

City of Norfolk
127 N 1st St
Norfolk NE 68701

STATE OF NEBRASKA ss This instrument filed for record this
MADISON COUNTY 11 day of July 2007 at
8:30 o'clock A.M., and recorded in 2007-07 page 0570 - 0571 Incl.
Nancy A. Moore
Register of Deeds Deputy

CONDITIONAL USE PERMIT
RESOLUTION NO. PC2007-1

WHEREAS, USCOC Nebraska/Kansas LLC, a Delaware limited liability company has filed an application for a Conditional Use Permit seeking a permit for a telecommunications tower on property which is legally described as follows:

The Northeast ¼ of Section 18, Township 24 North, Range 1 West of the 6th P.M. Madison County, Nebraska excluding therefrom the following described tract: Beginning at the North ¼ corner of said Section 18; thence East on section line on an assumed bearing of North 89 degrees 06 minutes 50 seconds East 1475.1 feet to the Northeast corner of a tract of land previously owned by Lloyd Bear; thence South 02 degrees 02 minutes 30 seconds West, on the East line of the Lloyd Bear tract, said line makes a deflection angle of 92 degrees 55 minutes 40 seconds right (previously recorded as 92 degrees 15 minutes 40 seconds), a distance of 673.8 feet to the Southeast corner of the Lloyd Bear tract; thence South 89 degrees 00 minutes West on the South line of the Lloyd Bear tract, 491.9 feet to the Southwest corner of said tract; thence South 89 degrees 02 minutes West 69.1 feet following the property line of a tract owned by Robert Hauser; thence South 00 degrees 00 minutes West, on the East line of the Robert Hauser tract 1981.97 feet to a point on the ¼ section line; thence West on the ¼ section line, on a bearing of South 88 degrees 50 minutes 40 seconds West 902.0 feet to the center ¼ corner of said Section 18; thence North on the ¼ section line, on a bearing of North 00 degrees 15 minutes 30 seconds East 2660.4 feet to the point of beginning.

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

WHEREAS, the Norfolk Planning Commission has conducted a public hearing on June 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 USCOC Nebraska/Kansas LLC is hereby granted a Conditional Use Permit for a wireless telecommunications facility on property 3901 W. Eisenhower Avenue subject to the following terms and conditions:

- (1) There shall be an 8' high chain-link fence surrounding the tower;
- (2) This permit shall become null and void upon termination of the lease agreement between Jeffrey R. Walmsley and Lynnette R. Walmsley, the property owner, and USCOC Nebraska/Kansas LLC and the tower removed and property restored to its original condition within ninety (90) days;
- (3) When the tower is removed, all underground equipment and construction shall be removed to three feet below grade;
- (4) The terms of this permit shall run with the lease of the property;
- (5) All cables and wiring to the tower shall be internal;

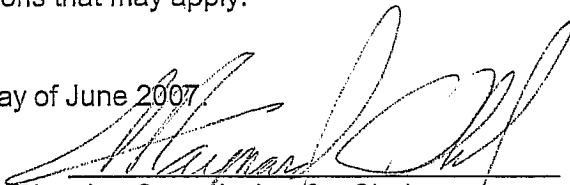
- (6) The lighting of the tower shall be a stay burn red from sunset to daybreak as per FAA lighting guidelines;
- (7) The applicants shall receive final approval from the Federal Aviation Administration;
- (8) The applicants shall encourage co-location of use on this tower;
- (9) As development occurs in the area, landscaping, buffering or tower modifications may be required;
- (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 19th day of June 2007.

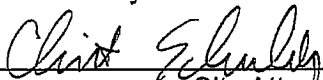
ATTEST:



 Planning Commission Secretary

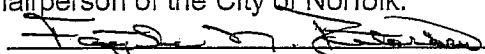


 Planning Commission Co-Chairman

Approved as to form: 

 City Attorney

The foregoing instrument was acknowledged before me this 19 day of June, 2007
 by Maynard Ohl, Planning Commission Co-Chairperson of the City of Norfolk.



 Faythe Petersen Notary Public

