

Administrative Use Only

Date Submitted _____
Filing Fee - \$100.00 Date Paid - _____
Date Advertised _____

Case Number _____
Accepted By _____
Date Property Posted _____

SPECIAL USE PERMIT APPLICATION

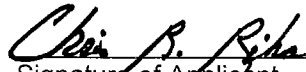
CITY OF LEXINGTON

1. Applicant's Name NE COLORADO WIRELESS, INC.
d/b/a VIAERO WIRELESS
2. Applicant's Address 1224 W. Platte Ave., Fort Morgan, CO 80701
3. Applicant's Telephone Number (970) 867-6767
4. Owner's Name Same as Applicant's. See Attached Purchase Agmt.
5. Owner's Address N/A
6. Owner's Telephone Number N/A
7. Purpose of Special Use Permit Construct a 150-FT Self-Support Lattice Tower
for Wireless Telecommunication Purposes.
8. Present Zoning C-3 Highway Commercial Services
9. Within City Limits Yes Within Zoning Jurisdiction Yes
10. Legal Description Part of Lot 7 in Block "B", in Kutz Park Addition
to the City of Lexington, Dawson County, Nebraska
11. Street Address of Property or Approximate Location 1500 Adams Street
See Attached Survey & Site Plan.
12. Site Plan (if applicable) Yes

I/We the undersigned do hereby acknowledge that I/We do fully understand and agree to comply with the provisions and requirements for an application for a special use permit as described above. I/We the undersigned do hereby agree to allow City of Lexington employees or agents working for the City of Lexington, to enter the above referenced property as it pertains to this application.

NE COLORADO CELLULAR, INC.
d/b/a VIAERO WIRELESS

Signature of Owner

 9/10/07
Signature of Applicant
Chris R. Riha, Site Acquisition Mgr.

REAL ESTATE PURCHASE AGREEMENT
COMMERCIAL/AGRICULTURAL

(This is a legally binding contract. If you do not understand it, seek legal advice.)

1. EARNEST MONEY DEPOSIT - PARTIES TO CONTRACT - PROPERTY.

Purchasers NE COLORADO CELLULAR, INC., d/b/a VIAERO WIRELESS

Sellers hereby acknowledge receipt of Earnest Money in the amount of (\$ 500.00)
Five Hundred & no/100 DOLLARS

Cash N/A Check X to be held by seller, after acceptance of this offer on the property legally described as:

Mailing Address: 1500 N. Adams Street, Lexington, NE 68850.

See Attached Map known as EXHIBIT "A"*

EXACT LEGAL TO BE SURVEYED AND PROVIDED BY A NEBRASKA REGISTERED SURVEYOR.

Also known as Miller & Associates

Sellers Lyle McClellen

2. PURCHASE PRICE.

The total sales price is to be (\$ [REDACTED]) [REDACTED] & no/100 Dollars.

After earnest money herein is credited, an additional down payment of \$ N/A is to be paid by Purchaser on or before N/A. After earnest money and down payment are herein credited, the remaining balance is to be paid by Purchaser at closing.

3. TITLE. Merchantable title shall be conveyed by Warranty Deed, subject to conditions, zoning, restrictions, and easements of record, if any, which do not interfere with or restrict the existing use of the property. An Abstract of Title shall be continued to date and furnished promptly to buyer for examination. In lieu of an Abstract of Title, an owner's policy of Title Insurance in the amount of purchase price may be substituted with cost to be distributed as follows: Seller N/A Purchaser 100%

4. INSPECTIONS. This offer is contingent upon the following inspections: 1.) Satisfactory Survey at Purchaser's Expense; 2.) Satisfactory Soils Test at Purchaser's Expense; 3.) Satisfactory Approval by all Local Government Agencies for a 150 -FT Telecommunications Tower; 4.) Satisfactory Approval by FAA, FCC & NEPA.

Inspections shall be completed within 90 days of acceptance of this offer.

Should the results of any inspections not be satisfactory to Purchaser, then, within this same period, Purchaser shall notify Seller in writing of the specific dissatisfaction and at which time parties may renegotiate or terminate this contract. If Purchaser fails to specifically approve or disapprove any inspections within the time specified, then Purchaser shall be deemed to have approved and accepted the property in its present condition.

