

TAB 6

**Staff Report**  
**Verizon Wireless Tower**  
**Conditional Use Permit (CU-2010-04)**  
**1712 12<sup>th</sup> St W**

**BACKGROUND:**

Verizon Wireless is a cellular (cell) communication provider applying for a 154 foot “stealth” communication tower (designed to be a flagpole) and accessory equipment. Currently there are no suitable existing towers or structures in or near the Verizon Wireless 87017 designed search area. The attached exhibits identify the proposed location.

The agent for the applicant met with City staff months prior to the submittal of the application and with the DRC on June 9, 2010. The DRC discussed several concerns with the agent including the location and setbacks of the tower, buffering and screening, fencing the yards of the restrooms and the size of the flag before the applicant proceeded with this request. The applicant is requesting the approval from the City of Palmetto.

**GENERAL LOCATION/PARCEL SIZE:**

Location: 1712 12<sup>th</sup> St W., Hidden Lake Park

**EXISTING LAND USE/ZONING CATEGORY:**

Future Land Use: RES-6 (Residential)  
Zoning: P (Public)

**REQUESTED APPROVAL**

A conditional use permit may be issued for the establishment of a monopole tower and associated antennas pursuant to Articles 15 and 17 of the Land Development Code. The proposed antenna cannot create an unsafe condition or be detrimental to health safety and welfare of the general public. The following conditions have been analyzed in reviewing this request:

- (1) The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan.

**The proposed request for a 154’ monopole tower is permitted with a Conditional Use approval in the P zoning district which is consistent**

with the RES-6 future land use designation for this site. The cell tower is proposed in Hidden Lake Park which is owned by the City of Palmetto. Verizon Wireless entered into a lease agreement for approximately 460 square feet of City owned property located within Hidden Lake Park in order for the applicant to proceed with this request.

- (2) The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values. **The proposed monopole tower will be designed as a flagpole with a 20 by 37 foot American flag which should blend into the park setting. The antennas are disguised within the architecture of a flag pole and should not have an adverse effect on traffic, lighting, appearance, or surrounding property values.**
- (3) The conditional use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact. **The proposed use will be set back as far as possible (a minimum of approximately 287 feet) from the park's property lines and adjacent residential uses. The impact of the proposed antennas will be mitigated by blending the antenna into the design of the flag pole. There does not appear to be any adverse impacts on the public interest or adjacent properties.**
- (4) The conditional use is not discriminatory, considering similar situations in the general area and in past decisions under this article. **This request is not discriminatory. There have been no similar applications or past decisions regarding cell towers in the general area or the applicant's search area.**
- (5) The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case. **Cell service has become an essential service. In an attempt to limit the number of cell towers in the City, Section 17.6(2)(b) of the City zoning code requires that the tower and telecommunications equipment building be designed to accommodate at least 3 providers for towers over 150'. The proposed tower will be 154' high with at least four antennas allowing for three providers on the tower.**
- (6) The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this article. **The proposed cell tower is considered a public service facility which is**

**permitted and consistent with stated purpose and intent of the P zoning district regulations.**

(7) The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted. **The proposed use is considered a public service facility which is a permitted use in all zoning districts. The other cell tower within the City limits at the SW corner of 9<sup>th</sup> St W and 3<sup>rd</sup> Avenue W is zoned CG.**

(8) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition. **Sec. 17.10(1) of the City zoning code requires the tower to be set back from the property line a distance equal to the height of the tower. The City Commission may reduce this setback if it can be shown that the collapse zone is less than this distance. The proposed tower is designed such that the top section will collapse on itself within a fall radius of 40 feet. The proposed tower is setback a minimum of 287 feet from the park's northern property line, 133 feet from the tower's straight fall zone.**

