

8:50

02346

THE STATE OF NEBRASKA } ss.
MADISON COUNTY

No	02346 ✓	#Pages	5
Doc Tax \$			
Fee \$	34.00	P&M \$	4.50
Fees Pd \$	-	Gen Fee \$	29.50
Clk#			
Refund			
	Due	34.00	

This instrument filed for record
 the 7 day of June 20 16
 at 8:50 A .M. and recorded in
 Book 2016 Page 02346
 Nancy J. Proso
 Register of Deeds

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2016PC-4

WHEREAS, Doernemann Construction, Inc., a Nebraska Corporation, hereinafter referred to as "APPLICANT", filed an application for a Conditional Use Permit for quarry soil extraction on property generally located at the southwest corner of West Monroe Avenue and South 16th Street which is legally described as follows:

Commencing at a point 111 74/100 rods South of the Northwest corner of the NE1/4 NE1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and running thence West at a right angle with said line 74 20/100 rods to the right of way of the O.N. and B.H. Railroad; thence in a Southwest direction along said right of way to the Township line between Townships 23 and 24; thence East along said Township line to the Southwest corner of the SE1/4 SE1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; thence North to the place of beginning;

EXCEPT a tract of land located in the W1/2 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, described as follows: Commencing at the West 1/4 corner of said Section 33; thence N89°33'49"E (assumed bearing) along the North line of the SW1/4 of said Section 33, 1586.81 feet to a point; thence S00°26'11"E, 863.07 feet to a point on the Southeasterly right of way line of the Union Pacific Railroad, said point also being the true point of beginning; thence S52°44'27"E, 100.00 feet; thence S37°15'33"W, 758.04 feet to the beginning of a curve to the left; thence along said curve, having a radius of 1770.76 feet and a chord bearing S33°33'04"W, 229.04 feet, an arc distance of 229.20 feet to the beginning of a curve to the left; thence along said curve, having a radius of 100.00 feet and a chord bearing S06°17'04"E, 117.92 feet, an arc distance of 126.11 feet; thence S42°24'44"E, 48.73 feet to a point on the top of the Northwesterly bank of the Elkhorn River; thence S47°35'16"W along the top of said river bank, a distance of 449.24 feet to a point on the Southeasterly right of way line of said Railroad, said point also being the beginning of a curve to the right; thence along said curve, having a radius of 1870.76 feet and chord bearing N25°11'43"E, 781 .99 feet, an arc distance of 787.80 feet; thence N37°15'33"E along the Southeasterly right of way line of said Railroad, a distance of 758.04 feet to the point of beginning;

EXCEPT a tract of land lying wholly in the S 1/2 of Section 33, Township 24, North, Range 1, West of the 6th P.M., Madison County, Nebraska, more particular described as follows: Commencing at the Center 1/16th corner of the SE1/4 of said Section 33; thence South, on the 1/16th line, on an assumed bearing of South 00 degrees, 00 minutes West 834.85 feet to the point of beginning; thence North 44 degrees, 47 minutes, 05 seconds West 597.85 feet; thence North 78 degrees, 24 minutes, 55 seconds West 897.53 feet; thence North 67 degrees, 11 minutes, 45 seconds West 359.84 feet; thence South 86 degrees, 13 minutes, 25 seconds West 778.87 feet; thence South 58 degrees, 59 minutes, 50 seconds West 326.28 feet; thence South 54 degrees, 25 minutes West 141.39 feet; thence South 48 degrees, 15 minutes, 50 seconds West 61.09 feet; thence North 60 degrees 08 minutes 55 seconds West 34.15 feet to a point on a 100.0 foot radius curve concave to the Southeast said point being on the Southeasterly line of a tract of land deed to the City of Norfolk, Madison County, Nebraska, recorded in M97-8, Page 1066, in the Office of the Register of Deeds of Madison County, Nebraska; thence around said curve on a chord bearing South 06 degrees 03 minutes 11 seconds East 126.11 feet; thence South 42 degrees 10 minutes 51 seconds East 48.73 feet to a point on the Northerly high bank of Elkhorn River; thence Easterly, following the meandering of the high bank of said river to a point on the West line of the SE1/4 SE1/4 of said Section 33; thence North 00 degrees 00 minutes West, on said West line of the SE1/4 SE1/4 of said Section 33, a distance of 141.95 feet to the point of beginning;

EXCEPT a tract of land in Section 33, Township 24 North, Range 1 West of the 6th P.M., and Section 4, Township 23 North, Range 1 West of the 6th P.M., all in Madison County, Nebraska, and described as follows: Bounded on the South by the South line of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and bounded on the West by the East right of way of the Union Pacific Railroad, and bounded on the North by the Northerly high bank of the Elkhorn River, and bounded on the East by the East line of the SW1/4 SE1/4 of said Section 33, Township 24 North; Range 1 West of the 6th P.M., Madison County, Nebraska;

