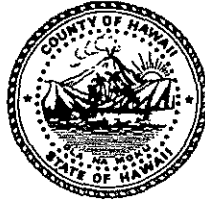


William P. Kenoi
Mayor



Bobby Jean Leithead Todd
Planning Director

Margaret K. Masunaga
Deputy Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

March 10, 2011

Rick Barbati
New ERA Realty
43 Kūkūau Street
Hilo, HI 96720-3081

Dear Mr. Barbati:

DETERMINATION OF PRE-EXISTING LOTS
Pana'ewa Tract, Waiākea Homesteads 1st Series
Waiākea, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-4-046:008

This is in response to your letter dated February 22, 2011.

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 research of the records at hand has found that the Abandoned Railroad Right-of-Way (ROW) does indeed bisect the subject parcel as shown by the fact that the State of Hawai'i has claimed ownership of said ROW as evidenced by their willingness to sell it to the affected adjacent landowners.

Therefore, we find that Parcel 8, presently indicated as one (1) lot on the tax map plat actually consists of three (3) individual lots. The landowners may wish to have a modern survey conducted that will generate an accurate metes and bounds and area description of the three (3) portions of the lot.

If the landowners are considering a consolidation and resubdivision of the lots they should be aware that, per Section 23-120 of the Subdivision Code, the ROW cannot be utilized to create a third buildable lot but only for the creation of another ROW lot or simply extinguished.

Rick Barbati
New ERA Realty
Page 2
March 10, 2011

Should consolidation and resubdivision not be intended, a request for assignment of additional parcel number(s) should be in writing by the landowners and be addressed to our Tax Maps and Records Section. A legal access from Hale Manu Drive to the rear portion of the lot would need to be created over the front portion and authorization for legal access over the ROW granted by the State unless the ROW is purchased by the landowners.

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

Sincerely,


BJ LEITHEAD TODD
Planning Director

JRH:Inm

P:\Admin Permits Division\PreX\2011\2-4-46-8Ornellas\BARBATI.doc

xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager-DWS
Director-DPW
Herbert & Lorraine Ornellas