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**County of Hawai'i**  
PLANNING DEPARTMENT

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January 7, 2019

Peter K. Kubota  
Attorney at Law  
505 Kilauea Avenue, Suite B  
Hilo, HI 96720-3011

Dear Mr. Kubota:

**DETERMINATION OF PRE-EXISTING LOT OF RECORD  
Being Land Commission Award 5145,  
Being Also a portion of Land Commission Award 4809, Apana 1,  
Pu'u'eo, South Hilo, Island of Hawai'i, Hawai'i  
Tax Map Key: (3) 2-6-002:001**

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This is in response to your correspondence of November 30, 2018, requesting a determination of a pre-existing lots of record for the subject property.

We have reviewed 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. In its present configuration and land area (65,327 square feet), Parcel 001 is the result of Land Commission Awards that date back to the 1850's; and
2. Although land acreage has been updated over time, we have no record of the original land titles having been consolidated with any other adjacent lands.

Given the above, and pursuant to Section 23-118. Criteria to determine a pre-existing lot;

*"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, provided that no pre-existing lot shall be recognized based upon a lease except for a lease which complied with all other applicable laws when made, including Territorial statutes regulating the sale or lease of property by lot number or block number, and on September 25, 2002, the proposed lot contains a legal dwelling, or has been continuously leased since January 8, 1948, as a separate unit."*

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Attorney at Law  
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Your request is for recognition of three (3) pre-existing lots of record consisting of Land Commission Award 5145, a portion of Land Commission Award 4989-B, and a portion of Land Commission Award 4809, Apana 1. We find no evidence to support the recognition of a portion of Land Commission Award 4989-B. Therefore, we confirm that **Parcel 001 (65,327 square feet) consists of two (2) legal pre-existing lots of record**, being Land Commission Award 5145 and a portion of Land Commission Award 4809, Apana 1.

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

Sincerely,



MICHAEL YEE  
Planning Director

HS:tb

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xc: Tax Maps and Records Supervisor  
Real Property Tax Division-Kona  
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