



Application for Conditional Use Permit

- 1. Applicant's Name Viaero Wireless / Michael Harms
2. Applicant's Address 1224 West Platte Ave Ft. Morgan, Co. 80701
3. Applicant's Telephone Number 308-370-0114
4. Owner's Name Lexington Public Schools
5. Owner's Address 300 South Washington St
6. Owner's Telephone Number 308-324-4681
7. Purpose of Conditional Use Permit Telecommunications Tower
8. Present Zoning R1
9. Within City Limits Yes Within Zoning Jurisdiction City of Lexington
10. Legal Description North 42 feet of the West 42 feet of lot 2, Block 3, Northwest subdivision to the City of Lexington
11. Street Address of Property or Approximate Location South of 18ths in lot 2 Block 3
12. Site Plan (if applicable) Survey & site plan enclosed

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.

Lexington Public Schools
[Signature]
Signature of Owner

Viaero Wireless/Michael Harms
[Signature]
Signature of Applicant

Administrative Use Only
Date Submitted
Filing Fee \$100.00
Cert. Of Ownership
Date Sign Posted
Case Number
Accepted By
Date Advertised
Date of Public Hearing

## Administrative Use Only

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### Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

*The comment areas are for you to gather your thoughts on the proposed Conditional Use Permit.*

### Section 6.08 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

6.08.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort or general welfare of the community.

6.08.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.08.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.08.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

## Administrative Use Only

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6.08.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.08.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.08.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.08.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.08.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.08.010 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.08.011 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Additional Comments:

**Section 5.07 R-1 Single-Family Residential**

5.07.01 **Intent:** The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

**5.07.02 Permitted Uses:**

The following principal uses are permitted in the R-1 District:

1. Child care homes;
2. One single-family dwelling per zone lot;
3. Educational facilities;
4. Publicly owned and operated facilities, services;
5. Home Occupations in conformance with Section 7.06.

**5.07.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and approved by the City Council.

1. Public and private recreational facilities;
2. Churches;
3. Group Care Home;
4. Child care center;
5. Health care facilities, long-term care facilities;
6. Neighborhood Commercial Uses subject to CO Overlay;
7. Bed and breakfast subject to Section 7.19;
8. Radio, television and wireless communication towers and transmitters, as per Section 7.07, provided located on public property.

**5.07.04 Permitted Accessory Uses:**

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses;
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work;
3. Decks, elevated patios either attached or detached;
4. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence;
5. Parking for permitted uses as per Sections 7.01-7.05;
6. Signs allowed in Chapter 109 of the Municipal Code;
7. Landscaping as required by Article 8.

**5.07.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft) **	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Single-family Dwelling	8,000	70	25	7	25	35	30
Other Permitted and Conditional Uses	8,000	70	25	7	25	35	30
Accessory Buildings	-	-	**	**	**	35	-

\*\* See Section 4.13.07. Accessory structures with vehicular access directly to alley or street shall have a setback of at least 15 feet.

at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.

- 7.06.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.06.10 Family Child Care Homes and Child Care Centers shall require a certificate signed by the State of Nebraska Fire Marshall.
- 7.06.11 All activities within a home occupation must be able to operate on normal household utilities including electricity.
- 7.06.12 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

### **Section 7.07 Wireless Communication Towers**

#### **7.07.01 Intent**

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City's jurisdiction, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

#### **7.07.02 Definitions**

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this ordinance.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
  1. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned A-1, A-2, C-2, C-3, M-1, or M-2.
  2. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon recommendation of the Planning Commission and approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. A tower development permit shall follow the same procedure as a conditional use permit and be administered the same.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

#### 7.07.03 Location of Towers and Construction Standards

1. Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Official and shall pay a filing fee in accordance with the fee schedule established by the city.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this ordinance shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Official.

#### 7.07.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Official for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants

telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.

5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

#### 7.07.05 **Tower Development Permit, Procedure**

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice for each Public Hearing shall be made at least one time and at least 10 days prior to such hearing. In addition, the City shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 6.03 of this ordinance. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

#### 7.07.06 **Setbacks and Separation or Buffer Requirements**

1. All towers up to 50 feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
  - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

#### 7.07.07 **Structural Standards for Towers Adopted**

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

#### 7.07.08 **Illumination and Security Fences**

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses / zoned properties within a distance of 300 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.

