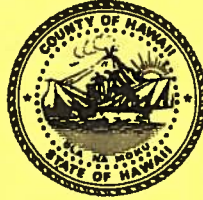


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

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

February 22, 2012

Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
75-5749 Kalawa Street
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

THIRD TIME EXTENSION REQUEST

SUBDIVIDERS: FOTI ALAE PROPERTIES, LLC, et. al.

Proposed Consolidation of Portions of Grant 2036,
The Whole of R.P. 5939, L.C. Aw. 8158, Ap. 2,
R.P. 8005, L.C. Aw. 8776, Ap. 2,
R.P. 8014, L.C. Aw. 9699-D,
R.P. 8015, L.C. Aw. 10302, Ap. 2,
R.P. 8016, L.C. Aw. 10818, Ap. 2,
L.P. S-8674, L.C. Aw. 8673, Ap. 2, and Grant S-15664,
And Resubdivision Into Lots 1 through 12, Inclusive,
Alae 1st and 2nd, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-7-005:001, 002, 010 through 019 (SUB-06-000435)

This is in response to your letter of February 6, 2012.

Please be informed that a third extension of time of one (1) year until **May 28, 2013**, is hereby granted. The additional time is needed to finalize the archaeological concerns of the subject subdivision.

Please be advised that Ordinance No. 92-138, adopted by the County Council on December 4, 1992, amended Chapter 23 of the Hawaii 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."



Chrystal Thomas Yamasaki, LPLS
Wes Thomas Associates
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February 22, 2012

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

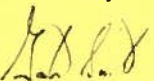
"This subsection shall be applied to all subdivision applications which have received tentative subdivision approval and which have not completed subdivision improvements, provided the three year period, and extension, if applicable, shall be taken from December 4, 1992 and not from the date of preliminary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

Therefore, all conditions of the Tentative Approval dated May 28, 2008, must be complied with by **May 28, 2013**.

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,


BJ LEITHEAD TODD
Planning Director

ETC:lnm

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xc: Manager, DWS
 Director, DPW
 District Environmental Health Program Chief, DOH
 District Engineer, DOT
 State Historic Preservation Division (SHPD)-Hilo Office
 Foti Alae Properties, LLC, et al.
 Kiowai Hui, LL