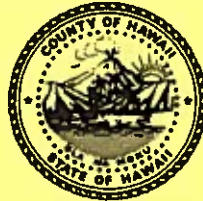


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

July 28, 2009

Roy Hollowell, Project Manager/LPLS
M&E Pacific, Inc.
100 Pauahi Street, Suite 207
Hilo, HI 96720

Dear Mr. Hollowell:

**SECOND TIME EXTENSION REQUEST
SUBDIVIDER: KI'ILAE ESTATES, LLC
"Ki'ilae Small Lots"**

Proposed Consolidation of Lots 18 through 22, Inclusive, of Ki'ilae Farms Subdivision,
And Resubdivision Into Lots 51 through 72, Inclusive, and Roadway Lots 73 & 74,
Kauleoli 1st & 2nd, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-5-005:Portion 019 (SUB-07-000637)

This is in response to your letter of May 20, 2009.

Please be informed that an extension of time of one (1) year until **October 21, 2010**, for the submission of the final plat map, pursuant to Condition No. 12 of the letter of Tentative Approval dated October 21, 2008, is hereby granted.

Please be advised that Ordinance No. 92-138, adopted by the County Council on December 4, 1992, amended Chapter 23 of the Hawai'i County Subdivision Control Code, reads in part, as follows:

"The subdivider shall complete all requirements specified as conditions for approval of the preliminary plat (tentative approval) within three years of said approval. An extension of not more than two (2) years may be granted by the director upon timely written request by the subdivider."

The ordinance also makes provisions for those pending subdivision applications which were granted tentative approval prior to the adoption of said ordinance, as follows:

JUL 30 2009

Roy Hollowell, Project Manager/LPLS
M&E Pacific, Inc.
Page 2
July 28, 2007

"This subsection shall be applied to all subdivision applications which have received tentative subdivision approval and which have not completed subdivision improvements, provided the three year period, and extension, if applicable, shall be taken from December 4, 1992 and not from the date of preliminary plat (tentative) approval."

Therefore, all conditions of the Tentative Approval dated October 21, 2008, must be complied with by **October 21, 2011**. A time extension of not more than two (2) years may be granted by the director upon timely written request by the subdivider.

Should the conditions of tentative approval not be completed within the time limit, the approval of the preliminary plat shall expire and shall be of no further force or effect, or shall be subject to the technical review of the applicable agencies for compliance with current code and rule requirements.

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

Sincerely,


TODD LEITHEAD
Planning Director

ETC:jrh

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xc: Manager, DWS
 Director, DPW
 District Environmental Health Program Chief, DOH
 District Engineer, DOT
 DPW-ENG-KONA
 State DLNR-Historic Preservation Division (Kapolei, Oahu)
 Ki'ila Estates, LLC
 David Frankel, Esq.
 Steve Kornberg, Esq.
 Clarence Medeiros, Jr.
 Michael Moore, Esq.
 SUB 7459, FSA-SUB-03-000148