2. All self-supporting lattice or guyed towers shall be enclosed within a security fence of at least six feet in height or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

#### 7.07.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Building Official as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

#### 7.07.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

#### 7.07.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this ordinance may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Non-conforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

#### 7.07.12 Inspections

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal and state law or applicable ANSI standards. Inspections shall be made by either the Building Official, or a duly appointed independent representative of the City.

#### 7.07.13 Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

#### 7.07.14 Abandonment

If any tower shall cease to be used for a period of one year, the Building Official shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Official, the tower owner shall have 30 days to show that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Official shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Official, and the City will abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Lexington codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.



**7.07.15 Satellite Dish Antennas, Regulation**

Upon adoption of this ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Lexington only upon compliance with the following criteria and the issuance of a permit:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over 3 feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Lexington, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

**7.07.16 Amateur Radio Towers and facilities, Regulation**

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 7.07.

**Section 7.08 Keeping of Animals and Livestock**

Animals and livestock may be kept within the zoning jurisdiction of the City of Lexington subject to the provisions and restrictions provided in this ordinance and Chapter 6 of the Lexington Municipal Code.

**Section 7.09 Solar Panels**

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Lexington unless a permit therefore is approved and issued by the Building Official and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

7.09.01 **Lot and Height Requirements:** Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

7.09.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable Lexington building codes.

7.09.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

7.09.04 **Pre-existing Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

**Section 7.10 Performance Standards for Industrial Uses**

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

7.10.01 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Lexington.

7.10.02 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. Noise shall be measured at the property line and when the level of





- Layers
- Public
  - Address Points
  - Parcels
  - Subdivisions
  - Legal Lots
  - Base Flood Elevation
  - Streets
  - City Limits
  - Floodplain
  - Lexington\_Zoning
    - <all other values>
    - A1
    - A2
    - C2
    - C3
    - C0
    - M1
    - M2
    - R1
    - 01

- Basemaps
- Street
  - ESRI
  - 2014
  - 2012
  - Light Gray
  - Dark Gray
  - Topo
  - Terrain

Search Address, Owner, PID, STR, GIS Layers

Results

I Want to...

- Filter Results By
- Parcels
  - City Limits
  - Lexington\_Zoning

Parcels (1) ▲

PID	OwnerName	PropertyAddress	OwnerAddress	LegalDesc
240139526	SCHOOL DIST OF LEXINGTON	1711 N ERIE ST	LEXINGTON NE 68850	0-0-0 00002752 W066PT OF BLK 1 AND LOT 1 & W/4 S/4PT 0 LOT 2-BLK 2 AND ALL OF BLK S/4RTH/4E ADD 1711 N

