

RESOLUTION

K. General architectural and design goals that the resort will strive to achieve include the following:

(1) The general architectural character of the resort will be similar to that of a "kamaaina estate"--displaying hospitality and elegance, overlaid with fundamental simplicity and timelessness.

(2) The resort will strive to implement extensive, lush landscaping to enhance the estate-like quality of the low density buildings, and to provide a sense of visual continuity throughout the resort. Existing ironwood trees, and other existing vegetation will be preserved and incorporated into the landscaping scheme where possible.

(3) The public walkway that provides access throughout the shoreline easement area will be configured in an undulating line throughout the easement area.

(4) Each of the public pedestrianways to the shoreline, with the exception of the pedestrianway to Kalokoiki Beach, will be approximately fifteen (15) feet wide, and will contain a slightly undulating walkway to allow for plantings of coconut trees.

L. Historic and archaeological sites located within the subject property which are identified by the State and/or subsequent archaeological assessment shall be treated in accordance with recommendations made by the State Historic Preservation Officer of the Department of Land and Natural Resources.

Prior to the issuance of grading permits, the APPLICANT shall submit a Data Recovery Plan to the State Historic Preservation Officer, and shall obtain approval of the plan. The State Historic Preservation Officer shall also be made aware of sites not yet identified on the property, which may be discovered during grading and construction. The Officer shall determine whether these sites require preservation, relocation, mitigation, or further study.

APPLICANT shall submit its completed archaeological findings to the State Historic Preservation Officer for review and comment before commencing with the proposed development of the property. APPLICANT shall comply with the State Historic Preservation Officer's recommendations in implementing APPLICANT'S archaeological plan.

Above-ground archaeological features present within the project area will be relocated by the APPLICANT to site(s) within the resort. Human remains that have been uncovered or

RESOLUTION

that may be uncovered during the course of this project shall be disinterred, relocated to an alternative site(s) within the resort, and reinterred in accordance with the relevant provisions of Chapter 338, Hawaii Revised Statutes, as amended, and in compliance with requirements of the State Department of Health.

M. Outdoor illumination fixtures at sites fronting Kawela Bay shall be directed in such a manner as to minimize disturbances to Green Sea Turtles which utilize the bay and to minimize interference to residences across the bay. Illumination of beach and ocean areas shall be regulated by the Building Department of the City and County of Honolulu.

N. Prior to building permit approval for any major structure within the project area, architectural and parking plans shall be submitted to the DLU for approval, in order to insure adherence to the Urban Design Plan and the public access requirements.

O. The APPLICANT shall complete all required archaeological mitigation work for each of the individual park sites to be dedicated to the City in compliance with the recommendations of the State Historic Preservation Officer. Said mitigation work for each park site shall be completed prior to obtaining any grading or building permit to implement improvements to the respective park.

P. Turbidity and water quality measurements shall be made at least annually as prescribed by the Department of Health and the Army Corps of Engineers before, during development, and for a period of at least three years after completion of the resort. Reports shall be submitted to the Department of Health, the Army Corps of Engineers, the Department of Land Utilization, and shall be made available to the public for examination and inspection.

Q. Prior to implementation of the project, the APPLICANT must meet the requirements and obtain approval of all governmental agencies required for such projects.

R. The APPLICANT shall use its best efforts to promote the creation of a Marine Life Conservation District at Kawela Bay.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and he is, hereby directed to transmit copies of this Resolution to Mr. John P. Whalen, Director of the Department of Land Utilization; Mr. Herbert K. Muraoka, Director and Building Superintendent, Building Department; Mr. Tom T. Nekota, Director, Department

RESOLUTION

of Parks and Recreation; Mr. Russell L. Smith, Jr., Director and Chief Engineer, Department of Public Works; Mr. Susumu Ono, Chairperson and State Historic Preservation Officer, Board of Land and Natural Resources, Post Office Box 621, Honolulu, Hawaii 96809; Mr. Leslie S. Matsubara, Director, State Department of Health, Post Office Box 3378, Honolulu, Hawaii 97801; Mr. Ernest Kosaka, U. S. Department of the Interior, Fish and Wildlife Service, Post Office Box 50167, Honolulu, Hawaii 96850; Mr. Everette A. Flanders, Chief, Construction Operations Division, Department of the Army, U. S. Army Engineer District, Honolulu, Fort Shafter, Hawaii 96858-5440; Mr. Norman Quon, Kuilima Development Company, 1001 Bishop Street, Suite 1980, Honolulu, Hawaii 96813; Ms. Jan Sullivan, Takeyama & Sullivan, 1188 Bishop Street, Suite 3404, Honolulu, Hawaii 96813; and Mr. Francis S. Oda, Group 70, 924 Bethel Street, Honolulu, Hawaii 96813.

