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July 27, 1990

PLANNING DEPT.
COUNTY OF HAWAII

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Consolidation/Subdivision Application No. 90-20;
TMK No. 8-1-09:03

Dear Mr. Yanabu:

Thank you for having allowed the Smiths and I to meet with you and Lawrence Capellas on the above-referenced matter. I wanted to confirm with you at this time the results of our discussion as it may involve your department's recommended conditions of consolidation/resubdivision approval. It is my understanding that your department's position on the conditions are as follows:

1. In order to further the public welfare and safety, a necessary improvement includes access to the lots which must be over a road which is accessible to emergency vehicles such as ambulances and fire trucks. Thus, the width of the pavement may not necessarily be as wide as twenty (20) feet. (We will investigate the matter to see what a pavement width should reasonably be, given your standard. We are also proposing that construction of pavement occur incrementally as dwellings may be constructed on the property, since public safety may not require a paved road prior to such construction.)

2. In regards to the road widening setback requirement, you clarified Comment 4 of your February 26, 1990 letter, such that the Smiths need only provide a set-back of one-half (1/2) of the difference between 50 feet and the present width of Kaawaloa Road. (While our clients believe the setback requirement is not a necessary improvement to further the public welfare, it is possible that they may still be willing to provide such a set-back. I would point out that the Uniform Fire Code requires only a twenty (20) foot wide easement for access to fire-fighting apparatus.)

3. Your position is that if the Smiths cannot or do not intend to construct the proposed internal access to the lots

Robert K. Yanabu, Division Chief
Engineering Division
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County of Hawaii
July 27, 1990
Page 2

prior to subdivision approval, they can secure the completion of such improvements within a definite period of time by bonding such improvements or submitting another acceptable form of security. (We are exploring this alternative to a phased road construction program related to all dwellings constructed.)

4. Your department has decided to delete Comment 11 of your February 26, 1990 letter.

5. The street lighting to be required will be limited to the lighting of the access to the property from Napoopoo Road.

6. Both the County and the State (through DLNR and DOT) are disclaiming jurisdiction and responsibility for maintenance of Kaawaloa Road.

Our clients are still reviewing your present position and greatly appreciate your taking the time to review the above and to clarify the issues further.

Should you have any questions or have comments about the above, please let me know.

Very truly yours,

MENEZES, TSUKAZAKI & YEH

By _____
THOMAS L. H. YEH

cc: Mr. Dexter Smith
Planning Department
TLHY:db