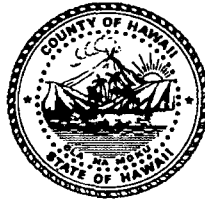


Harry Kim
Mayor



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Director

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March 16, 2018

Ronald F. McIntosh PB, DR (via e-mail roanoke13@gmail.com)
Rare Earth Properties
P.O. Box 1077
Volcano, HI 96785

Dear Mr. McIntosh:

**FOLLOW-UP TO DETERMINATION OF PRE-EXISTING LOT OF RECORD
A Portion of Lot 2, Grant 6934, Apana 1,
Kao House Lots, Hāmākua, Hawai'i
Tax Map Key 4-5-004:068**

This is in response to your telephone conversation with staff on March 6, 2018, requesting that, considering an amendment to the Subdivision Code, Chapter 23 of the Hawai'i County Code (HCC) 1983 (2016 Edition, as amended), we re-visit our previous determination of pre-existing lot of record for the above-described property, Parcel 068.

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.”

Ronald F. McIntosh PB, DR
Rare Earth Properties
Page 2
March 16, 2018

Therefore, we have re-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).

Our review of the records has found the following history:

1. On the first Tax Map Plat of May 1935 (which, as contained in our archive, may have been updated prior to our copy), Parcel 015, being a portion of Lot 2 and a portion of Lot 25 of the Kaaou Houselots, consisted of 8.2 acres (this being less 5,000 sq. ft. to new Parcel 019 by deed dated February 6, 1936, recorded at the Bureau of Conveyances (BOC) on February 10, 1936) (For 1956, Parcel 019, by Tax Map Bureau (TMB) Plat No. 216 '56, gained 688 sq. ft.);
2. Through Public Works (PW) Subdivision No. 139 dated February 11, 1948 and by deed dated February 25, 1948, Parcel 059, containing 16,036 sq. ft., was recorded at BOC on March 4, 1948;
3. By deed dated May 27, 1949, Parcel 068, containing 5,000 sq. ft., was recorded at BOC on June 21, 1950 (just prior to this and the PW Subdivision, Parcel 062, a remainder portion of Lot 25, was separated from remainder of Lot 2, no deed date or recordation date available);
4. For 1952, Parcel 068, by TMB Plat No. 644 '51, was given 356 sq. ft. of area from Parcel 015;
5. The lot was created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances and therefore, it is a legally created lot of record; and
6. We find no record of this lot having been consolidated with any other adjacent land.

Therefore, we confirm that Parcel 068, containing 5,356 sq. ft., is a legal pre-existing lot 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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Ronald F. McIntosh PB, DR
Rare Earth Properties
Page 3
March 16, 2018

xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager-Chief Engineer, DWS
G. Bailado, GIS Analyst (via e-mail)