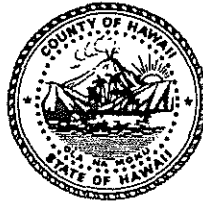


William P. Kenoi  
Mayor



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

August 6, 2009

Alan M. Okamoto  
Nakamoto, Okamoto & Yamamoto  
Attorneys At Law, A Law Corporation  
187 Kapi'olani Street  
Hilo, HI 96720-2687

Dear Mr. Okamoto:

**CLARIFICATION OF DETERMINATION OF PRE-EXISTING LOTS**  
**TMK: 5-4-003:002**

This is to acknowledge receipt of your letter of May 12, 2009, and documents regarding the subject matter. We apologize for the length of time to reply.

Please be advised that we hereby acknowledge that, through Settlement Agreement dated November 13, 2008, by and between Surety Kohala Corporation and the Planning Department, through it's then Director Christopher J. Yuen, that the subject parcel, presently shown as one (1) parcel on the Tax Map Plats, is comprised of seven (7) legal lots of record by virtue of an agreed upon public roadway ("Kapa'au Road") which bisects some of the individual elements of the lands as follows:

1. Portion of Grant 2105 bisected into three (3) lots;
2. Portion of Grant 1546 Apana 1, one (1) lot;
3. Portion of Grant 1546 Apana 2, one (1) lot; and
4. Portion of Land Commission Award 8735 bisected into two (2) lots.

By copy of this letter, we will ask the listed officers to re-evaluate the revised preliminary plat map dated October 31, 2006, previously distributed to them on January 27, 2009, for Subdivision Application No. 06-000483, with the understanding that this application is now being 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. We will contact the subdivider's agent upon receipt of their responses on this matter.

Alan M. Okamoto  
Nakamoto, Okamoto & Yamamoto  
Attorneys At Law, A Law Corporation  
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August 6, 2009

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:     Manager-DWS  
          Director-DPW  
          District Environmental Health Program Chief, DOH  
          Planning Dept.-Kona  
          DPW-ENG-KONA  
          Tax Maps and Records Supervisor I  
          Real Property Tax Division-Kona  
          Surety Kohala Corporation  
          Rodney M. Kawamura. P.E. & LPLS, President, Hilo Engineering, Inc.  
          SUB-06-000483 (Surety Kohala Corporation)