

11:20

05725 ✓

No	05725 ✓	#Pages	3
Doc Tax \$			
Fee \$	22.00	P&M \$	3.50
Fees Pd \$	-0-	Gen Fee \$	18.50
Ck#			
Refund			
Due	22.00		

THE STATE OF NEBRASKA } ss.
MADISON COUNTY

This instrument filed for record
the 30 day of December 20 15
at 11:20 A.M. and recorded in
Book 2015 Page 05725
Nancy J. Gross
Register of Deeds

City of Norfolk, 309 N. 5th Street, Norfolk, Nebraska

RESOLUTION NO. 2015-34

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

Western Heights Fourth Platting Lot 16, Block 16 to the City of Norfolk, Madison County, Nebraska, addressed as 2208 Elmer's Lane; and

WHEREAS, the property described above is presently included in Zoning District R-1; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on September 22, 2015 receiving input and data from the applicant and the general public concerning the Conditional Use Permit, said hearing having been duly noticed; and

WHEREAS, on October 6, 2015, the Planning Commission approved the Conditional Use Permit by a vote of 6 to 3; and

WHEREAS, on October 15, 2015, Ross and Maggie Stoffer filed with the City an appeal of the Planning Commission's approval of a Conditional Use Permit to the applicant; and

WHEREAS, pursuant to Norfolk City Code Section 27-56 the City Council may, following a public hearing, reverse, affirm or modify the decision of the Planning Commission; and

WHEREAS, a public hearing on the appeal filed by Ross and Maggie Stoffer was held before the City Council on November 2, 2015, said hearing having been duly noticed; and

WHEREAS, information and testimony both in favor of and in opposition to the application of Telebeep, Inc. were presented at said hearing.

NOW THEREFORE, in consideration of the foregoing recitals and based upon the evidence and testimony received at said public hearing, the Mayor and City Council of the City of Norfolk, Nebraska hereby adopt the following Resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska that the determination of the Planning Commission in Resolution No. 2015PC-9 to approve the application of Telebeep, Inc. for a Conditional Use Permit is modified and Telebeep,

Inc. is hereby granted a Conditional Use Permit for a communications tower at 2208 Elmer's Lane subject to the following terms and conditions:

- (1) This permit shall be for the two (2) year period from October 6, 2015 until October 6, 2017;
- (2) The wood utility pole utilized as a communications tower shall be installed, maintained and safety inspected per US Dept. of Agriculture's Standard Specifications for Wood Poles, as they may be subsequently amended. In the event of a storm causing severe damage to the surrounding area, the utility pole shall be promptly reevaluated;
- (3) Communications tower shall not have any climbing pegs installed for a minimum of 15' above the ground;
- (4) The applicants shall meet all FAA and FCC requirements regarding uses;
- (5) The minimum required setbacks and landscaping from adjacent property lines shall be 14';
- (6) The maximum height of the communications tower shall be 75', including all attachments to the pole;
- (7) Applicant shall pay the new communications tower building permit and electrical permit fees, times three, for installing the new communication tower prior to attaining the proper building and electrical permits;
- (8) Applicant is responsible for acquiring written acknowledgement from Nebraska Public Power District (NPPD) that the electrical installation at the site is authorized by NPPD retail service rules and regulations. Said acknowledgement shall be sent to Norfolk Planning Commission Secretary at 309 N. 5th St., Norfolk, NE 68701;
- (9) Should cessation of use continue for one (1) year, the tower shall be removed;
- (10) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (11) 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;
- (12) There shall be compliance with any other applicable City, County, State or Federal regulations that may apply.

PASSED AND APPROVED this 21st day of December, 2015.

Resolution No. 2015-34

ATTEST:

Elizabeth A. Deck
Elizabeth A. Deck, City Clerk

Sue Fuchtmann
Sue Fuchtmann, Mayor

Approved as to form: Clint Schukei
Clint Schukei, City Attorney

