

Chg \$5.50 No. 709
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This instrument filed for record
on 8 day of February 20 05
at 8:30 o'clock A.M. and recorded in
2005-02
Page 0504

CONDITIONAL USE PERMIT Linda Sue O'Dowd
RESOLUTION NO. 2005PC-2 Department of Deeds
County Reg. of Deeds

WHEREAS, Elkhorn Valley Ethanol, LLC has filed an application for a Conditional Use Permit seeking a permit for an ethanol plant on property which is legally described as follows:

A tract of land lying wholly in the SW/4 of Section 12, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows: Referring to the W 1/4 Corner of said Section 12; thence proceeding South, along the West line of said Section 12, on an assumed bearing of S00°01'52"W, 960.00 feet; thence N89°59'45"E, 40.00 feet to a point on the East right-of-way of Victory Road which is the point of beginning; thence continuing N89°59'45"E, 1537.42 feet to the P.C. of a curve having a radius of 723.48 feet; thence along said curve (Chord Bearing =N44°58'41"E, Chord Distance =1022.83 feet), 1135.98 feet to the P.T. of said curve; thence N00°01'52"E, 236.54 feet to a point on the North line of the SW 1/4 of said Section 12; thence S89°59'45"W, along the North line of the SW1/4 of said Section 12, 2260.00 feet to a point on the East right-of-way of Victory Road; thence S00°01'52" W, along said East right-of-way, 960.00 feet to the point of beginning, LESS THAT PART previously deeded for railroad right-of-way.

WHEREAS, the property described above is presently included in Zoning District I-2; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on May 18, 2004 receiving input and data from the applicant and the general public concerning the Conditional Use Permit;

NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that Elkhorn Valley Ethanol, LLC. is hereby granted a Conditional Use Permit to operate an ethanol plant on the property described above, and addressed 3002 N. Victory Road subject to the following terms and conditions:

- 1) All required parking areas shall be hard-surfaced.
- 2) A 100' hard-surfaced ingress/egress shall be established prior to the construction of the main plant.
- 3) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed.
- 4) The Conditional Use Permit granted herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission.
- 5) The Conditional Use Permit granted herein shall be a personal privilege granted to the applicant and shall not be subject to transfer.
- 6) There shall be compliance with any other applicable City, County, State and Federal regulations that may apply.

PASSED AND APPROVED this January 19, 2005.

ATTEST:

Faye M. Brown
Planning Commission Secretary

Maynard Ohl
Planning Commission/Chairman
Co

Approved as to form:

Clint G. Schmitz
City Attorney

The foregoing instrument was acknowledged before me this 19 day of January, 2005 by Maynard Ohl, Planning Commission Co-Chairperson of the City of Norfolk.

Faye M. Brown
Notary Public

