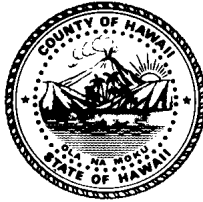


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 1, 2023

Kim Chiodo
Land Planning Hawai'i
194 Wiwoole Street
Hilo, HI 96720

Dear Kim Chiodo:

**SUBJECT: DETERMINATION OF PRE-EXISTING LOTS OF RECORD
PL-PLR-2022-000022
Lots 1, 2, & 4, Being Portions of Grant 6877,
"Ka'ie'ie & Ka'apoko Homesteads," South Hilo, Island of Hawai'i
Tax Map Key: (3) 2-7-005:046, 047, & 049**

This letter is in response to your request received December 1, 2022, requesting a determination of a pre-existing lot of record (PELOR) for Tax Map Keys (TMK) 2-7-005:046, 047, & 049.

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. 1915, January - Creation of Lot 18 of the "Ka'ie'ie & Ka'apoko Homesteads" shown on HTS Plat 762. Being Grant 6877, excepting and reserving the 20-foot wide flume right-of-way.
2. 1947, December 26 - Lot 18 subdivided into Lots 1 to 7, inclusive, per approved Public Works Subdivision, excepting and reserving the 20-foot wide flume right-of-way.
3. 1948, March 17 - Recordation of deeds Book 2113, Page 484 (Lot 1); Book 2113, Page 475 (Lot 2); Book 2113, Page 469 (Lot 4); all deeds excepting and reserving the 20-foot wide flume right-of-way.

4. 1972, July – Grant of flume right-of-way, being a portion of Remnant 8 of CSF 15540, also being a portion of Grant S-15031 (2-7-005:046, Lot 1).
5. 1972, July – Grant of flume right-of-way, being a portion of Remnant 8 of CSF 15540, also being a portion of Grant S-15031 (2-7-005:047, Lot 2). 1972, July – Grant of flume right-of-way, being Remnant 11 of CSF 15543, also being Grant S-14960 (2-7-005:049, Lot 4).
6. We have no record of Lots 1, 2, or 4 having been legally consolidated with the flume right-of-ways or any other adjacent lands.

Given the above, and pursuant to Section 23-118 criteria to determine a pre-existing lot, criteria (c) which states:

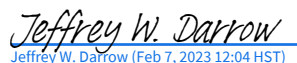
*“The lot was created through evidence of a properly prepared deed and/or **subdivision plat** for fee simple ownership of such lot to a grantee other than the grantor or a grantor’s trust which deed was recorded at the State of Hawai’i Bureau of Conveyances or with the Registrar of the Land Court prior to May 1, 1999, and was subsequently depicted on a County of Hawai’i Tax Map, was issued a tax map parcel number therefor, and was individually assessed for real property taxation purposes.”*

We find that Lots 1, 2, & 4 each contain two (2) separate buildable lots of record being those land areas bisected by the flume right-of-way, and one (1) non-buildable lot of record being the flume right-of-way.

Please note that the enclosed Planning Department letter dated January 28, 1972, is still in effect. Should either Lot 1 (TMK 2-7-005:046) or Lot 2 (TMK 2-7-005:047), or any portions thereof, be sold separately, any structures that do not meet the 20-foot side yard setback shall be removed.

Should you have any questions, please feel free to contact the Planning Department at planning@hawaiiicounty.gov or (808) 961-8288.

Sincerely,



Jeffrey W. Darrow (Feb 7, 2023 12:04 HST)

JEFFREY W. DARROW
Deputy Planning Director

HS:cn

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Kim Chiodo
Land Planning Hawai'i
PL-PLR-2022-000022
February 1, 2023
Page 3

Encl.: Letters dated 01-06-72 & 01-28-72

Email: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager-Chief Engineer, DWS
A. Gerken, GIS Analyst

January 28, 1972

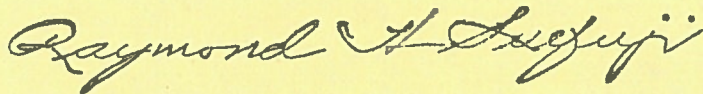
Mr. Isaac Boteilho
P. O. Box 587
Hilo, Hawaii 96720

Dear Mr. Boteilho:

Re: Proposed piggery
TMK: 2-7-05:46 & 47

We have reviewed your letter and building plans and have approved the permit with the condition set forth in your letter dated January 6, 1972. The condition is that should any one of the two lots be sold, that portion of the piggery building not meeting the 20-foot side yard setback requirement from the common boundary (boundary between parcels 46 and 47) will be removed. The other conditions as stated in the letter will still be in effect.

Very truly yours,



RAYMOND H. SUEFUJI
DIRECTOR

MO:mn

cc: Mr. Carl W. Castilo
1694 Kinoole St.

Mr. Sako/American Security Bank

JAN 31 '72

January 6, 1972

Mr. Raymond Suefuji
Director, Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

The undersigned have been in contact with members of your staff at the Planning Department, and this letter is a result of talks with staff members.

We are seeking to get a building permit to build a piggery on our property, Tax Map Key Nos. 2-7-05-46 and 2-7-05-47. We have enclosed a map of the property showing the proposed location of the piggery. The proposed location for the piggery is on the property line which divides the 2 lots that we own. The reason that this location was chosen is that the Board of Health requires 50 feet clearance between the piggery and neighboring dwelling houses. In order to comply with this 50 foot clearance, it is necessary to set the piggery 40 feet back from the property lines on either side of the piggery. The 40 foot setback from our property lines, together with the required 10 feet setback for neighboring properties, will insure that no dwelling house will be placed within 50 feet of the piggery. The only place that the piggery can be located and still keep the 40 foot setback is on the dividing line between our 2 lots, since our lots are narrow.

In order to get a building permit to construct the piggery across the piggery line between our 2 lots, we have been told it will be necessary to get Planning Department approval. It will not be practical for us to consolidate the lots since we hope to have one house on each lot in the future, and we could not do this if the lots were consolidated.

Mr. Raymond Suefuji
Page 2
January 6, 1972

In order to get the Planning Department approval, we agree, by this letter, not to sell either of our lots without first removing the piggery building. We have talked with Mr. Sako at the American Security Bank, the Mortgagee of the property, and the American Security Bank will also agree that, should they later get title to the property, they will not sell either of the lots alone without first removing the piggery building. We also agree that the lots will not be sold together without obligating any buyer to remove the piggery building, in the event that he wishes to sell the lots separately at a later time.

Very truly yours,

Isaac Boteilho
Isaac Boteilho

Novemia P. Boteilho
Novemia P. Boteilho

Carl Wayne Gastilo
Carl Wayne Gastilo

READ and AGREED:

AMERICAN SECURITY BANK

By Harmon A. Borein
Its Assistant Branch Manager