

8:30

00083

No	00083 ✓	#Pages	4
Doc Tax \$			
Fee \$	28.00	P&M \$	4.00
Fees Pd \$	Gen Fee \$ 24.00		
Ck#			
Refund	Due 28.00		

THE STATE OF NEBRASKA }
MADISON COUNTY } ss.

This instrument filed for record
the 11 day of January 20 16
at 8:30 A.M. and recorded in
Book 2016 Page 00083
Nancy J. Proso
Register of Deeds

By the City of Norfolk, 309 N. 5th Street, Norfolk, NE 68701

CONDITIONAL USE PERMIT
RESOLUTION NO. 2015PC-12

WHEREAS, Union Pacific Distribution Services Company (UPDS) has filed an application for a Conditional Use Permit seeking a permit for a laydown yard/storage on property addressed as 1691 S. 25th Street and which is legally described as follows:

The North 500 feet of the following described tract of land.

An irregular tract of land situated in the SW 1/4 of the NE 1/4 and the SE 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, bounded and described as follows: Beginning at a point on the North-South Quarter Quarter Section line 1601.3 feet South of the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska at the intersection with the South Right of Way line of the Chicago and North Western Railroad; thence South along said Quarter Quarter Section line (Assuming Bearing South 0 degrees 00 minutes East) a distance of 2066.8 feet; thence North 37 degrees 21 minutes East along the westerly R.O.W. line of the Union Pacific Railroad a distance of 2706.8 feet to the point of intersection of the Southerly R.O.W. line of the Chicago and North Western Railroad; thence South 87 degrees 01 minutes 30 seconds West a distance of 1645.4 feet to the point of beginning and containing 38.97 acres more or less.

AND

A tract of land located in Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska more particularly described as follows: That part of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 33 lying South of the Right of Way of the Chicago and Northwestern Railroad Company and that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 33, lying North and West of the Omaha, Niobrara, and Black Hills Railroad Company (now known as the Union Pacific Railroad) Right of Way.

LESS

A tract of land that lies within the Southwest Quarter (SW 1/4) of said Section Thirty-three (33), Township Twenty-four (24) North, Range One (1) West of the 6th P.M., Madison County, Nebraska more particularly described as follows:

Commencing at the West 1/4 Corner of said Section Thirty-three (33); thence South 00 degrees 27 minutes 12 seconds East along the West line of the Southwest Quarter (SW 1/4) of said Section Thirty-three (33), 679.50 feet; said point being the point of beginning, thence South 90 degrees 00

minutes 00 seconds East, 208.25 feet to the beginning of a curve to the right, thence along said curve, having a radius of 107.00 feet, an arc length of 88.77 feet, a chord length of 86.24 feet, and a chord bearing of South 23 degrees 45 minutes 58 seconds East, thence South 00 degrees 00 minutes 00 seconds East, 445.91 feet, thence South 13 degrees 03 minutes 06 seconds East, 37.49 feet, thence South 89 degrees 48 minutes 50 seconds East, 915.76 feet to the Northwesterly right of way line of a railroad, thence South 37 degrees 28 minutes 50 seconds West, along said railroad right of way line, 100.56 feet, thence North 89 degrees 48 minutes 50 seconds West, 1100.97 feet to the West line of Section Thirty-three (33), thence North 00 degrees 27 minutes 12 seconds West along the West line of Section Thirty-three (33), 640.58 feet to the point of beginning and containing 5.16 acres, (224,928 S.F.), more or less.

AND LESS

A tract of land that lies within Section Thirty-three (33), Township Twenty-four (24) North, Range One (1) West of the 6th P.M., Madison County, Nebraska more particularly described as follows:

Commencing at the West 1/4 Corner of section Thirty-three (33), Township Twenty-four (24) North, Range One (1) West, thence South 00 degrees 27 minutes 12 seconds East, 679.51 feet along said Section line, thence North 90 degrees 00 minutes 00 seconds East, 95.00 feet to the point of beginning; thence North 00 degrees 27 minutes 12 seconds West, 43.00 feet to the beginning of a curve to the left, thence along said curve, having a radius of 116.88 feet, an arc length of 45.50 feet, a chord length of 45.50 feet, and a chord bearing of South 77 degrees 25 minutes 26 seconds East, thence North 90 degrees 00 minutes 00 seconds East, 69.46 feet, thence South 00 degrees 00 minutes 00 seconds East, 33.15 feet, thence North 90 degrees 00 minutes 00 seconds West, 113.25 feet to the point of beginning and containing 0.09 acres (3909 S.F.), more or less.

AND LESS

Beginning at a point 1677.1 ft. South of the NW Corner of Section 33, Township 24N, Range 1W of the 6th P.M., Madison County, Nebraska, said point being on the Southerly right of way line of the Chicago and Northwestern Railroad; thence proceeding South along the section line a distance of 1736 ft., thence Northeasterly at a deflection angle of 124 degrees 15 minutes left, a distance of 114.93 ft.; thence northerly on a line 95.0 ft. East of and parallel to

the West line of said Section 33 a distance of 1675.4 ft. more or less to the Southerly right of way line of the Chicago and Northwestern Railroad; thence Westerly 95.1 ft. to the Point of Beginning and containing 3.76 acres more or less, including therein .73 acres more or less in existing road right of way.

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 8, 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 Norfolk Planning Commission of the City of Norfolk, Nebraska that Union Pacific Distribution Services Company is hereby granted a Conditional Use Permit for a laydown yard/storage subject to the following terms and conditions:

1. Outdoor storage of non-hazardous materials shall be allowed;
2. Applicant shall file form 7460-1 with the FAA for a requested maximum height of 130 feet, but in any event, shall not require any adjustments to any of the thresholds or operations of the Norfolk Regional Airport
3. Fencing along the western boundary of the site shall be installed for security purposes prior to the end of operations; barbed wire, if used, shall be a minimum of 6 feet above ground level measured from the base of the fence;
4. Union Pacific Distribution Services Company shall work to control the track out from trucks, heavy equipment and vehicles exiting the property onto S. 25th Street. 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 Union Pacific Distribution Services Company shall hard-surface 50 feet to the existing hard surfacing on S. 25th Street but shall conform to the approved hard-surfacing requirement waiver, and such that all traffic leaving the site shall travel the entire length of required hard surface;
5. The Conditional Use Permit shall be for a period of ten (10) years and, pursuant to the Norfolk City Code, shall be a personal privilege granted to the applicant and shall not be subject to transfer,
6. All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed and 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;

- 7. 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. Floodplain permitting; and
 - b. Storm water requirements including National Pollutant Discharge Elimination System (NPDES).

PASSED AND APPROVED this 22nd day of December 2015.

ATTEST:

Brian Lundy
 Planning Commission Chair

Stacey Hansen
 Planning Commission Secretary

Approved as to form: Chris E. Leubke
 City Attorney

The foregoing instrument was acknowledged before me this 22 day of December, 2015 by Brian Lundy, Planning Commission Chair and Stacey Hansen, Planning Commission Secretary of the City of Norfolk.



Tina J. Kremlacek
 Notary Public