INTRODUCED BY:

Francis S. Oda

Councilmembers

DATE OF INTRODUCTION:

OCT 1 1986
Honolulu, Hawaii

(092386)

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

Raymond E. Pua
 RAYMOND E. PUA
 CITY CLERK

Marilyn Beckhorst
 MARILYN BECKHORST
 CHAIR AND PRESIDENT OFFICER

Dated OCT 1 1986

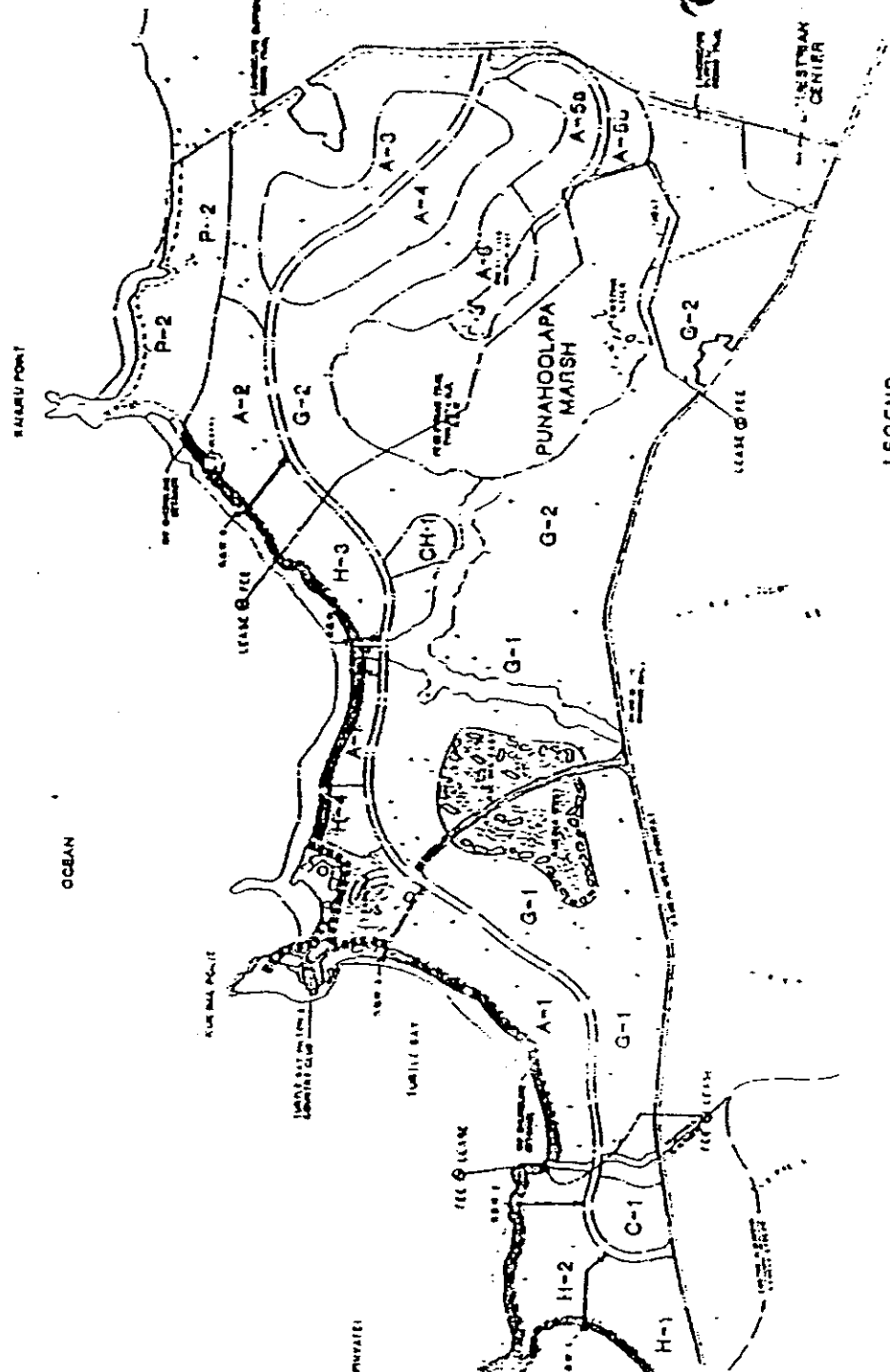
ADOPTED MEETING HELD	
OCT 1 1986	AYE/NO A/E
DOO	1 X 1
FAJACETT	1 X 1
MASE	1 X 1
KAWANO	1 X 1
OJA	1 X 1
SINA	1 X 1
MORGADO	1 X 1
NARVAZ	1 X 1
SCOTT-CPS	1 X 1
1 903	

