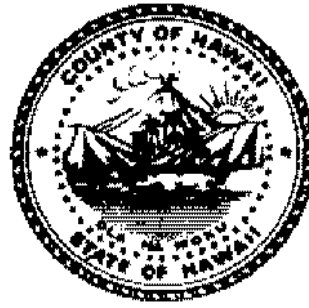


Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i

PLANNING DEPARTMENT

Michael Yee
Director

April Surprenant
Acting Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 10, 2020

Mary Begier, Realtor
Mary Begier Realty
101 Aupuni Street, Suite 315
Hilo, HI 96720

Dear Ms. Begier:

**SUBJECT: Subdivision Inquiry And Pre-existing Lot of Record Determination Portions of Lot 78 & Adjoining, Kaihenui Settlement Association Lots, Being Portions of Grant 5226, Grant 4405 & Grant 10661, 'Ōla'a Homestead Reservation Lots And 'Ōla'a Reservation Lots, 'Ōla'a, Puna, Island of Hawai'i, Hawai'i
TMK: (3) 1-7-004:012, 017 & 018**

This responds to your correspondence received on June 12, 2020. Although your inquiry was limited to the three Parcel numbers listed above, upon closer scrutiny, we have found the following:

We have reviewed 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. Lot 78, a portion of Grant 5226, 'Ōla'a Reservation Homestead Lots, and Lot 14, a portion of Grant 4405, 'Ōla'a Reservation Lots, were involved in the realignment of the 11 1/3 Mile Road;
2. In 1937, through C.F.S. Plats 8405-8406, The road was realigned from a straight route to a circuitous route following the roadway that was actually "on the ground;"
3. This new alignment created the remainder of Lot 78, being a portion of Grant 5226, two portions of Grant 10661 (remnants called Parcels 2 & 4 of the original right-of-way (old r-o-w)) and a portion of Grant 4405;

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4. Parcel 4 (0.005 Ac Portion of Grant 10661), above, remained with Parcel 017;
5. Parcel 2 (Portion r.o.w, Grant 10661) and Portion of Grant 4405 became Parcel 012;
6. Through subdivision SUB 842 in 1954, a 0.091 acre portion of Grant 5226 was created and became Parcel 018;
7. Therefore, there are five legal lots involved in Parcels 012 (r-o-w Parcel 2 & Portion Grant 4405), 017 (r-o-w Parcel 4 & Portion Grant 5226) & 018 (Portion Grant 5226);
8. We have no record of these lots having been legally consolidated with each other or any other adjacent lands; and
9. Therefore, per Section 23-118(a), these lots were created prior to November 22, 1944 or by properly processed subdivision plats, and therefore, they are legally created lots of record.

Two of these lots are remainders of the old r-o-w, Grant 10661, originally created for roadway purposes, and, therefore, are not considered buildable, the other three are remnants of buildable lots and are thus deemed as buildable. Per Section 23-120 of the Hawai'i County Code, "A pre-existing lot that was created for use as a road lot... shall be excluded for calculating the number of lots in applying section 23-7."

So to directly answer your inquiry, those three (3) TMK Parcels, 012, 017 & 018 could be consolidated along with all of their remnant portions, however, in a resubdivision, only three (3) buildable lots could result if utilizing Section 23-7, whereas "[T]he requirements and standards of this chapter shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action; provided that the director, upon conferring with the director of public works and manager-chief engineer of the department of water supply..."

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes at jonathan.holmes@hawaiicounty.gov.

Sincerely,


f MICHAEL YEE
Planning Director

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