

STATE OF NEBRASKA ss This instrument for record this  
MADISON COUNTY ss 3 day of June, 2004 at  
8:30 o'clock A.M., and recorded in 2004-06 page 0497  
Krisa Sue Miller  
Deputy  
Register of Deeds

CONDITIONAL USE PERMIT  
RESOLUTION NO. PC2004-5

WHEREAS, Tom Schommer has filed an application for a Conditional Use Permit seeking a permit for a communications tower on property which is legally described as follows:

The West 1/2 of the Southeast 1/4 of Section 8, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, EXCLUDING the following described tract: Beginning at the South 1/4 corner of said Section 8; thence East, on section line on an assumed bearing of South 89 degrees 59 minutes 45 seconds East 633.00 feet; thence North 00 degrees 00 minutes East 683.91 feet; thence North 89 degrees 59 minutes 45 seconds West 644.33 feet to a point on the 1/4 line; thence South 00 degrees 56 minutes 55 seconds East, on the 1/4 line, 684.00 feet to the point of beginning and containing 10.03 acres more or less

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 4, 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 Tom Schommer is hereby granted a Conditional Use Permit for a communications tower at 915 E. Omaha Avenue above 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 Telebeep and Bill and Bonnie Begeman and the tower removed and 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 Division 3 Airport Overlay District of the Norfolk City Code pertaining to Airport Overlay Districts shall be observed;
- (7) 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;
- (8) There shall be compliance with any other applicable City, County or State regulations that may apply.

PASSED AND APPROVED this 18th day of May 2004

ATTEST:

*Freda Korman*  
Planning Commission Secretary

*Paul Schommer*  
Planning Commission Chairman

Approved as to form: *Christy Bluhm*  
City Attorney

Subscribed and sworn to before me this 18 Day of May, 2004

*Elizabeth A. Deek*  
Notary Public

