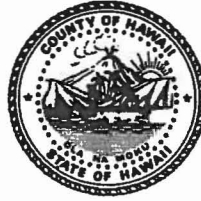


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

December 3, 2012

John D. Weeks, II
John D. Weeks, Inc.
78-6877 Māmalahoa Highway
Hōlualoa, HI 96726

Dear Mr. Weeks:

DETERMINATION OF EXISTING AND/OR PRE-EXISTING LOTS OF RECORD
Waiea & Kalahiki, South Kona, Hawai'i
Tax Map Key 8-6-008:001, 002 & 8-6-011:001, 003

This is in response to your letter September 19, 2012, requesting a determination that the above-described properties are existing lots of record. This will also clarify the status of several other parcels which are directly involved in this determination.

First of all, be informed that the past practices of the State Bureau of Conveyances (BOC) with regard to the methods of recording land ownership documents has not always been in agreement with County subdivision law. Prior to the mid 1990's, it was a simple matter of presenting properly prepared deed documents and/or subdivision plats to the BOC and they would be recorded and subsequently indicated on the Tax Map Plats giving the appearance of legally subdivided land.

However, citing documents from the State Surveyor's Office, County Real Property Tax Office and the Department of Taxation Property Assessment Division, it was found that these lands have been platted, assigned respective TMK parcel numbers, documented in the tax maps, and individually assessed for real property tax purposes for the years since being platted.

Additionally, many of these lots have, in good faith, changed ownership one or more times; some have undergone consolidation and/or subdivision actions; and building permits for dwellings and other structures have been issued for some of them. Under these circumstances, the Planning Director has determined that it is in the best interest that the lots in these subdivisions be recognized as lots of record.

That having been said, we offer the following:

Parcels 8-6-008:005 through 010 came into existence circa 1957 with the platting of Tax Maps Bureau (TMB) Index No. M-115 '57. This is contrary to county subdivision law. However, as explained elsewhere in this letter, these are recognized as lots of record and partial reasoning for the determination cited for parcel 001's status as an existing lot of record through subdivision or other recordation methods.

Parcel 8-6-008:003 is a pre-existing lot of record pursuant to Chapter 23, Subdivisions of the Hawai'i County Code (HCC), Section 23-118, criteria to determine a pre-existing lot. Parcels 004 and 012 were clarified as to size and location through TMB Index No. 368 dated June 15, 1972, however we find them to be pre-existing lots of record through the discourse within RPT records ("012 isolated from 001 upon resurvey of 004"). Parcel 011 is the result of SUB 4186 dated September 26, 1978. Parcels 013 and 014 are the result of SUB 5936 dated July 23, 1990 and SUB 6083 dated October 22, 1991 respectively.

Parcel 8-6-011:007 is depicted on TMB 7858 '81 (circa 1981) and is considered a lot of record as explained elsewhere in this letter regarding recordation methods. Parcels 008, 009, 010 and 011 are the result of SUB 6352 dated November 9, 1993.

Therefore, we have determined the following with regard to the subject parcels:

8-6-008

1. Parcel 001, containing 113.684 acres, consisting of a remainder lot and a remnant lot of record through subdivision and/or other recordation methods; and
2. Parcel 002, containing 470.00 acres, is a pre-existing lot of record pursuant to Chapter 23, Subdivisions of the Hawai'i County Code (HCC), Section 23-118, criteria to determine a pre-existing lot.

8-6-011

1. Parcel 001, containing 106.489 acres, consisting of a remainder lot and a remnant lot of record through subdivision and/or other recordation methods; and
2. Parcel 003, consisting of the following pre-existing lot of record pursuant to Chapter 23, Subdivisions of the Hawai'i County Code (HCC), Section 23-118, criteria to determine a pre-existing lot.
 - a. Bulk portion, containing 154.10 acres±; and
 - b. Dropped Parcel 8-6-014:004, L.C. Aw. 9571-E:1, containing 0.24 acres; and
 - c. Dropped Parcel 8-6-014:013, L.C. Aw. 111771:1, containing 0.35 acres; and
 - d. Dropped Parcel 8-6-014:014, L.C. Aw. 9571-F:1, containing 0.50 acres; and
 - e. Dropped Parcel 8-6-014:017, L.C. Aw. 7802-B:1, containing 0.14 acres; and

John D. Weeks, II
John D. Weeks, Inc.
Page 3
December 3, 2012

- f. Dropped Parcel 8-6-014:018 por., L.C. Aw. 7087:1, containing 0.10 acres; and
- g. Dropped Parcel 8-6-014:018 por., L.C. Aw. 7303:1, containing 0.08 acres.

We note that both Parcel 001's are each actually two (2) discontinuous lots bisected by their associated Parcel 011's in each instance.

Therefore we conclude that there are a total of twelve (12) lots of record; eight (8) pre-existing lots of record and four (4) lots of record within the four (4) parcels for which this determination was requested.

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

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. 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.

A written request for separate tax map key numbers for the two (2) remnants and the six (6) dropped parcels should be in writing by the landowner(s) and addressed to the Tax Maps and Records Section of this department. Please be aware that, if requested, there will be no notification of the issuance of the additional parcel numbers and you are advised that periodic checks of the plat maps on our web site at <http://www.hawaiicounty.gov/tax-maps/current/zone-8/section-6/> is advised.

If consolidation and resubdivision is not the intent, legal access to all lots should be secured to any which are not so served at present.

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



BJ LEITHEAD TODD
Planning Director

JRH:lnm

John D. Weeks, II
John D. Weeks, Inc.
Page 4
December 3, 2012

xc: Tax Maps and Records Supervisor
Real Property Tax Division-Kona
McCandless Land and Cattle Company
G. Bailado, Planning GIS Section via e-mail