INITIALS: PURCHASER AB

SELLER JM

5. PRORATIONS.

Taxes are to be paid as follows: The 2006 real estate taxes paid in 2007 shall be paid 100% by Seller and N/A by Purchaser. Real estate taxes assessed this year and payable next year will be X, will not be prorated to the date of closing. 2007 2008

Other prorations: _____

6. OTHER PROVISIONS:

7. CLOSING/POSSESSION. Possession and closing shall be given to Purchaser on or before (date) 12/31/07, provided, however, delivery of possession is conditioned upon closing.

8. EARNEST MONEY/DEPOSITS. The seller shall hold all earnest money and other deposits until sale is closed. If this offer is not accepted by Seller, or if Purchaser is unable to secure financing, if so contingent, or if no agreement is reached regarding conditions found on inspection report(s), this agreement is void and Purchaser's money shall be returned in full, less any expenses incurred on Purchaser's behalf, including any inspection ordered by Purchaser.

9. ADDENDA TO THIS AGREEMENT. The following documents are addenda to this contract and are attached and become part of this contract by reference. If none, so state. _____

10. TIME IS OF THE ESSENCE OF THIS CONTRACT.

Dated this 17th day of August, 2007 at 10:00 a.m.

This agreement is void if not accepted by Seller by the 24th day of August, 2007 by 5:00 a.m. (month) (year)

[Signature]
Purchaser

Purchaser

On this 22 day of Aug, 2007 the forgoing offer is:
(month) (year)

