

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

October 20, 2004

Robert W. Belcher
Accounting Manager
Mauna Kea Agribusiness
PO Box 15
Papaikou, HI 96781-0015

Dear Mr. Belcher:

DETERMINATION OF PRE-EXISTING LOTS **TMK: 9-3-02:18**

This is to acknowledge receipt of your letter of July 28, 2004, 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 three (3) separate legal lots of record:

1. Land Commission Award 9011, consisting of 10.70 acres;
2. Grant 1868, consisting of 61.71 acres; and
3. Portion of Grant 12349, dropped Parcel 19, consisting of 20.364 acres.

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 request for separate tax map key parcel numbers should be in writing to this department.

Hawai'i County is an Equal Opportunity Provider and Employer

Robert W. Belcher
Accounting Manager
Mauna Kea Agribusiness
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October 20, 2004

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETC:lnm

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xc: -Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS

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November 1, 2004

Robert W. Belcher
R.W. Belcher, LLC
PO Box 48
Hilo, HI 96721

Dear Mr. Belcher:

**REVISED REQUEST
DETERMINATION OF PRE-EXISTING LOTS
TMK: 9-3-02:18**

This is to acknowledge receipt of your letter of October 27, 2004, and documents suggesting that the portion of Parcel 18 consisting of Land Commission Award 9011 currently consists of 2 lots. We do not agree with your interpretation that Land Commission Award 9011 was subdivided.

Palapala Sila Nui Helu 5110 (Royal Patent Number 5110) includes a metes and bounds description of Kuleana Helu 9011 (Land Commission Award 9011) having an area of 10.70 acres. In the portions of the 1917 and 1921 Deeds you have submitted, there do not appear to be any metes and bounds or other physical descriptions of the one half of the land being conveyed, however, this is based upon our crude translation of the document written in Hawaiian .

On September 29, 1931, Kawaha conveyed to Hutchinson Sugar Plantation Company (Liber 1130 Page 378) "All right, title and interest, being not less than an undivided one-half (1/2) interest in and to all the land and premises mentioned or described in R.P. 5110 L.C.A. 9011 to Hilonoi, situate at Kamaoa, and said District of Kau, containing an area of 10.70 acres. The area of interest intended to be hereby conveyed being not less than 5.35 acres." The conveyance of an "undivided one-half (1/2) interest" coupled with no metes and bounds descriptions does not support your contention that this portion of Parcel 18 was subdivided before current Subdivision Laws were enacted.

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Robert W. Belcher
R. W. Belcher, LLC
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Unless we are able to confirm the physical descriptions of the two lots allegedly created by the 1917 and 1921 Deeds, we must stand by our letter of October 20, 2004 when we determined that the subject property consist of three (3) separate legal lots of record. Please submit written translations of the 1917 and 1921 Deeds to us to allow us to confirm your contention.

Should you have any questions, please feel free to contact Rodney Nakano of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

RKN:Inm

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xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS