

\$30.50

Don Jalta

REGISTER OF DEEDS

2000 AUG 11 P 4: 02

LANCASTER COUNTY, NE

INST. NO 2000

0 3 5 4 2 2

BLOCK

CODE

~~CHECKED~~

~~ENTERED~~

~~EDITED~~

RESOLUTION NO. PC- 00614

SPECIAL PERMIT NO. 1853

1 WHEREAS, U.S. West Wireless, L.L.C. has submitted an application
2 designated as Special Permit No. 1853 for authority to install antennas that exceed the
3 height of the district and associated electronic equipment on the rooftop of Tabitha on
4 property located at 48th and Randolph Streets, and legally described to wit:

5 Lot 22 of Irregular Tracts located in the Northwest Quarter of
6 Section 29, Township 10 North, Range 7 East, Lincoln,
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 antennae
12 installation 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 U.S. West Wireless, L.L.C., hereinafter referred to
20 as "Permittee", to be and the same is hereby granted under the provisions of Section
21 27.63.150 the Lincoln Municipal Code upon condition that installation of said antennae
22 be in strict compliance with said application, the site plan, and the following additional
23 express terms, conditions, and requirements:

City Clerk

JOAN

1 1. This permit approves installation of a wireless communications
2 facility consisting of antenna mounted to a height of 13 feet above the existing
3 penthouse and associated base equipment mounted on the penthouse rooftop for a
4 period of 15 years.

5 2. Before operating this personal wireless facility, all development and
6 construction must conform to the approved plans.

7 3. The Permittee shall comply at all times with the current applicable
8 FCC and FAA standards and regulations, and any of those of other agencies of the
9 federal government with authority to regulate towers and antennas.

10 4. The personal wireless facility shall comply with TIA/EIA 222-F
11 standards for construction. Prior to receiving building permits structural calculations
12 shall be submitted that meet the TIA/EIA 222-F standards, along with structural
13 calculations showing details about how the 15 CMU block units are intended to be used
14 to provide the necessary ballast against the lateral wind load.

15 5. All privately-owned improvement, including landscaping, are to be
16 permanently maintained by the Permittee.

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

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

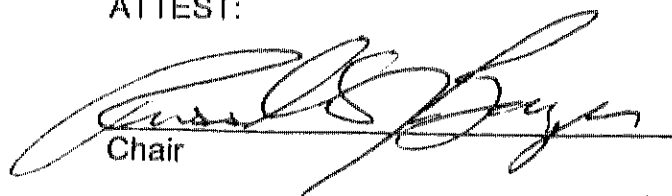
1 8. The Permittee shall, within 10 days of written demand, reimburse
2 the City for all direct and indirect costs and expenses as provided in Section 27.68.090,
3 in connection with the issuance and review of this permit.

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

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

21 The foregoing Resolution was approved by the Lincoln City-Lancaster
22 County Planning Commission on this 12 day of July, 2000.

ATTEST:


Chair

Approved as to Form & Legality:

Rick P. D.
Chief Assistant City Attorney

LETTER OF ACCEPTANCE

Lincoln City Council
City of Lincoln
Lincoln, Nebraska

RE: Special Permit No. 1853

TO THE CITY COUNCIL:

I, DAVID M. JOHNSTON, President or authorized representative of U.S. West Wireless, L.L.C., herein called "Permittee" under Special Permit No. 1853, granted by Resolution No. PC-00614, adopted by the Lincoln City-Lancaster County Planning Commission on July 12, 2000, 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 11 day of AUGUST, 2000.



President/Authorized Representative

LTRACCEP/jlu
ASP
06/14/00

C E R T I F I C A T E

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

I, Joan E. Ross, 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 No.1853 as passed and approved by Resolution No. PC-00614 of the Lincoln City-Lancaster County Planning Commission at its meeting held July 12, 2000 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 27th day of July, 2000.



Deputy City Clerk

Ret to City Clerk