

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

October 12, 2005

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

Charles Brenner
Partner of Marian Land Co.
A Florida General Partnership
34 Crestwood Drive
Maplewood, NJ 07040

Dear Mr. Brenner:

DETERMINATION OF PRE-EXISTING LOTS
TMK: 2-5-02:13

This is to acknowledge receipt of your letter of April 22, 2005, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, and those of the Real Property Tax Division.

Although the subject property does consist of portions of three grants, Grant 4666, Grant 4667, and Grant 4668, there has been a consolidation and resubdivision involving these grants. Subdivision No. 2135, the "Kaumana City Subdivision", applied for and received subdivision approval as a consolidation of Grants 4666, 4667 and 4668, and a resulting subdivision. A consolidation, by its terms, merges and therefore destroys the existing lots, and the resulting lots are those in the subsequent approved subdivision.

We can make the following accommodation: the subdivision maps indicate that the subdivision could have been done without affecting Grant 4667 at all, because none of the new lots created in the Subdivision No. 2135 were created out of Grant 4667. In addition, it does not appear that Grant 4667 was used as a pre-existing lot to create another lot. In this case, to give you the benefit of the doubt, we will accept Grant 4667 and conclude that the subject property, Tax Map Key 2-5-002:013, consists of two legal lots of record: Grant 4667 and the remnant portions of Grant 4666 and Grant 4668.

Hawai'i County is an Equal Opportunity Provider and Employer

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It is our understanding that, based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and resubdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots. If consolidation and resubdivision 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.

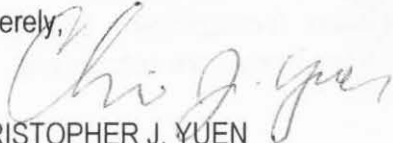
In light of the time lapse and lack of action, please submit a letter to withdraw Subdivision No. 93-145.

In accordance with Section 23-5 of the Subdivision Code, you may appeal this decision to the Board of Appeals within thirty (30) days of this decision. The Board of Appeals may affirm the decision of the director, or it may reverse, modify or remand the decision if 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 an abuse of discretion or clearly unwarranted exercise of discretion.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETC/CJY:lnm

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xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS
SUB-93-000145