

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2009-26**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR CLEARWIRE CORP, INC.**

WHEREAS, Clearwire Corp., Inc. ("Applicant") has submitted an application for a Conditional Use Permit to co-locate additional antennas on the existing communications tower located at 6077 Lake Elmo Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property is legally described as follows:

That part of the SW1/4 of the SW1/4 of Section 36, Township 30 North, Range 21 West, Washington County, Minnesota described as follows: Commencing at the Southwest corner of said SW1/4-SW1/4 thence South 89D51'45" East (Recorded as South 89D51'55" East) assumed bearing along the South line of said SW1/4-SW1/4 a distance of 1046.04 feet thence North 00D08'15" East (Recorded as North 00DEG08'05" East) 642.33 feet to the North line of the South 642.33 feet of said SW1/4-SW1/4 thence North 89D51'45" West (Recorded as North 89D51'55" West) along said North line 33.00 feet to the point of beginning thence continuing North N89D51'45" West (Recorded as North 89D51'55" West) along said north line 136.54 feet thence South 00D08'15" West (Recorded as South 00D08'05" West) 312.33 feet to the North Line of the South 330.00 feet of said SW1/4-SW1/4 thence North 89D51'45" West (Recorded as North 89D51'55" West) along said North line 145.00 feet thence South 00D08'15" West (Recorded as South 00D08'05" West) 33.00 feet to the North Line of the South 297.00 feet of said SW1/4-SW1/4 thence North 89D51'45" West (Recorded as North 89D51'55" West) along said North line 732.21 feet to the West line of said SW1/4-SW1/4 thence North 00D00'00" East along said West line 390.04 feet to the South line of the North 630.00 feet of said SW1/4-SW1/4 thence North 89D59'06" East along said South line 1014.69 feet to a line that bears North 00D08'15" East from the point of bearing thence South 00D08'15" West along said line 47.14 feet to the point of beginning containing 7.92 acres more or less.

WHEREAS, the Planning Commission has considered the Applicant's request at a duly noticed Public Hearing which took place on November 16, 2009, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission's recommendation at its December 1, 2009, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Clearwire for a Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City's Zoning Ordinance which provides that a Conditional Use Permit may be granted "if the applicant has proven to a reasonable degree of certainty" that specific standards are met. The City Council's Findings relating to the standards are as follows:

- Article IV, Division 4, Antenna Regulations Section 32-443 of the City's Zoning Ordinance permits antennas in all districts with a conditional use permit;
- The use is not in conflict with the Comprehensive Plan because co-location minimizes adverse impacts to the community and neighborhoods by using existing structures rather than proposing new towers;
- The proposed use is compatible with the existing neighborhood because it will not create undue adverse impacts that exceed those from the existing communications tower;
- The use will not create additional requirements for facilities and services at public cost beyond Grant's normal low density residential and agricultural uses;
- The use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances;
- The use will not result in the destruction, loss or damage of natural, scenic or historic features of importance;
- The use will not increase flood potential or create additional water runoff onto surrounding properties; and

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. The applicant shall submit an executed copy of the agreement between T-Mobile and Clearwire for placement of the Clearwire antennas and equipment at 6077 Lake Elmo Avenue, for the City's records.
2. The applicant must obtain the necessary permits and inspections required for the installation of the equipment.
3. If landscaping or screening surrounding the tower compound is disturbed during antenna installation, the site shall be restored to better or current conditions.
4. The proposed equipment cabinet shall be of similar exterior color and materials as the existing equipment buildings within the fenced area.
5. The applicant shall submit information indicating that the antennas are necessary to provide adequate coverage and/or services.
6. The co-location of the additional antennae shall not disrupt existing services provided by the towers' existing users.
7. The applicant shall provide a report from a registered engineer that the antenna comply with all applicable regulations regarding emission of radiation and electromagnetic waves.
8. Installation of the proposed antennas shall take place only on weekdays (Monday through Friday) between the hours of 7:30 a.m. and sunset.
9. Antennas which become obsolete or their use is terminated, shall be removed within 90 days at the expense of the applicant.
10. The CUP shall be subject to annual review by the City for compliance with the conditions set for in the CUP. The applicant shall comply with City Ordinances that require the applicant to pay a CUP review fee.
11. That all fees and escrow are paid.

Adopted by the Grant City Council this 1st day of December, 2009.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council December 1, 2009 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this first day of December, 2009.

Kim Points
Clerk
City of Grant