

City of Norfolk
127 N 1st St
Norfolk NE 68701

Chg \$10.50 No. 5295 Paged General Indexed
STATE OF NEBRASKA ss This instrument filed record this
MADISON COUNTY 12 day of October, 2007
8:30 o'clock A.M., and recorded in 2007-10 page 0629-0630
Nancy J. Messer
Register of Deeds Deputy

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CONDITIONAL USE PERMIT
RESOLUTION NO. PC2007-3

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 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.

WHEREAS, the property described above is presently included in Zoning District A; 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;

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;

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- (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 18th day of September 2007.

ATTEST:

Faye Petersen
 Planning Commission Secretary

Sue Fuchtmann
 Planning Commission Chairman

Approved as to form: Christ Schimler
 City Attorney

The foregoing instrument was acknowledged before me this 9 day of October, 2007
 by Sue Fuchtmann, Planning Commission Chairperson of the City of Norfolk.

Faye Petersen
 Faye Petersen Notary Public

