Commission’s current priorities, as submitted to the City Council in the form of a matrix on September 26, 2008, ranks potential sites in part according to the extent to which acquisition *will help preserve* public outdoor and educational opportunities. Pursuant to its priorities, the Commission recommended

approval of the use of the Fund for six sites, none of which was the Nanakuli Regional Park. The Nanakuli Regional Park was never even *presented* to the Commission for consideration, ranking or approval. Use of the Fund for the Nanakuli Regional Park is therefore not consistent with the Commission's priorities. As the Commission Chair stated in her April 9, 2009 letter to the City Council, the Fund is a commitment to the *preservation* of important natural lands.

d. pursuant to RCH § 9-204(7), the Fund money shall not substitute for, but shall be in addition to, those appropriations historically made for Fund purposes. Even if the Nanakuli Regional Park were a permissible Fund purpose, City historically appropriates funds for regional parks, and thus the appropriation for Nanakuli Regional Park violates RCH § 9-204(7) by substituting the use of the Fund for a type of appropriation historically made from City funds.

e. pursuant to Hawaii Revised Statutes ("HRS") Chapter 343, an environmental assessment is required prior to approval of the Nanakuli Regional Park. The Nanakuli Regional Park is an "action" within the meaning of HRS § 343-2 because it is a program or project to be initiated by an applicant. It is a "major public infrastructure project" within the meaning of ROH § 4-8.1(a). The statutory "triggers" for the environmental assessment include, without limitation, HRS § 343-5(a)(1), which requires an environmental assessment for actions such as the Nanakuli Regional Park that propose the use of state or county lands.

f. Bill 16 was approved by the City Council prior to the City Council approval of Resolution 10-114 and is therefore invalid insofar as it pertains to

funding for the acquisition from Leeward of the site for the Nanakuli Regional Park because under ROH § 4-8.1(c), no funds for land acquisition or construction shall be expended or encumbered for a project unless either the symbol for the project is shown on the public infrastructure map. Because the “Park” (P) symbol was not or should not (because Resolution 10-114 had not yet passed) have been on the PIM, the City Council approval of Bill 16 was invalid in pertinent part.

14. ROH 4-8.1(b) requires that the City shall, when making any land use decision, consider the potential impact of the decision on the proposed projects that are represented by the PIM symbols, including the “Park” (P) symbol for the Nanakuli Regional Park. Because there is no economic use of Leeward’s land that is consistent with City’s use of the land for Nanakuli Regional Park, this requirement, taken in conjunction with the approval of Resolution 10-114 and Bill 16, deprives Leeward of substantially all economic use of the site and therefore damages the Leeward land and constitutes a taking of the site by City.

15. Article I, Section 20 of the Hawaii Constitution provides that private property shall not be taken or damaged for public use without just compensation.

16. No just compensation for the site has been paid or tendered to Leeward, nor have condemnation proceedings been initiated to take the site.

17. The approval of Resolution 10-114 and of Bill 16 in pertinent part is therefore prohibited by Article I, Section 20 of the Hawaii Constitution.

18. There is an “actual controversy” within the meaning of HRS § 632-1 between Leeward and each and all of City, Hannemann, Tanoue, Nishimura and Chang as to the validity and enforceability of Resolution 10-114 and of Bill 16 in pertinent part. Leeward has diligently attempted to resolve this controversy by, among other actions taken, opposing Nishimura’s application timely and in writing, by opposing Tanoue’s recommendation to the Council by way of oral and written testimony submitted at two meetings of the Council Planning Committee, by way of oral and written testimony before the Council in opposition to Resolution 10-114 and Bill 16, CD2, by meeting with Chang to suggest development of a park in connection with the phased closure of the PVT landfill, by meeting with each Council member or their representatives on one or more occasions, and by attempting to meet with Hannemann and meeting with Hannemann’s Deputy and City attorneys. None of these attempts has resulted in a resolution of the actual controversy.

II. Prayer for Relief

Leeward prays that the Court:

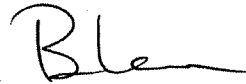
1. Enter declaratory judgment in favor of Leeward and against all Defendants that Resolution 10-114 is unlawful, void and of no force or effect and that Bill 16 is unlawful, void and of no force or effect insofar as it appropriates or encumbers funds for the acquisition of Leeward’s land for the Nanakuli Regional Park;
2. Enter a temporary, preliminary and/or permanent injunction restraining all Defendants from taking any action to implement Resolution 10-114 or Bill 16 insofar as it appropriates or encumbers funds for the acquisition of Leeward’s land for

the Nanakuli Regional Park and mandating that any implementation action already taken be undone to the farthest extent possible, including without limitation the expungement of any revision to the PIM and the restoration to the Fund of any money appropriated or encumbered therefrom or from any other City fund, including the general fund;

3. In the alternative to the foregoing relief, enter judgment awarding Leeward just compensation against City for the taking and/or damaging of Leeward's land; and

4. Grant Leeward such other and further relief, including attorney fees and costs, as the Court may deem just and proper.

DATED: Honolulu, Hawaii, July 19, 2010.



BRUCE L. LAMON

Attorney for Plaintiff
LEEWARD LAND COMPANY LTD.

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813

Phone: (808) 768-8480 • Fax: (808) 768-4567

Website: www.honolulu.gov

RECEIVED

MUFI HANDEMANN
MAYOR FEB 17 P1 25



CRAIG I. NISHIMURA, P.E.
DIRECTOR

COLLINS D. LAM, P.E.
DEPUTY DIRECTOR

353296

February 17, 2010

MEMORANDUM

TO: DAVID TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *Collins D. Lam*
FOR CRAIG I. NISHIMURA, P.E., DIRECTOR

SUBJECT: PUBLIC INFRASTRUCTURE MAP APPLICATIONS FOR THE
PROPOSED NANAKULI REGIONAL PARK AND THE
PROPOSED CENTRAL OAHU AMBULANCE FACILITY

We respectfully submit the enclosed two applications for designation of public facilities on the City's Public Infrastructure Map.

The proposed new Central Oahu Ambulance Facility is budgeted for fiscal year 2011 and is anticipated to cost approximately \$3.85 million.

The proposed new Nanakuli Regional Park is budgeted for land acquisition in fiscal year 2011 and is anticipated to cost approximately \$3 million.

If there are any questions, please contact Clifford Lau, Chief, Facilities Division, at extension 8478.

CIN:ei

Enclosures

EXHIBIT A

DEPARTMENT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU
PUBLIC INFRASTRUCTURE MAP REVISION APPLICATION

I. APPLICANT INFORMATION:

- A. Applicant: Department of Design and Construction
Mailing Address: 650 S. King Street, 11th Floor
Honolulu, Hawaii 96813
Contact Person: Clifford Lau
Phone Number: 768-8478
Fax Number: 768-4000
- B. Authorized Agent: Clifford Lau
Mailing Address: Same as above
Contact Person: Same as above
Phone Number: Same as above
Fax Number: Same as above

II. PROJECT INFORMATION:

- A. Project title: Nanakuli Regional Park
- B. Type of PIM symbol requested (*check one*):
- | | |
|--|--|
| Corporation yard | Desalination plant |
| Drainage way (open channel) | Energy generation facility |
| Fire station | Government building |
| Golf course (municipal) | Electrical transmission line |
| <input checked="" type="checkbox"/> Park | and substation (above 46kV, below 138kV) |
| Police station | Parking facility |
| Water reservoir | Sewage treatment plant |
| Solid waste facility | Transit corridor |
| Major collector or arterial roadway | Sewage pump station |
| | Potable water well |
- C. General location of the project: 87-2020 Farrington Hwy., Nanakuli, Waianae District, Oahu. TMK 8-7-009: 007. See attached map.
- D. Project size and function: The proposed new park facility is planned to support a variety of active recreational sports activities. Preliminary planning includes four

baseball/softball fields, three soccer/football fields (which overlay the ball fields), eight play courts, accessible parking lots and walkways, two comfort stations, and a maintenance building. The total park area is about 50 acres.

