

William P. Kenoi
Mayor



BJ Leithead Todd
Director

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Deputy

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County of Hawai'i
PLANNING DEPARTMENT

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February 27, 2012

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

Dear Mr. Lim:

Determination of Pre-Existing Lot of Record
TMK: 5-4-003:002

This is to acknowledge receipt of your letter of January 31, 2012, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, including our June 7, 2004 letter of pre-existing lots for the subject property, as well as those of the Real Property Tax Division, and provide the following findings.

Also, based on the Stipulation to Amend Findings of Fact, Conclusions of Law and Order filed on May 31, 2011, in Surety Kohala Corporation v. Heirs and Assigns of Kaai (k), Civil No. 01-1-0276, Circuit of the Third Circuit, the County of Hawai'i "recognized Hall Road as a government road pursuant to the Highways Act of 1982 . . ." As a result of the above conclusion and our research, we have determined that the subject property consists of four (4) additional separate legal lots of record:

- 1) Portion of R.P. Grant 1553 area not available;
- 2) Portion of R.P. Grant 7128, L.C. Aw. 8085 area not available;
- 3) Portion of R.P. Grant 2407 area not available; and
- 4) Portion of R.P. Grant 1850 area not available.

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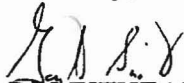
According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by and abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

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

Sincerely,


for BJ LEITHEAD TODD
Planning Director

ETC:lnm

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Encs. - Tax Map 5-4-003:002

Determination of Pre-Existing Lots Letter of June 7, 2004

Board of Appeals General Petition for Appeal of Decisions by Planning Director

xc: H. Santiago, Tax Maps and Records Supervisor
Real Property Tax Division-Kona
Manager-DWS
Planning Dept.-Kona