

PAGED ✓ DOC TAX ✓
GENERAL ✓ FEE \$15.50 Chg
INDEXED ✓ NO. 4220 ✓

THE STATE OF NEBRASKA } ss.
MADISON COUNTY

This instrument filed for record
the 8 day of August 20 12
at 8:30 A.M. and recorded in
Book 2012-08 Page 0527-0529
Nancy J. Gross
Register of Deeds

by
City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska 68701

CONDITIONAL USE PERMIT
RESOLUTION NO. 2012PC-9

WHEREAS, Alter Trading Corporation, an Iowa Corporation, a/k/a Alter Norfolk Corporation, has filed an application for a Conditional Use Permit seeking a permit to operate a salvage yard and a scrap shredder on property which is legally described as follows:

A tract of land lying wholly in the SW1/4 NE1/4 and the SE1/4 NW1/4 of Section 34, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and more particularly described as follows:

Commencing at the Southeast corner of the SW1/4 NE1/4 of said Section 34; thence West on the Quarter section line 500.00 feet; thence North on a line 500.0 feet from and parallel to the East line of the SW1/4 NE1/4 of said Section 34, on an assumed bearing of North 0 degrees 00 minutes West, a distance of 1055.8 feet to the point of beginning; thence continuing North 0 degrees 00 minutes West, a distance of 154.4 feet to a point on a 542.96 foot radius curve to the left, the initial tangent of which forms an angle of 87 degrees 01 minutes 30 seconds left from the last described course; thence along said 542.96 foot radius curve having a chord bearing South 89 degrees 54 minutes West, and a length of 58.25 feet; thence South 86 degrees 49 minutes 30 seconds West, a distance of 1341.5 feet; thence South 0 degrees 42 minutes 30 seconds East, a distance of 162.3 feet; thence North 83 degrees 00 minutes 30 seconds East a distance of 88.5 feet to the P.C. of a 848.51 foot radius curve to the right, the initial tangent of which forms an angle of 2 degrees 13 minutes 30 seconds left from the last described course; thence along said 848.51 foot radius curve to the right having a chord bearing North 87 degrees 42 minutes East and a length of 204.38 feet; thence South 85 degrees 23 minutes East, a distance of 115.4 feet; thence South 85 degrees 02 minutes East, a distance of 292.2 feet to the P.C. of a 447.46 foot radius curve to the left; thence along said 447.46 foot radius curve, having a chord bearing South 88 degrees 59 minutes 30 seconds East, and a length of 61.75 feet; thence North 87 degrees 03 minutes East, a distance of 240.4 feet to the P.C. of a 1243.24 foot radius curve to the left; thence along said 1243.24 foot radius curve having a chord bearing North 78 degrees 44 minutes East and a length of 355.26 feet; thence North 70 degrees 25 minutes East, a distance of 24.15 feet to the P.C. of a 542.96 foot radius curve to the left; thence along said curve having a chord bearing North 69 degrees 01 minutes East, and a length of 26.6 feet to the point of beginning.

TOGETHER WITH: A permanent easement right for the use of an existing roadway system as presently located and established east of and adjacent to the easterly boundary of the above described real estate; all as set out in a previous Deed recorded July 18, 1973 in M73-7 at Page 256 of the Records of Madison County, Nebraska more particularly described as follows:

A strip of land 30 feet in width in the Southwest Quarter of the Northeast Quarter of said Section 34, said strip of land being 15 feet in width on each side of the following described center line: Beginning at a point on the East line of the above described real estate, distant 40 feet Southerly from the Northeast corner thereof; thence Easterly parallel with the Easterly extension of the Northerly line of said above described real estate a distance of 185 feet; thence Southeasterly, along a line forming an angle to the right from the prolongation of the last described course, of 50°, to a point distant 35 feet Southeasterly, measured radially, from the center line of Chicago and North Western Transportation Company yard track ICC No. 126, as said yard track is now located; thence Northeasterly parallel with said yard track center line to a point on the East line of said Southwest Quarter of the Northeast Quarter of Section 34, and there terminating.

