

No	01945 ✓	#Pages	4
Doc Tax \$ _____			
Fee \$	28.00	P&M \$	4.00
Fees Pd \$	_____	Gen Fee \$	24.00
Clk# _____			
Refund	_____	Due	28.00

THE STATE OF NEBRASKA }  
MADISON COUNTY } ss

This instrument filed for record  
the 29 day of April 2020  
at 2:15 P.M. and recorded in  
Book 2020 Page 01945

*Diane S Tykocinski* Register of Deeds

By the City of Norfolk, 309 N. 5<sup>th</sup> Street, Norfolk, NE 68701

CONDITIONAL USE PERMIT  
RESOLUTION NO. 2020PC-4

WHEREAS, LOUP: A Union Pacific Logistics Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a wind distribution center on property addressed as 1691 S. 25<sup>th</sup> St. and legally described as follows:

TRACT 1 AND THE NORTH 500 FEET OF TRACTS 2 AND 3 LESS TRACT 6 ALL AS DESCRIBED AS FOLLOWS:

TRACT 1: A tract of land lying wholly in the SW 1/4 of the NW 1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and more particularly described as follows:

Referring to the W 1/4 Corner of said Section 33; thence proceeding North, along the West line of said Section 33, on an assumed bearing of North 00 degrees 13 minutes 28 seconds West, 212.78 feet; thence North 86 degrees 58 minutes 00 seconds East, 95.11 feet to a point on a line which is 95.00 feet East of, and parallel with, the West line of said Section 33, said point being the point of beginning; thence continuing North 86 degrees 58 minutes 00 seconds East, 840.18 feet; thence North 03 degrees 02 minutes 00 seconds West, 250.00 feet to a point on a line which is 500.00 feet South of, and parallel to, the southerly right-of-way line of Union Pacific Railroad; thence South 86 degrees 58 minutes 00 seconds West, along said line, 827.92 feet to a point on a line which is 95.00 feet East of, and parallel with, the West line of said Section 33; thence South 00 degrees 13 minutes 28 seconds East, 250.30 feet to the point of beginning. Said tract of land contains 4.79 acres, more or less.

TRACT 2: 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.

**TRACT 3:** 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.

**TRACT 6:** 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; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on March 17, 2020 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 LOUP: A Union Pacific Logistics Company is hereby granted a Conditional Use Permit for a wind distribution center subject to the following terms and conditions:

1. Outdoor storage of non-hazardous materials shall be allowed;
2. Applicant shall keep current or 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. APPLICANT shall work to control the track out from trucks, heavy equipment and vehicles exiting the property onto S. 25<sup>th</sup> 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

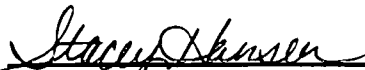
Highway Department; at a minimum APPLICANT shall conform to the approved hard-surfacing requirement waiver, and such that all traffic leaving the site shall travel the entire length of required hard surface;

- 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. Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of the Norfolk City Code subject to penalty as provided herein and may be grounds for review of the permit;
- 7. 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 fifteen (15) days of the decision of the Planning Commission, and;
- 8. 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;
  - b. Crossings blocked by a stopped train regulations; and
  - c. Storm water requirements including National Pollutant Discharge Elimination System (NPDES).

PASSED AND APPROVED this 7th day of April, 2020.

ATTEST:

  
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 Dan Spray  
 Planning Commission Chair

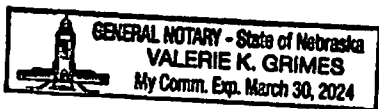
  
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 Stacey Hansen  
 Planning Commission Secretary