Reference: CC 377
 Report No. P52CR-713

Resolution No.
86-308

DESIGNATION	ACRES	APPROX. UNITS/ACRE	TOTAL
H-1	20	32	640
H-2	21	32	672
H-3	14	32	448
A-1	7	16	112
A-2	15	32	480
A-3	13	32	416
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DESIGNATION	ACRES	USE
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P-2	27	PARK
P-3	5	PARK
P-4	2	PARK
G-1	2	GEN. PURPOSE
G-2	117	GEN. PURPOSE
G-3	118	GEN. PURPOSE
G-4	5	GEN. PURPOSE
G-5	140	GEN. PURPOSE
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H-2	21	HOTEL
H-3	14	HOTEL
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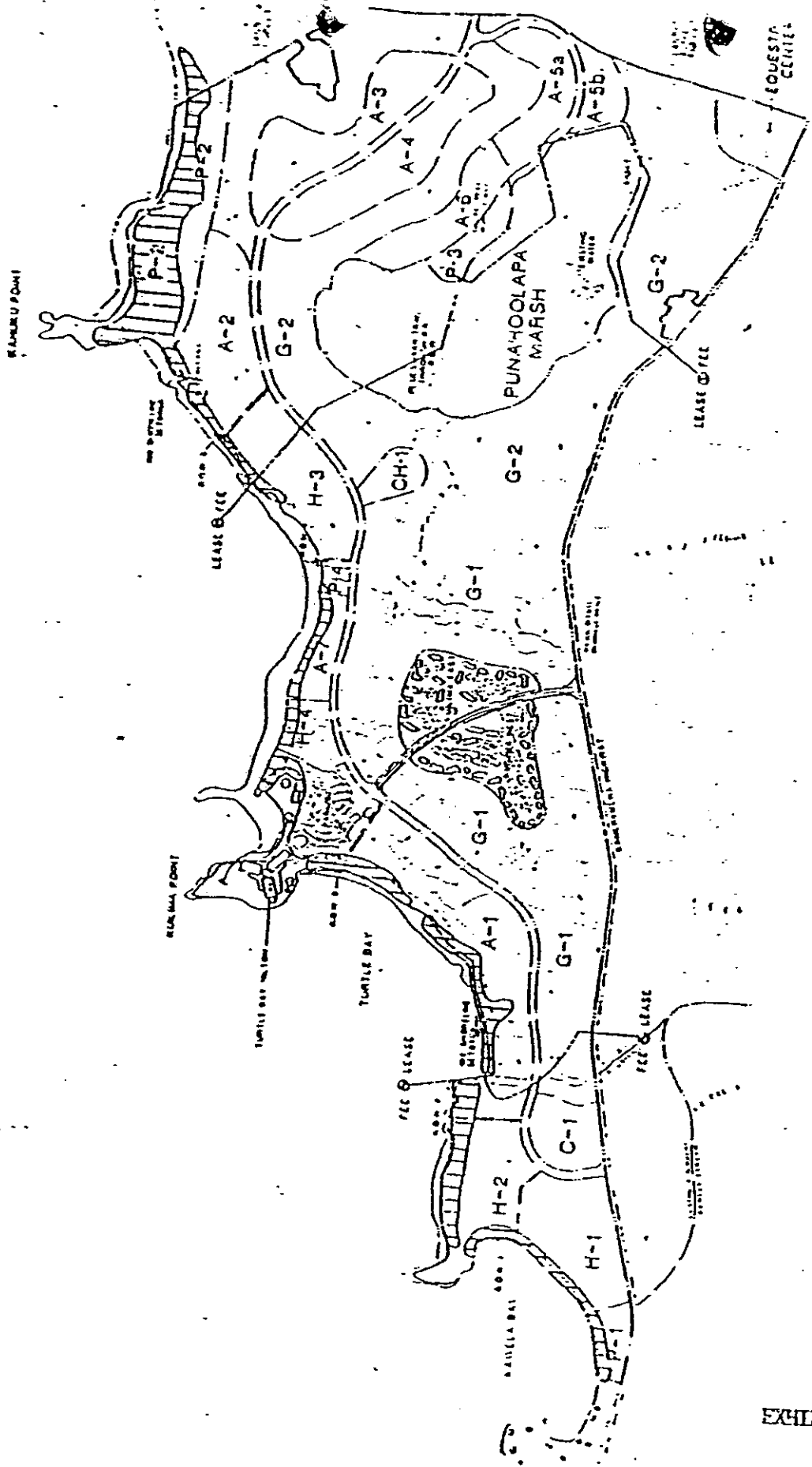


