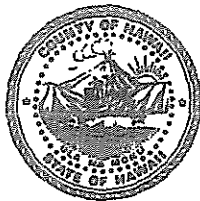


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

November 19, 2008

Lino Kamakau
82-5849 Mamalahoa Highway
Captain Cook, Hawai'i 96704

Dear Mr. Kamakau:

Lots of Record Determination
Kahauloa-Iki, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-2-009:003 & 039

This is in response to your letter dated July 31, 2008, and accompanying attachments requesting a determination of pre-existing lots for the above-described properties. Please accept our apology for the length of time taken to reply.

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. Grant 1180 to Elemakule, August 30, 1853;
2. Old Government Road as shown in registered map 1613, dated December 1891 and highlighted on the attached TMK map bisects the property;
3. State of Hawaii road project FAP 8-G, dated April 22, 1940, created Road Remnant C (CSF 16350, TMK: 8-2-009:039) and sliver between Road Remnant C and Mamalahoa Highway; and
4. We do not have any record of these lots being consolidated with each other or any other lot adjoining them.

Lino Kamakau
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In view of the above, we confirm that Parcels 003 and 039, currently described as two (2) Tax Map Key parcels, are indeed, composed of the following five (5) separate legal lots of record:

1. Sliver between Road Remnant C and Mamalahoa Highway, area of 0.059 acres;
2. Road Remnant C, area of 0.363 acres (TMK 8-2-9:039);
3. Lot north of the Old Government Road, no area given;
4. Portion of the Old Government Road, no area given; and
5. Lot south of the Old Government Road, no area given.

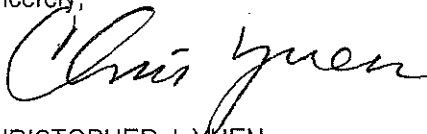
The portion of the Old Government Road and Remnant Lot C would not count toward the creation of buildable lots. Only three (3) buildable lots could be created in a Section 23-7 consolidation and resubdivision action. If consolidation and resubdivision is not the intent, you may want to have a modern metes and bounds survey be conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

Although a determination by Na Ala Hele, dated November 6, 2008, would qualify the Old Government Road under the 1892 Highways Act, the status of said road is still in question. The County of Hawaii makes no claim as to the current ownership, condition, location and use of this road.

A written request for separate tax map key parcel numbers should be addressed to our Tax Maps and Records Section for appropriate action.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

HKS:lnm

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Att.: TMK map

xc: Tax Maps and Records Supervisor
Real Property Tax Division-Kona
Manager, DWS
Director, DPW