

NO 01657 Pages 3
 Doc Tax _____
 Fee \$ 22.00 P&M \$ 3.50
 Fees Pd \$ _____ Gen Fee \$ 18.50
 Check# _____
 Refund _____ Due 22.00

THE STATE OF NEBRASKA } ss
 MADISON COUNTY }

This instrument filed for record
 the 11 day of April 2022
 at 10:30 A. M. and recorded in
 Book 2022 Page 01657

Diana S. Tyrodym Register of Deeds

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

CONDITIONAL USE PERMIT
 RESOLUTION NO. 2022PC-3

WHEREAS, Orphan Grain Train, Inc., a Nebraska Non-Profit Corporation, and Tommark Properties, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for storage and warehousing of non-hazardous materials on properties generally located southwest of the intersection of Madison Avenue and 6th Street, legally described as follows and legally described as follows:

A REPLAT OF ALL OF LOTS 1 AND PART OF LOTS 2, 3, 4, 5, 6, 7, 8, AND 9, BLOCK 4, KOENIGSTEIN'S FIRST ADDITION, AND ALL OF LOTS 1 AND 2, ORPHAN GRAIN TRAIN FUTURE WAREHOUSE ADDITION TO THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 4, KOENIGSTEIN'S FIRST ADDITION AND ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SIXTH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF MADISON AVENUE; THENCE S00°04'55"E, ALONG THE EAST LINE OF BLOCK 4, KOENIGSTEIN'S FIRST ADDITION ; THE EAST LINE OF LOT 1, ORPHAN GRAIN TRAIN FUTURE WAREHOUSE ADDITION; AND ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF SIXTH STREET, A DISTANCE OF 368.56 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ORPHAN GRAIN TRAIN FUTURE WAREHOUSE ADDITION AND ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF SIXTH STREET AND THE NORTH RIGHT-OF-WAY LINE OF PHILLIP AVENUE; THENCE S89°28'31"E, ALONG THE SOUTH LINE OF LOT 1, ORPHAN GRAIN TRAIN FUTURE WAREHOUSE ADDITION; THE SOUTH LINE OF LOT 8, BLOCK 4, KOENIGSTEIN'S FIRST ADDITION; AND ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF PHILLIP AVENUE, A DISTANCE OF 197.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK 4, KOENIGSTEIN'S FIRST ADDITION; THENCE S89°15'34"W, ALONG THE SOUTH LINE OF BLOCK 4, KOENIGSTEIN'S FIRST ADDITION AND ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF PHILLIP AVENUE, A DISTANCE OF 85.78 FEET; THENCE N00°09'08"W A DISTANCE OF 367.60 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 4, KOENIGSTEIN'S FIRST ADDITION AND ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MADISON AVENUE; THENCE N89°12'53"E, ALONG THE NORTH LINE OF SAID BLOCK 4, KOENIGSTEIN'S FIRST ADDITION AND ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MADISON AVENUE, A DISTANCE OF 152.02 FEET TO THE NORTHEAST CORNER OF LOT 3, BLOCK 4, KOENIGSTEIN'S FIRST ADDITION; THENCE N89°13'06"E, ALONG SAID NORTH LINE OF BLOCK 4, KOENIGSTEIN'S FIRST ADDITION AND ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MADISON AVENUE, A DISTANCE OF 131.93 FEET TO THE POINT OF BEGINNING. SAID TRACT ED OF LAND CONTAINS A CALCULATED AREA OF 104424 SQUARE FEET OR 2.397 ACRES MORE OR LESS; and

WHEREAS, the property described above is presently included in Zoning District C-2,

Central Business; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on February 23, 2022 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 Orphan Grain Train, Inc. and Tommark Properties, LLC are hereby granted a Conditional Use Permit for storage and warehousing of non-hazardous materials subject to the following terms and conditions:

1. There shall be no storage of hazardous materials;
2. The attached site plan is hereby approved and shall be complied with;
3. The attached truck travel routes shall be complied with and may be adjusted, temporarily or permanently, if the traffic flow is amended due to surrounding street openings or closures;
4. Should the NDOT and Railroad permit the closure of W. Phillip Ave. and the reopening of W. Park Ave. at the railroad tracks/S 7th St., the APPLICANT shall be responsible for 80% of the expense of construction and engineering costs;
5. Pursuant to the Norfolk City Code, this Conditional Use Permit shall run with the land;
6. 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;
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 15 days of the decision of the Planning Commission, and;
8. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 22nd day of March, 2022.

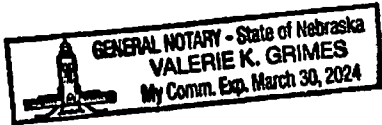
ATTEST:


 Elizabeth Lienemann
 Planning Commission Secretary


 Dan Spray
 Planning Commission Chair

Approved as to form: D. Myers-Norrell
City Attorney

The foregoing instrument was acknowledged before me this 22nd day of March, 2022
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