E. Description of the project: The proposed project is the construction of a new park facility to be operated and managed by the Department of Parks and Recreation (DPR) of the City & County of Honolulu. The park is planned to be accessed from a 30-foot wide driveway property whose easement from Farrington Highway may be acquired, or transferred fee simple, from the State. Negotiations are in process as this application is being filed.

F. Describe how the project implements and/or supports the applicable Development Plan and/or Sustainable Communities Plan: Although the Waianae District is blessed with many miles of shoreline public beach parks, it suffers from a severe deficiency in park land for active recreational sports activities, such as baseball, softball, football, tennis, basketball, and volleyball. To be observant of the scarcity of water resources in the area, the new park will need to use non-potable sources of water for irrigation of ball fields and park grounds.

G. Describe the public interest that will be addressed by this project:

The community's health and general welfare will be better served with a new park at this location. It will provide new recreational opportunities to the surrounding community in an area presently underserved by such facilities.

H. Will the proposed project have a significant impact on surrounding land uses or the natural environment?

Yes No

If yes, what significant impacts are anticipated?

I. Will the proposed project establish a new facility?

Yes No

J. Will the proposed project substantially change the function of an existing facility?

Yes No

K. Will the proposed project involve modification (replacement or renovation) of existing facilities which would permit significant new development or redevelopment?

Yes No

L. Is this project one phase or portion of a larger project?

Yes No Full development of the park is likely to be phased over a period of at least several years.

III. PROJECT COSTS: Provide individual project cost estimates/opinions (in thousands of dollars) for all project phases.

	<u>Within 6 years</u>	<u>Beyond 6 years</u>	<u>FY11 budgeted</u>
A. Land Acquisition:			\$ 3 million
B. Planning & Engineering:	\$ To Be Determined (TBD)		
C. Construction:	\$ TBD		
D. Other (describe):	\$ TBD - Inspection		
	\$ TBD - Furniture, fixtures, & equipment		
E. TOTAL:			\$ 3 million

IV. ENVIRONMENTAL INFORMATION:

A. Indicate whether any environmental documents have been prepared and accepted, are in process, or are planned for the proposed project (check as applicable):

	<u>Prepared & Accepted</u>	<u>In Process</u>	<u>Planned</u>
Environmental Assessment			X
Negative Declaration			
Environmental Impact Statement			
Preparation Notice			
Draft Environmental Impact Statement			
Final Environmental Impact Statement			

B. Describe any anticipated community and/or environmental impacts.

The primary impacts of park would be related to increased traffic on Farrington Highway, and noise and dust generated temporarily during construction.

V. BACKGROUND INFORMATION: List any existing background studies/reports or master plans related to the proposed project.

None exist

VI. ADDITIONAL INFORMATION: Include any other information you feel is necessary to support the PIM revision for this proposed project.

As required by State statute and City ordinance, the applicant will submit design plans for all necessary permits before undertaking construction, including submittal to the State Historic Preservation Division of the Department of Land and Natural Resources, the Disability and Communication Access Board of the Department of Health, and the City's Department of Planning and Permitting.

Department of Planning and Permitting use only:

Date officially accepted application for processing: February 23, 2010

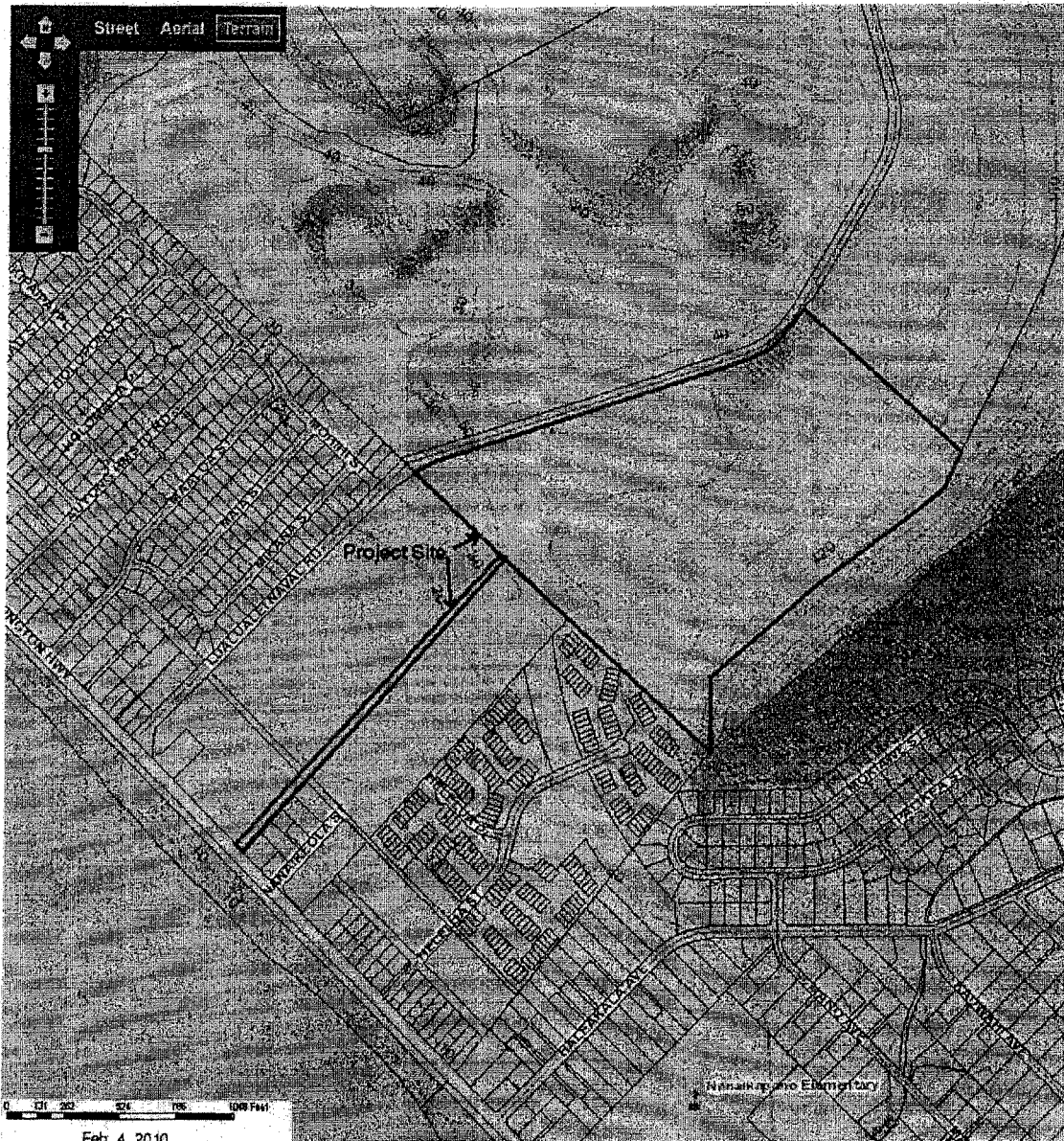
Suspense date (90 days from acceptance): May 24, 2010

