

William P. Kenoi
Mayor



Duane Kanuha
Director

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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
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October 27, 2016

Karyn L. Hamamoto, Broker-Realtor
Brilhante Hawai'i, LLC
1342 Kilauea Avenue
Hilo, HI 96720

Dear Ms. Hamamoto:

**Request for Existing Lot Determination
Waipunalei Homesteads, North Hilo, Hawai'i
Tax Map Key 3-6-005:107**

This is in response to your request received on October 36, 2016, requesting the finding of a legal lot of record.

We have reviewed the documents submitted, our department records and those of the Department of Finance–Real Property Tax Division (RPT) and find the following:

The records indicate that this parcel, a portion of Parcel 059, was first recorded as an 18.03 acre parcel at the Bureau of Conveyances in Instrument No. 8900189632, on December 12, 1989.

It was subsequently recorded as Lot 17, the present 12.7190 acre parcel at the Bureau of Conveyances in Instrument No. 9200121747, on July 28, 1992.

The past practices of the State Bureau of Conveyances (BOC) with regards to the methods of recording land ownership documents has not always been in agreement with County subdivision law. Prior to the mid 1990's, it was a simple matter of presenting properly prepared deed documents or subdivision plats to the BOC and they would be recorded and subsequently indicated on the Tax Map Plats giving the appearance of legally subdivided land. These maps and other documents do not necessarily reflect the proper creation of lots as specified in county law.

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This parcel has been platted, assigned a TMK parcel number, documented in the tax maps, and individually assessed for county real property tax purposes since 1989. Additionally, this lot has, in good faith, changed ownership one or more times.

Under these circumstances, the Planning Director has determined that it is in the best interest that this lot be recognized as a legal lot of record.

In view of the above recitals, we confirm to you that the subject parcel, TMK: 3-6-005:107, being Lot 17, also being a portion of Parcel 059 and a portion of Land Patent Grant 4910, of Waipunalei Homesteads, containing 12.7190 acres, is hereby recognized as a legal lot of record.

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

Sincerely,



DUANE KANUHA
Planning Director

JRH:lnm

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xc Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager, DWS
GIS Section via email
TMK File 3-6-005:059

March 30, 1990

Mr. Joseph DeFrank
3190 Maile Way
Honolulu, HI 96822

Dear Mr. DeFrank:

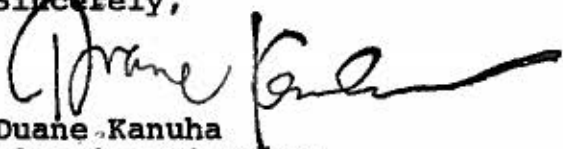
Pre-existing Lot
TMK: 3-6-05:por. 59, Lot 9

In reviewing the documents submitted, we have determined that Lot 9 (Land Patent No. 4882) of TMK: 3-6-05:por. 59 is a pre-existing lot of record. The property consists of 6.32 acres and is situated within the County's Agricultural (A-20a) zoned district. Agricultural activity such as nursery crop is a permitted use. A copy of the permitted uses is enclosed for your information.

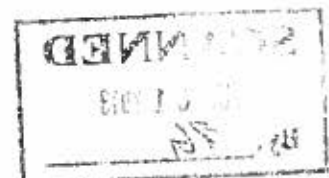
A single-family dwelling can be constructed on the property. Under the Zoning Code, where only one single-family is permitted, an application to construct an ohana dwelling may be applied for. This application is reviewed by this department, the Department of Public Works and State Health Department.

Should you have any further questions, please feel free to contact this office.

Sincerely,


Duane Kanuha
Planning Director

MO:mh
Enclosure



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