

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

May 30, 2007

Robert W. Cunningham, PLS
Belt Collins Hawaii Ltd.
2153 North King Street, Suite 200
Honolulu, Hawaii 96819-4554

Dear Mr. Cunningham:

DETERMINATION OF PRE-EXISTING LOTS
Tax Map Key 6-7-002:020

This is to acknowledge receipt of your letter of March 3, 2006, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property consist of one (1) legal buildable lot of record:

1. Parcel 20, Portion of L. C. Aw. 4037 to A. D. Allen and also being a Portion of R. P. 5671, L. C. Aw. 8521-B-1 to G. D. Hucu consisting of 4.019 acres.

Your submittals include a Third Circuit Court Decree Confirming and Quieting Title to Real Property recorded on May 1, 1967, recognizing Lot A of 3.590 acres (por. Parcel 20) and Lot B-1 of 18,505 square feet (por. Parcel 20), and Lot B-2 of 24,639 square feet (Parcel 10). However, we have come across Subdivision No. 2603 approved on May 6, 1968, *after* the Quiet Title, that consolidated Lot B-1 into the larger Lot A. A copy of this final plat map is enclosed for your information.

Should you not concur with the above finding, your recourse is as follows:

In accordance with Section 23-5 of the Hawaii County Code, Section 6-10.2 of the Hawaii County Charter, and Rule 8 of the Board of Appeals, you may appeal the director's decision as follows:

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- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

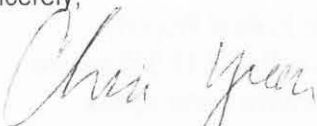
According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds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



CHRISTOPHER J. YUEN
Planning Director

RDS/DSA:lnm

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Encs.: SUB 2603 FPM
Board of Appeals General Petition for Appeal of Decisions by Planning Director

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xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Kona
Manager-DWS
Planning Dept.-Kona
SUB 2603