

1:30  
City of Norfolk

Chg \$41.50 NO. 0071 /  
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STATE OF NEBRASKA ss This instrument filed for record this  
MADISON COUNTY 8 day of January, 2010 at  
1:30 o'clock P.M., and recorded in 2010-01 page 0297-0300  
Nancy J. Mars  
Register of Deeds Deputy

CONDITIONAL USE PERMIT  
RESOLUTION NO. PC2009-3

WHEREAS, Speedway Truck and Auto Salvage, Inc. have filed an application for a Conditional Use Permit seeking a permit for to operate a salvage yard on property which is legally described as follows:

Part of Tax Lots 3 & 4 in the Southwest ¼ of the Southeast ¼ of Section 23, Township 24 North, Range 1 West of the 6<sup>th</sup> P.M., Madison County, Nebraska, more particularly described as follows:  
Commencing at the Northwest corner of Lot 1, Holmes' Subdivision, a subdivision in the City of Norfolk, Madison County, Nebraska; thence South, on lot line, 114.5 feet to the point of beginning; thence West 162.8 feet; thence North, parallel to the West line of Tax Lot 2 in the Southwest ¼ of the Southeast ¼ of Section 23, Township 24 North, Range 1 West of the 6<sup>th</sup> P.M., Madison County, Nebraska, a distance of 400.31 feet to a point on the North line of tract described in Deed Book M 83-6 Page 338, in the Office of the Register of Deeds, Madison County, Nebraska; thence Easterly, on said North line, 280.29 feet to the West line of said Tax Lot 2; thence South, on the West line of said Tax Lot 2, a distance of 36.0 feet to a point on the North line of a tract described in Deed Book 148 Page 348, in the Office of Register of Deeds, Madison County, Nebraska; thence continuing South, on the West line of said Tax Lot 2, a distance of 246.4 feet to a point on the North line of said Holmes' Subdivision; thence East, on the North line of Lot 1, of said Holmes' Subdivision, 101.6 feet to the Northeast corner of said Lot 1 of Holmes' Subdivision; thence continuing East on the extension of the last described course 130.6 feet more or less to the Westerly Right-of-Way of the City of Norfolk Flood Control; thence Southerly on the Westerly Right-of-Way of the City of Norfolk Flood Control 336.04 feet to a point on the North Right-of-Way of State Highway #275; thence Southwesterly on said North Right-of-Way of State Highway #275, a distance of 132.7 feet to a point on the South line of Lot 2 of said Holmes' Subdivision; thence West on the South line of said Holmes' Subdivision 235.2 feet to the Southwest corner of said Holmes' Subdivision; thence North on the West line of said Holmes' Subdivision 247.18 feet to the point of beginning.

AND

Part of Tax Lot 9 in the Southwest ¼ of the Southeast ¼ of Section 23, Township 24 North, Range 1 West of the 6<sup>th</sup> P.M., Madison County, Nebraska, more particularly described as follows:  
Beginning at a point 39.4 feet North of the Southeast corner of said Tax Lot 9; thence Northwesterly on the North Right-of-Way of State Highway #275, 118.2 feet to the West line of said Tax Lot 9; thence North on the West line of said Tax Lot 9, a distance of 0.3 feet, more or less, to a point 40 feet North of section line; thence East, on a line 40 feet North of and parallel to section line, 118.2 feet to

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the East line of said Tax Lot 9; thence South, a distance of 0.6 feet to the point of beginning.

AND

Part of Tax Lots 1 and 2 in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 23, Township 24 North, Range 1 West of the 6<sup>th</sup> P.m., Madison County, Nebraska, more particularly described as follows:

Beginning at a point 38.6 feet North of the Southeast corner of said Tax Lot 1; thence West on the North Right-of-Way of State Highway #275, a distance of 354.5 feet to the West line of said Tax Lot 2; thence North 0.6 feet to a point 40 feet North of section line; thence East, on a line 40 feet North of and parallel to section line, 354.5 feet to a point on the East line of said Tax Lot 1; thence South 1.4 feet to the point of beginning.

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

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on December 1, 2009 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:

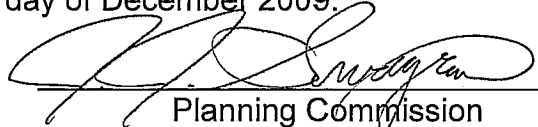
BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that Speedway Truck and Auto Salvage, Inc. is hereby granted a Conditional Use Permit to operate a salvage yard at 807 E. Norfolk Avenue subject to the following terms and conditions:

- (1) The Conditional Use Permit shall be for a period of five (5) years;
- (2) A site plan complying in all regards and containing all of the information required pursuant to Norfolk City Code Section 27-57 and approved as set forth in Section 27-57 for the entire property (not just the C-3 property which requires this permit) is attached to this resolution and delineates the placement of car bodies, trees and fence lines. The site plan and the provisions of City Code Section 27-57 shall be strictly adhered to as a condition of this permit;
- (3) Trees shall be planted and maintained at the locations set forth in the site plan as approved and shall be subject to all provisions set forth on the site plan. The placement of the trees along the east fence line shall be planted in a manner in which the canopy overhang of each tree resides fully on Speedway Truck and Auto Salvage, Inc.'s property;
- (4) The permit holder shall exercise rodent control incorporating all best practices and methodology available;

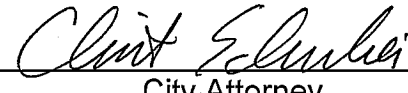
- (5) That stacking of car bodies not occur;
- (6) The Conditional Use Permit granted herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission; and pursuant to the Norfolk City Code, shall be a personal privilege granted to the applicant and shall not be subject to transfer;
- (7) There shall be compliance with any other applicable City, County, State or Federal regulations that may apply.

PASSED AND APPROVED this 22nd day of December 2009.

ATTEST:

  
 \_\_\_\_\_  
 Planning Commission

  
 \_\_\_\_\_  
 Planning Commission Secretary

Approved as to form:   
 \_\_\_\_\_  
 City Attorney

The foregoing instrument was acknowledged before me this 22 day of December, 2009 by J. J. Snodgrass, Planning Commission Chair of the City of Norfolk.

  
 \_\_\_\_\_  
 Faythe Petersen Notary Public

