

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

January 20, 2005

Steven S.C. Lim, Esq.
Carlsmith Ball LLP
121 Waiuanuenue Avenue
Hilo, HI 96720

Dear Mr. Lim:

**Lot of Record Determination
Kawala, Kau, Island of Hawaii, Hawaii
TMK: (3) 9-5-010:001**

We have received your letter of December 7, 2004, regarding this property. This letter also confirms LLC Kawala as the current owner of this parcel (via the telephone conversation between Rodney Nakano of my staff and Katherine Luga of your staff).

After review of the documents submitted, records in the Real Property Tax Division and our department records, we have found the following:

1. Current Tax Maps show Parcel 1 having an area of 1044.245 acres which is comprised of several "dropped" parcels having an area of 1037.9866 acres and 3 road lots. Naalehu Spur Road 1.398 acres, Hawaii Belt Road "Lots" 1.922 acres and 2.938 acres.
2. The portion of Parcel 1 consisting of 1037.9866 acres is comprised of several Grants and Land Commission Awards. Eight (8) Land Commission Awards were initially assigned individual parcel numbers which have been "dropped". There were also eight (8) Grants associated with Parcel 1.

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3. We shall discuss the respective Grants within Parcel 1 starting from makai and moving mauka.
 - a. Grant 2151 Apana 1, consisting of 218.6 acres was issued on November 12, 1856. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form as a portion of Parcel 1.
 - b. Grant 2114, consisting of 245.33 acres was issued on November 12, 1856. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form as a portion of Parcel 1.
 - c. Grant 2525 consisting of 298.5 acres was issued on August 3, 1858. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form. This Grant was a portion of Parcel 2 which has been "dropped" into Parcel 1.
 - d. Grant 2599 consisting of 18.25 acres was issued on 18.25 acres was issued on July 28, 1859. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form. This Grant was a portion of Parcel 2 which was also "dropped" into Parcel 1.
 - e. Grant 2724, Apana 1 consisting of 27 acres was issued on August 21, 1860. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form. This Grant was Parcel 9 which was "dropped" into Parcel 1.
 - f. Grant 820, Apana 2 consisting of 29.2 acres was issued on July 19, 1852. This Grant has not been consolidated with any other portion of land, thus, it continues to exist in its original form. Grant 820, Apana 2 was formerly a portion of Parcel 10 which was "dropped" into Parcel 1.
 - g. Grant 3062 consisting of 10.3 acres was formerly Parcel 10, which was "dropped" into Parcel 1. This Grant has been subdivided by the Hawaii Belt Road (paper road) and the portion makai of the Hawaii Belt Road has not consolidated with any other portion of land, it continues to exist as a separate lot.
 - h. Grant 2152 Apana 2 consisting of 208.75 acres was issued on November 12, 1856. Grant 2152 Apana 2 was formerly Parcel 13, which was "dropped" into Parcel 1. This Grant has been subdivided by the Hawaii Belt Road (paper road) and the portion makai of the Hawaii Belt Road has not consolidated with any other portion of land.
4. Within Grant 2525 (portion of former Parcel 2) are four (4) Land Commission Awards: 10338:2 (0.34 ac); 9258:2 (0.5 ac); 7629-B:2 (0.36 ac); and 9084:2 (0.1 ac). Each of these Land Commission Awards were assigned separate parcel numbers, Parcel 3 through Parcel 6 which were subsequently "dropped" into Parcel 1. We do not have any record of these Land Commission Awards being consolidated with any other portion of land.

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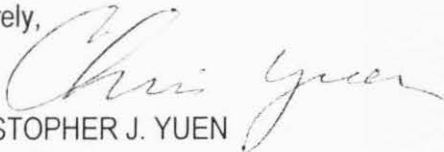
5. Within Grant 2724, Apana 1 are two (2) Land Commission Awards, 9084:2 (0.5 ac) and 10651:2 (0.8 ac). Each of these were also assigned parcel numbers, Parcel 7 and Parcel 8 which were subsequently "dropped" into Parcel 1. We do not have any record of these Land Commission Awards being consolidated with any other portion of land.
6. Within Grant 2152 Apana are two (2) Land Commission Awards, 8754-B:1 (0.13 ac) and 10887:2 (0.78 ac). Both of these were assigned their parcel numbers, Parcel 14 and Parcel 15 which were subsequently "dropped" into Parcel 1. We do not have any record of these Land Commission Awards being consolidated with any other portion of land.

If you carefully re-examine the Tax Map you submitted, there is an easement to the Microwave Station Site which appears as a "line" on the Map. This line does not subdivide property, thus, "former" Parcels 2, 5, 8 & 9 have not been subdivided. Thus, we do not agree that there are twenty (20) lots of record.

Based on the above, we have determined that TMK: (3) 9-5-010:001 is comprised of sixteen (16) separate lots of record. 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.

Should you have any questions, please feel free to contact us.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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Enclosure (former Tax Map)

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