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February 9, 2021

John D. Weeks
John D. Weeks, Inc.
78-6877 Māmalahoa Highway
Hōlualoa, Hawai'i 96725

Dear Mr. Weeks,

**DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Being Portions of Grant 989,
Maihi 2nd, North Kona, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 7-9-003: 008 & 025 (dropped)**

This responds to your correspondence of January 29, 2021, requesting a determination of pre-existing lots of record for TMK (3) 7-9-003: 008 & 025 (dropped).

We have reviewed 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. TMK 7-9-003: 025 created in 1939 by deed document Book 1513, Page 107 (1 acre);
2. Per TMB Note 588'42 (1942), TMK 7-9-003:025 consisting of one (1) acre, dropped into TMK 7-9-003:008 for tax purposes;
3. Per TMB Note 589'42 (1942), 13.36 acres dropped into new TMK 7-9-003:033 per deed Book 1704, Page 136, thereby creating TMK 7-9-003:008 in the current configuration; and
4. We have no record of these portions of Grant 989 having been legally consolidated with any other adjacent lands.

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Given the above, and pursuant to Section 23-118. Criteria to determine a pre-existing lot, criteria (a) which states:

(a) The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973, and the lot had never been legally consolidated, provided that no pre-existing lot shall be recognized based upon a lease except for a lease which complied with all other applicable laws when made, including Territorial statutes regulating the sale or lease of property by lot number or block number, and on September 25, 2002, the proposed lot contains a legal dwelling, or has been continuously leased since January 8, 1948, as a separate unit.

We find that TMK (3) 7-9-003:008 consists of two (2) pre-existing lots of record:

1. A lot containing approximately 1 acre (dropped TMK 7-9-003:025; and
2. A lot containing approximately 12.8 acres.

Your request included reinstatement of TMK 7-9-003:025. Based on our research, it is unclear how the creation of TMK 7-9-003:033 affected the original 1-acre lot. Prior to TMK reinstatement, we request that information be provided with appropriate areas calculated for both lots. Any survey or information provided should include a clear indication of the vehicular access being provided to TMK 7-9-003:008 (approximately 12.8 acres) located behind the pre-existing TMK 7-9-003:025. For your information, should any existing structures encroach on the pre-existing lot boundaries, a consolidation and resubdivision action may be necessary to clear any encroachment or setback issues.

This property is subject to a Use Permit (USE-15-000060) permitting a 70-foot-tall cell tower monopole. Please ensure that setback requirements for the monopole is complied with in consideration to the pre-existing lot boundaries. Additionally, once the dropped TMK is reestablished, please inform this office to correct any TMK number associated with Use Permit USE-15-000060.

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes jonathan.holmes@hawaiicounty.gov.

Sincerely,



ZENDO KERN
Planning Director

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xc: Tax Maps and Records Supervisor
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