Harry Kim Mayor



Christopher J. Yuen

Director Brad Kurokawa, ASLA LEED® AP Deputy Director

County of Hawaii

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

July 3, 2007

PLANNING DEPARTMENT

Michael Moore, Esq. Tsukazaki Yeh & Moore Attorneys At Law 85 W. Lanikaula Street Hilo, HI 96720-4199

Dear Mr. Moore:

FINAL SUBDIVISION APPROVAL NO. SUB-03-000148 **SUBDIVISION AGREEMENT & BOND NO. 736466S** AGREEMENT RE DRAINAGE IMPROVEMENTS SUBDIVIDER: KI'ILAE ESTATES, LLC "KI'ILAE FARMS"

Proposed Consolidation of Lots 2 & 3 of Ki'ilae Subdivision (Subdivision No. 7459-Revised(2)), Being Portions of Land Commission Award 8521-B, Apana 3; Grant 1575; Grant 3708; Royal Patent 3865; Land Commission Award 9459, Apanas 1 & 2, And Resubdivision into Lots 1 to 50, Roadway Lots A to E, Designation of No Access Planting Screen Easement along South Kona Belt Highway and Designation of Easements 1 to 28, Inclusive Ki'ilae & Kauleoli 1st & 2nd, South Kona, Island of Hawaii, Hawaii TMK: 8-5-005:Portions of 019 & 029

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map dated October 17, 2006, as attached herewith inasmuch as the surety documents to complete construction of improvements within the subdivision have met the approval of all the listed officers.

You and the subdivider may wish to consult a surveyor for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawaii, Bureau of Conveyances.

Michael Moore, Esq. Tsukazaki Yeh & Moore Attorneys At Law Page 2 July 3, 2007

There has been considerable legal controversy over subdivisions in the agricultural district, including the recent Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because of the state of the law at this time, we recommend that subdividers in the State Land Use Agricultural district consult with, and rely on, independent legal counsel in deciding whether their subdivisions comply with the requirements of Chapter 205, Hawaii Revised Statutes. We also recommend that you advise lot purchasers to consult with, and to rely on, independent legal counsel regarding permissible uses and the effect of Land Use Commission Rule 15-15-25(b), Hawaii Revised Statutes Section 205-4.5, and Hawaii County Planning Department Rule No. 13, on the requirements to build and occupy dwellings on lots within the subdivision.

Copies of the certified final plat map and surety documents are enclosed.

Sincerely,

CHRISTOPHER J. YUEN

Planning Director

ETC:Inm

P:\wp60\SUBDIMDocuments\Subc2007-3\SUB-03-000148KiitaeEstatesFSA.doc

Encs. 2 Certified FPM

Copy of Subdivision Agreement & Bond No. 736466S (\$8,410,154.28)

Copy of Agreement re Drainage Improvements

xc: Manager, DWS

Director, DPW w/copy of Agreement re Drainage Improvements

District Environmental Health Program Chief, DOH

District Engineer, DOT

PLNG-KONA w/Certified FPM

Real Property Tax Division-Kona w/Certified FPM

Tax Maps and Records Supervisor I w/Certified FPM

County Treasurer w/Original Subdivision Agreement & Bond No. 736466S (\$8,410,154.28) and

Original Agreement re Drainage Improvements

DPW-ENG-KONA

Ki'ilae Estates, LLC

David Frankel, Esq.

Steven A. Kornberg, Esq.

Clarence Medeiros, Jr.

George S. Yoshimura, LPLS, M&E Pacific, Inc.-Hilo Office

SPP 72; BOA-02-000003; SUB-7459

Department of Transportation Highways Division Hawai'i District 50 Maka'ala Street



Hilo, Hawai'i	96720 January 11, 2006 HWY-H 06-2.0023		
	PLANNING DEPARTMENT		
то:	PLANNING DEPARTMENT, CHRISTOPHER J. YUEN OF HAWAII		
ATTN:	ED CHEPLIC		
FROM: (1	STANLEY TAMURA, HAWAI'I DISTRICT ENGINEER		
_	X Subdivision 7459 Use SMA X aka 03-000148 SLU Special Permit Rezoning PUD Consolidation Rezoning Memorandum & Comments TMK. No. 8-5-005:019,022, 026, 027 —		
Transmitted	as follows:		
	nave no objections to this application.		
Not a	applicable to State Highway System.		
	ments of Letter No. HWY-H dated will stand.		
	eview and comment to County of Hawai'i, Planning Department.		
X With	comments shown below.		
MORE INFO	RMATION NEEDED		
	age and flood patterns at existing drainage structures on State highway.		
	rings showing existing driveways with dimensions.		
	truction plans (for review and approval).		
	age plans and calculations.		
	X Traffic Impact Analysis and Report (for review and approval).		
X NPDI	ES Permit or DOH Letter of Determination.		
	IMENTS/CONDITIONS:		
	nelization of access intersection.		
	Traffic Signalization at		
	10-ft. No vehicle access and planting screen easement for lots adjacent to Mamalahoa Highway. Common access driveway for all lots. Provide internal roadway circulation plan.		
	Highway Improvements required from this application shall be provided at no cost to the State and shall conform to Hawaii Statewide Uniform Design Manual for Streets and Highways and the Specifications for Installation of		
	ellaneous Improvements within State Highways.		
	r comments to County of Hawaii Department of Public Works.		
	Easement(s) required.		
	Furn channelization lane on highways where speed limit is 45 mph or greater.		
	MENTS/CONDITIONS:		
	dditional storm discharge shall be allowed onto the State's right-of-way.		
	s and bounds discrepancy, contact State Highways.		
	e highway corridor will affect lots:		
	Shall participate in their prorata share of future highway impacts and improvements.		
	cant shall comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements.		
	onstruction activity disturbing one (1) or more acres of total land area. Accessible Improvements.		
	Accessible improvements. Ite employee parking required - No parking on state highway		
	TIONS EFFECTIVE FOR 2 YEARS FROM DATE SHOWN.		
ヘコレント しんりいり	HUNG EFFECTIVE FUNZ TEANG FRUM DATE BRUMN.		

Contact Person: Clinton M. Yamada (808) 933-8866

State Highway Project No.: FAP 8-D

rev. 6/16/04

CC:

 PERMITTED ASSETS 	N 2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
FILE SEE ME CHOULATE DRAFT REFLY REMARKS	D REVIEW AND COMMONI D AND PRIATE ACTION D INVESTIGATE & REPORT D RECOMMENDATION