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May 24, 2021

Kenneth Fujiyama via e-mail (re96720@gmail.com)

Dear Mr. Fujiyama:

DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Being Mauka Lands of Pauka'a, Pāpa'ikou And Maka hana loa,
South Hilo, Island of Hawai'i, Hawai'i
Tax Map Keys: (3) 2-7-001:001 & 2-8-001:002

This responds to your correspondence of March 3, 2021, requesting a determination of pre-existing lots of record for the subject TMK's. We apologize for the delay.

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 (in a generally south to north recitation):

1. A Portion of Royal Patent 8335, Land Commission Award 7715, Apana 16;
2. A Portion of Royal Patent 7875, Land Commission Award 11215, Apana 1;
3. A Portion of Grant 3656, Apana 3;
4. A Portion of Royal Patent 7162, Apana2, Land Commission Award 11216, Apana 43;
5. A Portion of Royal Patent 7999, Land Commission Award 6247;
6. An Other Portion of Grant 3656, Apana 3;
7. A Portion of Grant 3122;
8. A Portion of Royal Patent 8117, Land Commission Award 7719, Apana 20;
9. A Portion of Royal Patent 7192, Land Commission Award 8559-B, Apana 17; and
10. A Portion of Royal Patent 7192, Land Commission Award 8559-B, Apana 18.

Although this area was subject to two separate subdivision actions, a deeper analysis of the pre-existing status of original land titles was warranted. This led to the analysis of pre-existing lots that existed prior to the approval of subdivision SUB-3711.

1. Subdivision SUB-3711, approved December 17, 1975, consolidated four (4) tax keys and re-subdivided into four lots;
2. Bulk Lot SUB-3711 was unclear as to its intent of consolidating original land titles as part of the subdivision action;
3. Portions of Land Commission Awards 7713:20, 11215:1 & 7715:16, and Grants 3122 & 3656:3 existed in old tax key 2-7-001:001 prior to the approval of subdivision SUB-3711;
4. The resulting Lot 1 of SUB-3711 subsequently bisected Land Commission Awards 6247 & 11216:43 and Grant 3656:3;
5. Land Commission Awards 6247 & 11216:43 and Grant 3656:3 were whole pre-existing lots contained within old tax key 2-7-007:001 prior to subdivision approval;
6. Land Commission Awards 6247 & 11216:43 and Grant 3656:3 were all subsequently used in a consolidation and resubdivision action, SUB-7880;
7. Subdivision SUB-6392, approved March 9, 1994, which consolidated two (2) lots and re-subdivided into two (2) lots was initiated by the US Fish and Wildlife Services; and
8. Subdivision SUB-6392 was processed under Sections 23-7 and 23-11 of the Subdivision Code.

Because SUB-3711 was unclear as to its intent of consolidating original land titles, we would provide the benefit of the doubt to the landowner to determine the existence of pre-existing lots prior to the subdivision approval. That being said, we would not recognize portions of original land titles that were subsequently divided by the approval of SUB-3711. Additionally, the approval of SUB-6392 was for the benefit of the public and was initiated by a governmental agency. As we would not penalize a landowner for providing land for a well site or a road right-of-way, we would not penalize the landowner for placing land within a forest reserve.

Therefore, we find that there are six (6) pre-existing lots as follows:

1. A Portion of Royal Patent 8335, Land Commission Award 7715, Apana 16;
2. A Portion of Royal Patent 7875, Land Commission Award 11215, Apana 1;
3. A Portion of Grant 3656, Apana 3;
4. A Portion of Grant 3122;
5. A Portion of Royal Patent 8117, Land Commission Award 7719, Apana 20; and
6. TMK 2-8-001:002, one (1) Portion of Makahanaloa (Land Commission Award 8559-B).

Kenneth Fujiyama

May 24, 2021

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It is advised that you consult a surveyor to establish accurate/modern metes and bounds descriptions of the lots, and that such descriptions be submitted to this department for appropriate action and to the State of Hawai'i Bureau of Conveyances for recordation.

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 for **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

JRH/HS:tb

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