

**Harry Kim**  
Mayor



**Christopher J. Yuen**  
Director

**Brad Kurokawa, ASLA**  
**LEED® AP**  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

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

July 3, 2007

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.

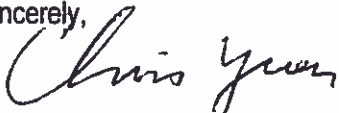
You and the subdivider may wish to consult a surveyor for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawaii, Bureau of Conveyances.

Michael Moore, Esq.  
Tsukazaki Yeh & Moore  
Attorneys At Law  
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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:lnm

P:\wp60\SUBDIM\Documents\Subc2007-3\SUB-03-000148\KiilaeEstatesFSA.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 ~~7~~459



HS 01 001 12 APR 2005

ROUTE SLIP - DATE

- DIRECTOR
- DEPUTY
- PVT. SECRETARY
- LONG RANGE DIVISION
- PLANNER
- SHORT RANGE DIVISION
- PLANNER
- DRAFTING SECTION
- DRAFTSMAN
- GENERAL ADMINISTRATION
- SECRETARY TO COMMISSION
- FILE
- SEE ME
- CIRCULATE
- DRAFT REPLY
- REVIEW AND COMMENT
- APPROPRIATE ACTION
- INVESTIGATE & REPORT
- RECOMMENDATION

REMARKS

JAN 20 2005