DP area(s): Waianae

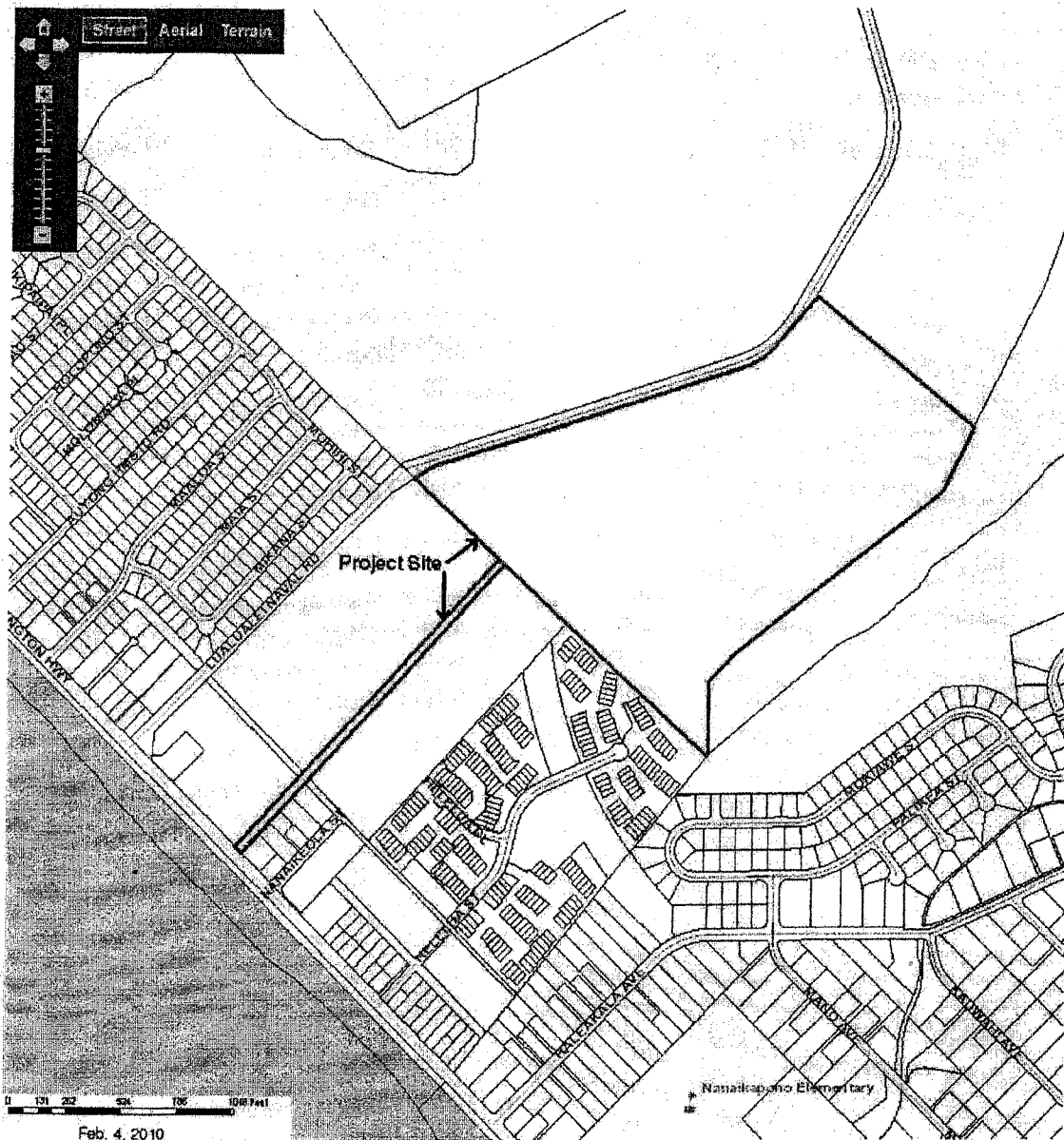
NB area(s): Nanakuli/Maili NB No. 36



**NANAKULI REGIONAL PARK
PROJECT SITE MAP - AERIAL VIEW**



**NANAKULI REGIONAL PARK
PROJECT SITE MAP - TERRAIN VIEW**



**NANAKULI REGIONAL PARK
PROJECT SITE MAP - STREET VIEW**



RESOLUTION

ADOPTING A REVISION TO THE PUBLIC INFRASTRUCTURE MAP FOR THE
WAIANAЕ SUSTAINABLE COMMUNITIES PLAN AREA

WHEREAS, the Public Infrastructure Map for the Waianae Sustainable
Communities Plan area has been adopted under Resolution 2000-121; and

WHEREAS, Chapter 4, Article 8, Revised Ordinances of Honolulu 1990, as
amended, requires a major public facility, including a regional park, to be shown on
the appropriate public infrastructure map for a development plan area before the
City Council may appropriate land acquisition or construction funds for the facility; and

WHEREAS, the City Council finds that the placement of a park symbol on the
Waianae Public Infrastructure Map is necessary to fund the land acquisition and
construction of the planned regional park; and

WHEREAS, the Nanakuli Regional Park will significantly increase the active
recreational facilities provided within the Waianae region; and

WHEREAS, the development of the Nanakuli Regional Park shown as Exhibit A
is consistent with the General Plan and with the policies, principles, and guidelines of
the Waianae Sustainable Communities Plan; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the
Public Infrastructure Map for the Waianae Sustainable Communities Plan area be
revised to include a symbol for a park as shown on Exhibit A; and

BE IT FURTHER RESOLVED by the Council of the City and County of Honolulu
that the park symbol shall be deleted from the Waianae Public Infrastructure Map by
administrative procedure once completion of all necessary components have been
certified in writing by the Department of Design and Construction to the Department of
Planning and Permitting and the City Council; and

DPPPIM1.R10

1
EXHIBIT B

D 347
PLANNING



RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the City Clerk is hereby directed to transmit copies of this Resolution to David K. Tanoue, Director, Department of Planning and Permitting; Craig I. Nishimura, P.E., Director, Department of Design and Construction; and Lester K.C. Chang, Director, Department of Parks and Recreation, immediately upon its approval.

INTRODUCED BY:

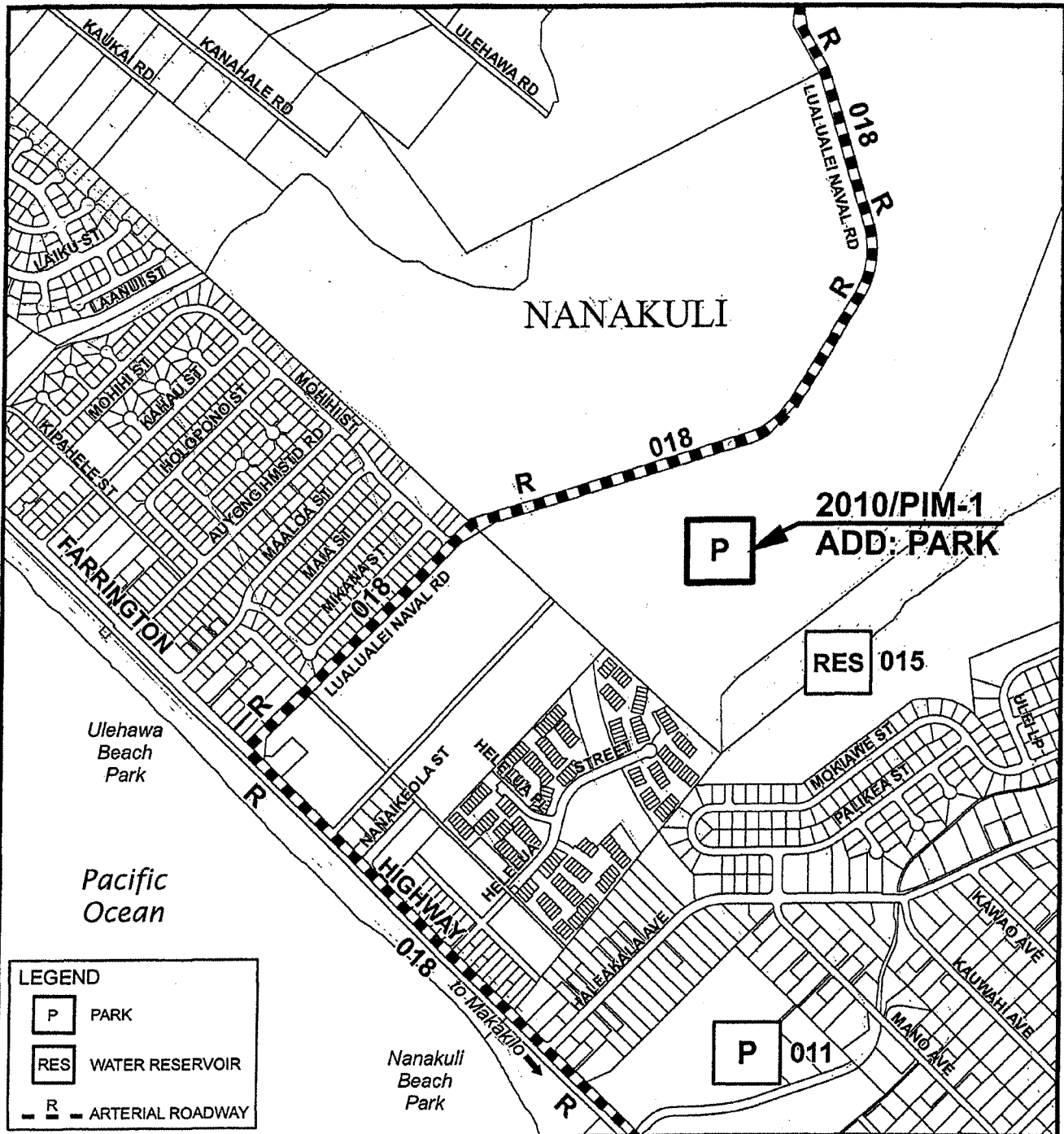
[Handwritten Signature]