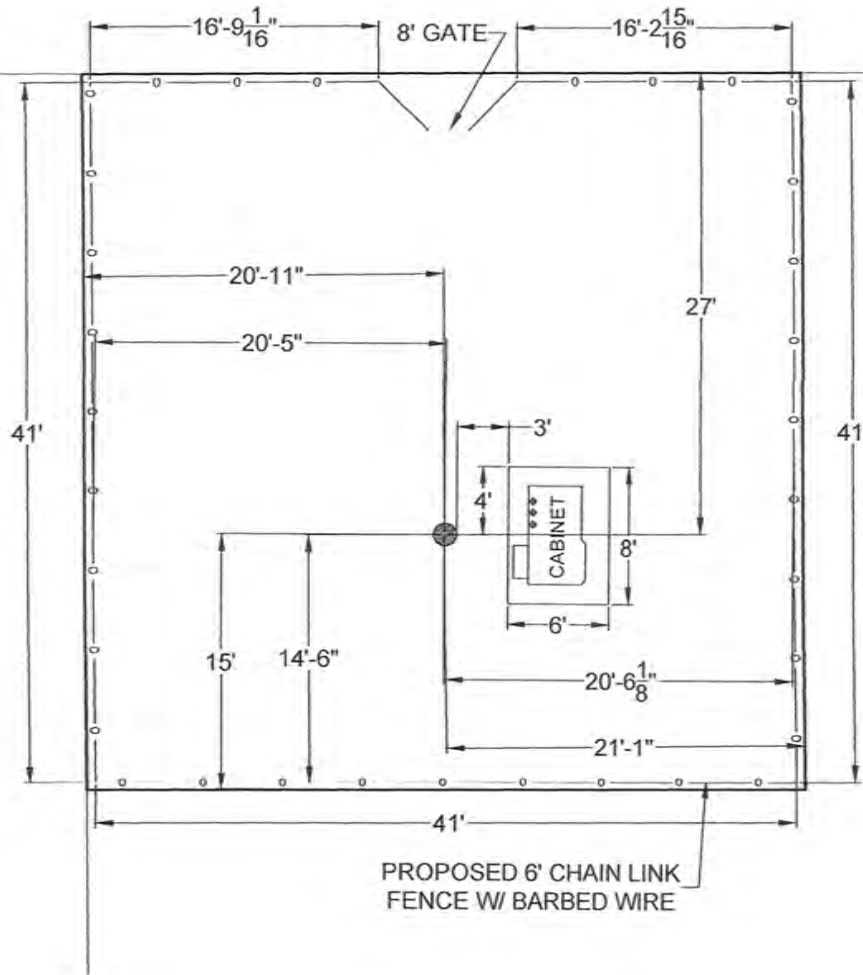
City Limits (1) ▲

NAME	FIPS	AREA_SOFT	AREA_ARCE
Lexington	26910	125487062	2272

Lexington\_Zoning (1) ▲

Id	Zone
0	R1

COPY



NOTES:

1. TOWER IS NELLO XXX XxX' SELF SUPPORTING, SO#-----
2. MAGNETIC DECLINATION (VARIATION) IS X° XX' XX" EAST PER NATIONAL GEOPHYSICAL DATA CENTER CALCULATIONS AS OF X/XX/2015.
3. TOWER FACE AZIMUTHS ARE XX°/XXX°/XXX" DEGREES REFERENCED TO TRUE NORTH.
4. BASED ON AN X° XX' XX" DECLINATION, THE TOWER FACE AZIMUTHS REFERENCED TO MAGNETIC NORTH ARE XX°/XXX°/XXX".
5. THIS WILL BE A STANDARD THEROMOBOND 9'x17' SHELTER WITH A RIGHT HAND WG ENTRY PORT.



1224 West Platte Avenue  
Fort Morgan, CO 80701  
Phone 970.768.0000

Viaero Contacts

Site Acquisition  
Mike Harris  
(303) 370-0114  
Construction PM  
Roger Brown  
(970) 500-2112

Revisions

No.	Date	Note

IT IS A VIOLATION OF STATE AND FEDERAL LAW TO REPRODUCE OR USE THESE DRAWINGS WITHOUT THE EXPRESS WRITTEN CONSENT OF VIAERO WIRELESS OR NE COLORADO CELLULAR

Project  
VIAERO WIRELESS  
LEXINGTON NORTHWEST  
LEXINGTON, NE

Sheet Title  
COMPOUND LAYOUT  
LEXINGTON NORTHWEST  
LEXINGTON, NE

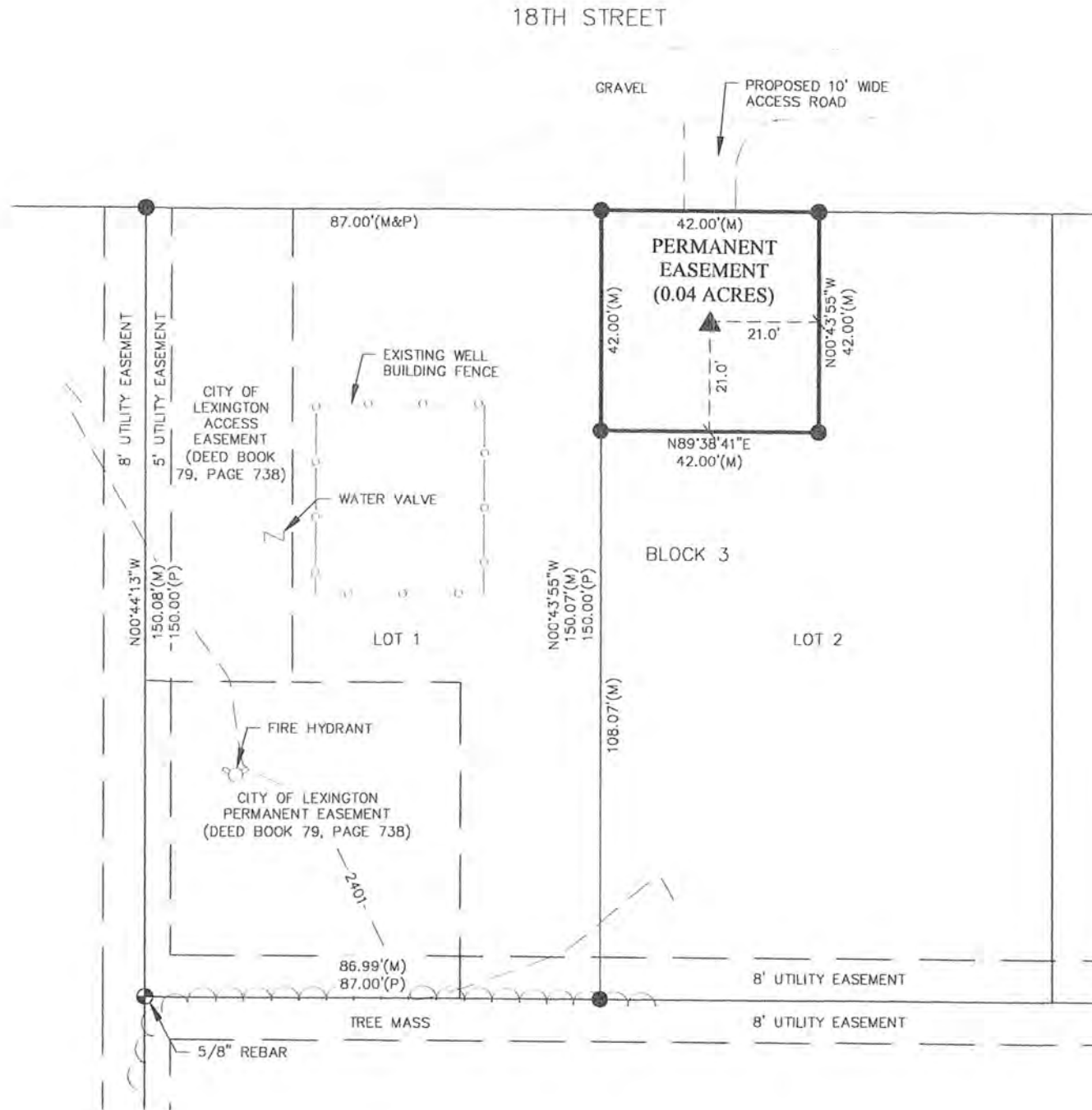
Sheet

C-3

1 of 1

LEXINGTON NW VIAERO (TOWER SITE PLAN)  
 A PART OF LOT 2, BLOCK 3, NORTHWEST ADDITION  
 CITY OF LEXINGTON  
 DAWSON COUNTY, NEBRASKA

COPY



**PERMANENT EASEMENT:**

THE NORTH 42.00 FEET OF THE WEST 42.00 FEET OF LOT 2, BLOCK 3, NORTHWEST SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, CONTAINING 0.04 ACRES, MORE OR LESS.

**SURVEYOR'S REPORT:**

THIS SURVEY WAS PERFORMED AT THE REQUEST OF VIAERO WIRELESS. THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE PERIMETER AND CREATE A DESCRIPTION OF A PARCEL OF LAND LOCATED IN LOT 2, BLOCK 3, NORTHWEST SUBDIVISION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA. EXISTING MONUMENTS OF RECORD WERE FOUND AT LOCATIONS SHOWN ON THIS PLAT. ALL MONUMENTS FOUND ARE DESCRIBED ON THIS PLAT. ALL MONUMENTS SET ARE A 5/8"x24" REBAR WITH A PLASTIC CAP STAMPED "GOERTZEN L.S. 704".

