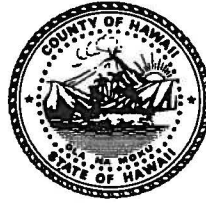


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
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## County of Hawai'i PLANNING DEPARTMENT

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Hilo, Hawai'i 96720  
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February 27, 2018

Peter W. Fuller via e-mail ([alohafuller@gmail.com](mailto:alohafuller@gmail.com))  
Trustee of the Peter W. Fuller Trust  
P.O. Box 2426  
Browning, MT 59417-2426

Dear Mr. Fuller:

Request for Existing Lot of Record Determination  
Lot 1C, Being a Portion of Grant 5219,  
Being also a Portion of Lot 31, Pōhākea Homesteads,  
Pōhākea, Hāmākua, Island of Hawai'i, Hawai'i  
**TMK: 4-3-011:007 (& new 028)**

This is in response to your request dated January 19, 2018, requesting the finding of a legal lot of record. Please forgive the delay in this response as proof of the legal existence of this property required exhaustive research.

The County Council recently passed an amendment to the Hawai'i County Code (HCC), Chapter 23, Subdivision, Article 11, Section 23-118 to expand the criteria for the recognition of pre-existing lots of record to include provisions for how property has historically been recorded at the Bureau of Conveyances, Land Court and/or the Tax Maps Bureau. Specifically, Section 23-118 was amended with this additional criterion:

- “(c) The lot was created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances, Registrar of the Land Court or other applicable state agency (i.e. Tax Map Bureau) through evidence of a properly prepared deed and/or subdivision plat and was subsequently issued a Tax Map Parcel Number and individually assessed for real property tax purposes although not included in (a) or (b) above.
- (i) This subsection only applies for such recordings that convey the newly created lot/parcel, for some consideration, to a party other than the grantor.”

Peter W. Fuller  
Trustee of the Peter W. Fuller Trust  
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Therefore, 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) and find the following:

Parcel 007 is shown on the first Tax Map Plat of May 1935 as Lot 31, Grant 5219 of the Pōhākea Homesteads, containing 70.0 acres.

The subject property in its present configuration is the result of a deed dated January 4, 1962, recorded with the Bureau of Conveyances on January 8, 1962 in Liber 4193 at Page 120 & Page 128. This recordation reduced Parcel 007 Lot 31, from 70.0 acres to 35.0 acres, and designated it as Lot 1C, and created new Lot 3B, Parcel 028 containing 35.0 acres.

We do not have any record of the lots having been legally consolidated with each other or any other lands adjoining them.

In view of the above, we confirm to you that the subject Lots 1C and 3B are legally created lots of record.

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

Sincerely,



MICHAEL YEE  
Planning Director

JRH:lnm

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xc: Tax Maps and Records Supervisor  
Real Property Tax Division-Hilo  
Manager, DWS  
Dorie A. Kekaha via e-mail ([dkekaha@tghawaii.com](mailto:dkekaha@tghawaii.com))