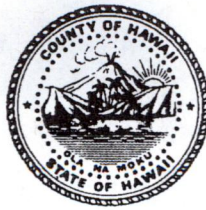


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May 27, 2021

Steven S.C. Lim, Esq.
Carlsmith Ball, LLP
P.O. Box 686
Hilo, HI 96721-0686

Dear Mr. Lim:

Pre-existing Lots of Record Determination
Royal Patent 5706, Land Commission Award 8521-B, Apana 2, & Grant 3758
Kūkūau 2nd & Kaūmana, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-5-001:001 & 2-5-002:003

We have received your correspondences of May 4, 2021 (COR-21-141527), April 28, 2021 (COR-21-141410), and May 12, 2017 (COR-17-111547).

Based on the information you provided, and our review of 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. Royal Patent 5706, Land Commission Award 8521-B, dated June 1852;
2. Grant 3758 to W.R. Castle, dated 1895;
3. Certificate of Map of W.R. Castle dated March 14, 1895 and recorded in Liber 149, Page 167 showing the subdivision of L.C. Aw. 8521-B and Grant 3758 into Lots 1 to 18, inclusive, Lots 20 to 58, inclusive, and eight (8) road lots;
4. Portions of the proposed Certificate of Map of W.R. Castle were subsequently dropped into TMK Plats 2-5-043, 044, and 045. The "dropped" area included Lots 1 to 17, inclusive, Lots 20, 21, & 22, and three (3) of the Road Lots;
5. We have no record of the remainder of L.C. Aw. 8521-B and Grant 3758 having been legally consolidated with any other adjacent lands.

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Given the above, and pursuant to Section 23-118. Criteria to determine a pre-existing lot, criteria (a) which states [emphasis added]:

(a) The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973, and the lot had never been legally consolidated...

We find that based on the Certificate of Map of W.R. Castle, dated March 14, 1895, TMKs 2-5-001:001 & 2-5-002:003, combined, contain 37 pre-existing lots being Lot 18 and Lots 23 to 58, inclusive, and also contains five (5) road lots.

We understand that the original request was for TMK 2-5-001:001 only, but based on the Certificate of Map of W.R. Castle dated March 14, 1895, it is clear that the intent was to include the land area contained in TMK 2-5-002:003 (Grant 3758). TMK 2-5-002:003 is currently owned by the same owner of TMK 2-5-001:001 and therefore it is only logical to determine all the available pre-existing lots for both TMK parcels based on the proposed layout of the Certificate of Map of W.R. Castle. Please note that should the pre-existing lots be used for a consolidation and resubdivision action, TMK 2-5-002:003 would be limited to a maximum of seven (7) lots. You may also choose to allot all excess pre-existing lots to TMK 2-5-001:001 forgoing any pre-existing lots in TMK 2-5-002:003.

Be further advised that much of the land area discussed above is situated within the State Land Use Conservation District and that the Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) should be consulted **if any further action is anticipated in the area.**

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

Sincerely,



ZENDO KERN
Planning Director

HS:tb

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xc: Tax Maps and Records Supervisor
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