LEGEND

- 100' Shoreline Setback
- Access thru Existing Hotel

GROUP 70
 ARCHITECTS AND PLANNERS

TURTLE BAY RESORT
 KUILIMA DEVELOPMENT COMPANY



LEGEND:
 [Symbol: Rectangle with diagonal lines] PRIMARY DUNE LOCATION
 [Symbol: Rectangle with circle] FEE LEASE

PRIMARY SAND DUNES

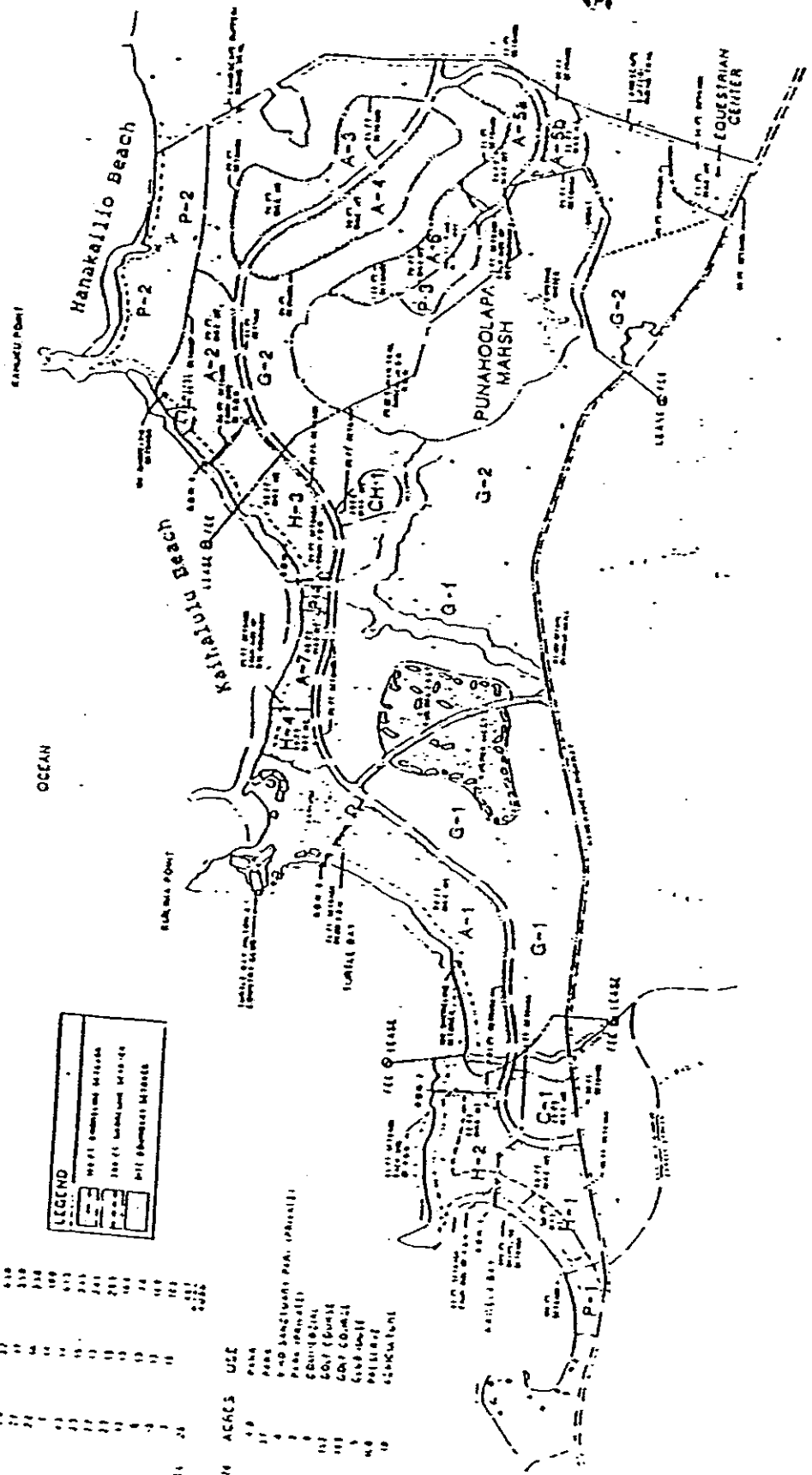
EXHIBIT II

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LEGEND

[Symbol]	WATER RESERVATION DISTRICT
[Symbol]	WATER RESERVATION DISTRICT
[Symbol]	WATER RESERVATION DISTRICT
[Symbol]	WATER RESERVATION DISTRICT

LEGISLATION	ACRES	USE
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100	22	PARK



BUILDING ENVELOPE PLAN

EXHIBIT III

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY,)
a Hawai'i non-profit corporation,)
SIERRA CLUB, HAWAII CHAPTER, a)
foreign non-profit corporation,)

Plaintiffs,)

vs.)

CITY AND COUNTY OF HONOLULU;)
HENRY ENG, Director of Department)
of Planning and Permitting in his)
official capacity; KUILIMA RESORT)
COMPANY, a Hawai'i general)
partnership; JOHN DOES 1-10; JANE)
DOES 1-10; DOE PARTNERSHIPS)
1-10; DOE CORPORATIONS 1-10;)
DOE ENTITIES 1-10; and DOE)
GOVERNMENTAL UNITS 1-10,)

Defendants.)

CIVIL NO.06-1-0867-05 (GWBC)
(Declaratory Judgment)

SUMMONS

SUMMONS

STATE OF HAWAII

To the above-named Defendant(s):

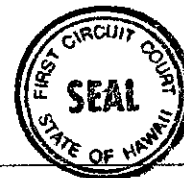
You are hereby summoned and required to serve upon ALSTON HUNT FLOYD & ING, attorneys for Plaintiff, whose address is 18th Floor, American Savings Bank Tower, 1001 Bishop Street, Honolulu, Hawaii 96813, an answer to the First Amended Complaint for Declaratory and Injunctive Relief which is herewith served upon you, within twenty (20) days after service of this Summons upon you, 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 First Amended Complaint for Declaratory and Injunctive Relief.