**The proposed use will not create any hazardous vehicular or pedestrian traffic or any other unsafe condition.**

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

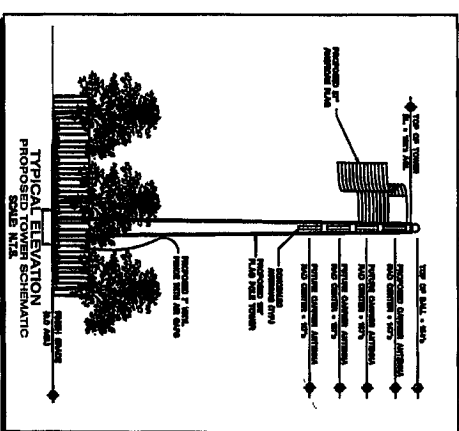
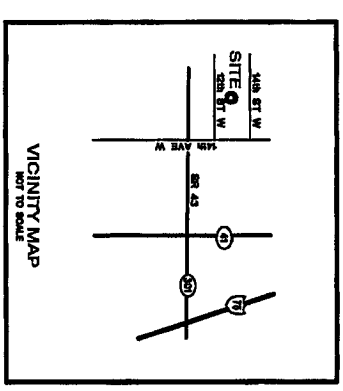
On August 19, 2010 the Planning and Zoning Board recommended **UNANIMOUS APPROVAL** of the proposed conditional use permit.

**CITY COMMISSION**

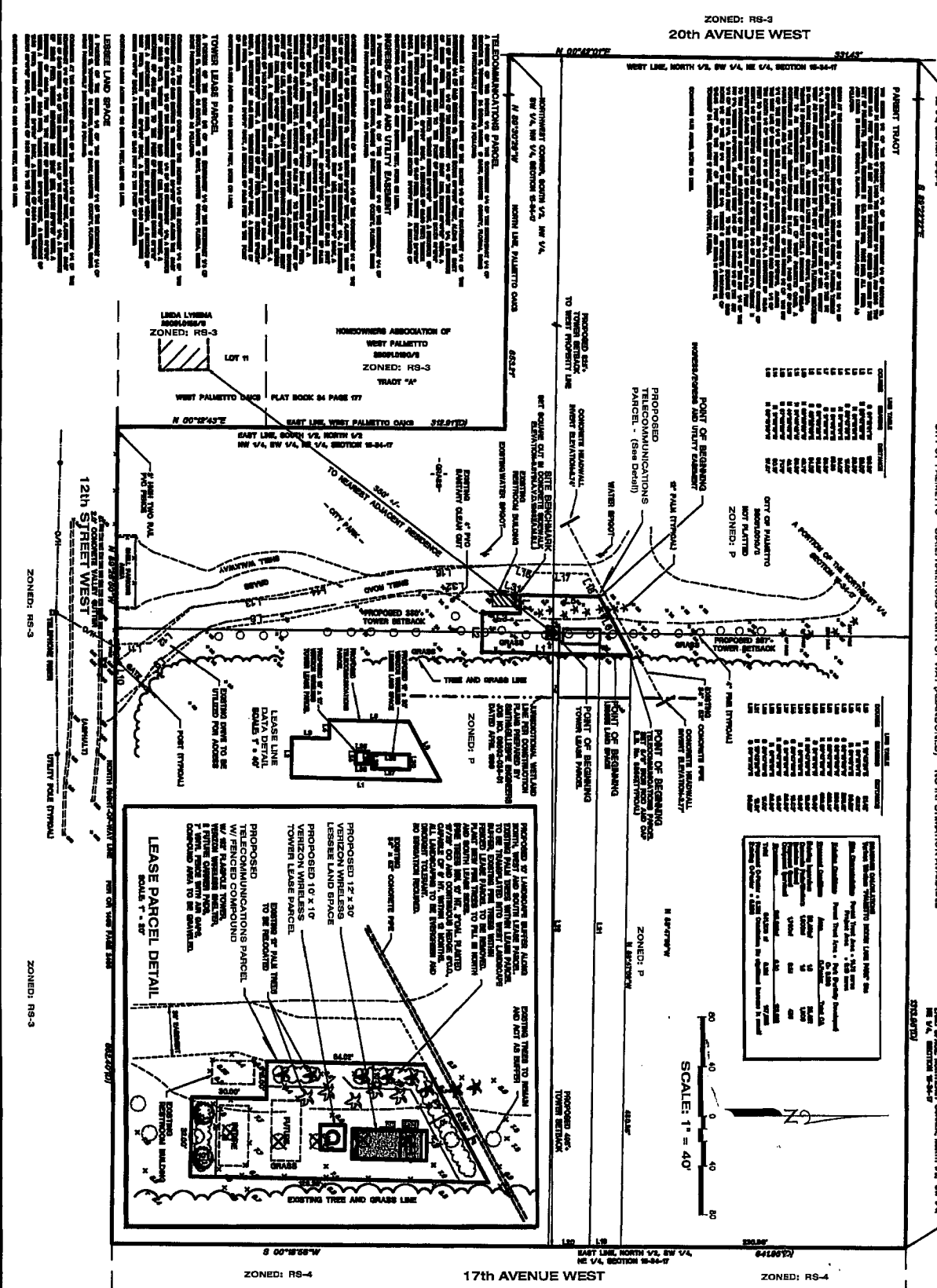
The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