ALL LINES WERE PRODUCED AND ANGLES AND DISTANCES MEASURED WITH SEILER INSTRUMENT'S VRS NETWORK, A TRIMBLE R8 GNSS RECEIVER, AND A 100 FOOT STEEL TAPE.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

*Adam J. Goertzen* 3/24/2016  
 ADAM J. GOERTZEN, LS 704

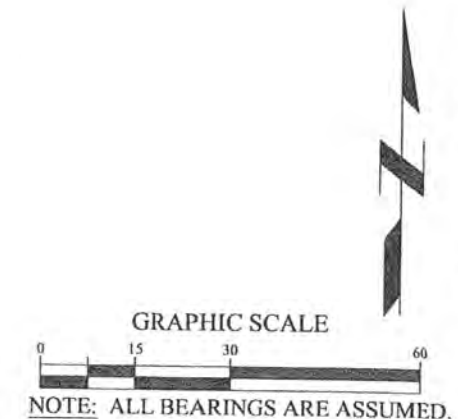


NOTE:  
 PROPOSED 150' TOWER  
 LAT. - 40°47'30.17903"  
 LONG. - 99°45'35.49988"  
 NAD 83  
 BASE ELEV. = 2401 NAVD88

A PART OF LOT 2, BLOCK 3  
 NORTHWEST ADDITION  
 CITY OF LEXINGTON  
 DAWSON COUNTY, NEBRASKA

SURVEY RECORD  
 LEXINGTON NW VIAERO SITE

PROJECT NO.	R160255
DATE	3/17/2016
DRAWN BY	AJG
FILE NAME	Lexington NW.dwg
FIELD BOOK	DAWSON CO #1
FIELD CREW	JG
SURVEY FILE NO.	
REVIEW BY	
REVIEW DATE	
REVISIONS	