(br)




DATE OF INTRODUCTION:

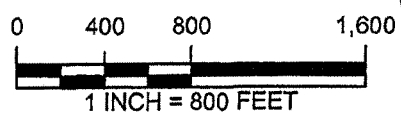
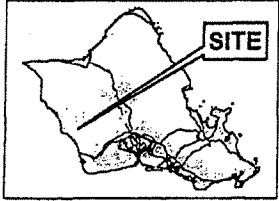
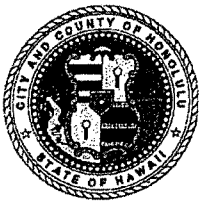
MAY 17 2010
Honolulu, Hawaii

Councilmembers



LEGEND

-  P PARK
-  RES WATER RESERVOIR
-  R ARTERIAL ROADWAY



**PUBLIC INFRASTRUCTURE MAP
REVISION FOR WAIANAE
NANAKULI REGIONAL PARK**

TAX MAP KEY(S): 8-7-009: portion of 007 (50 acres)
and portion of Roadway

FILE NO.: 2010/PIM-1

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 10-114

Introduced: 05/17/10 By: TODD APO (BR)

Committee: PLANNING

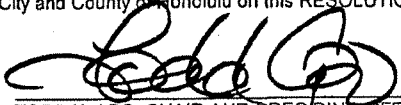
Title: RESOLUTION ADOPTING A REVISION TO THE PUBLIC INFRASTRUCTURE MAP FOR THE WAIANAE SUSTAINABLE COMMUNITIES PLAN AREA.

Links: [RES10-114](#)
[CR-169](#)

PLANNING	05/27/10	MOTION TO REPORT OUT FOR ADOPTION FAILED. RESOLUTION PENDING IN COMMITTEE.		
PLANNING	06/03/10	CR-169 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. NOTE: EFFECTIVE MAY 25, 2010, COUNCILMEMBER CHARLES DJOU, REPRESENTING COUNCIL DISTRICT IV, RESIGNED FROM OFFICE. (Refer to Communication CC-99) ON JUNE 9, 2010, THE APPOINTMENT OF LEE DONOHUE WAS APPROVED (Refer to RES10-132 , CD1, FD1 (VERSION A) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT IV TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER CHARLES DJOU.		
COUNCIL	06/09/10	CR-169 AND RESOLUTION 10-114 WERE ADOPTED.		
ANDERSON Y	APO Y	CACHOLA Y	DELA CRUZ Y	DONOHUE Y
GARCIA Y	KOBAYASHI Y	OKINO Y	TAM Y	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO THE EXECUTIVE CAPITAL BUDGET AND PROGRAM FOR THE FISCAL YEAR
JULY 1, 2010 TO JUNE 30, 2011.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The revenues from the following sources estimated for the fiscal year July 1, 2010 to June 30, 2011 are hereby provided and appropriated for the purposes set forth in Sections 2 through 8:

FUND CODE	SOURCE OF FUNDS	AMOUNT	TOTAL
REVENUE BOND:			
SR	Sewer Revenue Bond Improvement Fund	\$ 329,046,000	\$ 329,046,000
GENERAL OBLIGATION BONDS:			
GI	General Improvement Bond Fund	\$ 90,374,215	
HI	Highway Improvement Bond Fund	149,426,000	
WB	Solid Waste Improvement Bond Fund	154,656,000	
TF	Transit Improvement Bond Fund	1,056,491,000	\$ 1,450,947,215
CAPITAL PROJECTS FUNDS:			
SW	Sewer Fund	\$ 15,520,266	
ST	State Funds	3,850,000	
AF	Affordable Housing Fund	7,600,000	
BT	Bus Transportation Fund	709,514	
CF	Clean Water and Natural Lands Fund	3,000,000	
GC	Golf Fund	490,000	
LC	Liquor Commission Fund	26,500	
SV	Special Events Fund	365,250	
BK	Bikeway Fund	600,000	
HW	Highway Fund	610,000	
WF	Sld Wst Dis Fac Acct-SWSF	4,000,000	\$ 36,771,530
FEDERAL FUNDS:			
FG	Federal Grants Fund	\$ 218,742,163	
CD	Community Development Fund	8,957,065	\$ 227,699,228
TRANSIT FUND:			
TR	Transit Fund	\$ 77,159,000	\$ 77,159,000
SPECIAL PROJECTS FUND:			
UT	Utilities' Share	\$ 100,000	\$ 100,000
TOTAL ALL FUNDS			<u>\$ 2,121,722,973</u>



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 10 - 12
BILL _____
16 (2010), CD2

A BILL FOR AN ORDINANCE

SECTION 2. The monies described in Section 1 for the fiscal year July 1, 2010 to June 30, 2011 are appropriated as indicated to the following projects and public improvements in the GENERAL GOVERNMENT function. Nothing in this section shall be construed as restricting the allocation of monies among the work phase appropriations (e.g., planning, design, and construction).

PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
GENERAL GOVERNMENT				
STAFF AGENCIES				
BUDGET AND FISCAL SERVICES				
1998602	PROCUREMENT OF MAJOR EQUIPMENT Acquisition of major equipment for agencies/departments to deliver services to the public in a timely and cost effective manner.	17,974,979 E	4,193,715 GI 2,632,000 HI 9,399,000 WB 159,000 TR 709,514 BT 490,000 GC 26,500 LC 365,250 SV	17,974,979
1979110	PROJECT ADJUSTMENTS ACCOUNT Funding for any project cost exceeding the estimate for land acquisition, planning, design, construction, inspection, other equipment, and relocation for projects included in the capital budget.	2,000 X	1,000 GI 1,000 HI	2,000
INFORMATION TECHNOLOGY				
2002750	INTEGRATED FINANCIAL & HUMAN RESOURCE SYSTEM (FINANCIAL ACCOUNTING SYSTEM) Design and implement an integral financial and human resource system, incorporating and replacing the current CIFIS and CHRMS systems. Costs include hiring of consultants and purchase of hardware/software licensing.	600,000 D 130,000 E 700,000 X	1,430,000 GI	1,430,000
PUBLIC FACILITIES-ADDITIONS AND IMPROVEMENTS				
DESIGN AND CONSTRUCTION				
1994009	AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS TO PUBLIC BUILDINGS Plan, design, construct, provide construction inspection and related equipment for accessibility improvements to City owned facilities.	10,000 P 10,000 D 110,000 C 5,000 I 5,000 E	140,000 GI	140,000
2010142	EWA VILLAGES WATER LINE IMPROVEMENTS Plan, design and construct upgrade improvements to the existing R-1 water irrigation system/water line in Ewa Villages. FARRINGTON HIGHWAY IMPROVEMENTS Plan and design improvements on the city portions of Farrington Highway.	9,000 P 490,000 D 1,000 C 1,000,000 P 1,000 D	500,000 GI 1,001,000 GI	500,000 1,001,000