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, Hawai'i, JUN 7 2006

H. CHING



CLERK OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KEEP THE NORTH SHORE COUNTRY,)
a Hawai'i non-profit corporation,)
SIERRA CLUB, HAWAII CHAPTER, a)
foreign non-profit corporation,)

Plaintiffs,)

vs.)

CITY AND COUNTY OF HONOLULU;)
HENRY ENG, Director of Department)
of Planning and Permitting in his)
official capacity; KUILIMA RESORT)
COMPANY, a Hawai'i general)
partnership; JOHN DOES 1-10; JANE)
DOES 1-10; DOE PARTNERSHIPS)
1-10; DOE CORPORATIONS 1-10;)
DOE ENTITIES 1-10; and DOE)
GOVERNMENTAL UNITS 1-10,)

Defendants.)

CIVIL NO. 06-1-0867-05 (GWBC)
(Declaratory Judgment)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing to be served on the following persons by facsimile, hand-delivery or U.S. mail, postage prepaid (as indicated below) to their respective addresses:

**HAND-
DELIVERED**

FAX

MAILED

CARRIE K.S. OKINAGA, ESQ.
Corporation Counsel

(✓)

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City and County of Honolulu
530 S. King Street, Room 110
Honolulu, HI 96813
Attorneys for Defendants
CITY AND COUNTY OF HONOLULU
and HENRY ENG

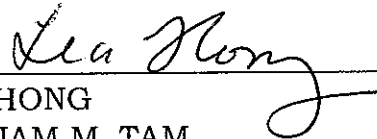
TERENCE J. O'TOOLE
SHARON V. LOVEJOY
LANE HORNFECK MCKAY
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Attorneys for Defendants
KUILIMA RESORT COMPANY

(✓)

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DATED: Honolulu, Hawai'i, June 7, 2006.



LEA HONG
WILLIAM M. TAM
LAURA P. COUCH
BLAKE K. OSHIRO
Attorneys for Plaintiff
KEEP THE NORTH SHORE COUNTRY