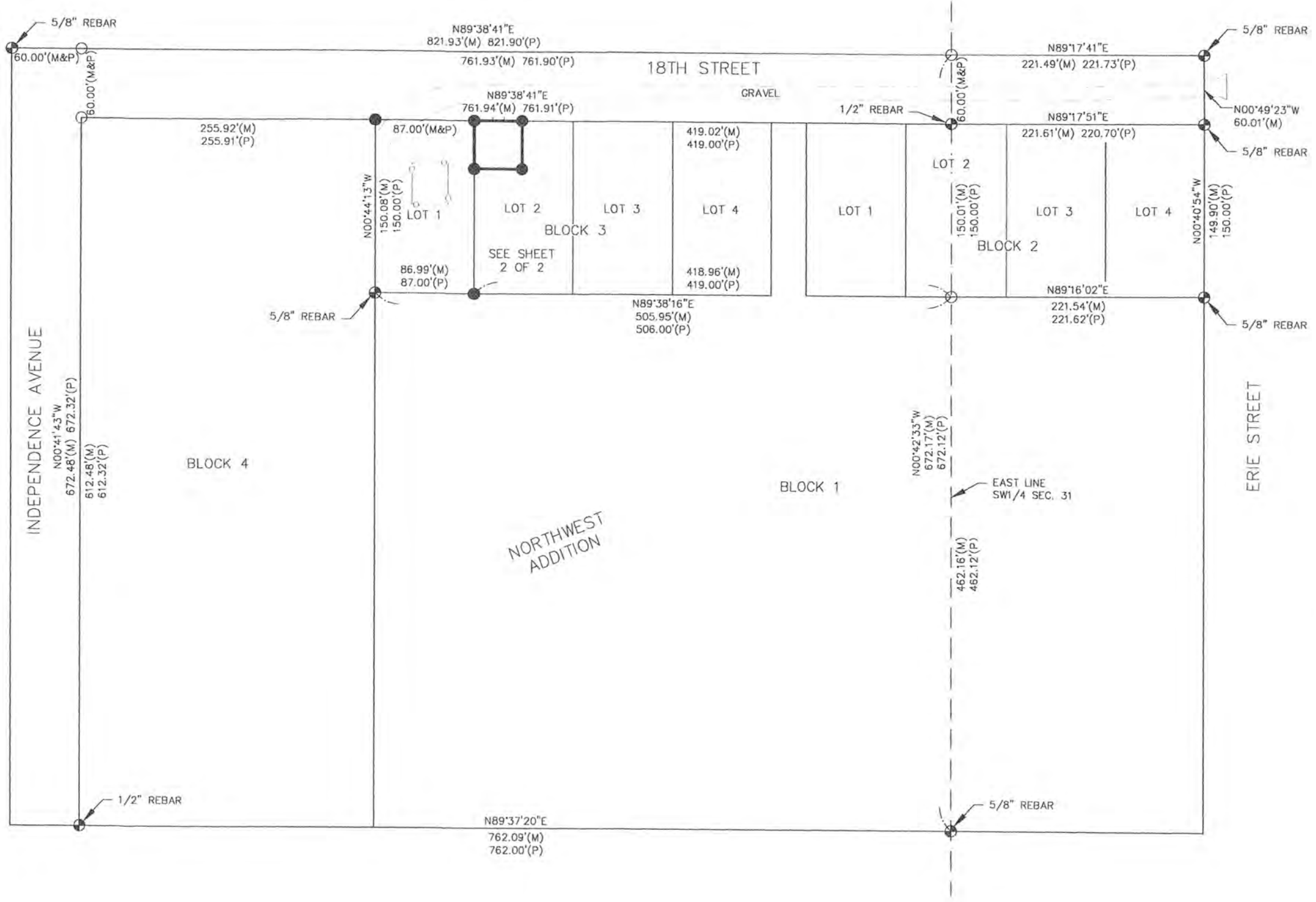


NOTE: ALL BEARINGS ARE ASSUMED.

\\MAUI\Projects\Surveying\160255.00 - Viaero Wireless Lexington NW Site\ Design2 Drawing\Lexington NW.dwg, on 3/17/2016 7:09 AM

LEXINGTON NW VIAERO (TOWER SITE PLAN)  
 A PART OF LOT 2, BLOCK 3, NORTHWEST ADDITION  
 CITY OF LEXINGTON  
 DAWSON COUNTY, NEBRASKA

COPY

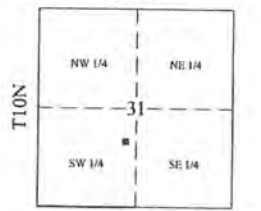


**LEGEND**

- MONUMENT FOUND
- MONUMENT SET
- CALCULATED POINT
- M MEASURED DISTANCE
- R RECORDED DISTANCE
- D DEEDED DISTANCE
- ▲ ~~PROPOSED 150' TOWER~~ 52'

— 2400 — EXISTING CONTOUR  
 - - - - - EXISTING EASEMENT LINE  
 = = = = = PERMANENT EASEMENT LINE

VICINITY SKETCH  
 DAWSON COUNTY  
 NEBRASKA  
 R21W



GRAPHIC SCALE



NOTE: ALL BEARINGS ARE ASSUMED.

A PART OF LOT 2, BLOCK 3  
 NORTHWEST ADDITION  
 CITY OF LEXINGTON  
 DAWSON COUNTY, NEBRASKA

SURVEY RECORD  
 LEXINGTON NW VIAERO SITE

PROJECT NO.	R160255
DATE	3/17/2016
DRAWN BY	AJG
FILE NAME	Lexington NW.dwg
FIELD BOOK	DAWSON CO #1
FIELD CREW	JG
SURVEY FILE NO.	
REVIEW BY	
REVIEW DATE	
REVISIONS	

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Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2016-ACE-1444-OE

Issued Date: 04/29/2016

Kevin P. Delaney  
 Industrial Tower and Wireless, LLC.  
 40 Lone Street  
 Marshfield, MA 02050

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Lexington NW  
 Location: Lexington, NE  
 Latitude: 40-47-30.10N NAD 83  
 Longitude: 99-45-35.40W  
 Heights: 2401 feet site elevation (SE)  
 60 feet above ground level (AGL)  
 2461 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 L.

This determination expires on 10/29/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6558. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-ACE-1444-OE.

**Signature Control No: 287196077-290542407**

( DNE )

LaDonna James  
Technician

Attachment(s)  
Frequency Data  
Map(s)

cc: FCC



**Frequency Data for ASN 2016-ACE-1444-OE**

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

