

NO 02393 ✓ 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 } ss
MADISON COUNTY

This instrument filed for record
the 23 day of May 2022
at 8:30 A.M. and recorded in
Book 2022 Page 02393

Quiana S. Tyrodym Register of Deeds

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2022PC-4

WHEREAS, Western Engineering Company, Inc., An Iowa Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit to operate an asphalt hot-mix facility at property located at 2101 E. Eisenhower Ave. and approximately ¼ mile east of the intersection of N. Victory Rd. and E. Eisenhower Ave., legally described as follows:

Lot 2, Eisenhower Avenue Industrial Addition, Madison County, Nebraska.
AND

A tract of land lying wholly in the S 1/2 of the S 1/2 of the SE 1/4 of Section 12, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is described by metes and bounds as follows:

Beginning at a point on the South line of said Section 12 which is 1446.00 feet East of the Southwest Corner of said Section 12, said point being on the southerly extension of the East line of Lot 2, Eisenhower Avenue Industrial Addition, Madison County, Nebraska; thence proceeding East along the South line of said Section 12 on an assumed bearing of North 89 degrees 52 minutes 14 seconds East, 1176.52 feet to the Southeast Corner of said Section 12; thence North 00 degrees 23 minutes 32 seconds West, along the East line of said Section 12, 661.12 feet to the Northeast Corner of the S 1/2 of the S 1/2 of the SE 1/4 of said Section 12; thence South 89 degrees 54 minutes 08 seconds West, along the North line of the S 1/2 of the S 1/2 of the SE 1/4 of said Section 12, 1529.51 feet to a point on the northerly extension of the West line of said Lot 2; thence South 00 degrees 28 minutes 36 seconds West, 12.00 feet to the Northwest Corner of said Lot 2; thence North 89 degrees 52 minutes 14 seconds East, along the North line of said Lot 2, 363.00 feet to the Northeast Corner of said Lot 2; thence South 00 degrees 28 minutes 36 seconds West, along the East line of said Lot 2 and the southerly extension thereof, 650.00 feet to the point of beginning; 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 April 19, 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 Western

Engineering Company, Inc. is hereby granted a Conditional Use Permit to operate an asphalt hot-mix facility subject to the following terms and conditions:

1. The Conditional Use Permit shall be for three (3) years;
2. Stockpiling of materials shall be conducted in such a way as not to constitute a hazard to any person or to adjoining properties;
3. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
4. 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 of the permit;
5. 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;
6. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 3rd day of May, 2022.

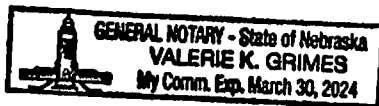
ATTEST:

D. A. S.
 Dan Spray
 Planning Commission Chair

Elizabeth Lienemann
 Elizabeth Lienemann
 Planning Commission Secretary

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

The foregoing instrument was acknowledged before me this 3rd day of May, 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