

This instrument filed for record

the 9 day of May 2005

at 8:30 o'clock A.M. and record in

2005-05

Page 0632-0633

Nancy J. Grass

Register of Deeds
Deputy Reg. of Deeds

CONDITIONAL USE PERMIT
RESOLUTION NO. 2005PC-7

WHEREAS, Gerhold Concrete, Inc. has filed an application for a Conditional Use Permit seeking a permit to operate a Ready Mix Concrete, Block and Retail Sales establishment on property which is legally described as follows:

A tract of land located in the Northwest 1/4 of Section 15, T24N, R1W of the 6th P.M., Madison County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 15, T24 N, R1W of the 6th P.M., Madison County, Nebraska; thence N 90°00'00" E on an assumed bearing on the East-West 1/4 Section line, 56.50 feet to a point on the East Right-Of-Way line of "Riverside Boulevard", thence N28°52'30"W on said East Right-of-Way line, 149.00 feet to the point of beginning, said point being the Southwest corner of a tract surveyed by Robert B. Johnson, dated March 8th, 1966; thence N28°52'30"W on said East line, 602.60 feet to a point on the Northwesterly line of said surveyed tract; thence N25°30'02"E, 158.34 feet; thence S 63°30'21"E, 6.80 feet; thence N33°14'18"E, 70.60 feet; thence S80°32'24" E, 159.60 feet; thence N 23°42'42" E, 274.20 feet; thence N66°17'18"W, 82.80 feet; thence N00°56'34"W, 288.25 feet to a point on the South line of a tract surveyed by Richard C. Johnson, R.L.S. #429, dated October 31st, 1990; thence S81°21'13"E on said surveyed tract, 472.70 feet to the West bank of the North Fork of the Elkhorn River; thence S88°41'57"E, 34.50 feet to the centerline of said river; thence S17°50'57"W, along said centerline, 207.80 feet; thence S13°11'03"E, along said centerline, 181.40 feet; thence S05°11'03" E, along said centerline, 358.40 feet; thence S20°48'07"E, along said centerline, 265.27 feet; thence S76°23'24"W, 34.50 feet to a point on said West bank, said point being on the North bank of the County Ditch; thence S76°23'24"W, on said North bank, 342.12 feet; thence S61°52'35"W, on said North bank, 282.50 feet to the point of beginning, containing, 15.59 acres, more or less.

WHEREAS, the property described above is presently included in Zoning District I-3; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on December 21, 2004 receiving input and data from the applicant and the general public concerning the Conditional Use Permit;

WHEREAS, on February 23, 2005 the Planning Commission of the City of Norfolk granted a Conditional Use Permit to Gerhold Concrete, Inc. as evidenced by Resolution No. 2005 PC-1; and

WHEREAS, Gerhold Concrete, Inc. has sought modification of condition number 1 limiting the permit for twenty (20) years; and

WHEREAS, after a hearing on the requested modification, the Norfolk Planning Commission, is desirous of altering the 20 year limitation:

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 Gerhold Concrete, Inc. is hereby granted a Conditional Use Permit to operate a Ready Mix Concrete, Block and Retail Sales operation on the property described above, and addressed 1900 Riverside Blvd., subject to the following terms and conditions:

- 1) That this permit be perpetual.
- 2) That the height regulations provided in Section 27-214 of the official City Code may be exceeded.
- 3) 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.
- 4) The Conditional Use Permit granted herein shall be a personal privilege granted to the applicant and shall not be subject to transfer.
- 5) There shall be compliance with any other applicable City, County, State and Federal regulations that may apply.
- 6) This resolution supercedes Resolution 2005PC-1 and Resolution 2005PC-1 is rescinded.

PASSED AND APPROVED this 19th of April, 2005.

ATTEST:

Sue Fuchtmann
Planning Commission

Chairman

Faythe Petersen
Planning Commission Secretary

Approved as to form:

Clint Gschulke
City Attorney

The foregoing instrument was acknowledged before me this 19 day of April, 2005 by Sue Fuchtmann, Planning Commission Chairperson of the City of Norfolk.

Faythe Petersen
Faythe Petersen Notary Public

