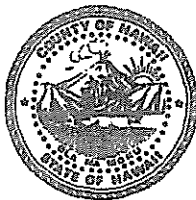


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

August 1, 2008

Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Lot of Record Determination
Waipunalei, North Hilo, Hawai'i
TMK: 3-6-5:42

We have received your request dated May 30, 2006. Please accept our apology for the length of time it has taken us to reply to your submittals, which we inadvertently overlooked.

We have reviewed the documents submitted, 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).

- 1) Parcel 84 was assigned on August 12, 1948 to a portion of Lot 15 based on a lease to Laupahoehoe Sugar Company (area of 2.75 acres and lease duration of 10 years);
- 2) Subdivision of Lot 15 into Lots A through G, inclusive, was approved on February 13, 1951 as Final Subdivision Approval No. 386. The area of Lot C is shown as 3.077 acres;
- 3) In 1952 the area of Parcel 42 was revised to 0.327 acres to correspond with Subdivision No. 386 (0.372 acres, Parcel 42 plus 2.75 acres, leased Parcel 84 equals to 3.077 acres, Lot C);
- 4) Leased Parcel 84 was dropped back into Parcel 42 on January 22, 1960 with the end of the lease to Laupahoehoe Sugar Company.

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- 5) The area of Parcel 42 was revised per document Book 11501, page 16 recorded at the Bureau of Conveyances on June 29, 1976.

In view of the above, we find that the property identified as TMK: 3-6-005:042 is indeed one (1) parcel as presently shown on the Tax Map Plat and containing an area of 3.2798 acres.

Should you not concur with the above finding, your recourse is as follows:

In accordance with Section 23-5 of the Hawai'i County Code, Section 6-10.2 of the Hawai'i County Charter, and Rule 8 of the Board of Appeals, you may appeal the director's decision as follows:

- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing fee of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

According to Section 23-5, Hawai'i County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

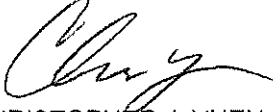
- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

HKS/DSA;jlh

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Enc.: County of Hawaii Board of Appeals General Petition for Appeal of Decisions by Planning Director

xc: Tax Maps and Records Supervisor ✓
Real Property Tax Division-Hilo
Manager, DWS
Director, DPW