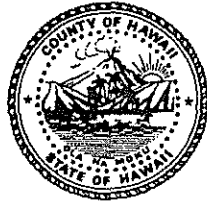


**William P. Kenoi**  
*Mayor*



**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

July 21, 2010

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**DETERMINATION OF PRE-EXISTING LOTS**  
**Haina, Hāmākua, Island of Hawai'i, Hawai'i**  
**TMK: 4-5-016:036 & 037**

This is in response to your letter dated June 8, 2010.

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).

Our research of the records at hand indicate that Subdivision No. 169 was granted final approval on August 8, 1949. They further indicate that TMK 4-5-016:036 (Lot 20 and portion of Lot 19) and TMK 4-5-016:037 (Lot 18 and portion of Lot 19) were changed to their presently shown configuration on or about September 3, 1949 and February 24, 1951, respectively. The prior configuration was that of the typical 7,500 sq. ft. lots of the subdivision. However, we do not find any record that the reconfiguration was done in accordance with County of Hawai'i subdivision law. What this means is that the owners of Lots 18 and 20 actually jointly own a one-half interest in Lot 19.

As is the case here, the past practices of the State Bureau of Conveyances (BOC) with regard 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 and/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 are for property tax assessment purposes only and do not necessarily reflect the proper creation of lots as specified in county law. Needless to say, this situation presents some difficulty for the Planning Department and for those who think that they have a legally created parcel of land.

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
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Notwithstanding the length of time that the lots have been possessed in their current configuration, for the sake of legitimacy, we will require that an application for the consolidation and resubdivision of the three (3) lots into two (2) lots be submitted for our approval.

Please understand that to do otherwise would be contrary to the codes and could be construed as favorable treatment of singular land owners that would not necessarily be offered to others in similar situations.

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

Sincerely,



BJ LEITHEAD TODD  
Planning Director

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xc: Tax Maps and Records Supervisor  
Real Property Tax Division-Hilo  
Manager-DWS  
Director-DPW  
Subdivision No. 169