

**Harry Kim**  
Mayor



**Christopher J. Yuen**  
Director

**Brad Kurokawa, ASLA**  
**LEED® AP**  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

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

June 20, 2007

Jerry and Jan Parks  
65-1508 Kawaihae Road  
Kamuela, HI 96743

Dear Mr. and Mrs. Parks:

**DETERMINATION OF PRE-EXISTING LOTS**  
**Waiauia, Waimea, South Kohala, Hawai'i**  
**Tax Map Keys 6-5-001:013 & 6-5-006:005**

We have received your request dated June 3, 2007.

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. Portions of Land Commission Award 589, Apana 2 & Land Commission Award 589-2258, Apana 1, consisting of 0.32 and 54.82 acres, were subdivided on January 19, 1961 (SUB 1588). The result was a Remainder Lot of 45.57 acres, an 8.31 acre lot and a roadway "easement" lot of 1.26 acres, a portion of which bisected Parcel 6-5-006:005 (no resultant lot designations or land areas specified). This roadway "easement" provided access to the 8.31 acre lot and 45.57 acre Remainder Lot.
2. Parcel 6-5-006:005 was subdivided again on January 3, 1962 (SUB 1753). The result of that action was that the 0.32 acre portion of Land Commission Award 589, Apana 2 (a portion of the roadway "easement" created by SUB 1588) was absorbed back into Parcel 005 and the parcel was subdivided into Lots 1 through 4, Inclusive (land areas unimportant). This resulted in a balance of 0.94 acre in the roadway "easement" lot.

3. Lot 3 of the Parcel 005 subdivision (SUB 1753) was further subdivided on December 16, 1966 (SUB 2469) into Lots 3A & 3B. Lot 3A was designated as a Roadway Lot to provide access to the 8.31 acre lot created by SUB 1588 that had become landlocked by SUB 1753. No access (easement or otherwise) was indicated across the 8.31 acre lot to the roadway "easement" lot to provide access to the 45.47 acre Remainder Lot affectively landlocking it.
4. On September 27, 1985, a subdivision application (85-126) was submitted to consolidate Lot 3A, the roadway "easement" lot and the 8.31 acre lot and resubdivide them into Lots 1 & 2. This subdivision was withdrawn from consideration on December 9, 1987. The plat map for this action indicated access easements that would allow access to the roadway "easement" lot and thus un-landlock the 45.57 acre Remainder Lot. As this subdivision application was withdrawn, the above is moot.
5. The net outcome of our findings is that there are three (3) legal lots within Parcel 6-5-006:005 as follows:
  - a. An 8.31 acre lot;
  - b. A 0.94 acre roadway "easement" lot; and
  - c. A 0.269 acre Roadway Lot (3A) fronting the highway and providing access to the 8.31 acre lot.
6. Please be aware that the pre-existing lots that were created for use as road lots shall be excluded for calculating the number of lots in applying Subdivision Code Section 23-7, unless it is conforming, except to create road lots or other non-buildable lots.
7. With the exception of the withdrawn subdivision application (85-126), we do not have any records of these parcels being consolidated with each other or any other lots adjoining them.
8. The land areas that we have used for this determination are from the various subdivision plat maps. You may want to have a modern metes and bounds survey conducted for a more accurate and current land area determination. If you wish to amend the official records, a map, certified by a surveyor that is licensed in the State of Hawai'i, reflecting this information may be submitted to this department for certification.

Jerry and Jan Parks  
Page 3  
June 20, 2007

Should you have any questions, please feel free to contact Hans Santiago or Daryn Arai of this department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:

P:\wp60\PREXIPrec2007\6-5-1-13&6-5-6-5-PARKS.doc

cc: Tax Maps and Records Supervisor I  
Real Property Tax Division-Kona  
Planning Department-Kona  
Manager, DWS  
Director, DPW  
Riley Smith, Parker Land Trust  
Lynn H. Higashi, Esq., Cades Schutte LLP