

No	02380 ✓	#Pages	2
Doc Tax \$			
Fee \$	16.00	P&M \$	3.00
Fees Pd \$	Gen Fee \$ 13.00		
Clk#			
Refund			Due 16.00

THE STATE OF NEBRASKA }
MADISON COUNTY }ss

This instrument filed for record
the 21 day of June 2019
at 10:45 A.M. and recorded in
Book 2019 Page 02380

Diana S Tyrodym Register of Deeds

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

**CONDITIONAL USE PERMIT
RESOLUTION NO. 2019PC-1**

WHEREAS, Elkhorn Valley Bank & Trust, A Nebraska Banking Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit to exceed the maximum building height regulations on property addressed as 306 & 404 S. 25th St. and legally described as follows:

Lot 13, Virginia's Second addition to the City of Norfolk, Madison County, Nebraska;

AND

Lot 12, Virginia's Second Addition to the City of Norfolk, Madison County, Nebraska, a replat of Lots 11 thru 19, all in M.L. Raasch's Second Addition to the City of Norfolk, Nebraska; Lots 7 and 10, M.L. Raasch's 3rd Addition to the City of Norfolk, Nebraska; Part of Lot 1, Block 1, Virginia's Addition to the City of Norfolk, Nebraska; and Lot 2, Block 1, Virginia's Addition to the City of Norfolk, Nebraska, LESS that part more particularly described as follows: Beginning at the NE corner of said Lot 12; thence West along the North line of said Lot 12, 68.11 ft. to a point on the East line of Lot 1, said Virginia's Second Addition to the City of Norfolk, Madison County, Nebraska, said point also being the SW corner of Lot 20, M.L. Raasch's Second Addition to the City of Norfolk, Nebraska; thence South along the East line of said Lot 1, 32.54 ft. to the SE corner of said Lot 1; thence East 67.99 ft. to a point on the East line of said Lot 12; thence North along the East line of said Lot 12, 31.92 ft. to the Point of Beginning (also known as Tract "B", Lot Boundary Change Between Lots 1 and 12, Virginia's Second Addition, an Addition to the City of Norfolk, Madison County, Nebraska); and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on May 7, 2019 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Elkhorn Valley Bank & Trust is hereby granted a Conditional Use Permit to exceed the maximum building height regulations subject to the following terms and conditions:

1. Maximum building height shall be 70 feet, including all roof mounted equipment;
2. Applicant shall file form 7460-1 with the FAA for a requested maximum height of 70 feet, but in any event, shall not require any adjustments to any of the thresholds or operations of the Norfolk Regional Airport; ;
3. Pursuant to the Norfolk City Code, this Conditional Use Permit shall run with the land;
4. Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of The Code of the City of Norfolk, Nebraska subject to penalty as provided herein and may be grounds for review of the permit;
5. 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, and;
6. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 21st day of May, 2019.

ATTEST:

D. Spray
 Dan Spray
 Planning Commission Chair

Brianna Duerst
 Brianna Duerst
 Planning Commission Secretary

Approved as to form: *D. Myers-Noelle*
 Danielle Myers-Noelle, City Attorney

The foregoing instrument was acknowledged before me this 21st day of May, 2019 by Dan Spray, Planning Commission Chair and Brianna Duerst, Planning Commission Secretary of the City of Norfolk.



Valerie K. Grimes
 Notary Public Signature
Valerie K. Grimes
 Notary Public Printed