**Attachments:** Memorandum of Land Lease Agreement  
Letter from Federal Aviation Administration  
Pictures  
Site Plan

SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST  
MANATEE COUNTY, FLORIDA



- GENERAL NOTES:**
1. GENERAL LAYOUT, PLAN, AND INFORMATION.
  2. WATER IS SHOWN WHERE IT IS NOT REMOVED, MAINTAINED AND
  3. TOWER SHALL NOT INTERFERE WITH NEARBY POWER LINES AND
  4. PROPOSED TOWER SHALL BE WITHIN SMALL COMPANY'S WITH ALL AVAILABLE
  5. FAA FILE FOR REGISTRATION AND EXEMPTIONS.
  6. WITH APPROVAL OF PALMETTO CITY AND MANATEE COUNTY.
  7. AFTER REVIEW OF RECORD DRAWINGS AND WITH ALL NECESSARY
  8. PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  9. THE PROPOSED TOWER SHALL BE CONSTRUCTED WITH A BUILT FLOOD
  10. RESISTANCE OF AT LEAST 100 MPH WIND SPEED AND SHALL BE
  11. TOWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL
  12. APPLICABLE CODES AND REGULATIONS.
  13. THE SHOWN DATA TOWER SHALL BE CONSTRUCTED WITH ALL
  14. NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE
  15. AGENCIES.
- SITE DATA:**
1. PROJECT NUMBER: 15-00000
  2. PROJECT NAME: HIDDEN LAKE PARK
  3. PROJECT ADDRESS: 15000 W. PALMETTO BLVD., PALMETTO, FL 34657
  4. OWNER: HIDDEN LAKE PARK, LLC
  5. SITE ADDRESS: 15000 W. PALMETTO BLVD., PALMETTO, FL 34657
  6. PARCEL NO.: 15000000000000000000
  7. JURISDICTION: MANATEE COUNTY



NO.	REVISION	DATE
1	ISSUED PERMITS	5-21-10
2	LAND PARCELS, UTILITIES	5-21-10
3	LAND PARCELS, TOWNSHIP, LOCALS	5-21-10
4	ZONING DEPARTMENT APPROVAL	5-21-10

PREPARED BY:  
**ALLIUS DESIGN CORPORATION**  
TIM ALLIUS, P.E.  
1117 WASHINGTON DRIVE, TAMPA, FL 33604  
TELEPHONE: 813-988-0000

DEVELOPER:  
**VERIZON WIRELESS**  
12802 TAMPA OAKS BLVD.,  
SUITE 400  
TEMPLE TERRACE, FLORIDA 33687

DRAWN BY:  
CHECKED BY:  
DATE:

