

No	06201	#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 7 day of December 20 20
at 11:00 A.M. and recorded in
Book 2020 Page 06201

Diane S Tyrodym Register of Deeds

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2020PC-15

WHEREAS, South 49th 013445 SCS Norfolk, LLC, a ^{Delaware} ~~Nebraska~~ ^{via} Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit to operate a solar farm electric generation facility with battery storage on property addressed as 301 S. 49th St. and legally described as follows:

Parcel 1

The North Half of the West Half of the Northwest Quarter of Section 30, Township 24 North, Range 1 West of the 6th P.M., in Madison County, Nebraska, less a tract of land located in the West Half of the Northwest Quarter (more specifically defined as lying across the Northerly part of the Northwest Quarter of the Northwest Quarter) of Section 30, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, described as follows:

Beginning at the Northwest corner of said Section 30; thence Easterly on the North line of the West Half of the Northwest Quarter of said Section 30 a distance of 1,218.1 feet to the Northeast corner of said West Half of the Northwest Quarter; thence Southerly on the East line of said West Half of the Northwest Quarter a distance of 29.8 feet; thence Westerly a distance of 471.5 feet to a point 35.2 feet Southerly from said North line; thence continuing Westerly a distance of 689.0 feet to a point 57.2 feet Southerly from said North line; thence Southwesterly a distance of 115.8 feet to a point on the West line of said West Half of the Northwest Quarter; thence Northerly on said West line a distance of 157.2 feet to the point of beginning; and, less a tract described as follows:

Commencing at a point 1209.55 feet East of the Northwest corner of Section 30, Township 24 North, Range 1 West of the 6th P.M.; thence Southerly 90°00' right a distance of 29.8 feet to the point of beginning; thence continuing Southerly on said line a distance of 146.9 feet; thence Westerly 90°00' right a distance of 300.0 feet; thence Northerly 90°00' right a distance of 143.6 feet; thence Easterly 89°22' right a distance of 300.0 feet to the point of beginning, and containing 1.00 acres, more or less; and, less that part thereof taken by the State of Nebraska Department of Roads, as reflected in the Return of Appraisers filed November 23, 2005 at 2005-11, Page 1871.

Parcel 2
The Southwest Quarter of the Northwest Quarter of Section 30, Township 24
North, Range 1 West of the 6th P.M., in Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District A,
Agricultural; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a
public hearing on November 3, 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
South 49th 013445 SCS Norfolk, LLC is hereby granted a Conditional Use Permit to
operate a solar farm electric generation facility with battery storage subject to the
following terms and conditions:

1. There shall be an eight (8) foot high chain-link fence, without barbed wire, surrounding the facility;
2. A prairie grass pollinator crop shall be planted and maintained as groundcover on the facility site;
3. A public information kiosk and public parking shall be installed and maintained on the facility site;
4. The battery storage component shall be placed so as to not be readily visible from Highway 275, i.e. the center to south areas of the facility;
5. Beginning ten (10) years after the Effective Date and throughout the remainder of the Term, APPLICANT shall post a letter of credit, or equivalent security, in APPLICANT's sole discretion (the "Restoration Fund"), in an amount reasonably determined by APPLICANT in good faith to be equal to or greater than the expected costs of decommissioning the Solar Energy Facilities and Battery Storage and completing Restoration (the "Amount"). APPLICANT shall provide City of Norfolk with written notice of the Amount, together with reasonable documentation supporting APPLICANT's determination thereof. The Restoration Fund may, at APPLICANT's discretion (a) include other lands on which APPLICANT maintains Solar Energy Facilities, so long as the Restoration Fund is in an amount that is sufficient, in APPLICANT's reasonable judgment, to cover the expected costs of decommissioning and Restoration on all lands so included; and/or (b) be in favor of additional parties; provided, however, that in such event, each covered party shall be entitled to make a claim against the Restoration Fund only up to the amount proportionally allocable to Solar Energy Facilities existing on the lands owned by such party in relation to all Solar Energy Facilities existing on the lands owned collectively by the covered parties, regardless of any claims made or not made against the Restoration Fund by any other covered party. City of Norfolk shall be entitled to apply the proceeds of the Restoration Fund to complete any portion of the decommissioning and/or Restoration that

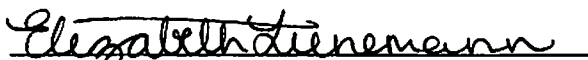
APPLICANT is obligated to perform with respect to the Leased Premises at the time of expiration or termination of the Lease;

- 6. The Conditional Use Permit (CUP) shall be issued as a personal privilege to South 49th 013445 SCS Norfolk, LLC for the Development Term (1 1/2 years), Construction Term (2 years), Operations Term (30 years) and the Extended Operations Term (5 years), not to exceed a total of 40 years. If South 49th 013445 SCS Norfolk, LLC changes their name or sells their rights to another entity, this CUP shall be null and void with a new CUP required under the new ownership for the duration of any operation term. This CUP terminates at the earlier of either the end of the term of the CUP or when the facility is no longer operating for six (6) continual months as an active solar energy site providing the sale of power;
- 7. 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 including alteration or termination of the permit;
- 8. 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;
- 9. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 17th day of November, 2020.

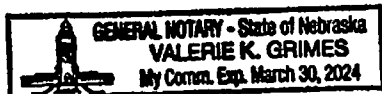
ATTEST:


 Dan Spray
 Planning Commission Chair


 Elizabeth Lienemann
 Planning Commission Secretary

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

The foregoing instrument was acknowledged before me this 17th day of November, 2020 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.




 Notary Public Signature

Valerie K Grimes
 Notary Public Printed