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County of Hawaii
PLANNING DEPARTMENT

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June 5, 2008

Steven S.C. Lim, Esq.
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P.O. Box 686
Hilo, HI 96720-0686

Dear Mr. Lim:

Lots of Record Determination
Ola'a Reservation Lots, Puna, Hawai'i
TMK: 1-8-005:125

This is in response to your letter dated March 5, 2008, and accompanying attachments requesting a determination of pre-existing lots for the above-described property.

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. Lot 117 was included as a portion of Grant 4128 issued on February 2, 1898;
2. On February 7, 1903, the Ola'a Sugar Company deeded a 40-foot wide "wagon road" to the Hilo Railroad Company (Liber 242, Pages 442-444). This "wagon road" bisected a good number of the Ola'a Reservation Lots and a portion of the road was assigned Lot 65, Parcel 37;
3. On July 18, 1968, a 9.70 acre portion of Lot 65, Parcel 37 (the "wagon road") was dropped into Parcel 18 (at the time a 255.0 acre parcel containing portions of Lots 117, 132, 141, 154, 155 and 156). This was done, ostensibly for tax purposes only, as Lot 65, Parcel 37 was no longer used for "wagon road" and/or railway purposes;
4. On January 19, 1995, the Planning Department issued a pre-existing subdivision determination which identified Lot 117, among others, as a separate, legal lot of record. Sometime thereafter, Lot 117 was assigned Parcel 125; and
5. Lot 65 still exists as a legal lot of record and as such does subdivide the other lots it bisects.

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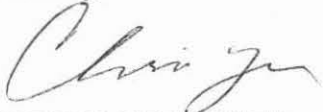
We do not have any records of Parcel 37 officially being consolidated with any of the other lots that it bisects.

In view of the above, Parcel 125, currently described as one (1) Tax Map Key Parcel is actually three (3) non-contiguous pre-existing legal lots of record and a portion of a fourth (4th) lot, the "wagon road", Lot 65.

The portion of the "wagon road" lot would not count toward the creation of a buildable lot and only three (3) lots could be created in a Section 23-7 consolidation and resubdivision within Parcel 125.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
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