**PALMETTO HIDDEN LAKE PARK**  
SITE ID: 57017  
PROPOSED TELECOMMUNICATIONS FACILITY  
ZONING PLAN

SHEET  
Z1

## Proposed Verizon Cell Tower – Hidden Lake Park



Restrooms



Residential on northside of park



Looking east



Looking southeast toward entrance



Looking west from entrance



Looking north from entrance



Looking north at houses



Looking E w/houses in background



**DRAFT MINUTES  
CITY OF PALMETTO  
PLANNING AND ZONING BOARD  
AUGUST 19, 2010 – 6:15 P.M.**

516 8<sup>th</sup> Avenue West  
Palmetto, FL 34221

[www.palmettofl.org](http://www.palmettofl.org)  
941-723-4570

**PLANNING AND ZONING BOARD MEMBERS**

BARBARA JENNINGS, Vice Chair  
CHRISTOPHER MOQUIN  
CHARLIE UGARTE  
JON MOORE

ERIC GILBERT-Absent

**School Board Appointee (Non-voting)**

MIKE PENDLEY, Absent

**Staff**

Lorraine Lyn, City Planner  
Linda Butler, Recording Secretary

Scott Rudacille, City Counsel  
Allen Tusing, Public Works Dir.

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*Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.*

 **Swearing in of all persons speaking to the Board:**

**“Do you swear or affirm that the evidence or factual representations that you are about to give or present to the Planning and Zoning Board on this 19th day of August 2010 are truthful?”**

**ORDER OF BUSINESS:**

 **Introduction of Planner:**

Mr. Tusing introduced Lorraine Lyn, City Planner and stated her credential is very fitting for the City and he believes the Board will enjoy working with Ms. Lyn. Mrs. Jennings welcomed Ms. Lyn.

 **1. Election of 2010 Officers**

Tab 1

a. Election of Chair:

Mr. Ugarte nominated Mrs. Jennings as the chair and Mr. Moore as the vice chair. Mr. Moquin seconded.

Mr. Moore nominated Mr. Moquin as vice chair, Mr. Moquin respectfully declined due to pending surgery.

Nominations closed.

Mrs. Jennings accepted the nomination as chair. Mr. Moore accepted to accept the nomination as vice chair.

**MOTION CARRIED UNANIMOUSLY.**

 2. Approval of May 20, 2010 Meeting Minutes Tab 2

Mr. Ugarte moved to approve the May 20, 2010 meeting minutes, Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY.**

 3. Verizon Wireless Conditional Use 2010-04 Tab 3

Ms. Lyn reviewed the staff report for the conditional use request. Verizon Wireless is a cellular (cell) communication provider applying for a 154 foot "stealth" communication tower (designed to be a flagpole) and accessory equipment. Ms. Lyn also pointed out that currently there are no suitable existing towers or structures in or near the Verizon Wireless 87017 designed search area.

The applicant met with City staff months prior to the submittal of the application and with the DRC on June 9, 2010. Staff recommends approval of this conditional use application. The applicant is present to address any questions and or concerns.

Chair Jennings opened the public hearing.

Ms. Laura Belflower, agent for Verizon Wireless stated Ms. Lyn covered her presentation well and is open for any questions.

Chair Jennings questioned the purpose of the flag pole folding onto itself by 40 feet. Ms. Belflower explained the pole is built to meet the



wind code requirement, in case of high winds; if the pole falls it will fall within the leased area.

Chair Jennings asked who will be responsible for replacing the flag when necessary. Ms. Belflower stated Verizon will be responsible for the flag.

Chair Jennings closed the public hearing.

 Action Request: Mr. Moquin moved to request approval of Verizon Wireless Conditional Use 2010-04, seconded by Mr. Mr. Ugarte Charlie. **MOTION CARRIED UNANIMOUSLY.**

 4. Palmetto Warehouse Company, LLC. VAR-2010-03 Tab 4

Ms. Lyn reviewed the staff report for the Palmetto Warehouse Variance request. The applicant is requesting a front set-back variance from the required 20 foot setback from 6<sup>th</sup> Street West. The existing building is setback 9 feet from 6<sup>th</sup> Street West. This lot is a corner lot with two front yards facing 7<sup>th</sup> Avenue West and 6<sup>th</sup> Street West. The property is located at 600 7<sup>th</sup> Avenue West, currently zoned General Commercial and is being occupied by a Daycare Center.

The applicant is proposing to expand the daycare center by approximately 475 square feet to accommodate an additional 15 children. The applicant is present to address any questions and or concerns.

