

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE GRANTING ARABELLA GAIL ARK,
TRUSTEE OF THE ARABELLA GAIL ARK REVOCABLE TRUST,
DATED OCTOBER 17, 2007, A CONDITIONAL PERMIT TO ALLOW CLIENT
VISITATIONS AND COMMERCIAL SALES AT A CERAMICS STUDIO
WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED
AT 45-575 HANA HIGHWAY, TMK: (2) 1-5-008:010, HANA, MAUI, 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 Arabella Gail Ark, Trustee of The Arabella Gail Ark Revocable Trust, dated October 17, 2007, to allow client visitations and commercial sales at a 480 square foot ceramics studio within the County Agricultural District, located at 45-575 Hana Highway, Hana, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Number: (2) 1-5-008:010, and comprising approximately .959 acres of land situated at Hana, Maui, Hawaii.

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

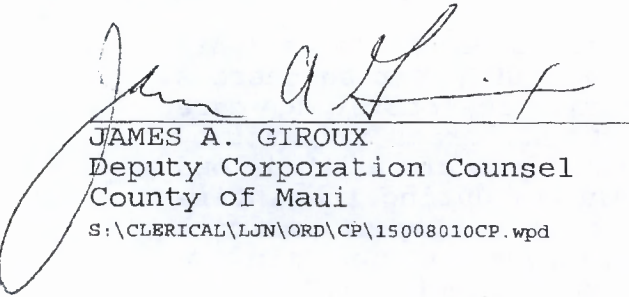
1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid for three (3) years from the effective date of this ordinance; provided that, an extension of this Conditional Permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code.
3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. That Arabella Gail Ark, Trustee of The Arabella Gail Ark Revocable Trust, dated October 17, 2007, her 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 their 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 Arabella Gail Ark, Trustee of the

Arabella Gail Ark Revocable Trust, dated October 17, 2007, 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 Arabella Gail Ark, Trustee of The Arabella Gail Ark Revocable Trust, dated October 17, 2007, 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.

5. That Arabella Gail Ark, Trustee of The Arabella Gail Ark Revocable Trust, dated October 17, 2007, 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.
6. That access to the subject property for the proposed use shall be provided within the legal access easement boundaries. (Recommended by the Commission).

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

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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