

City of Norfolk

STATE OF NEBRASKA ss this instrument filed for record this
MADISON COUNTY 11 day of Sept. /2008 at
8:30 o'clock A. M. and recorded in 2008-09 page 0638-0639
Nancy G. Moore
Register of Deeds Deputy

CONDITIONAL USE PERMIT
RESOLUTION NO. PC2008-6

WHEREAS, NE Colorado Cellular, Inc. dba 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 16, 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 16; thence proceeding West, along the North line of said Section 16 on an assumed bearing of South 89 degrees 45 minutes 45 seconds West, 512.69 ft.; thence South 15 degrees 43 minutes 13 seconds East, 846.61 ft.; thence South 89 degrees 45 minutes 14 seconds West, 437.88 ft.; thence South 13 degrees 05 minutes 10 seconds East, 221.81 ft. to the point of beginning; thence South 00 degrees 36 minutes 38 seconds East, 100.00 ft.; thence North 89 degrees 57 minutes 37 seconds East, 272.02 ft.; thence North 37 degrees 49 minutes 26 seconds West, 127.33 ft.; thence South 89 degrees 46 minutes 25 seconds West, 195.00 ft. to the point of beginning. Said tract of land contains 0.54 acres, more or less.

WHEREAS, the property described above is presently included in Zoning District O-D;
and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on August 5, 2008 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. dba Viaero Wireless LLC is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property on the west side of the 2100 block of N. 13th Street 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) If lighting of the tower is required, it shall be a stay burn red from sunset to daybreak as per FAA lighting guidelines;
- (4) The applicants shall receive final approval from the Federal Aviation Administration;
- (5) The applicants shall encourage co-location of use on this tower by offering a lease at fair market value;

- (6) If there is a cessation of use of the tower for more than one year, the applicant is responsible for its removal;
- (7) If an approved conditional use permit is not begun within a period of 12 months following approval, the conditional use permit shall become null and void;
- (8) A building permit shall not be issued until the appropriate subdivision creating this lot is approved and filed;
- (9) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (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, State or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of August 2008.

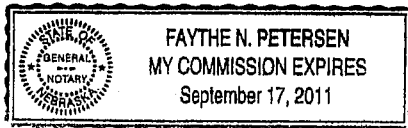
ATTEST:

Sue Fuchtmann
Planning Commission

Faye Petersen
Planning Commission Secretary

Approved as to form: Christy G. Gandy
City Attorney

The foregoing instrument was acknowledged before me this 19 day of August, 2008 by Sue Fuchtmann, Planning Commission Chair of the City of Norfolk.



Faythe Petersen
Faythe Petersen Notary Public