Mr. Ugarte inquired whether the Land Development Code (LDC) restricts expanding a non conformity. Ms. Lyn answered yes. Following a discussion on nonconformities, Mr. Rudacille stated that the daycare center is a nonconforming structure.

Chair Jennings opened the public hearing.

Mr. Curtis Root, agent for Palmetto Warehouse, thanked Ms. Lyn and staff for work on the variance request. Mr. Root stated due to the capacity being met by the daycare, they are looking to expand. Mr. Root stated that the rear expansion was not feasible because of the trees and the children's safety.

Mr. Root addressed Ms. Lyn concerns regarding parking, stating currently there are six parking spaces, along 6<sup>th</sup> Street. He indicated

that there is an existing curb cut along 7<sup>th</sup> Ave, which would allow additional parking, with the revising of the chain link fence.

Mr. Moore asked staff if shell parking is allowed in the city. Mr. Tusing stated the code does not allow shell parking, only a dustless surface.

Mr. Root stated the CRA has shell parking. Mr. Tusing stated for the record that staff is aware of shell parking at that location but it has been there ever since the structure was a residence.

Mr. Ugarte stated the variance is a set-back variance; the building is a legal non conforming structure, the code says you cannot expand a non conforming use or structure and because no hardship have been presented, he cannot support the variance request.

Mr. Moquin stated he agrees with Mr. Ugarte. There does not appear to be a hardship; the expansion can be accomplished by expanding in the rear of the building.

Chair Jennings stated she also agrees with Mr. Ugarte and Mr. Moquin.

Mr. Moore stated there are conditions peculiar to the land, corner properties are a hardship just by definition, so much of the property is required to be unusable and in light of the City's focus on becoming greener, suggests that the Commission consider the fact that the use of the land that we already have in our developed area is the greenest thing we can do. Given that, he would support the variance.

Mr. Moore also asked whether the variance request should have included shell parking.


Mr. Rudacille stated the only issue the Board has to consider is the set-back request, if the variance is approved everything else will have to comply with code.

Mr. Tusing clarified that staff was not referring to the existing parking but the new area proposed, which the applicant stated is a grassy area.

Mr. Moore asked if there are any South West Florida Water Management District (SWFWMD) requirements. Mr. Tusing stated he don't foresee it being a problem. The applicant will have to go through the process to obtain all other permits through SWFWMD if needed.

Chair Jennings closed the public hearing.

Action Request: Mr. Ugarte moved to deny the Variance Request for Palmetto Warehouse VAR-2010-03. Mr. Moquin seconded. **MOTION CARRIED.**

 Opposed 3 to 1, Mr. Moore supported the variance request.

 5. Old Business

- a. Department of Community Affairs Objections, Recommendations and Comments Report (ORC).

Ms. Lyn stated she is addressing the ORC report of DCA, and would welcome comments and suggestions from the Board. The intention is to bring back recommendations and seek direction from the Board.

Chair Jennings asked why the Water Supply Plan was not filed. Mr. Tusing stated unfortunately it was before he returned to the City, it was not until staff was reviewing the submittal when it was discovered the plan had not been submitted. It was also discovered that the map series and other supporting document was not submitted. Staff is working on the Water Supply Plan at this time.

Mr. Ugarte stated he is surprised and discouraged at DCA comment on density and FAR. Mr. Tusing stated we must have supporting documents for what is being submitted.

Mr. Moore asked what the process is at this point, will it have to go back through the process of workshop and public hearing. Mr. Tusing stated it will come back to the P&Z for a public hearing and to the City Commission. Mr. Tusing also noted if the P&Z and City Commission want to keep the density and FAR at what was submitted, it will require a lot of work and research.

Ms. Lyn stated she will work closely with DCA and bring the recommendations back.

Mr. Tusing clarified off-street parking for the Board, citing in the Code of Ordinance, Division 2. Off-Street Parking, Section 28-75 "All off-street parking facilities, including aisles, travel lanes, and driveways, shall be constructed and maintained in accordance with city standards, but at a minimum shall be constructed of asphalt, concrete, brick, or paver block".

Mr. Ugarte inquired of the City's water treatment plant and water supply. Mr. Tusing updated the board on the history and status of the wastewater treatment plant.



