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PLANNING DEPARTMENT

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January 9, 2008

Robert Triantos, Esq.
Carlsmith Ball, LLP
P.O. Box 1720
Kailua-Kona, HI 96740-1720

Dear Mr. Triantos:

DETERMINATION OF PRE-EXISTING LOTS
Honopueo, North Kohala, Hawai'i
Tax Map Key 5-4-005:068

This is in response to your letter dated May 4, 2006, and accompanying attachments, requesting a determination of pre-existing lots for the above-described property. Please accept our apology for the length of time to respond.

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 has found the following:

1. Parcel 010 (9.18 acres), the parent parcel of Parcels 067 and 068, originally consisted of Portions of Land Commission Awards 8689:1, 8689:C and 8689:2. The Hawi-Niuli Road alignment (F.A.S.P. 3A (1)) created a road right-of-way that bisected Parcel 010 and resulted in three (3) separate parcels (1.33, 7.36 and 0.49 acres, respectively).
2. Parcel 068 (area revised to 0.555 acres) has the common boundaries of Land Commission Award 8689:C and Land Commission Award 8689:2 bisecting it.
3. Since these bisections occurred through the creation of public right-of-ways, the resultant portions of the Land Commission Awards remain intact; therefore, Parcel 068 has two (2) Land Commission Award Portions.

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In view of the above, we confirm that Parcel 068, currently described as one (1) Tax Map Key Parcel, is indeed, composed of the following two (2) separate legal lots of record:

1. Portion, L.C. Aw.8689:2 to Hewahewa, area unknown; and
2. Portion, L.C. Aw. 8689:C to Kahoopiiwai, area unknown.
3. Total current area of 0.555 acres.

We do not have any records of these lots being consolidated with each other or any other lot adjoining them.

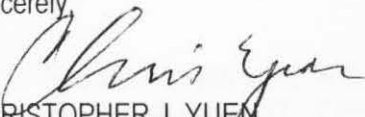
It is our understanding that, based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and resubdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots.

With regards to Mr. Jason Coombs inquiry involving the requirement to have the final well/water system installed prior to the building permit application for the Ohana Dwelling Unit, that condition was revised to have the applicant provide a copy of DLNR's final approval of the well and pump installation for our records.

We will await Mr. Coombs expected request to invalidate, as no longer necessary, the Ohana Dwelling Permit (OHD-05-000053) and the subsequent application for consolidation and resubdivision.

Should you have any questions, please feel free to contact Jonathan Holmes or Daryn Arai of this department at 961-8288.

Sincerely


CHRISTOPHER J. YUEN
Planning Director

JRH:lnm

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xc: ~~Tax~~ Maps and Records Supervisor I
Real Property Tax Division-Kona
Manager, DWS
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Jason and Emily Coombs