

11-20

THE STATE OF NEBRASKA } ss.
MADISON COUNTY

02154

No	02154 ✓	#Pages	3
Doc Tax \$			
Fee \$	22.00	P&M \$	3.50
Fees Pd \$	- 0 -	Gen Fee \$	18.50
Ckt#			
Refund		Due	22.00

This instrument filed for record
 the 22 day of May 2015
 at 11:20 A.M. and recorded in
 Book 2015 Page 02154
Nancy J. Gross
 Register of Deeds

By the City of Norfolk, 309 N. 5th, Norfolk, Nebraska
 CONDITIONAL PERMIT
 RESOLUTION NO. 2015PC-2

WHEREAS, Lyman-Richey Corporation has filed an application for a Conditional Use Permit seeking a permit for excavation, extraction and removal (mining) of dirt, sand and gravel on property which is legally described as follows:

A tract of land located in the W 1/2 of the SE 1/4 of the SE 1/4 of Section 3, T23N, R1W of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Commencing at the southeast corner of the W 1/2 of the SE 1/4 of the SE 1/4 of Section 3, T23N, R1W of the 6th P.M., Madison County, Nebraska, and assuming the south line of said W 1/2, SE 1/4, SE 1/4 to have a bearing of S 89°32'37" W; thence N 00°32'18" E on the east line of the W 1/2, SE 1/4, SE 1/4, 50.00 feet, to the point of beginning; thence S 89°32'37" W, 20.00 feet; thence N 00°32'19" E, 288.27 feet; thence S 89°30'25" W, 639.19 feet, to the west line of said W 1/2 of the SE 1/4 of the SE 1/4; thence N 00°29'04" E on the west line of said W 1/2, SE 1/4, SE 1/4, 990.67 feet, to the northwest corner of said W 1/2, SE 1/4, SE 1/4; thence N 89°30'25" E on the north line of said W 1/2, SE 1/4, SE 1/4, 660.12 feet, to the northeast corner of said W 1/2, SE 1/4, SE 1/4; thence S 00°32'18" W on the east line of said W 1/2, SE 1/4, SE 1/4, 1278.97 feet, to the point of beginning, said tract containing 15.13 acres, more or less. This tract is now known as Lot 2, Block 1, Riviera Addition to Madison County, Nebraska.

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

WHEREAS, the Norfolk Planning Commission conducted a public hearing on April 7, 2015 receiving input and data from Lyman-Richey Corporation and the general public concerning the Conditional Use Permit; and

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 Lyman-Richey Corporation, is hereby granted a Conditional Use Permit for the purpose of quarrying/mining sand and gravel on the property described above subject to the following terms and conditions:

- (1) Lyman-Richey Corporation must conform to the floodplain requirements as outlined in the Norfolk City Code;
- (2) A) Lyman-Richey Corporation shall provide the City Engineer with a grading map showing existing conditions. The map shall be in enough detail so that existing conditions can be replicated from the map. The information shall include X, Y, and Z elevations on at least a grid of 100 feet by 100 feet and at any other points required to show special features. The plan shall provide detailed benchmark information tied into the benchmark used by FEMA to develop the floodplain maps. The information shall be depicted on a plan to a scale so that the information is readily legible. The information shall also be depicted in grid format, contour format and cross-section format;
B) Lyman-Richey Corporation shall also provide proposed final grades on the map depicting the existing contours and final cross-sections outside the water's edge;
- (3) Lyman-Richey Corporation shall identify the location of proposed vehicle and equipment storage areas, proposed structures; erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land. Lyman-Richey Corporation shall provide the City Engineer with a copy of any required NPDES permits;
- (4) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation as shown in 2(A) above;
- (5) A muffler shall be added to the mining equipment to minimize sound from the operation;
- (6) Excavation shall be conducted in such a way as not to constitute a hazard to any person, or to the adjoining property. All cuts and fill shall be constructed with a slope not greater than three to one (3-1);
- (7) Within nine (9) months after the completion of extraction on any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public. Prior to seeding or sodding, a grading map showing final contours should be provided to the City Engineer for review for compliance with proposed final grade contours and flood plain regulations. Final grading plans shall include the same detail as Condition 2;
- (8) Noise levels created from the mining operation shall comply with the Final Rule (Part II, Section C) of the Current Standards of the Mine Safety Health Administration as published in the Federal Register, Volume 64, No. 176, as the same may from time to time be amended. The maximum level allowed by this rule is 85 decibels at the property line;
- (9) The Conditional Use Permit shall be for a period of five (5) years and, pursuant to the Norfolk City Code, shall be a personal privilege granted to Lyman-Richey Corporation and shall not be subject to transfer;
- (10) Hours of operation, other than routine maintenance, shall be from 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 12:00 p.m. on Saturday with no operations on Sunday; provided, however, in the event an emergency arises, the operation may run

twenty-four hours a day provided Lyman-Richey contacts the City of Norfolk Fire Division (402) 844-2050 with notice of the emergency.

- (11) 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;
- (12) There shall be compliance with applicable City, County, State or Federal regulations that may apply;
- (13) Lyman-Richey Corporation shall use best management practices to manage wind-blown debris and provide erosion control;
- (14) This Conditional Use Permit as modified 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 21st day of April, 2015.


ATTEST:



 Planning Commission Vice Chair




 Planning Commission Secretary

Approved as to form: 

 City Attorney

The foregoing instrument was acknowledged before me this 21 day of April, 2015 by Brian Lundy, Planning Commission Vice Chair of the City of Norfolk.



 Faythe Petersen, Notary Public

