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February 9, 2021

Lea Hong
The Trust for Public Land
1003 Bishop Street, Suite 740
Honolulu, Hawai'i 96813

Dear Lea Hong,

**DETERMINATION OF PRE-EXISTING LOTS OF RECORD
Being Portions of Grant 2791 and Land Commission Awards 9229 & 9248,
Kahuku, Ka'ū, Island of Hawai'i, Hawai'i
Tax Map Key: (3) 9-2-001: 072**

This responds to your correspondence of January 22, 2021 (COR-21-139421), requesting a determination of pre-existing lots of record for TMK 7-9-001:072 and certain unlocated Land Commission Awards (LCAW) that were recently surveyed.

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. Land Commission Awards 9229 & 9248 were created prior to November 22, 1944;
2. TMK Parcel 072 was created in 1970 referencing a 1958 deed document (Book 3514, Page 383). The total land area (20,858 acres) presumably included unlocated LCAW 9248 and a portion of unlocated LCAW 9229;
3. Current parcel 072 contains an area of 16,456.547 acres, consistent with Lot 3 as shown on SUB-5110, approved on February 11, 1987; and
4. We have no record of these LCAWs having been legally consolidated into Lot 3 or 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 both LCAWs are separate lots of record. We do acknowledge the surveyed location of both LCAWs and the adjustment necessary to accurately show them on the County of Hawai'i Tax Maps. We also recognize Lot 3 as a lot of record, per SUB-5110.

Your request included a query on how to get the boundary of Lot 3 (TMK 9-2-001:072) revised to exclude the pre-existing LCAWs. Considering the owner of TMK 9-2-001:001 is amicable to the change, we propose that the areas covering LCAWs 9229 and 9248 be included in the total land area for TMK 9-2-001:001. A "supplemental" survey map to SUB-5110 should be submitted to the Planning Department for certification. This map should be a final subdivision map that would revise the description for Lot 3 by incorporating the recently surveyed boundary for LCAW 9248. Once dropped into TMK 9-2-001:001, additional tax key numbers for the pre-existing lots (LCAWs) could be requested at a future date by the landowner.

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

HS:tb

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