(Initial) ACCEPTED JM / ; NOT ACCEPTED / ; COUNTERED /

[Signature]
Seller

Seller

1512

TAYLOR N

1513

1509

1507

1505

Property to be
Sold/Purchased

R1

1411

1409

1405

1403

1514

1512

1510

1508

1506

C3

1410

1408

ADAMS N

ADAMS N

15TH W

B 8-15-07
DOM 8-22-07

R1

Lexington Senior High School

Lyle McClellen
Invoice Nbr

Inv Date

Invoice Amount

VIAERO WIRELESS
Amount Paid

Disc Taken

8/15/2007
Net Check Amt

Earnest Money

08/15/07

500.00

500.00

0.00

500.00

508116

VIAERO WIRELESS

1224 West Platte Avenue
Fort Morgan, CO 80701

Phone - (970) 867-6767

WELLS FARGO BANK, NA
LEWISTOWN, MT 59457

93-516-929

Check # 508116

Check Date

8/15/2007

Check Amount

*****\$500.00

Five Hundred and 00/100

Dollars

PAY TO THE
ORDER OF

Lyle McClellen



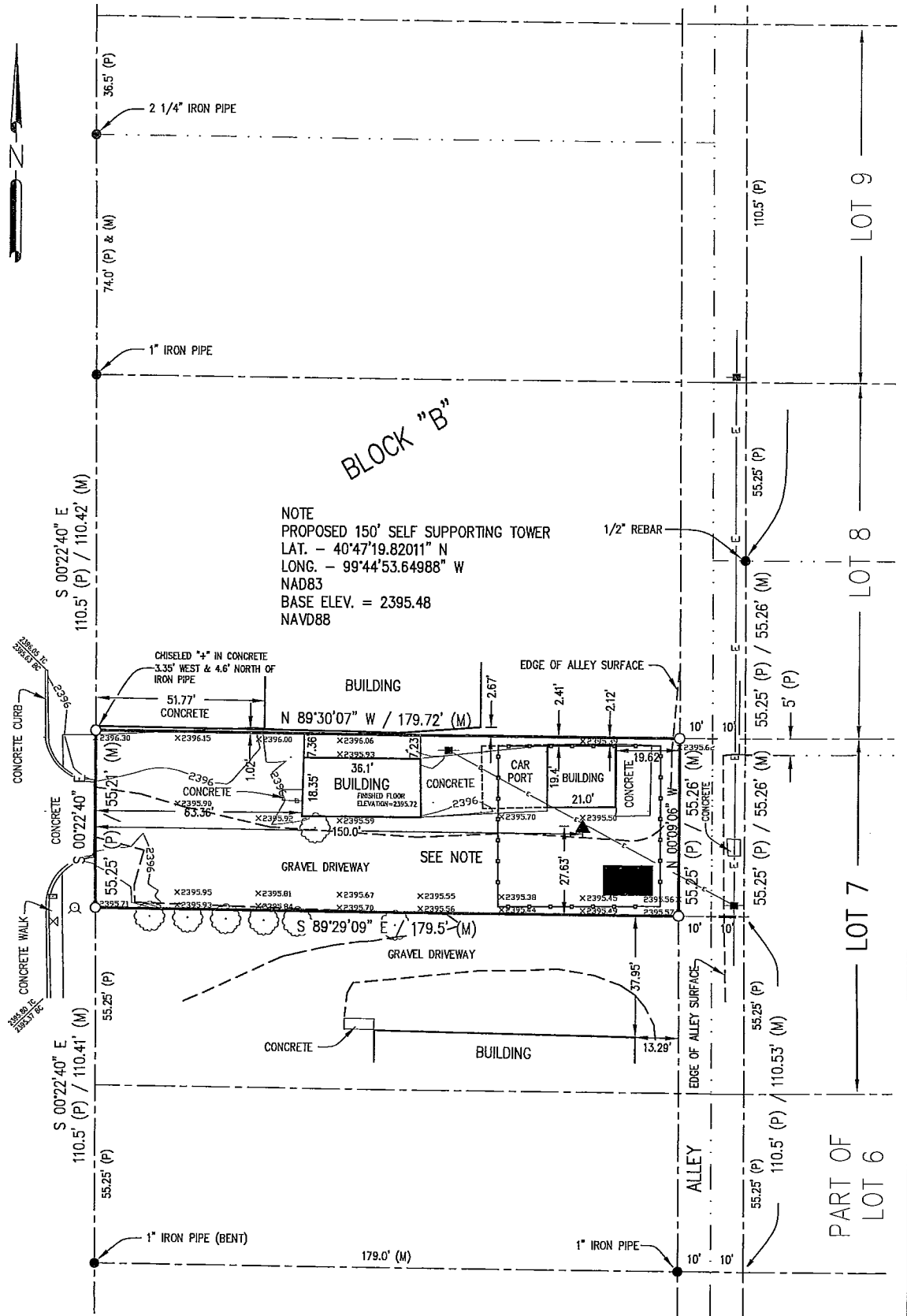
stay close. go far.