WHEREAS, the property described above is presently included in Zoning District I-2; and

WHEREAS, a salvage yard has been operated on the above described property since approximately 1958 and presently constitutes a legal nonconforming use pursuant to the provisions of the Zoning Regulations of the City of Norfolk, Nebraska; and

WHEREAS, adding a scrap shredder to the existing operation constitutes the expansion of a legal nonconforming use necessitating the granting of a Conditional Use Permit for the salvage yard operation and the placement and operation of the scrap shredder; and

WHEREAS, the Norfolk Planning Commission conducted a public hearing on May 22, 2012 receiving input and data from the applicant and the general public concerning the Conditional Use Permit Application; and

WHEREAS, the Norfolk Planning Commission conducted an additional hearing on July 3, 2012 to receive additional input and data from the applicant and the general public concerning the Conditional Use Permit Application.

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 Alter Trading Corporation is hereby granted a Conditional Use Permit to operate a salvage yard with a shredder on the above described property subject to the following terms and conditions:

1. Hard surfacing and dust control of the roads on Alter's premises shall be provided by using the best management practices. A site plan showing the areas to be hard surfaced is attached to this permit;
2. The scrap shredder shall be operated in such a manner as not to violate Title 129, Chapter 32 of the Nebraska Administrative Code, including handling, transporting or storage of material in a manner which shall not allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates and the storage and handling of Auto Shredder Residue (ASR) will be on concrete and in accordance with the facilities site-specific Storm Water Pollution Prevention Plan;
3. The scrap shredder will not operate on Sundays nor at any time between 10:00 PM and 6:00 AM on any other day;
4. Fencing shall be required to limit access into the plant and for retention pond safety and is shown on the attached site plan;

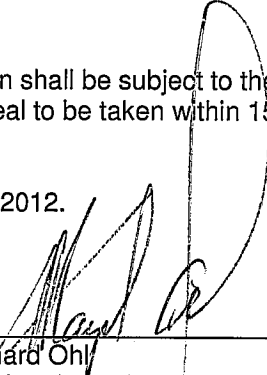
5. Alter Trading Corporation shall work with the Norfolk Fire Division for emergency preplanning purposes;
6. A copy of the Storm Water authorization to discharge, and the site's Storm Water Pollution Prevention Plan (SWPPP) shall be filed with the Prevention Manager of the Norfolk Fire Division at 701 Koenigstein Ave., Norfolk, NE;
7. Measures for mosquito control shall be placed in the retention pond area, such as water circulation pumps or some other means of controlling mosquitoes and larvae;
8. The scrap shredder shall be new and shall not exceed an 88" diameter rotor nor be powered by a motor greater than 5000 horsepower and shall be equipped with a smart water injection system at the scrap shredder and a cyclone cleaning system at the finished product line;
9. There shall be compliance with any other applicable City, County, State or Federal regulations that apply;
10. Pursuant to the Norfolk City Code, this Conditional Use Permit shall be perpetual and run with the land; and
11. 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 3 day of July, 2012.

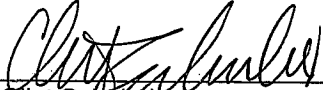
ATTEST:



 Faythe Petersen
 Planning Commission Secretary

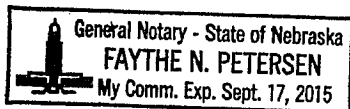


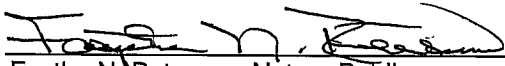
 Maynard Ohl
 Planning Commission Chair Pro Tem

Approved as to form: 

 Clint Schukel
 City Attorney

The foregoing instrument was acknowledged before me this 3 day of July, 2012 by Maynard Ohl, Planning Commission Chair Pro Tem of the City of Norfolk.





 Faythe N. Petersen, Notary Public