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No	01477	#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 } ss
MADISON COUNTY

This instrument filed for record
the 23 day of March 20 21
at 8:45 A.M. and recorded in
Book 2021 Page 01477

Diana S. Rykodym Register of Deeds

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2021PC-2

WHEREAS, City of Norfolk, a Municipal Corporation, hereinafter referred to as "APPLICANT", filed an application for a Conditional Use Permit to apply stabilized wastewater solids 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°55'36"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 1624.56 feet to the point of beginning. Said tract contains a calculated area of 180,474 square feet or 4.143 acres more or less; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on February 17, 2021 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 The City of Norfolk, a Municipal Corporation, is hereby granted a Conditional Use Permit to apply stabilized wastewater solids on property subject to the following terms and conditions:

1. Spreading will occur only between September 1st and May 31st of each year;
2. Spreading will be a minimum of 500' from east and north property lines;
3. Odor issue complaints by adjacent property owners will be mediated between APPLICANT and the complainant prior to being brought forth to Planning Commission;
4. Any complaints will be investigated by the Zoning Official;
5. The Conditional Use Permit shall be for five (5) years;
6. Pursuant to the Norfolk City Code, the Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
7. Change of land ownership will trigger the need for a new Conditional Use Permit;
8. 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 including alteration or termination of the permit;

- 9. 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;
- 10. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 2nd day of March, 2021.

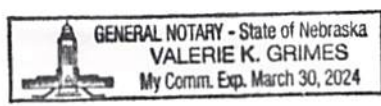
ATTEST:

DAS
 Dan Spray
 Planning Commission Chair

Elizabeth Lienemann
 Elizabeth Lienemann
 Planning Commission Secretary

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

The foregoing instrument was acknowledged before me this 2nd day of March, 2021 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.



Valerie K. Grimes
 Notary Public Signature

Valerie K. Grimes
 Notary Public Printed