

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE GRANTING GRACE PACIFIC LLC
A CONDITIONAL PERMIT TO REESTABLISH A HOT MIX ASPHALT PLANT
OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR
PROPERTY LOCATED AT TAX MAP KEY NUMBER (2) 5-2-011:030 (POR.),
HOOLEHUA, MOLOKAI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Grace Pacific LLC to reestablish a hot mix asphalt plant operation within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key Number (2) 5-2-011:030 (por.), comprising approximately 3.0 acres of land situated at Hoolehua, Molokai, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

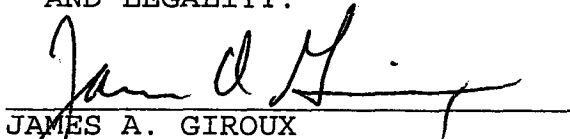
1. That the Conditional Permit shall be valid for a period of twenty (20) years from the effective date of this ordinance; provided that, an extension of this Conditional Permit beyond this twenty (20) year period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable, unless the Council approves the transfer by ordinance.
3. That Grace Pacific LLC, its successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Grace Pacific LLC and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this Conditional Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the

exercise by Grace Pacific LLC of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of this ordinance. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department of Planning and shall include the applicable tax map key and permit numbers.

4. That Grace Pacific LLC shall develop and use the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
5. That full compliance with the conditions of the State Land Use Commission Special Use Permit (SUP2 2012/0003), as amended, shall be rendered.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy LLC Counsel
County of Maui

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