CITY COUNCIL
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PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
GENERAL GOVERNMENT FUNCTION				
SOURCE OF FUNDS				
	SR Sewer Revenue Improvement Bond Fund		\$ -	
	GI General Improvement Bond Fund		13,930,715	
	HI Highway Improvement Bond Fund		4,508,000	
	WB Solid Waste Improvement Bond Fund		9,399,000	
	TF Transit Improvement Bond Fund		-	
	SW Sewer Fund		-	
	ST State Funds		-	
	AF Affordable Housing Fund		-	
	BT Bus Transportation Fund		709,514	
	CF Clean Water and Natural Lands Fund		-	
	GC Golf Fund		490,000	
	LC Liquor Commission Fund		26,500	
	SV Special Events Fund		365,250	
	BK Bikeway Fund		-	
	HW Highway Fund		-	
	WF Sld Wst Dis Fac Acct-SWSF		-	
	FG Federal Grants Fund		-	
	CD Community Development Fund		-	
	TR Transit Fund		159,000	
	UT Utilities' Share		-	
	TOTAL SOURCE OF FUNDS		<u>\$ 29,587,979</u>	
WORK PHASE				
	L Land		\$ 225,000	
	P Planning		1,650,000	
	D Design		3,062,000	
	C Construction		5,239,000	
	I Inspection		330,000	
	E Equipment		18,304,979	
	R Relocation		75,000	
	X Other		702,000	
	TOTAL WORK PHASES		<u>\$ 29,587,979</u>	



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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SECTION 7. The monies described in Section 1 for the fiscal year July 1, 2010 to June 30, 2011 are appropriated as indicated to the following projects and public improvements in the CULTURE-RECREATION function. Nothing in this section shall be construed as restricting the allocation of monies among the work phase appropriations (e.g., planning, design, and construction).

PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
CULTURE - RECREATION				
PARTICIPANT, SPECTATOR AND OTHER RECREATION				
DESIGN AND CONSTRUCTION				
1998107	ALA MOANA REGIONAL PARK (TMK: 2-3-37:01; 42.7 ACRES) Design canal wall improvements.	165,000 D	165,000 GI	165,000
1974104	ALA WAI COMMUNITY PARK (TMK: 2-7-04:05; 2-7-36:01 POR.; 10.5 ACRES) Design, construct and provide construction inspection for the reconstruction of ballfield lighting.	10,000 D 2,430,000 C 220,000 I	2,660,000 GI	2,660,000
1993072	AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS AT PARKS Design, construct, provide construction inspection and related equipment for ADA related improvements at parks.	5,000 D 85,000 C 5,000 I 5,000 E	100,000 GI	100,000
1993050	ASING COMMUNITY PARK, EWA (TMK 9-1-17:66; 24 ACRES) Construct and inspect improvements such as mitigative improvement to address building settlement.	400,000 C 10,000 I	410,000 GI	410,000
	COURT RESURFACING OF HOKUAHIAHI NEIGHBORHOOD PARK Plan and design resurface and/or reconstruct outdoor basketball and volleyball court surfaces at Hokuahiahi Neighborhood Park in Milliani.	25,000 P 50,000 D	75,000 GI	75,000
2007054	DEPARTMENT OF PARKS AND RECREATION NPDES SMALL MS4 PERMIT PROGRAM Plan, design, construct and provide construction inspection and related equipment for improvements at park facilities to meet National Pollution Discharge Elimination System (NPDES) requirements.	20,000 P 85,000 D 250,000 C 10,000 I 5,000 E	370,000 GI	370,000
2010089	DIVISION OF URBAN FORESTRY/HORTICULTURE SERVICES ADMINISTRATION OFFICE REPLACEMENT Plan and design a replacement building for both Administration and Horticulture Services Administration offices.	50,000 P 50,000 D	100,000 GI	100,000
2007038	DIVISION OF URBAN FORESTRY IMPROVEMENTS Plan, design, construct and provide construction inspection and related equipment for improvements to Urban Forestry facilities.	20,000 P 60,000 D 395,000 C 20,000 I 5,000 E	500,000 GI	500,000



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PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
2010074	HANAUMA BAY NPDES SMALL MS4 PERMIT PROGRAM	10,000 P 95,000 D 500,000 C 50,000 I 5,000 E	660,000 GI	660,000
	Plan, design, construct, inspect and provide related equipment to meet National Pollution Discharge Elimination Systems (NPDES) requirements.			
1993071	HAU'ULA COMMUNITY PARK IMPROVEMENTS	50,000 P	50,000 GI	50,000
	Prepare update of park master plan.			
	JOGGING/WALKING PATH FOR PALALAI NEIGHBORHOOD PARK	25,000 P 50,000 D	75,000 GI	75,000
	Plan and design jogging/walking path based on Master Plan for Palal'ai Neighborhood Park in Makakilo.			
1981005	KAHE POINT BEACH PARK, (TMK: 9-2-03:15; 4.47 ACRES)	150,000 D	150,000 GI	150,000
	Design reconstruction of park improvements.			
1971418	KAILUA DISTRICT PARK, (TMK: 4-3-56:09; 18.6 ACRES)	1,200,000 C 10,000 I	1,210,000 GI	1,210,000
	Construct and provide construction inspection for replacement of softball field lighting and related improvements.			
2002088	KALAELOA REGIONAL PARK	50,000 P	50,000 GI	50,000
	Prepare a park master plan.			
2009024	KALIHI VALLEY DISTRICT PARK - REPLACEMENT OF PRIMARY SWITCHGEAR/METERING CABINET	5,000 D 795,000 C 50,000 I	850,000 GI	850,000
	Design, construct and provide construction inspection for replacement of primary switchgear/metering cabinet.			
1994100	KANEWAI COMMUNITY PARK, UNIVERSITY (TMK 2-8-29:011 & 004; 9.314 ACRES)	25,000 P 185,000 D 774,000 C 217,000 I	1,201,000 GI	1,201,000
	Plan, design, reconstruct and inspect improvements such as retaining walls, playcourts, lighting systems, multi-purpose building, comfort station, and other related improvements.			
1999018	KAPIOLANI REGIONAL PARK BANDSTAND	650,000 C 50,000 I	700,000 GI	700,000
	Construct and provide construction inspection for Kapiolani Bandstand renovations.			
1975054	KAPIOLANI REGIONAL PARK - WAIKIKI SHELL PARKING LOT	25,000 D 2,000,000 C 300,000 I	2,325,000 GI	2,325,000
	Design, construct and provide construction inspection for the reconstruction of the parking lot.			
2001068	KAPOLEI COMMUNITY PARK	50,000 D	50,000 GI	50,000
	Design ballfield improvements.			



CITY COUNCIL
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PROJECT NUMBER	FUNCTIONS, PROGRAMS & PROJECTS	WORK PHASE	SOURCE OF FUNDS	TOTAL ALL FUNDS
1995127	ONE'ULA BEACH PARK, EWA BEACH (TMK: 9-1-12:25; 30 ACRES) Construct master planned improvements such as comfort station and parking.	50,000 C	50,000 GI	50,000
2009041	PRESERVATION AND CONSERVATION LANDS Provision of funds for the acquisition of land for land conservation purposes consistent with the Revised Ordinances of Honolulu Chapter 6, Article 62. Funds for this project may be used for the Fong Plantation and may include acquisition of land for an active park in the Leeward area such as the Nanakuli area, provided that such acquisition shall specify that such lands may never be used for a landfill.	3,000,000 L	3,000,000 CF	3,000,000
	PUPUKEA BEACH PARK - REVISION OF MASTER PLAN Revise the master plan to accommodate all the changes that have occurred in this area. The master plan should cover the Three Tables to Sharks Cove areas.	25,000 P 25,000 D	50,000 GI	50,000
1998105	RECONSTRUCT WASTEWATER SYSTEMS FOR PARKS Plan, design, construct and provide construction inspection for the reconstruction of wastewater systems in parks.	50,000 P 45,000 D 50,000 C 5,000 I	150,000 GI	150,000
	RECONSTRUCTION OF HANAPEPE BROW Plan and design for the reconstruction of the brow.	15,000 P 20,000 D	35,000 GI	35,000
1998128	RECREATION DISTRICT NO. 1 IMPROVEMENTS Plan, design, construct, inspect and provide related equipment for improvements at existing staffed park facilities.	10,000 P 85,000 D 773,000 C 72,000 I 60,000 E	1,000,000 GI	1,000,000
1998129	RECREATION DISTRICT NO. 2 IMPROVEMENTS Plan, design, construct, inspect and provide related equipment for improvements at existing staffed park facilities.	10,000 P 75,000 D 880,000 C 75,000 I 60,000 E	1,100,000 GI	1,100,000
1998130	RECREATION DISTRICT NO. 3 IMPROVEMENTS Plan, design, construct, inspect and provide related equipment for improvements at existing staffed park facilities.	10,000 P 80,000 D 890,000 C 60,000 I 60,000 E	1,100,000 GI	1,100,000
1998131	RECREATION DISTRICT NO. 4 IMPROVEMENTS Plan, design, construct, inspect and provide related equipment for improvements at existing staffed park facilities.	1,000 P 49,000 D 830,000 C 60,000 I 60,000 E	1,000,000 GI	1,000,000
2005117	RECREATION DISTRICT NO. 5 IMPROVEMENTS Plan, design, construct and provide construction inspection for improvements at existing staffed park facilities.	5,000 P 75,000 D 340,000 C 30,000 I	450,000 GI	450,000

