

NO 00589 ✓ Pages 2  
 Doc Tax \_\_\_\_\_  
 Fee \$ 16.00 P&M \$ 3.00  
 Fees Pd \$ \_\_\_\_\_ Gen Fee \$ 13.00  
 Check# \_\_\_\_\_  
 Refund \_\_\_\_\_ Due 16.00

THE STATE OF NEBRASKA }  
 MADISON COUNTY } ss

This instrument filed for record  
 the 7 day of February 2022  
 at 8:30 A.M. and recorded in  
 Book 2022 Page 00589

*Diane S. Tyrodym* Register of Deeds

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

CONDITIONAL USE PERMIT  
 RESOLUTION NO. 2022PC-1

WHEREAS, Grimes Asphalt and Paving Corporation, an Iowa Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for an asphalt plant on property legally described as follows:

A part of the North Half of the Southeast Quarter of Section Thirty-Five, Township Twenty-Four North, Range One West of the 6th P.M., Madison County, Nebraska, described as follows: Commencing at the Northwest corner of the North Half of the Southeast Quarter of said Section Thirty-five; thence East 744.8 feet to the place of beginning; thence south to the south line of said North Half of the Southeast Quarter; thence east 1895.1 feet to the southeast corner of said North Half of the Southeast Quarter; thence north to the northeast corner of said North Half of the Southeast Quarter; thence west to the place of beginning, less a tract of land described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section Thirty-five; thence west 415 feet; thence south 1320 feet to the South line of said North Half of the Southeast Quarter of said Section Thirty-five; thence East 415 feet; thence North 1320 feet to the place of beginning, containing 12.57 acres, more or less; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 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 Grimes Asphalt and Paving Corporation is hereby granted a Conditional Use Permit for an asphalt plant subject to the following terms and conditions:


1. The Conditional Use Permit shall be for five (5) years;
2. Operations shall be limited to the southeast quarter of the property legally described above;

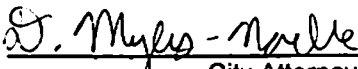
- 3. Access to the property and operations shall be through use of the existing ingress/egress drive from Monroe Ave. and shall be hard surfaced 100' from the edge of pavement of Monroe Ave. with the remaining drive utilizing a form of dust control, as needed;
- 4. Stockpiling of materials shall be conducted in such a way as not to constitute a hazard to any person or to adjoining properties;
- 5. The Conditional Use Permit 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 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 19th day of January, 2022.

ATTEST:

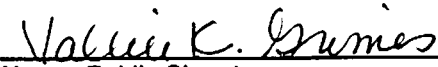
  
 Dan Spray  
 Planning Commission Chair

  
 Elizabeth Lienemann  
 Planning Commission Secretary

Approved as to form:   
 City Attorney

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of January, 2022 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