

11:00

05067

No	05067 ✓	#Pages	3
Doc Tax	\$ _____		
Fee	\$ 22.00	P&M	\$ 3.50
Fees Pd	\$ _____		
Gen Fee	\$ 18.50		
Ck#	_____		
Refund	_____		
Due	\$ 22.00		

THE STATE OF NEBRASKA } ss.  
 MADISON COUNTY

This instrument filed for record  
 the 19 day of November 2015  
 at 11:00 A.M. and recorded in  
 Book 2015 Page 05067  
 \_\_\_\_\_  
 Register of Deeds *Nancy J. Proso*

By the City of Norfolk, Madison County, Nebraska  
**CONDITIONAL USE PERMIT**  
**RESOLUTION NO. 2015PC-10**

WHEREAS, Helena Chemical Company, a Delaware Corporation, has filed an application for a Conditional Use Permit seeking a permit for an agronomy/retail fertilizer facility on property which is legally described as follows:

A tract of land located in part of the North Half (N1/2) of Section Fourteen (14), Township Twenty-four (24) North, Range One (1) West of the 6th P.M., Madison County, Nebraska and more particularly described as follows:

Commencing at the North 1/4 corner of Section 14T24N-R1W, said point being the point of beginning; thence on an assumed bearing of N87°12'50"E, along the north line of the Northeast Quarter (NE1/4), a distance of 274.20 feet to a point of curvature, said point being on the Nebraska Central Railroad west right-of-way line; thence around a curve in a clockwise direction and also being said west railroad right-of-way line, with a delta angle of 04°33'35", a radius of 1910.08 feet, and chord bearing of S24°00'22"W a chord distance of 151.97 feet; thence S21°43'34"W, along said west railroad right-of-way line, a distance of 2536.00 feet; thence S89°03'04"W a distance of 62.00 feet; thence N68°16'26"W a distance of 488.36 feet; thence N01°53'47"W a distance of 570.33 feet; thence N21°15'59"E a distance of 594.82 feet; thence S68°44'01"E a distance of 632.19 feet; thence N21°43'34"E, parallel with said west railroad right-of-way line, a distance of 319.06 feet; thence S48°53'51"E a distance of 91.91 feet; thence N21°43'34"E, parallel with said west railroad right-of-way line, a distance of 767.35 feet to a point on the east line of the Northwest Quarter (NW1/4); thence N01°53'04"W, along said east line, a distance of 458.01 feet to the point of beginning. Said tract contains a calculated area of 975,484.54 square feet or 22.394 acres more or less of which 0.004 acres is county road right-of-way.

WHEREAS, the property described above is presently included in Zoning District I-1; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on October 6, 2015 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 Helena Chemical Company is hereby granted a Conditional Use Permit for an agronomy/retail fertilizer facility on the property described above subject to the following terms and conditions:

- (1) There shall be no larger than one 30,000 gal. anhydrous ammonia tank;
- (2) There shall be no anhydrous ammonia nurse tanks;
- (3) There shall be no ammonium nitrate;
- (4) Helena Chemical Company shall work to control the track out from trucks, heavy equipment and vehicles exiting the property onto Eisenhower Ave. Sand, gravel, mud or sediment track out generated from truck traffic shall be controlled by installation and maintenance of appropriate best management practices (BMPs) compliant with City of Norfolk Engineering, City of Norfolk Zoning and/or Madison County Highway Department; at a minimum Helena Chemical Company shall hard-surface 100 feet to the existing hard surfacing on Eisenhower Ave., such that all traffic leaving the site shall travel the entire 100 feet on hard surfacing until they are on Eisenhower Ave.;
- (5) Applicant shall file form 7460-1 with the FAA for a requested maximum height of 165 feet, but in any event, shall not require any adjustments to any of the thresholds or operations of the Norfolk Regional Airport;
- (6) There shall be no outdoor storage of materials or trash;
- (8) Helena Chemical Company shall submit to the Region 11 Emergency Management and Norfolk Fire Department, an annual Tier Two report of chemicals stored and retailed, as required by law and may subsequently be amended. Said report shall be received in the Region 11 Emergency Management office, 701 Koenigstein Ave., Norfolk, NE 68701, prior to March 1 of each year;
- (9) The Conditional Use Permit shall be perpetual, and pursuant to the Norfolk City Code, shall be a personal privilege granted to the applicant and shall not be subject to transfer;
- (10) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (11) 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;

(12) There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply including, but not limited to the following:

- a. Hard surfacing requirements;
- b. Landscaping requirements;
- c. Bufferyard requirements;
- d. Flood plain permitting; and
- e. Storm water requirements including National Pollutant Discharge Elimination System (NPDES).