CR-4

10 - 12



A BILL FOR AN ORDINANCE

major public infrastructure project as described in ROH, section 4-8.4. The administration shall provide the Council with a detailed description of the specific expenditures made for these projects in the CIP quarterly status report.

<u>Function</u>	<u>Project No.</u>	<u>Project</u>
Public Safety	2000101	Flood Control Improvements at Various Locations
Highways and Streets	2000052	Drainage Improvements At Various Locations
Sanitation	2001062	Wastewater Treatment Plant, Pump Station, and Force Main Projects
Culture and Recreation	2008046	Mitigative Improvements At Various Parks
	2009041	Preservation and Conservation Lands
Utilities or Other Enterprises	2007005	Honolulu High Capacity Transit Project

SECTION 15. The Executive Capital Program for the Fiscal Year July 1, 2010 to June 30, 2011, is included in and made a part of this ordinance in the form of narrative descriptions of each capital project in Sections 2 through 8 herein. Such Program is hereby adopted as required by the City Charter. In case of any conflict between the substantive provisions of the Executive Capital Program and the Executive Program and Budget for the Fiscal Year 2011, Volume 2 (Capital Program and Budget), as transmitted to the Council, and this ordinance, the provisions of this ordinance and the amendments thereto shall prevail, and the specific provisos contained in the narrative descriptions of each capital project shall have the same force and effect as the general provisos contained in this portion of the ordinance.

The project number is included for accounting purposes only. If there is a conflict between the number and the project title in this ordinance, the project title shall prevail.



CITY COUNCIL
 CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII

ORDINANCE 10 - 12

BILL 16 (2010), CD2

A BILL FOR AN ORDINANCE

SECTION 16. This Ordinance shall take effect on July 1, 2010.

INTRODUCED BY:

Todd Apo (BR)

DATE OF INTRODUCTION:

March 3, 2010
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Amy R. Krosko
 Deputy Corporation Counsel

APPROVED this 24th day of June, 2010.

Mufi Hannemann
 MUFU HANNEMANN, Mayor
 City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 10 - 12

BILL 16 (2010), CD2

Introduced: 03/03/10 By: TODD APO (BR)

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE CAPITAL BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2010 TO JUNE 30, 2011.

Links: [BILL 16 \(2010\)](#)
[BILL 16 \(2010\), CD1](#)
[BILL 16 \(2010\), CD2](#)
[CR-112](#)
[CR-138](#)

PUBLISH	3/13/10	PUBLIC HEARING NOTICE OF INTENT PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL	03/17/10	BILL PASSED FIRST READING AND REFERRED TO BUDGET COMMITTEE.				
		ANDERSON Y	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y
		GARCIA Y	KOBAYASHI Y	OKINO Y	TAM Y	
PUBLISH	04/10/10	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
BUDGET	04/12/10	CR-112 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.				
COUNCIL/PUBLIC HEARING	04/21/10	<u>CR-112</u> AND BILL 16 (2010), CD1 DEFERRED UNTIL MAY 12, 2010 COUNCIL MEETING.				
		ANDERSON Y	APO A	CACHOLA Y	DELA CRUZ Y	DJOU Y
		GARCIA Y	KOBAYASHI Y	OKINO Y	TAM Y	
COUNCIL	05/12/10	CR-112 AND BILL 16 (2010), CD1 PASSED SECOND READING AND REFERRED TO COMMITTEE ON BUDGET.				
		ANDERSON Y	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU N
		GARCIA Y	KOBAYASHI Y	OKINO Y	TAM Y	
PUBLISH	05/19/10	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
BUDGET	05/24/10	CR-138 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.				

NOTE: EFFECTIVE MAY 25, 2010, COUNCILMEMBER CHARLES DJOU, REPRESENTING COUNCIL DISTRICT IV, RESIGNED FROM OFFICE. (Refer to Communication CC-99)

ON JUNE 9, 2010, THE APPOINTMENT OF LEE DONOHUE WAS APPROVED (Refer to RES10-132, CD1, FD1 (VERSION A)) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT IV TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER CHARLES DJOU.

COUNCIL	06/09/10	CR-138 WAS ADOPTED AND BILL 16 (2010), CD2 PASSED THIRD READING AS AMENDED.							
ANDERSON	Y	APO	Y	CACHOLA	Y	DELA CRUZ	Y	DONOHUE	Y
GARCIA	Y	KOBAYASHI	Y	OKINO	Y	TAM	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER

