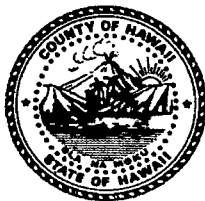


Harry Kim
Mayor



Michael Yee
Director

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Deputy Director

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PLANNING DEPARTMENT

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September 28, 2018

Ralph Unger & Malaika T. Maphalala
RR2, Box 3314
Pāhoa, HI 96778

Dear Mr. Unger & Ms. Maphalala:

DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Lot 1, Grant 4557,
Nānāwale Homesteads, Puna, Island of Hawai'i, Hawai'i
Tax Map Key 1-5-005:008

This is in response to your correspondence of August 15, 2018, requesting a determination of a pre-existing lots of record for the subject property.

The County Council recently passed an amendment to the Hawai'i County Code (HCC), Chapter 23, Subdivision, Article 11, Section 23-118 to expand the criteria for the recognition of pre-existing lots of record to include provisions for how property has historically been recorded at the Bureau of Conveyances, Land Court and/or the Tax Maps Bureau. Specifically, Section 23-118 was amended with this additional criterion:

- “(c) The lot was created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances, Registrar of the Land Court or other applicable state agency (i.e. Tax Map Bureau) through evidence of a properly prepared deed and/or subdivision plat and was subsequently issued a Tax Map Parcel Number and individually assessed for real property tax purposes although not included in (a) or (b) above.
- (i) This subsection only applies for such recordings that convey the newly created lot/parcel, for some consideration, to a party other than the grantor.”

Therefore, we have re-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).

Ralph Unger & Malaika T. Maphalala
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Our review of the records has found the following history:

1. The earliest Tax Map Plat for 1-5-005 shows 4.7 acre Parcel 008, 6.98 acre Parcel 010 and 2.46 acre of railroad right-of-way (Lot 47-P), Parcel 016;
2. Through Tax Maps Bureau Plat 9148 '82, 6.98 acre Parcel 010 and a 0.58 acre portion of railroad right-of-way (Lot 47-P), Parcel 016, were dropped into Parcel 008;
3. The three parcels in number 1 above were created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances and therefore, they are legally created lots of record; and
4. We find no record of these lots having been, through the Planning Department, legally consolidated with each other or with any other adjacent lands.

Therefore, we confirm that Parcel 003, Parcel 010 and a portion of Parcel 016 (Por. Lot 47-P) are legal pre-existing lot of record.

Your request to reinstate Parcel 010 at 6.98 acres and revision of Parcel 008 to include the 0.58 Portion of Parcel 016 at 5.28 acres is being forwarded to our Tax Maps and Records Section for appropriate action. There will be no notification of the issuance of the additional/revised parcel numbers and you are advised that periodic checks of the plat map on our web site at <http://www.hawaiicounty.gov/tax-maps/current/zone-1/section-5/> is advised.

Please be advised that the portion of Lot 47-P within Parcel 008 still exists and would be an issue in determining "yards" when applying for building permits. You may want to procure the services of a surveyor who is licensed in the State of Hawai'i and have the 0.58 acre lot legally consolidated with the 4.70 acre remainder portion of Parcel 008, thus removing the extra property line.

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

Sincerely,



MICHAEL YEE
Planning Director

JRH:tb

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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager-Chief Engineer, DWS
G. Bailado, GIS Analyst (via e-mail)