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County of Hawaii
PLANNING DEPARTMENT

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January 25, 2008

Michael D. Tuttle
Hale Ohia LLC
P.O. Box 758
Volcano, HI 96785

Dear Mr. Tuttle:

Determination of Lots of Record
Hale Ohia Tract, Kea'au, Puna, Hawai'i
TMK: 1-1-005:019, 037 and 042

We have received your letters of March 4, 2007 and September 4, 2007, requesting verification that the subject tax map keys (TMK) consists of four (4) buildable and one (1) roadway pre-existing lots of record. Please accept our apologies for the length of time to reply.

We have reviewed the documents submitted, our department records and those of the Department of Finance—Real Property Tax Division (RPT) in accordance with Article 11 (Pre-existing Lots) of the Subdivision Code (Sections 23-117 through 23-120). Our review of the records has found the following:

1. The subject Lots 12, 13 (Parcel 37), 14, 15 (Parcel 19) and Hale Ohia Road Lot (Parcel 42) were first platted as a portion of the Hale Ohia Tract, Portion of Land Commission Award 8559-B, Apana 16 (L.C. Aw. 8559-B:16) dated December, 1927.
2. Federal Aid Project No. LSF-011-2(5) realigned the Volcano Road in mid 1971. This action bisected the Hale Ohia Tract through Lots 9, 11, 16, 18 and Hale Ohia Road Lot and eliminated Lots 10 and 17. This action also appended a radius curve portion of Lot 16 to Lot 15 ostensibly to accommodate an existing driveway encroachment.

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3. We do not have any record of these lots being consolidated with each other or any other lot adjoining them.

In view of the above, we confirm that Parcel 37, currently described as one (1) TMK Parcel, is indeed, composed of the two (2) following separate legal and buildable lots of record:

- 1) Lot 12 of the Hale Ohia Tract, Kea'au, consisting of 17,150 square feet; and
- 2) Lot 13 of the Hale Ohia Tract, Kea'au, consisting of 16,750 square feet.

Further, we confirm that Parcel 19, currently described as one (1) TMK Parcel, is indeed, composed of the two (2) following separate legal and buildable lots of record:

- 3) Lot 14 of the Hale Ohia Tract, Kea'au, consisting of 16,750 square feet; and
- 4) Lot 13 of the Hale Ohia Tract, Kea'au, consisting of 17,413 square feet.

Finally, we confirm that Parcel 42, currently described as one (1) TMK Parcel, is indeed, composed of the one (1) following separate legal but non-buildable lot of record:

- 5) Hale Ohia Road Lot of the Hale Ohia Tract, Kea'au, consisting of 6,525 square feet.

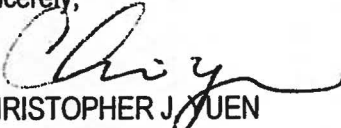
In previous correspondences between you and this department, it has been indicated that you intend to consolidate the Hale Ohia Road Lot, Lot 14 and Lot 15 (with radius portion of Lot 16) and resubdivide them into Lots 14-A and 15-A in order to resolve various issues involving structural encroachments and those related to USE Permit No. 165. Please be aware that, per Planning Department Memorandum Nos. 03-32 and 04-01, an access easement serving three (3) or more lots shall be treated as a roadway lot in establishing the structural set back requirements. Care should be taken when delineating the actual metes and bounds description of the access easement (or reconfigured roadway lot) so as not to exacerbate the present, nonconforming situation(s) with consideration given to the fact that there will be some front and rear yard area on Lots 14-A, 12 and 13.

If desired for Lots 12 and 13, a request for separate tax map key parcel numbers should be addressed to our Tax Maps and Records Section for appropriate action.

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Should you have any questions, please feel free to contact Jonathan Holmes or Daryn Arai of this department.

Sincerely,


CHRISTOPHER J. JUEN
Planning Director

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xc: ~~Tax~~ Maps and Records Supervisor I
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