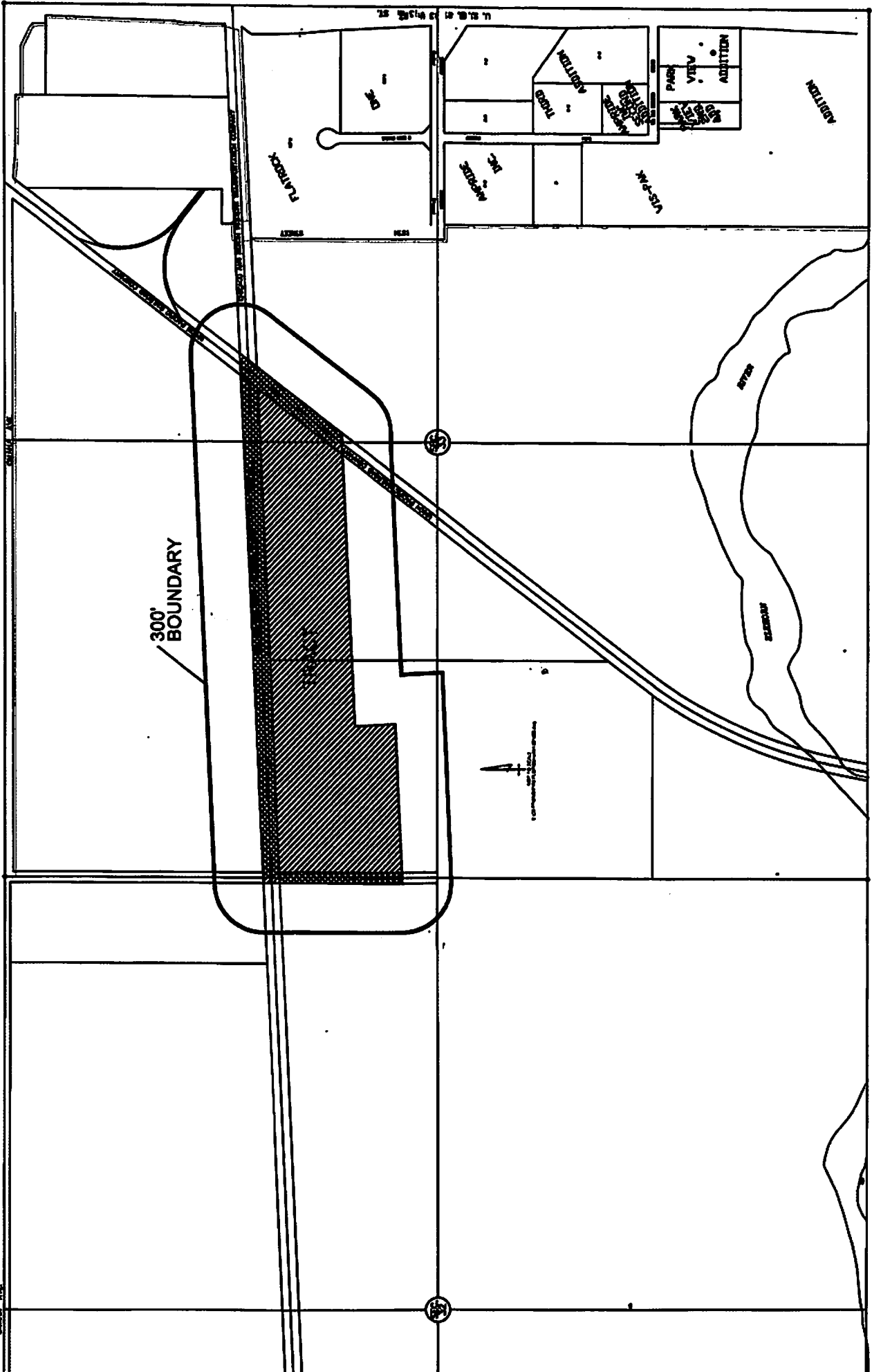
Approved as to form:   
 \_\_\_\_\_  
 Danielle Myers-Noelle, City Attorney

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of April, 2020 by Dan Spray, Planning Commission Chair and Stacey Hansen, Planning Commission Secretary of the City of Norfolk.

  
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 Notary Public Signature

Valerie K. Grimes  
 \_\_\_\_\_  
 Notary Public Printed





CRAMA AVE.