

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1971

1 WHEREAS, Valcom Wireless Corporation has submitted an application
 2 designated as Special Permit No. 1971 for authority to construct a 143 foot tall tower
 3 capable of accommodating five carriers on property located southwest of the intersection
 4 of Havelock Avenue and Cornhusker Highway, and legally described to wit:

5 Lot 80 I.T. and Lot 120 I.T., in the Northeast Quarter of Section
 6 8, Township 10 North, Range 7 East of the 6th P.M., Lincoln,
 7 Lancaster County, Nebraska;

8 WHEREAS, the real property adjacent to the area included within the site
 9 plan for this 143 foot tall tower will not be adversely affected; and

10 WHEREAS, said site plan together with the terms and conditions hereinafter
 11 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
 12 Code to promote the public health, safety, and general welfare.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 14 Lincoln, Nebraska:

15 That the application of Valcom Wireless Corporation, hereinafter referred to
 16 as "Permittee", to construct a 143 foot tall tower, on the property legally described above,
 17 be and the same is hereby granted under the provisions of Section 27.63.720 of the
 18 Lincoln Municipal Code upon condition that installation of said wireless communication
 19 tower be in strict compliance with said application, the site plan, and the following
 20 additional express terms, conditions, and requirements:

- 1 1. This permit approves:
- 2 a. A 143 foot tall tower with pad and ground-based equipment
3 cabinets consistent with the site plan submitted for a period of
4 15 years;
- 5 b. A waiver of the landscaping required by Section 27.68.110(a)
6 of the Design Standards for Zoning; and
7
- 8 c. A waiver of the fall zone required by Section 27.68.110(g) of
9 the Lincoln Municipal Code.
- 10 2. Before receiving building permits:
- 11 a. A structural design analysis prepared by a licensed Nebraska
12 engineer must be approved by the City showing structural
13 integrity sufficient for five carriers.
- 14 b. Provide a surety in an amount sufficient to guarantee the
15 removal of the facility and the restoration of the property to its
16 original condition. The surety shall be held for the duration of
17 the Special Permit.
- 18 c. The Permittee must submit a revised an acceptable,
19 reproducible final plan including five copies showing the
20 required revisions.
- 21 3. Before operating this personal wireless facility, all development and
22 construction must conform to the approved plans.
- 23 4. The personal wireless service provider shall comply at all times with
24 the current applicable FCC and FAA standards and regulations, and any of those of other
25 agencies of the federal government with authority to regulate towers and antennas.
- 26 5. All privately-owned improvements, including landscaping, are to be
27 permanently maintained by the Permittee.
- 28 6. The site plan approved by this permit shall be the basis for all

1 interpretations of setbacks, yards, locations of buildings, locations of parking and
2 circulation elements, and similar matters.

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

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

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

20 10. The Permittee shall sign and return the City's letter of acceptance to
21 the City Clerk within 30 days following approval of the special permit, provided, however,
22 said 30-day period may be extended up to six months by administrative amendment. The
23 City Clerk shall file a copy of the resolution approving the special permit and the letter of

- 1 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
- 2 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003: _____ Mayor
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