6.

**New Business**

- a. Discussion on amendment to Zoning Code to allow a daycare center as a permitted or an accessory use in the Commercial Core (CC) zoning district.

Ms. Lyn stated our current zoning code does not allow a daycare in the CC zoning district.

Mr. Ugarte stated a daycare should be a permitted use.

It was the direction of the Board to proceed with the amendment change to the CC zoning district to allow a daycare as a permitted use.

6.



**Adjournment: 7:55**

*City of Palmetto*  
Development Review Committee  
Meeting Minutes  
*June 9, 2010*

**PRESENT**

Allen Tusing, Public Works Director  
Frank Woodard, Deputy Director of Engineering  
Duane Kinn, Deputy Director of Operations  
Ron Cales, Fire Marshall  
Tom McCollum, Interim City Planner  
Jeb Mulock, ZNS Engineering  
Bryce Cummings, Building Inspector  
Linda Butler, Planning Tech

Meeting started at 9:00 am

**ORDER OF BUSINESS:**

1. **Discussion**

- a. Splash Park, Lincoln Community Park, Ugarte & Associates.

The splash park will be located at the corner of 17<sup>th</sup> St & US 41, Lincoln Community Park. Highlights of the proposed plan:

- ✓ Security fence
  - ✓ Revised and improved parking
  - ✓ Rinse shower
  - ✓ New fence enclosure around splash pad
  - ✓ New toilets and pump room
  - ✓ New covered benches
  - ✓ New bench seating
  - ✓ New 8' wide concrete sidewalk
- 
- Mr. McCollum suggested an additional handicap parking space
  - Mr. Cales requested installing or designating an entrance to be use for medical emergency only
  - Mr. Mulock stated the plan needs to show the backwash system
  - The question arose regarding the park being served by central liftstation. Mr. Ugarte stated he has not been able to

locate that information.

- Proposed park will be lighted, with the lights directed away from the highway
- Manatee County presented the proposed plan to the City Commission, and was endorsed
- The proposed park will be open 6 days a week, 4 hours a day

b. Verizon Wireless Communication Towers, Laura Belflower

Verizon Wireless has gone before the City Commission to lease the property located at 1712 12<sup>th</sup> Street West, Hidden Lake Park with the intent to place a communication towers on the site. Highlights of the proposed plan:

- ✓ The location is an existing park and recreation use
- ✓ Water and sewer is not needed
- ✓ The tower will be unmanned
- ✓ Proposed tower will comply with all applicable F.A.A. and F.C.C. regulation and requirement
- ✓ The existing zoning is P (public)
- ✓ Tower shall not interfere with normal radio and television reception in the vicinity
- DRC members reviewed the plans presented
- Mr. McCollum raised the question regarding flag height and size. Mr. Tusing suggested the flag sizes that will be acceptable. If the pole is 90 to 100 feet, the flag should be 20x30 or 20x38 feet.
- Ms. Belflower stated arrangements can be made to allow the City to have access to the flag for the purpose of raising and lowering it.
- Ms Belflower stated Verizon will maintain landscaping
- Mr. McCollum informed Ms. Belflower that he will consult with the attorney and find out the next step in the process and notify her.

- c. Manatee School for the Arts Classroom Addition, Jon Moore,  
Moore 2 Moore Design

Mr. Moore reviewed the new set of plans and highlighted the changes from the previous meeting:

- ✓ The open pavilion on the GDP has been removed from the construction plans
- ✓ Classroom building footprint on GDP called for two story 10,000 sq. ft footprint totaling 20,000 sq. ft. change shows two , one story classroom building for a total of 20,700 sq. ft. footprint
- ✓ NRRFD approval must be obtained before vertical build out will be permitted by the City
- ✓ Pervious plans showed 8 classrooms; new plans will have 8 to 10 classrooms
- It was the consensus of the Committee that a new GDP is required, including revised plans, and showing all lands of MSA
- Need lift station analysis from WilsonMiller.
- Mr. Cales asked when the portables will be removed. The portables were permitted on a temporary basis. Mr. Moore indicated that the existing GDP phasing scheduling provides that the portables will be removed with the construction of Phase 4.
- Mr. McCollum suggested a discussion to remove the existing median in order to provide improved access into the facility.
- Mr. Moore agreed to present the information requested at the next DRC, June 23, 2010

2. **Comments Due**

None

3. **Plan Sign Off Review**



None

4. **Team Inspection**

None

5. **New Business**

None

6. **Old Business**

The new owners of Sanctuary Cove would like to have the plat finished by January. Below is a list of some issues that needs to be addressed.

- ✓ FDOT permit
- ✓ Need to be bonded
- ✓ Signal
- ✓ R-O-W egress, ingress utility easement
- ✓ Liftstations
- ✓ Only plat residential
- ✓ All pumps need to be removed and inspected
- ✓ A new plat need to be prepared showing easement
- ✓ Mr. McCollum will prepare a list of all that is needed for the plat

7. **Adjournment:** 11:07 am

Upon Recording, Return to:

Tirso M. Carreja, Jr., Esq.  
Fowler White Boggs P.A.  
501 E. Kennedy Blvd., Suite 1700  
Tampa, Florida 33602

STATE OF FLORIDA            )  
  )  
COUNTY OF MANATEE        )

**MEMORANDUM OF LAND LEASE AGREEMENT**

This Memorandum of Land Lease Agreement (the "Memorandum") is made this 22 day of June, 2010, between the City of Palmetto, Florida, a municipal corporation of the State of Florida, with its principal offices located at 516 8<sup>th</sup> Avenue West, Palmetto, Florida 34221, hereinafter designated LESSOR and Verizon Wireless Personal Communications LP, a Delaware limited partnership d/b/a Verizon Wireless, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. The LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

1. LESSOR and LESSEE entered into a Land Lease Agreement (the "Agreement") on June 22, 2010 for an initial term of five (5) years, commencing on the Commencement Date. The Agreement shall automatically be extended for four (4) additional five (5) year terms unless the LESSEE terminates it at the end of the then current term by giving the LESSOR written notice of the intent to terminate at least six (6) months prior to the end of the then current term. If at the end of the fourth (4th) five (5) year extension term this Agreement has not been terminated by either Party by giving to the other written notice of an intention to terminate it at least three (3) months prior to the end of such term, the Agreement shall continue in force upon the same covenants, terms and conditions for a further term of five (5) years and for five (5) year terms thereafter until terminated by either Party by giving to the other written notice of its intention to so terminate at least three (3) months prior to the end of such term.
2. LESSOR hereby leases to LESSEE a portion of that certain parcel of property (the entirety of LESSOR's property is referred to hereinafter as the "Property"), located at 1720 12<sup>th</sup> Street West, Palmetto, Manatee County, Florida 34221, and being described as a 10' by 10' tower parcel and a 12' by 30' equipment parcel collectively containing approximately 460 square feet (the "Land Space"), together with the non-exclusive right (the "Access and Utility Easement") for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks over or along a twenty (20') foot wide right-of-way extending from the nearest public right-of-way, 12<sup>th</sup> Street West, to the Land

SITE NAME: Hidden Lake Park  
SITE NUMBER: 87017

Space, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along one or more rights of way from the Land Space, said Land Space and Access and Utility Easement (hereinafter collectively referred to as the "Premises"). The Premises are described in Exhibit A attached hereto and made a part hereof, and as shown on the plat of survey attached hereto and incorporated herein as Exhibit B. In the event any public utility is unable to use the aforementioned Access and Utility Easement, the LESSOR has agreed to grant an additional right-of-way either to the LESSEE or to the public utility at no cost to the LESSEE.

3. The Commencement Date is based upon the date LESSEE is granted a building permit by the governmental agency charged with issuing such permits, or the date of execution of the Agreement by the Parties, whichever is later. In the event the date at which LESSEE is granted a building permit or the date of execution of the Agreement, whichever is applicable, falls between the 1<sup>st</sup> and 15<sup>th</sup> of the month, the Agreement shall commence on the 1<sup>st</sup> of that month and if such date falls between the 16<sup>th</sup> and 31<sup>st</sup> of the month, then the Agreement shall commence on the 1<sup>st</sup> day of the following month (either the "Commencement Date").
4. The terms, covenants and provisions of the Agreement, the terms of which are hereby incorporated by reference into this Memorandum, shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of LESSOR and LESSEE.

<Signature Page to Follow>

SITE NAME: Hidden Lake Park  
SITE NUMBER: 87017

IN WITNESS WHEREOF, hereunto and to a duplicate hereof, LESSOR and LESSEE have caused this Memorandum to be duly executed on the date first written hereinabove.

WITNESSES:

*Diane Ponder*  
DIANE PONDER  
Print Name  
*Donna Gross*  
SONNA GROSS  
Print Name

LESSOR:

City of Palmetto, Florida,  
a municipal corporation of the State of Florida

By: *Shirley Groover Bryant*  
Name: SHIRLEY GROOVER BRYANT  
Title: MAYOR  
Date: 5-20-2010

ATTEST:

*James R. Freeman*  
Name: JAMES R. FREEMAN  
Title: City Clerk

WITNESSES:

*Jean M. Musa*  
Jean M. Musa  
Print Name  
*Bonnie L. Darrenkamp*  
Bonnie L. Darrenkamp  
Print Name

LESSEE:

Verizon Wireless Personal Communications LP,  
a Delaware limited partnership d/b/a Verizon Wireless

By: *Hans F. Leutenegger*  
Name: Hans F. Leutenegger  
Title: Area Vice President Network  
Date: 6/22/2010

STATE OF FLORIDA )  
COUNTY OF MANATEE )

ACKNOWLEDGEMENT

I, Deanna F. Roberts, a Notary Public for said County and State, do hereby certify that ~~Shirley Beavers Bryan~~ personally came before me this day and acknowledged that s/he is the Mayor of City of Palmetto, Florida, a municipal corporation of the State of Florida, and s/he, being authorized to do so, executed this Memorandum as his/her own act and deed on behalf of the city.

WITNESS my hand and official Notarial Seal, this 20<sup>th</sup> day of MAY 2010.

NOTARY PUBLIC-STATE OF FLORIDA  
Deanna F. Roberts  
Commission #DD897960  
Expires: JUNE 10, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

Deanna F. Roberts  
Notary Public

My Commission Expires:  
\_\_\_\_\_

STATE OF NORTH CAROLINA )  
COUNTY OF MECKLENBURG )

ACKNOWLEDGMENT

I, Lynne Carlisle, a Notary Public for said County and State, do hereby certify that Hans F. Leutenegger, personally came before me this day and acknowledged that he is the Area Vice President Network of Verizon Wireless Personal Communications LP, a Delaware limited partnership d/b/a Verizon Wireless, and that he, as Area Vice President Network, being authorized to do so, executed this Memorandum on behalf of Verizon Wireless Personal Communications LP, a Delaware limited partnership d/b/a Verizon Wireless.

WITNESS my hand and official Notarial Seal, this 22 day of June 2010.

LYNNE CARLISLE  
Notary Public, North Carolina  
Mecklenburg County  
My Commission Expires  
March 20, 2011

Lynne Carlisle  
Notary Public

My Commission Expires:  
\_\_\_\_\_



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2009-ASO-4758-OE

Issued Date: 09/01/2009

Diana Joseph  
Verizon Wireless Personal Communications LP  
1120 Sanctuary Pkwy, Ste 150  
Alpharetta, GA 30009

**\*\* 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 HIDDEN LAKE PARK
Location:	Palmoetto, FL
Latitude:	27-31-27.35N-NAD 83
Longitude:	82-35-12.23W
Heights:	160 feet above ground level (AGL) 168 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:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

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.

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

If we can be of further assistance, please contact our office at (202) 267-5235. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-ASO-4758-OE.

**Signature Control No: 648487-118302580**  
Tracy Rosgen  
Technician

(DNE)

Attachment(s)  
Frequency Data



Frequency Data for ASN 2009-ASO-4758-G

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
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