

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

August 9, 2005

Blaine W. Ito, LPLS
True North Surveys, Inc.
P. O. Box 421
Paauilo, HI 96776

Dear Mr. Ito:

DETERMINATION OF PRE-EXISTING LOTS OF RECORD

Ahualoa Homesteads, Hamakua, Island of Hawaii, Hawaii
TMK: 4-6-010:005

We have received your letter of March 7, 2005. Please accept our apologies for the delayed response that warranted additional research before we were able to render a determination. 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 review of the records have found the following:

1. Ahualoa Homesteads Third Series shown on Registered Map No. 1878, 2nd Land Districts (created in 1896) includes Lots 10- A and 10-B described in Land Patent No. 9137.
2. The Upper Hamakua Ditch passes over both Lot 10- A and 10-B. According to Land Patent 9137, the Territorial Government reserved 0.27acre from Lot 10-A and 0.26 acre from Lot 10-B, thus creating non-contiguous portions of land within both Lot 10-A and 10-B.
3. We do not have a record of these lots being consolidated with any other lot.

Based on the above, we conclude that this Parcel 5 is composed of the two (2) lots of record and comprising of Lot 10-A and 10-B. Based on the survey map that you provided dated February 23, 2005, we calculate the land area of Lot 10-A as consisting of approximately 40.868 acres and Lot 10-B consisting of approximately 38.822 acres.

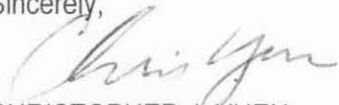
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True North Surveys, Inc.
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Land Patent No. 9137, which defines both Lots 10-A and 10-B, also identifies the Upper Hamakua Ditch that traverses over both property by "Excepting and reserving therefrom the Upper Hamakua Ditch (20 feet wide) which passes over and across these lots, as shown on plan hereto attached and make a part thereof. Area 53/100 of an acre. LEAVING a NET AREA of 81-17/100 ACRES." We find that this such reservations are more akin to an easement rather than a separate lot of record. Easements do not partition land.

Thank you for your patience. Should you have any questions, please feel free to contact this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

RKN/DSA:Inm
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xc: ~~Tax~~ Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS
DPW-Engineering Division (Hilo)
Department of Finance

Harry Kim
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PLANNING DEPARTMENT

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October 3, 2005

Blaine W. Ito, RPLS
True North Surveys, Inc.
PO Box 421
Paauilo, HI 96776

Dear Mr. Ito:

DETERMINATION OF PRE-EXISTING LOTS **TMK: 4-6-10:05**

This is to acknowledge receipt of your letter of March 7, 2005, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property consists of six (6) separate legal lots of record, two (2) Ditch Lots and four (4) Buildable Lots:

1. Lot 10-A1 consisting of 7.608 acres;
2. Lot 10-A2 consisting of 33.109 acres;
3. Lot 10-B1 consisting of 4.583 acres; and
4. Lot 10-B2 consisting of 34.082 acres.

It is our understanding that, based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and resubdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots. If consolidation and resubdivision is not the intent, you may want to have a modern metes and bounds survey be conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

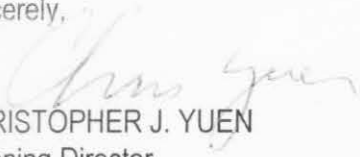
A request for separate tax map key parcel numbers should be in writing to this department.

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Blaine W. Ito, RPLS
True North Surveys, Inc.
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October 3, 2005

Should you have any questions, please feel free to contact Ed Chepic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETC:lnm
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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager-DWS