

9:35

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NO 00816 ✓ 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 22 day of March 20 24
 at 9:35 A.M. and recorded in
 Book 2024 Page 00816

Diana S Tyrodym Register of Deeds

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

CONDITIONAL USE PERMIT
 RESOLUTION NO. 2024PC-2

WHEREAS, Midwest Coatings Company, Inc., 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

Lot 2, Chaffin's Addition, Madison County, Nebraska

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 21, 2024 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 Midwest Coatings Company, Inc. 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 ten (10) years;
2. Operations shall be limited to the southeast quarter of the property legally described above;

3. Access to the property and operations will be through the proposed ingress/egress drive from S. Victory Rd., located in the Southern quarter of the parcel addressed as 2200 S. Victory Rd. and through use of the existing ingress/egress drive from Monroe Ave. Both ingress/egress drives shall be hard surfaced 100' from the edge of pavement of Monroe Ave. and S. Victory Rd. with the remaining drives 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 including obtaining any floodplain development permits prior to development which includes but not limited to: grading, filling, building, etc. and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 5th day of March, 2024.

ATTEST:

Dirk Waite

Planning Commission Chair
Dirk Waite

Sarah Wortmann

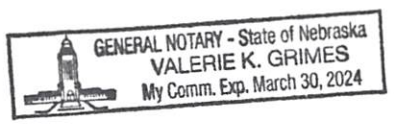
Sarah Wortmann
Planning Commission Secretary

Approved as to form: *D. Myles Noelle*

City Attorney

The foregoing instrument was acknowledged before me this 5th day of March, 2024 by

Dirk Waite, Planning Commission Chair and Sarah Wortmann, Planning Commission Secretary of the City of Norfolk.



Valerie K. Grimes

Notary Public Signature

Valerie K Grimes

Notary Public Printed