

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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July 6, 2007

Karl Rad
161 Banyan Drive, Apt. 207A
Hilo, HI 96720

Dear Mr. Rad:

DETERMINATION OF PRE-EXISTING LOT
Kea'au Tract, Puna, Hawai'i
Tax Map Key 1-7-017:032, Lot 2

We have received your request dated May 29, 2007.

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. In 1895, the Kea'au Tract subdivision was platted for the Hawaiian Land and Improvement Company, Ltd. by A.B. Loebenstein. Lot 5 of Block 1, containing 49.15 acres, was a part of this subdivision. Lots 1 & 2 (Portions of Lot 5, Block 1) were created sometime after 1895, but prior to March 9, 1903, when Lot 2, containing 10.00 acres, of the subdivided Lot 5 was sold by M. Hirochi to U. Massa.
2. The act of subdividing Lot 5 extinguishes that lot number and thus it no longer is an entity. The Tax Maps and Records Division's normal practice when extinguishing a lot number is to make the circle around the lot number into a dashed line as, if one looks closely, was done in this case.

In view of the above, Parcel 32, currently described as one (1) tax map key parcel, remains as a single lot of record (Lot 2, Block 1, Keaau Tract) containing 10.00 acres, being a portion of Royal Patent Grant 7223.

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Should you not concur with the above finding, your recourse is as follows:

In accordance with Section 23-5 of the Hawaii County Code, Section 6-10.2 of the Hawaii County Charter, and Rule 8 of the Board of Appeals, you may appeal the director's decision as follows:

- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

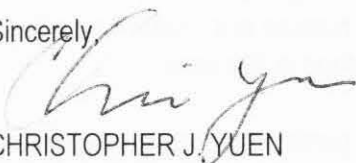
According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by and abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:lnm

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Enc.: County of Hawaii Board of Appeals General Petition for Appeal of Decisions by Planning Director

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xc: ~~T~~ax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager, DWS
Director, DPW