Authorized Signature

⑈ 508116 ⑈

⑆092905168⑆ 4990007188⑈

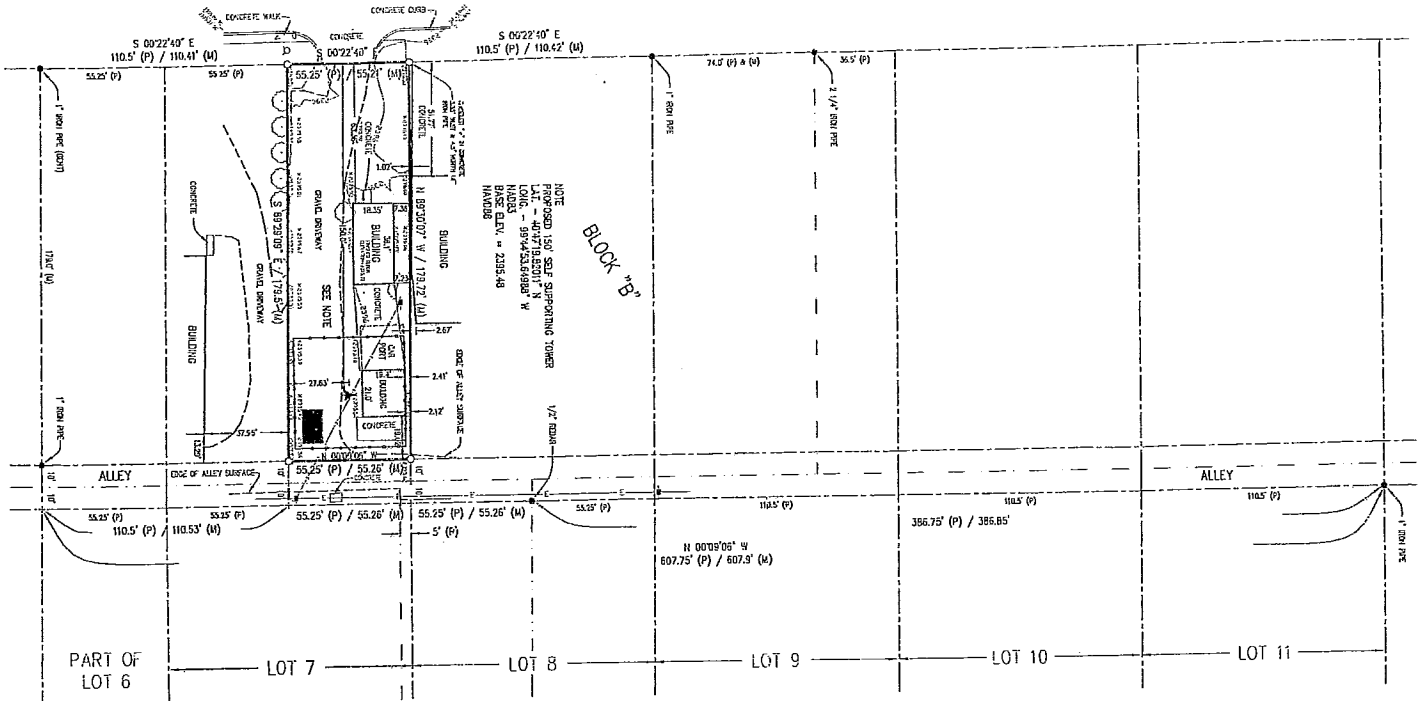
-LEXINGTON TOWER SITE-
PART OF LOT 7 IN BLOCK "B", IN KUTZ PARK ADDITION
TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA



NOTE
 PROPOSED 150' SELF SUPPORTING TOWER
 LAT. - 40°47'19.82011" N
 LONG. - 99°44'53.64988" W
 NAD83
 BASE ELEV. = 2395.48
 NAVD88

SCALE: 1"=30'
 ■ = PROPOSED 9' x 15' BUILDING
 ▲ = PROPOSED TOWER
 □ = PROPOSED 50' x 50'
 ——— CHAIN LINK FENCE

ADAMS STREET & STATE HIGHWAY No. 21



NOTE
 PROPOSED 5x17 SELF-SUPPORTING TOWER
 TO BE CONSTRUCTED ON LOT 7
 LONG - 89'4\"/>

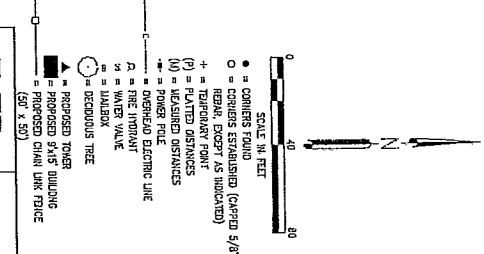
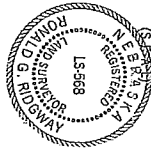
BLOCK "B"

-LEXINGTON TOWER SITE-
 PART OF LOT 7 IN BLOCK "B", IN KUTZ PARK ADDITION
 TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA

LEGAL DESCRIPTION
 The West Half (1/2) of the North Half (1/2) of Lot Seven (7), in Block "B", in
 Kutz Park Addition to the City of Lexington, Dawson County, Nebraska, except the
 East Ten (10) Street conveyed to the City of Lexington for alley purposes.

SURVEYOR'S CERTIFICATE
 I, Ronald G. Ridgway, Nebraska Registered Land Surveyor No. 568, do hereby certify
 that the survey on the above referenced Legal Description, was performed under
 my direct supervision using known and recorded monuments. All information shown
 on the above plat is accurate-and-correct to the best of my knowledge and belief.

Ronald G. Ridgway
 Nebraska Registered Land Surveyor No. 568
 Date 09/04/07



M&A
 MILLER & ASSOCIATES
 1111 CENTRAL AVENUE
 LEXINGTON, NE 68044-4000
 TEL: 781-326-2410
 FAX: 781-326-2411

Lexington City Council
November 27, 2007

Viaero Special Use Permit Application