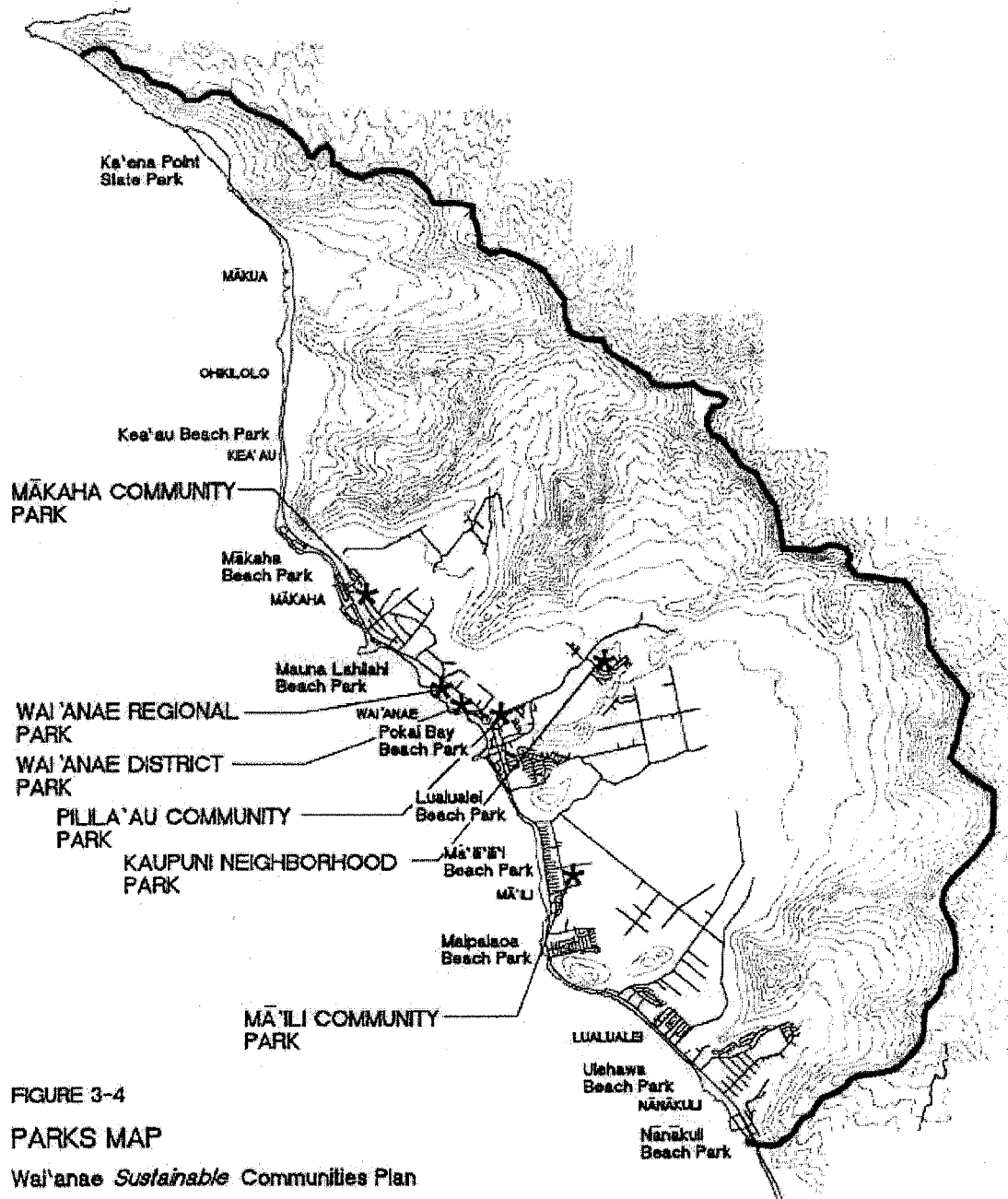


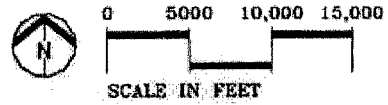
FIGURE 3-4

PARKS MAP

Waianae Sustainable Communities Plan

Department of Planning and Permitting
City and County of Honolulu

Source: Department of Planning and Permitting
and Department of Parks and Recreation



The City and County of Honolulu Parks Department has plans to expand the Makaha Beach Park by adding lands mauka of Farrington Highway. The plan is to reroute a portion of Farrington Highway mauka to allow for this expansion. However, because rerouting of Farrington Highway will be a major undertaking, controlled by the State DOT, the expansion will occur in phases.

Other current (1998) park plans include: a plan for Mauna Lahilahi as a "cultural park," improvements to Ulehawa Beach Park and Mā`ili Beach Park.

There are two (2) 18-hole golf courses in the Waianae District: 1) Makaha Valley Country Club and 2) Sheraton Makaha Golf Club. These courses are privately owned, but open to the public. Two additional 18-hole golf courses are planned, one in Lualualei and the other at Waianae Kai subdivision. The Waianae Kai golf course will need a zoning change (from Ag-1 to P-2) and a Plan Review Use Permit before construction can begin. Makaha Valley Country Club is also planning to expand its golf course with an additional 9 holes.

The City's community-based park standards for the various types of parks are:

- Neighborhood Parks (4 to 6 acres): one per 5,000 population Service Area ½ Mile
- Community Parks (10 acres): one per 10,000 population Service Area 1 Mile
- District Parks (20 acres): one per 25,000 population Service Area 2 Miles

The 1990 community-based park acreage requirement for the Waianae District was 75 acres. The 1998 estimated population of 40,000 to 44,000 people would require 80 to 88 acres of community-based parks. There is thus a current shortfall of 31 to 39 acres of community-based parks. By type of parks, Waianae District has a shortfall of one Community Park and seven or eight neighborhood parks. It should also be noted that two of the three existing Community Parks are substandard in size: Maili Community Park at 3.68 acres, and Makaha Community Park at 4.32 acres. The City's planned development of Maili Kai Community Park will fulfill the need for a fourth community park in the District.

The District also has acreage for a Regional Park, but this site has not yet been developed with park facilities.

3.11.2 General Policies Pertaining to Parks and Recreational Facilities

3.11.2.1 Development of Adequate Public Parks a Top Priority

Parks and recreational facilities are of great importance to the health and welfare of the Waianae community, and especially important to the health and well-being of Waianae's children and young people. At least the minimum number and size of community-based parks should be developed by the Year 2020. The development of the Wai`anae Regional Park should also be a high priority. Thereafter, the City should assess the need for additional parks and recreational facilities, and, where there is an identified need above the minimum standards, these additional facilities should be provided.

3.11.2.2 No More Golf Courses

There is no land available within the Rural Community areas of the Waianae Land Use Map that would be large enough for a golf course. Golf courses are considered to be incompatible with Agricultural lands or Preservation lands of the Waianae District. Therefore, public agencies should enforce a policy of no new golf courses within the Waianae District.

3.11.3 Planning Guidelines for Parks and Recreational Facilities

3.11.3.1 More Neighborhood Parks Needed

In the Waianae District, there is a shortfall of 7 to 8 Neighborhood Parks based on the City's park standards. This shortfall should be addressed through an incremental park development program. Generally, there should be two neighborhood parks for each of the main settlement areas of the District: Nanakuli, Maili/Lualualei, Waianae, and Makaha. There are some but not many undeveloped lands within these Rural Community areas. The needed acreage for park development should be secured before infill residential development of vacant/residentially zoned lands precludes the location of neighborhood parks in close proximity to these developed areas.

3.11.3.2 Flexible Criteria for Recreational Facilities

In developing neighborhood parks, there is a need for more flexibility with the criteria for “allowed” recreational facilities. For example, current City standards specify the development of a comfort station for a neighborhood park, but a “recreation building” is not included. However, depending on the service population, the location of the neighborhood park, and the distance to a community park that provides a recreation building, a recreation building or multi-purpose building should be provided for a neighborhood park if there is a clear need for one. Since building maintenance and supervision services are always an issue – in terms of both personnel and overall cost – a cooperative program could be established whereby a community organization will share in supervision responsibilities and maintenance costs of a recreation building.

3.11.4 Relation to Open Space Map

Existing beach parks and active recreation parks are schematically shown on the Open Space Map.

3.12 MILITARY LAND USE

3.12.1 Overview of Military Land Use in the Waianae District

The U.S. Navy owns 7,498 acres of Lualualei Valley – “Naval Magazine Lualualei Headquarters Branch” -- which the Navy uses for the storage of various kinds of ordnance that is needed for all branches of the U.S. military in Hawaii. The Navy also owns another 1,729 acres of Lualualei – “NCTAMS EASTPAC, RTF Lualualei” -- which is used for state of the art high and low frequency radio signal transmissions that are used for the navigation of Navy vessels throughout the Pacific.

The U.S. Army uses 4,130 acres of Makua Valley for training programs. The Army’s Makua lands consist of 170 acres of fee land, 782 acres of land leased from the State of Hawaii, and 3,237 acres of ceded lands also leased from the State. These leases expire in the Year 2029. The

Drainage system design should emphasize control and minimization of nonpoint source pollution and retention and detention. Modifications if needed for flood protection should maintain rural character and aesthetic quality, avoid degradation of coastline and of stream and near shore water quality. To the extent possible, integrate planned drainageway improvements into the regional open space network by providing for access for pedestrians and bicycles.

4.5.2.2 Sediment Control Program

There is also a need for the establishment of a well-designed and well-managed sediment control program to protect both stream quality and the quality of nearshore waters. Minimally, standards for the creation and use of sediment basins at critical locations on both agricultural and urban lands should be established. Thereafter, a program of phased implementation and conscientious enforcement of sediment control measures should be pursued.

4.6 SOLID WASTE HANDLING AND DISPOSAL

4.6.1 Overview of Solid Waste Issues

Collection and disposal of domestic solid waste is provided by the City's Refuse Division. Solid waste from Waianae and from other Oahu districts is disposed of at the Waimanalo Gulch Sanitary Landfill and at the H-POWER waste-to-energy facility, both located in the Ewa District. These methods of disposal are limited in their capacities, and the City has therefore instituted a program of mandatory recycling for commercial and industrial solid wastes.

The PVT Nanakuli Construction and Demolition Material Landfill on Lualualei Naval Station Road is an important privately owned solid waste disposal facility. This landfill manages over 20 percent of Oahu's waste stream.