PASSED AND APPROVED this 27th day of October 2015.

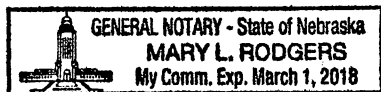
ATTEST:

Stacey Hanse  
 Planning Commission Secretary

Brian Lundy  
 Planning Commission Chair

Approved as to form: Clint S. Sauer  
 City Attorney

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October, 2015 by Brian Lundy, Planning Commission Chair of the City of Norfolk.



Mary L. Rodgers  
 Notary Public

11:00

05068 ✓

No	05068 ✓	#Pages	2
Doc Tax \$			
Fee \$	16.00	P&M \$	3.00
Fees Pd \$	-	Gen Fee \$	13.00
Ck#			
Refund			
Due <sup>d</sup>	16.00		

THE STATE OF NEBRASKA } ss.  
MADISON COUNTY

This instrument filed for record  
the 19 day of November 20 15  
at 11:00 A.M. and recorded in  
Book 2015 Page 05068  
Nancy J. Gross  
Register of Deeds

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska

**RESOLUTION NO. 2015- 35**

WHEREAS, Helena Chemical Company, a Delaware Corporation, has filed an application for a Conditional Use Permit seeking a permit for an agronomy/retail fertilizer facility on property which is legally described as follows:

A tract of land located in part of the North Half (N1/2) of Section Fourteen (14), Township Twenty-four (24) North, Range One (1) West of the 6th P.M., Madison County, Nebraska and more particularly described as follows:

Commencing at the North 1/4 corner of Section 14-T24N-R1W, said point being the point of beginning; thence on an assumed bearing of N87°12'50"E, along the north line of the Northeast Quarter (NE1/4), a distance of 274.20 feet to a point of curvature, said point being on the Nebraska Central Railroad west right-of-way line; thence around a curve in a clockwise direction and also being said west railroad right-of-way line, with a delta angle of 04°33'35", a radius of 1910.08 feet, and chord bearing of S24°00'22"W a chord distance of 151.97 feet; thence S21°43'34"W, along said west railroad right-of-way line, a distance of 2536.00 feet; thence S89°03'04"W a distance of 62.00 feet; thence N68°16'26"W a distance of 488.36 feet; thence N01°53'47"W a distance of 570.33 feet; thence N21°15'59"E a distance of 594.82 feet; thence S68°44'01"E a distance of 632.19 feet; thence N21°43'34"E, parallel with said west railroad right-of-way line, a distance of 319.06 feet; thence S48°53'51"E a distance of 91.91 feet; thence N21°43'34"E, parallel with said west railroad right-of-way line, a distance of 767.35 feet to a point on the east line of the Northwest Quarter (NW1/4); thence N01°53'04"W, along said east line, a distance of 458.01 feet to the point of beginning. Said tract contains a calculated area of 975,484.54 square feet or 22.394 acres more or less of which 0.004 acres is county road right-of-way.

WHEREAS, the property described above is presently included in Zoning District I-1;  
and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on October 6, 2015 receiving input and data from the applicant and the general public concerning the Conditional Use Permit, said hearing having been duly noticed; and

WHEREAS, on October 27, 2015, the Planning Commission approved the Conditional Use Permit by a vote of 7 to 0; and

WHEREAS, on November 4, 2015, Melinda Simonsen filed with the City an appeal of the Planning Commission's approval of a Conditional Use Permit to the applicant; and

WHEREAS, pursuant to Norfolk City Code Section 27-56 the City Council may, following a public hearing, reverse, affirm or modify the decision of the Planning Commission; and

WHEREAS, a public hearing on the appeal filed by Melinda Simonsen was held before the City Council on November 16, 2015, said hearing having been duly noticed; and

WHEREAS, information and testimony both in favor of and in opposition to the application of Helena Chemical Company were presented at said hearing.

NOW THEREFORE, in consideration of the foregoing recitals and based upon the evidence and testimony received at said public hearing, the Mayor and City Council of the City of Norfolk, Nebraska hereby adopt the following Resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska that the determination of the Planning Commission in Resolution No. 2015PC-10 to approve the application of Helena Chemical Company for a Conditional Use Permit is hereby affirmed.

PASSED AND APPROVED this 16 day of NOV., 2015.

ATTEST:

Elizabeth A. Deck  
Elizabeth A. Deck, City Clerk

Sue Fuchtman  
Sue Fuchtman, Mayor

Approved as to form: Clint Schukei  
Clint Schukei, City Attorney

