

City of Norfolk
127 N 1st St.
Norfolk NE
68701

STATE OF NEBRASKA ss 9 This instrument filed for rec. this
MADISON COUNTY day of January 2008 at
8:30 o'clock A.M. and recorded in 2008-01 page 0416 - 0417
Nancy J. Kees Deputy Incl.

0416

CONDITIONAL USE PERMIT
CORRECTIVE RESOLUTION NO. PC2007-5

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

A tract of land lying wholly in the NE 1/4 of Section 14, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows:

Referring to the Northeast Corner of said Section 14; thence proceeding South, along the East line of said Section 14 on an assumed bearing of South 01 degrees 20 minutes 59 seconds West, 953.93 ft.; thence North 88 degrees 39 minutes 01 seconds West, 58.00 ft. to a point on a line which is 58.00 ft. West of, and parallel to the East line of said Section 14 which point is the point of beginning; thence continuing North 88 degrees 39 minutes 01 seconds West, 225.00 ft.; thence South 01 degrees 20 minutes 59 seconds East, 150.00 ft.; thence South 88 degrees 39 minutes 01 seconds East, 225.00 ft. to a point on a line which is 58.00 ft. West of, and parallel to the East line of said Section 14; thence North 01 degrees 20 minutes 59 seconds East, 150.00 ft. to the point of beginning. Said tract of land contains 33,750 sq. ft., more or less; and

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

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on September 5, 2007 receiving input and data from the applicant and the general public concerning the Conditional Use Permit; and

WHEREAS, the Norfolk Planning Commission granted the Conditional Use Permit by its approval of Resolution No. PC2007-3 on September 18, 2007; and

WHEREAS, Resolution No. PC2007-3 mistakenly referenced the zoning district within which the subject property lies as Zoning District A; and

WHEREAS, the correct zoning district within which the subject property lies is Zoning District I-3; and

WHEREAS, the Norfolk Planning Commission desires to correct the erroneous zoning district contained in the initial Resolution by passage of this Corrective Resolution.

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. dba Viaero Wireless LLC is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property at 2301 N. Victory Road subject to the following terms and conditions:

- (1) There shall be an 8' high chain-link fence surrounding the tower;
- (2) When the tower is removed, all underground equipment and construction shall be removed to three feet below grade;
- (3) All cables and wiring to the tower shall be internal;
- (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) As development occurs in the area, landscaping, buffering or tower modifications may be required;
- (7) If there is a cessation of use of the tower for more than one year, the applicant is responsible for its removal;
- (8) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (9) 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;
- (10) There shall be compliance with any other applicable City, County, State or Federal regulations that may apply.

PASSED AND APPROVED this 18 day of December, 2007.

ATTEST:

Faythe N. Petersen
Planning Commission Secretary

Rue Fuchtmann
Planning Commission Chairman

(SEAL)

Approved as to form: Christ Schuler
City Attorney

