

9:10
City of Norfolk

PAGED DOC TAX
GENERAL FEE \$25.50 Chg
INDEXED NO. 2709

This instrument filed for record
the 3 day of June 2011
at 9:10 A.M. and recorded in
Book 2011-06 Page 0186-0190

Nancy J. Gross
Register of Deeds

CONDITIONAL USE PERMIT
RESOLUTION NO. 2011PC-3

WHEREAS, W. Theisen Grading & Equipment Co./Wade Theisen filed an application for a Conditional Use Permit for storage of concrete, asphalt and bricks on property which is legally described as follows:

SW ¼ of the SE ¼ of Section 12, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska

WHEREAS, the property described above is presently included in Zoning District A; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on May 3, 2011 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:

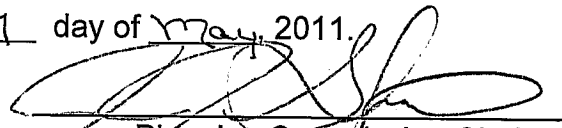
BE IT RESOLVED by the Norfolk Planning Commission of the City of Norfolk, Nebraska that W. Theisen Grading & Equipment Co./Wade Theisen is hereby granted a Conditional Use Permit for storage of broken concrete, asphalt and brick subject to the following terms and conditions:

1. The applicant, and/or property owner, shall be responsible for all removal of debris and clean up, in the event the project is not completed, or within 90 days of project completion;
2. The days and hours of operation shall be Monday through Saturday, 7:00 a.m. until 5:30 p.m.;
3. The permit shall be for a period of five (5) years;
4. Separate brick, concrete and metal from demolition waste. Use the brick and concrete for land improvement and stabilization projects. All demolition waste shall be disposed of in a permitted demolition landfill or a municipal solid waste landfill;
5. The applicant shall be responsible for maintaining the roadway leading to and from the site;

6. A copy of the lease describing the property to be used for storage, and a diagram of the parcel to be used for salvage, shall be attached to this permit;
7. There shall be compliance with any other applicable City, County, State or Federal regulations that may apply, including Department of Environmental Quality permits;
8. Pursuant to the Norfolk City Code, this Conditional Use Permit shall be a personal privilege and for five years;
9. 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.

PASSED AND APPROVED this 17 day of May, 2011.

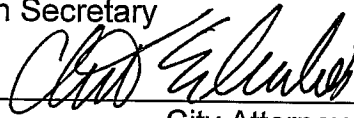
ATTEST:



Planning Commission Chair
J.J. Snodgrass



Planning Commission Secretary

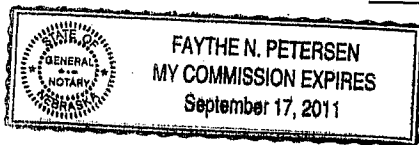
Approved as to form: 

City Attorney

The foregoing instrument was acknowledged before me this 17 day of May, 2011 by J.J. Snodgrass, Planning Commission Chair of the City of Norfolk.

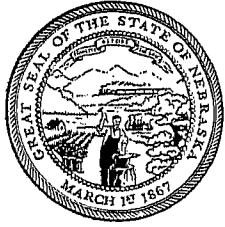


Faythe Petersen, Notary Public



0188

STATE OF NEBRASKA



Dave Heineman
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder

Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922

Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: www.deq.state.ne.us

April 21, 2011

Mr. Wade Theisen
W Theisen Grading & Equipment Co., Inc.
PO Box 77
Norfolk, NE 68702

RE: Issuance of storm water discharge authorization for the Material Storage & Staging Area for Brick & Broken Concrete construction project located 1/4 of a mile west of the junction of 844th Road and 558th Avenue on the north side of the county road, in Madison County, NE (NPDES Authorization Number NER112491)

Dear Mr. Theisen:

This is to acknowledge receipt of the CSW-NOI form on April 20, 2011, for the project referenced above. This project has authorization to discharge storm water under the terms and conditions of NPDES General Permit NER110000. Please review the entire permit to ensure compliance.

When final stabilization (Part III.M of the permit) has been completed, submit a written notice of the termination for the project as required in Part V of the permit. The enclosed CSW-NOT form is to be used for this purpose.

If you have any questions concerning this NPDES storm water discharge authorization, please contact our office at (402) 471-4239.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Wulf".

Wendy Wulf
Water Quality Division

Enclosure: CSW-NOT form

LEASE AGREEMENT

NAME: PAUL J. McINTOSH

PROJECT NAME: MATERIAL STORAGE

ADDRESS: 1007 JONATHON CIRCLE
NORFOLK, NEBRASKA 68701

COUNTY: Madison County, NE

For and in consideration of the payment to them by **W. Theisen Grading & Equipment Co.** of the Lump Sum payment of \$1,200.00 per year, the undersigned, Agent of the following described Real Estate situated in the, **SW 1/4 of the SE 1/4 of Section 12, Township 24N, Range 1W in Madison County, Nebraska**, hereby grants to **W. Theisen Grading & Equipment Co.**, Norfolk, Nebraska, or as its assignee or assigness, the exclusive option to enter upon said lands and to stockpile concrete, bricks and Asphalt.

It is further agreed and understood that in the event this option is exercised that said land owner will allow the contractor to begin work without delay, and that he will allow egress and ingress over land owned by them for the purpose of stockpiling materials. This lease agreement shall be in effect for no more than 5 years.

A minimum of 6" of topsoil shall be removed, stockpiled and spread over the storage area at completion of the project. **W. Theisen Grading & Equipment Co.** will be responsible for cleaning up said real estate to the satisfaction of the landowner.

IN WITNESS WHEREOF, we have hereunto set our hands this 16th Day of May, 2011.

By 
J Paul J. McIntosh

By 
W. Theisen Grading & Equipment Co.

841-3809 - Wade Thieson



Staging Area

