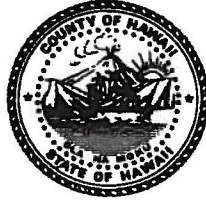


Harry Kim
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March 14, 2017

Steven S.C. Lim, Esq.
Carlsmith Ball, LLP
P.O. Box 686
Hilo, HI 96721-0686

Dear Mr. Lim:

**Determination of Pre-existing Lots of Record
Portions of L.C. App. 1116, Map 35 & L.C. Aw. 10474,
Napapaa, Halelua, Ā'puakohā'u, Kukuiwaiuhia and Ma'ulili,
North Kohala, Island of Hawai'i, Hawai'i
TMK: 5-3-002:001 & 003; 5-3-004:001; & 5-8-002:009**

We have received your correspondences of September 29, 2016, and follow-up letter of February 15, 2017, regarding the above listed properties.

We have reviewed the information 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:

On Hawaiian Government Survey Map No. 1705 of North Kohala, dated in 1893, shows the "Road From Waimea" extending from the Akoni Pule Highway mauka up to and through Land Commission Award 7715 (terminus of the map). However, the alignment of the road on the Survey Map is somewhat inconsistent with that which is depicted on the Tax Map Plats of the area.

The Survey Map shows a relatively straight roadway with the "jog" within the Halelua ahupua'a portion of 5-3-004:001 as also shown on the Tax Plat. It continues onto Plat 003 as relatively straight as well. However, the Survey Map and Tax Plat for 5-3-002:001 & 003 differ substantially. The Tax Plat shows a meandering route whereas the Survey Map shows the alignment very straight up to and through the ahupua'a of Lā'mälolo'ā, where 5-8-002:009 resides.

Steven S.C. Lim, Esq.
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We agree that the Old Waimea-Kohala Road does bisect the parcels as depicted in your subsequent submittals dated February 15, 2017. We are comfortable with the eight (8) lots you have requested to be determined as pre-existing:

1. 5-3-002:001, Lots labeled 1 & 2 (2 lots & Roadway lot);
2. 5-3-002:003, Lots labeled 5 & 6 (2 lots & Roadway lot);
3. 5-3-004:001, Lots labeled 1 & 2 (2 lots & Roadway lot); and
4. 5-8-002:009, Lots labeled 3 & 4 (2 lots & Roadway lot).

Therefore, we confirm that the subject parcels actually contains eight (8) pre-existing lots of record and four (4) roadway lots.

The landowners may want to have the roadway right-of-way more accurately located so as to facilitate any development of the lots and to clarify the State's potential interest in the right-of-way with regard to the Highways Act of 1892.

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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