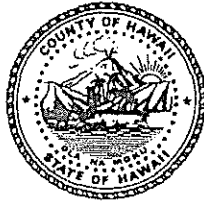


William P. Kenoi  
*Mayor*



Bobby Jean Leithead Todd  
*Planning Director*

Margaret K. Masunaga  
*Deputy Planning Director*

County of Hawaii

**PLANNING DEPARTMENT**

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

October 22, 2009

Ronaldo B. Aurelio, LPLS  
PO Box 10248  
Hilo, HI 96721

Dear Mr. Aurelio:

**LEGAL LOTS OF RECORD DETERMINATION**

SUBDIVIDERS: ALFONSO, Rodney Louis & Rosemarie  
Proposed Subdivision of Parcel 41, Kalōpā Homesteads,  
Being a Portion of Grant 7861,  
Into Lots 1 & 2,  
Kalōpā, Hāmākua, Island of Hawai'i, Hawai'i  
**TMK: 4-4-008:041**

This is in response to your letter dated August 26, 2009 and accompanying attachments, requesting a determination of the existence of additional lots of record within the subject property.

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).

The subject property, a portion of Lot 77 and adjoining Lot 66 were depicted on the Kalōpā Homesteads map prepared by Alfin Johnson between October 1916 to February 1917, and assigned "Government Survey Registered Map No. 2586." Lot 66 was the whole of Grant 7902 whereas Lot 77 appears to be made up of a Portion of Grant 7861 (Being the whole of Land Commission Award 7842, 10.0 acres; and a Portion of Land Commission Award 8404, approximately 5.416 acres) and a Portion of Land Commission Award 7842B, approximately 6.434 acres. Sometime prior to April 1935, when the first Tax Map Plat was drawn, Lots 66 and 77 were reconfigured and Lot 77 retained its 21.85 acres. In 1984, the land area of Lot 77 was reduced by 0.112 acres for a Kalōpā Drainage Improvement Project (SUB 5112).

Ronaldo B. Aurelio, LPLS  
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Having all of that been said, we find that the realignment of Lots 66 and 77 prior to 1935 was essentially a consolidation and resubdivision of the various portions of the lots. The effect of it is that Grant 7902 (Lot 66) and Portion of Grant 7861 (L.C. Aw. 7842 and Por. L.C. Aw. 8404) within Lot 77 were extinguished. However, that action did not disturb the Portion of L.C. Aw. 7842B within Lot 77. Therefore, that Portion of L.C. Aw. 7842B remains and we determined that Parcel 041 contains one (1) additional pre-existing lot of record for a total of two (2) lots of record.

It is our understanding that, based on this information provided regarding pre-existing lots, you will be amending the Alfonso's subdivision application to reflect a consolidation and resubdivision of the subject lots which would be processed under Section 23-7 of the Subdivision Code whereby the requirements and standards of the Subdivision Code shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action.

By copy of this letter, we will be asking the listed officers if their previous comments need amending. We will contact you upon receipt of their responses.

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

Sincerely,



BJ LEITHEAD TODD  
Planning Director

JRH:Inm  
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xc: Tax Maps and Records Supervisor  
Real Property Tax Division-Hilo  
Manager-DWS  
Director-DPW  
Rodney Louis & Rosemarie Alfonso  
SUB-08-000825 (ALFONSO)