EXCEPT a tract of land lying wholly in the SW1/4 NE1/4 and in the SE1/4 NW1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of the SW1/4 NE1/4 of said Section 33; thence West, on the 1/4 section line, on an assumed bearing of South 87 degrees, 52 minutes, 33 seconds West, 1714.82 feet to a point on the Southeasterly railroad right of way; thence North 35 degrees, 31 minutes, 28 seconds East, on said right of way, 1281.14 feet to the Southwest corner of a parcel of land conveyed to Union Pacific Railroad by Quitclaim Deed dated March 1, 1983; thence North 60 degrees, 21 minutes, 45 seconds East, along the Southeasterly line of said deeded parcel, 213.25 feet to the Northeast corner of said parcel and to the Southeasterly right of way of the C&NW Transportation Company; thence North 85 degrees, 20 minutes, 40 seconds East, along the Southerly right of way line, 753.46 feet to a point on the East line of the SW1/4 NE1/4; thence South 01 degrees, 38 minutes, 40 seconds East, on said East line, 1146.27 feet to the point of beginning;

Except a tract of land located in the South half (S1/2) of Section 33, Township 24 North, Range 1 West of the Sixth P.M., Madison County, Nebraska, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast quarter (SE1/4) of said Section 33; thence S87°52'26"W (assumed bearing) along the North line of said South half (S1/2) a distance of 1413.47 feet to the West right-of-way line of Monroe Avenue and point of beginning; thence S01°39'43"E along said West right-of-way line a distance of 40.36 feet to the South right-of-way line of Monroe Avenue; thence S87°51'33"W a distance of 67.72 feet to the beginning of a curve concave to the South with a radius of 410.00 feet and a central angle of 24°16'04"; thence along said curve, the chord of which bears S75°43'31"W, a chord distance of 172.36 feet to the point of tangency with a curve concave to the North, with a radius of 490.00 feet and a central angle of 24°16'56"; thence along said curve, the chord of which bears S75°43'57"W, a chord distance of 206.11 feet; thence S87°55'23"W parallel with and 120.00 feet South of the North line of said South half (S1/2) a distance of 1279.67 feet to the East right-of-way line of the Nebraska Central Railroad; thence N35°47'44"E a distance of 151.58 feet to a rebar with plastic cap L.S. number 312; thence N87°51'32"E a distance of 162456 feet to the point of beginning. Said tract contains a calculated area of 180,474 square feet or 4.143 acres more or less.

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on May 3, 2016 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 Doernemann Construction, Inc., a Nebraska Corporation, is hereby granted a Conditional Use Permit for quarry soil extraction subject to the following terms and conditions:

1. The character of runoff from and onto adjacent land shall not be changed by the soil extraction;
2. The Conditional Use Permit shall be for ten (10) years;
3. There shall be no excavation closer than one hundred (100) feet to the northern, southern and eastern abutting properties and no excavation closer than six hundred twenty-five (625) feet measured perpendicular from the easterly edge of the railroad right-of-way abutting property;
4. All cuts shall be no less than four to one (4 to 1) slope beginning no closer than the setbacks listed above;
5. The topsoil shall be collected, stockpiled and redistributed over the exposed soil area of the excavation at the completion of the operation. The soils in the excavation area shall then be stabilized. The land graded, seeded or sodded to prevent erosion and siltation. This subsection may be waived by the zoning official for that portion covered by an approved water impoundment;

- 6. APPLICANT shall conform to the floodplain requirements as outlined in Chapter 27, Division 3 of the Norfolk City Code prior to development;
- 7. APPLICANT shall obtain a floodplain permit and "no-rise" certificate prior to development and no stockpiling may occur within the floodway, as designated by the official map;
- 8. Costs for any damage to public roads or bridges used for access to the site which requires additional maintenance or repair by any political subdivision as a result of the nature of any additional traffic generated, shall be the responsibility of the owner of the property from which the soil is being removed and/or the contractor. The determination of costs and the method of repair and maintenance shall be as prescribed by the city engineer responsible for municipally-controlled roads and/or the county road superintendent responsible for county-controlled roads. The property owner and/or contractor may appeal the city engineer's and/or county road superintendent's decision to the Norfolk City Council within thirty (30) days after receiving the city engineer's and/or county road superintendent's decision;
- 9. The protection of the public health and safety shall be the responsibility of the owner of the property from which the soil is being removed and/or the contractor. Public health and safety methods shall be as directed by the zoning official who, upon observing a problem or verifying a complaint, may order the operation to cease until the problem is resolved. The decisions of the zoning official may be appealed to the Norfolk City Council;
- 10. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
- 11. 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;
- 12. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 17th day of May, 2016.

ATTEST:



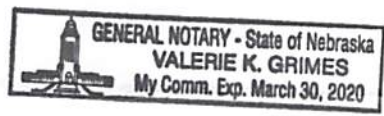
 Planning Commission Chair



 Planning Commission Secretary

Approved as to form: Cliff E. Lundy
City Attorney

The foregoing instrument was acknowledged before me this 17th day of May, 2016
by Brian Lundy, Planning Commission Chair and Stacey Hansen, Planning Commission
Secretary of the City of Norfolk.



Valerie K. Grimes
Notary Public Signature

Valerie K. Grimes
Notary Public Printed