

City of Norfolk
127 North 1st St
Norfolk

Chg \$10.50 No. 3592 Paged General Indexed
STATE OF NEBRASKA ss This instrument for record this
MADISON COUNTY ss 8 day of July, 2008 at
8:30 o'clock A.M., and recorded in 2008-07 page 0408-0409
Deane Rykaczyn Deputy
Register of Deeds

0408

CONDITIONAL USE PERMIT
RESOLUTION NO. PC2008-3

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 Lot 2, Roman's Fourth Addition to the City of Norfolk, Madison County, Nebraska, Being a Subdivision of Parts of Lots 5 and 6, Roman's Third Addition, a Replat Of Part of Lot 5, Roman's Second Addition, a Replat of Lot 2, Roman's Addition to the City of Norfolk, Madison County, Nebraska. Said tract of land is more particularly described as follows:

Beginning at the Southwest Corner of said Lot 2; thence proceeding North, along the West line of said Lot 2, on an assumed bearing of North 00 degrees 50 minutes 07 seconds East, 243.15 ft.; thence North 89 degrees 56 minutes 46 seconds East, 100.00 ft.; thence South 00 degrees 50 minutes 07 seconds West, 243.23 ft. to a point on the South line of said Lot 2; thence South 90 degrees 00 minutes 00 seconds West, 100.00 ft. to the point of beginning. Said tract of land contains 0.56 acres, more or less.

Said tract of land is ¹⁻¹⁻⁰⁸~~to be~~ platted as Lot 1 of Roman's Fifth Addition to the City of Norfolk, Madison County, Nebraska.

WHEREAS, the property described above is presently included in Zoning District I-2; and

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on June 3, 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:

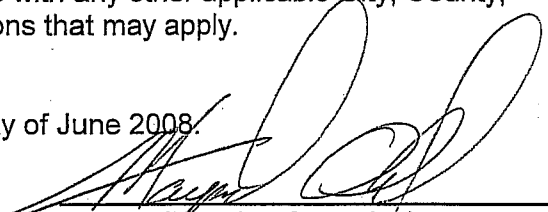
BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that NE Colorado Cellular, Inc. dba Viaero Wireless LLC is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property at 1205 W. Monroe Avenue subject to the following terms and conditions:

- (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) The lighting of the tower 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;
- (6) If there is a cessation of use of the tower for more than one year, the applicant is responsible for its removal;

- (7) All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed;
- (8) 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;
- (9) There shall be compliance with any other applicable City, County, State or Federal regulations that may apply.

PASSED AND APPROVED this 17th day of June 2008.

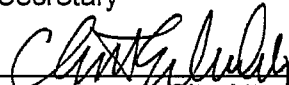
ATTEST:



 Planning Commission

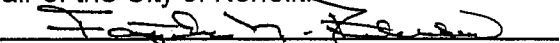


 Planning Commission Secretary

Approved as to form: 

 City Attorney

The foregoing instrument was acknowledged before me this 17 day of June, 2008
 by Maynard Ohi, Planning Commission Co-Chair of the City of Norfolk.



 Faythe Petersen Notary Public

