

CONDITIONAL USE PERMIT
 RESOLUTION NO. PC2004-8

WHEREAS, Alltel Communications of Nebraska, Inc. has filed an application for a Conditional Use Permit seeking a permit for a wireless telecommunications facility on property which is legally described as follows:

All of Section 13, Township 24 North, Range 1 West of the Sixth Principal Meridian, Madison County, Nebraska, except for a tract of land, herein called Tract A, which is described as follows: Beginning at the West quarter corner of said section 13; thence south along the west line of section 13; 1949.54 feet; thence N89°03' E, 1361.90 feet; thence S0°54' E, 722.13 feet to a point on the south line of section 13; thence along said section line N89°50' E, 34.11 feet; thence N0°48' W, 952.09 feet; thence S88°40' E, 648.65 feet; thence S0°06' W, 313.37 feet; thence N86° 57' E, 239.22 feet; thence N17° 39' E, 509.76 feet; thence S85°15' W 393.69 feet; thence S0°06' W, 123.69 feet; thence N89°36' W, 649.09 feet; thence N0°48' W 358.74 feet; thence S88°26' E, 285.24 feet; thence N1°02' W, 1348.13 feet; thence S89°22' W 342.35 feet; thence N4°22' E 497.29 feet; thence S89°43' W, 230.48 feet; thence 0°06' E 233.57 feet; thence S89°41' W, 533.49 feet; thence 1°00' E 655.39 feet; thence S89°46' W, 588.57 feet to a point on the West line of said section 13; thence along said section line, S0°03' W, 84.02 feet to the point of beginning or 78.12 +- acres. Said excluded acres contained in Tract A are approximately 78.12+- acres. Also excepted from this conveyance are two cemeteries marked in red as A and B on the map identified as Exhibit 1, attached hereto and made a part hereof. Also marked in red from point C to D is a thirty foot wide sewer easement which is reserved by the grantor. The grantor also excepts from this conveyance and reserves unto itself easements thirty foot in width for existing roads, sewage disposal and utilities which are not marked on Exhibit 1, along with the right of access to all of the property and easements excepted from this conveyance. The grantor also reserves an easement to construct, repair and maintain a water line in the West 100 feet of the SW1/4 of said Section 13. The property conveyed to the grantee consists of approximately 553.22 acres, more or less; and less that part deeded to The State of Nebraska, Department of Roads in M90-7, Page 605.

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

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on September 8, 2004 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 Planning Commission of the City of Norfolk, Nebraska that Alltel Communications of Nebraska, Inc. is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property north of 1700 N. Victory Road subject to the following terms and conditions:

- (1) There shall be a 7' high chain-link fence with 3-strand barbwire outriggers, surrounding the compound;
- (2) This permit shall become null and void upon termination of the lease agreement between Alltel Communications of Nebraska, Inc. and Northeast College and the property restored to its original condition within ninety (90) days;
- (3) The applicants shall receive final approval from the Federal Aviation Administration;
- (4) The applicants shall encourage co-location of use on this tower;
- (5) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (6) All procedures and standards outlined in Section 27-251 of the Norfolk City Code pertaining to Airport Overlay Districts shall be observed;

- (7) All cables and wiring to the tower shall be internal;
- (8) 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 pursuant to the Norfolk City Code, shall be a personal privilege granted to the applicant and shall not be subject to transfer;
- (9) There shall be compliance with any other applicable City, County or State regulations that may apply.

PASSED AND APPROVED this 5th day of October 2004.

ATTEST:

Sue Fuchtmann
 Planning Commission Chairman

Faye Rosen
 Planning Commission Secretary

Approved as to form: Christ Schuler
 City Attorney

The foregoing instrument was acknowledged before me this 5 day of October, 2004
 by Sue Fuchtmann, Planning Commission Chairperson of the City of Norfolk.

Faythe N. Petersen
 Notary Public

