

City of Norfolk  
127 N 1st St  
Norfolk NE 68701

STATE OF NEBRASKA ss This instrument filed for record this  
MADISON COUNTY 14 day of March 2005 at  
8:30 o'clock A.M. and recorded in 2005-03 page 0889  
Nancy J. Wilson  
Register of Deeds Deputy

CONDITIONAL USE PERMIT  
RESOLUTION NO. PC2005-4

WHEREAS, NE Colorado Cellular, Inc. has filed an application for a Conditional Use Permit seeking a permit for a telecommunications tower on property which is legally described as follows:

Lot 3, Block 3, Green Meadow Addition to Madison County, Nebraska  
City of Norfolk,

WHEREAS, the property described above is presently included in Zoning District C-3; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on February 8, 2005 receiving input and data from the applicant and the general public concerning the Conditional Use Permit;

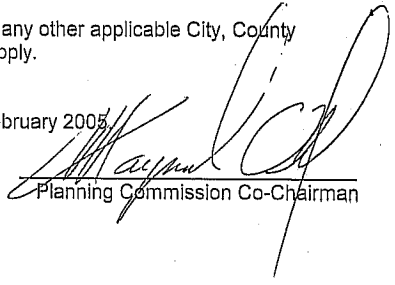
NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

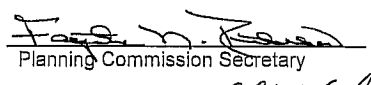
BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that NE Colorado Cellular, Inc. is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property north of 309 N. 31<sup>st</sup> Street subject to the following terms and conditions:

- (1) There shall be a 8' high chain-link fence with 3-strand barbwire outriggers, surrounding the compound;
- (2) This permit shall be perpetual and granted to the landowner;
- (3) Access to the tower site shall be hard-surfaced;
- (4) The applicants shall receive final approval from the Federal Aviation Administration;
- (5) The applicants shall encourage co-location of use on this tower;
- (6) The lighting of the tower shall be according to FAA Advisory Circular 70/7460-1 K Chg 1, Obstruction Marking and Lighting, a med-dual system-Chapters 4, 8 (M-Dual) & 12;
- (7) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (8) All procedures and standards outlined in Section 27-251 of the Norfolk City Code pertaining to Airport Overlay Districts shall be observed;
- (9) All cables and wiring to the tower shall be internal;
- (10) 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;
- (11) There shall be compliance with any other applicable City, County or State regulations that may apply.

PASSED AND APPROVED this 23rd day of February 2005

ATTEST:

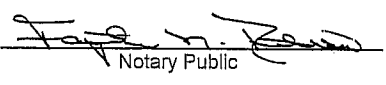
  
Planning Commission Co-Chairman

  
Planning Commission Secretary

Approved as to form:   
City Attorney

The foregoing instrument was acknowledged before me this 23 day of February, 2005 by Maynard Ohi, Planning Commission Co-Chairperson of the City of Norfolk.

GENERAL NOTARY - State of Nebraska  
FAYTHE N. PETERSEN  
My Comm. Exp. Sept. 17, 2007

  
Notary Public