

Harry Kim
Mayor



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Director

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County of Hawaii

PLANNING DEPARTMENT

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February 28, 2005

Mrs. Yvonne Santos
Escrow Officer
Title Guaranty Escrow Services, Inc.
450 Kilauea Avenue
Hilo, HI 96720

Dear Mrs. Santos:

DETERMINATION OF PRE-EXISTING LOTS
TMK: 2-1-006:002; Waiakea, South Hilo, Hawai'i

This is to acknowledge receipt of your letter of February 16, 2005, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property, being a portion of Grant 5512 and the whole of Grant 10,448 consists of two (2) separate legal lots of record:

- 1) Parcel First - Being the whole of Grant 10,448, consisting of 2,001 square feet; and
- 2) Parcel Second - Being a Portion of Grant 5512, consisting of approximately 76,189 square feet.

These two pre-existing lots are not associated with any known record of subdivision or consolidation on file with the Planning Department. As demonstrated by copies of deeds of Parcel 2 you have provided to this office, Parcel Second, consisting of approximately 76,189 square feet, was originally defined by deed dated March 21, 1941 (Liber 1628 at Page 151) and reflecting a lot size of 77,188 square feet, which included a triangular piece of property of 1,209 square feet located at the northeastern corner of Parcel 2 and which is currently shown on tax maps as a part of the adjoining Parcel 21 (Suisan). However, this triangular piece of property was shown to be conveyed earlier on January 9, 1939 (Liber 1356 at Page 344) and is included in the metes and bounds description for the adjoining Parcel 21 by deed dated June 26, 1998. Since this conveyance of the triangular portion in 1939 effectively consolidated and resubdivided Parcels 2 and 21 prior to the enactment of the Subdivision Code, we consider the resulting

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lots as pre-existing lots of record. Notwithstanding the inconsistencies surrounding the dates of recordation of instruments associated with the subject property, it is clear that these conveyances are consistent with the current configuration of Parcel 2 as shown on current tax maps. Any relatively minor discrepancies of parcel sizes can be attributed to the greater accuracy of modern surveying techniques. Finally, Parcel First, consisting of 2,001 square feet, was never included within the metes and bounds description of Parcel Second, thereby recognizing itself as a separate lot of record.

Consistent with the requirements of Chapter 23, Article 11 of the Subdivision Code regarding Pre-Existing Lots, the information provided above does demonstrate that both pre-existing lots (Parcel First and Parcel Second) were created and recorded prior to November 22, 1944. Please note that Parcel First was conveyed as a government remnant and will not be recognized as a buildable lot for the purposes of consolidation and resubdivision under Section 23-7 of the Subdivision Code.

It is our understanding that a survey has been conducted on the subject properties and would result in the development of specific metes and bounds for the identified pre-existing lots. If a consolidation of these properties is not the intent, you may want to have a modern metes and bounds survey be conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

A request for separate tax map key parcel numbers should be in writing to this department.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DSA:Inm

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xc: DPW-Engineering Division (Hilo)
Department of Finance
Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS