

Dan Jalta

REGISTER OF DEEDS

2001 DEC -4 P 4: 01

LANCASTER COUNTY, NE

83150

INST. NO 2001

072451

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RESOLUTION NO. PC- 00718

SPECIAL PERMIT NO. 1944

1 WHEREAS, Cricket Nebraska Property Company has submitted an
 2 application designated as Special Permit No. 1944 for authority to construct a 126' tall
 3 tower capable of accommodating three carriers, with pad and ground-based equipment
 4 cabinets and waiver of the fall zone from 63' to 15' on property located northeast of N.
 5 67th Street and Seward Avenue, and legally described to wit:

6 Lots 7, 8, and 9, Block 7, Ackerman's Addition to Havelock,
 7 Lancaster County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
 9 held a public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood,
 11 and the real property adjacent to the area included within the site plan for this wireless
 12 communications facility will not be adversely affected by granting such a permit; and

13 WHEREAS, said site plan together with the terms and conditions
 14 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
 15 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
 16 public health, safety, and general welfare.

17 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
 18 County Planning Commission of Lincoln, Nebraska:

19 That the application of Cricket Nebraska Property Company, hereinafter
 20 referred to as "Permittee", to construct a 126' tall tower capable of accommodating
 21 three carriers, with pad and ground-based equipment cabinets be and the same is

*Teresa
City Clerk*

1 hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal
2 Code upon condition that construction of said wireless communications facility be in
3 strict compliance with said application, the site plan, and the following additional
4 express terms, conditions, and requirements:

5 1. This permit approves a 126' tower with pad and ground based
6 equipment cabinets consistent with the site plan submitted for a period of 15 years.

7 2. Before receiving building permits:

8 a. Permittee must submit and receive City approval of a
9 structural design analysis prepared by a licensed Nebraska
10 engineer showing structural integrity sufficient for the
11 Permittee and two additional carriers.

12 b. The Permittee must post a surety, approved by the City
13 Attorney, in the minimum amount necessary to guarantee
14 the removal of the facilities. The surety may not be revoked
15 or terminated during the term of the permit.

16 c. The landscape plan must be revised to show the required
17 trees along the west edge of the facility compound.

18 3. Before operating this personal wireless facility, all development and
19 construction must conform to the approved plans.

20 4. The personal wireless service provider shall comply at all times with
21 the current applicable FCC and FAA standards and regulations, and any of those of
22 other agencies of the federal government with authority to regulate towers and
23 antennas.

1 5. All privately-owned improvements, including landscaping, must be
2 permanently maintained by the Permittee.

3 6. The site plan approved by this permit shall be the basis for all
4 interpretations of setbacks, yards, locations of buildings, location of parking and
5 circulation elements, and similar matters.

6 7. The terms, conditions, and requirements of this resolution shall be
7 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
8 The building official shall report violations to the City Council which may revoke the
9 special permit or take such other action as may be necessary to gain compliance.

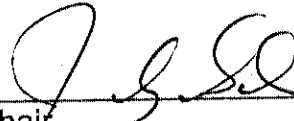
10 8. The Permittee shall, within 10 days of written demand, reimburse
11 the City for all direct and indirect costs and expenses as provided in Section 27.68.090
12 in connection with the issuance and review of this permit.


13 9. As part of this approval, the Permittee agrees that the Permittee, its
14 successors and assigns shall, at its sole cost and expense, indemnify and hold
15 harmless the City, its officers, officials, boards, commissions, agents, representatives,
16 and employees against any and all claims, suits, losses, expenses, causes of actions,
17 proceedings, and judgments for damage arising out of, resulting from, or alleged to
18 arise out of or result from the construction, operation, repair, maintenance or removal of
19 the provider's facilities. Indemnified expenses shall include, but not be limited to, all
20 out-of-pocket expenses, such as costs of suit and defense and reasonable attorney
21 fees, and shall also include the reasonable value of any services rendered by the City
22 Attorney's office and any employees of the City and any consultants retained by the
23 City.

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10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 14th day of November, 2001.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

LETTER OF ACCEPTANCE

Lincoln City Council
City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 1944**
(Wireless - No. 67th & Seward Avenue)

TO THE CITY COUNCIL:

I, Billy J. Leonard, President or authorized representative of Cricket Nebraska Property Company, herein called "Permittee" under Special Permit No. 1944, granted by Resolution No. PC-00718, adopted by the Lincoln City-Lancaster County Planning Commission on November 14, 2001, do hereby certify that I have thoroughly read said resolution, understand the contents thereof, and do hereby accept, without qualification, all of the terms, conditions and requirements therein.

DATED this 3rd day of December, 2001.



President/Authorized Representative

LTRACCEP/jm
08/14/00

CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) SS:
CITY OF LINCOLN)

I, Teresa J. Meier-Brock, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit 1944** as adopted and approved by **Resolution No. PC-00718** of the Lincoln City-Lancaster County Planning Commission at its meeting held **Nov. 14, 2001** as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 4th day of December, 2001.

Teresa J. Meier-Brock
Deputy City Clerk