The local solid waste issue that seems to be of most concern to the Waianae community is the problem of illegal dumping of all kinds of solid waste, including material from demolished buildings and from construction sites, old cars, old appliances, animal carcasses, animal wastes, and various other kinds of junk and debris. The many country roads and open spaces in the Waianae District are unfortunately very easy to use for illegal and indiscriminate dumping of unwanted solid (and liquid) wastes. The many illegal dump areas in the District are both unsightly and a threat to public health. Much stronger State and City controls are needed to combat this problem.

4.6.2 General Policies Pertaining to Solid Waste Disposal

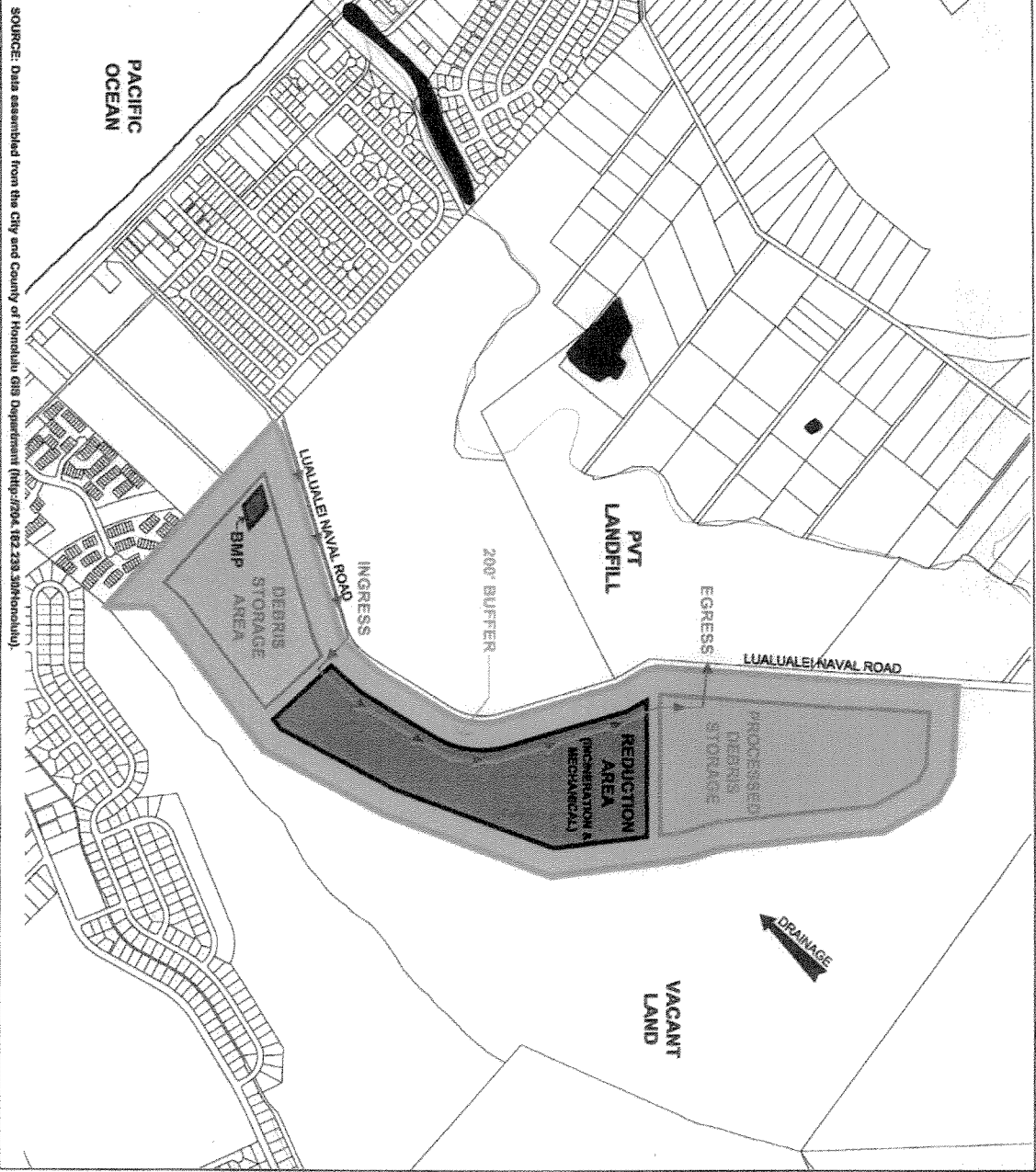
4.6.2.1 Enforcement of Anti-Dumping Laws

Public agencies should coordinate with the community to develop and implement a comprehensive program for the cleanup of illegal dumps and the ongoing enforcement of laws forbidding illegal dumping of wastes and debris. The enforcement program may include some form of partnership with the community whereby each subcommunity of the Waianae District organizes volunteers who will patrol the area's roads on a regular basis and report to a designated code enforcement officer any illegal dumps or illegal dumping activity. Public agencies, in turn, must provide the manpower to follow up on these reports of illegal dumping. The appropriate field visits and investigations must be made, and, where necessary, prosecution of offenders must be pursued.

4.7 CIVIC, PUBLIC SAFETY AND EDUCATIONAL FACILITIES

4.7.1 Overview of Civic, Public Safety and Educational Facilities

Waianae Satellite City Hall is located within the Waianae Community Center Building on Farrington Highway, just south of Wai'anae Intermediate School. This office is open Monday through Friday from 7:45 a.m. to 4:30 p.m. Services include:



SOURCE: Data assembled from the City and County of Honolulu GIS Department (file:199a_192_233_238.honolulu).

DISASTER DEBRIS MANAGEMENT OPERATIONS PLAN

October 2001

FIGURE 11
PVT Landfill Access Road TDSRS

Potential Temporary Debris Storage & Reduction Site Map

Legend

- Shoreline
- Parcels
- Streams & Ditches
- Potential Limits of TDSRS
- TDSRS Truck Circulation

NOTE: Information shown is for graphic representation only. No survey has been performed.

0 400' 800' 1600'
 GRAPHIC SCALE 1"=80' (APPROXIMATE)

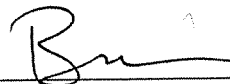
for
the City and County of HONOLULU, HAWAII

LANDMARK DESIGN GROUP
 Engineers • Planners • Surveyors • Landscape Architects • Environmental Consultants
 14000 METCALE, VA • WILLIAMSBURG, VA • AUSTIN, TX

DEMAND FOR JURY TRIAL

Plaintiff LEEWARD LAND COMPANY LTD. hereby demands jury trial
on all issues so triable herein.

DATED: Honolulu, Hawaii, July 19, 2010.



BRUCE L. LAMON

Attorney for Plaintiff
LEEWARD LAND COMPANY LTD.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

LEEWARD LAND COMPANY LTD.,

Plaintiff,

vs.

CITY AND COUNTY OF HONOLULU;
MUFU HANNEMANN, in his official
capacity as Mayor of the CITY AND
COUNTY OF HONOLULU; DAVID K.
TANOUE, in his official capacity as
Director, Department of Planning and
Permitting of the CITY AND COUNTY
OF HONOLULU, CRAIG I.
NISHIMURA, P.E. in his official capacity
as Director, Department of Design and
Construction of the CITY AND COUNTY
OF HONOLULU; LESTER K.C. CHANG
in his official capacity as Director,
Department of Parks and Recreation of the
CITY AND COUNTY OF HONOLULU;
and JOHN DOES 1-10,

Defendants.

CIVIL NO. _____

SUMMONS

STATE OF HAWAII

To the above-named Defendants:

You are hereby summoned and required to serve upon BRUCE L.
LAMON, Goodsill Anderson Quinn & Stifel, A Limited Liability Law Partnership LLP,
attorneys for LEEWARD LAND COMPANY LTD., whose address is 1800 Alii Place,
1099 Alakea Street, Honolulu, Hawaii 96813; an answer to the Complaint which is
herewith served upon you, within twenty (20) days after service, exclusive of the day of

service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this Summons, personal delivery during those hours.

A failure to obey this Summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, JUL 19 2010

N. ANAYA

Clerk of Court

