

Amine & Associates, LLC

November 15, 2007

Rory Bolger
~~Acting~~ Deputy Director
City Planning Commission
City of Detroit
202 Coleman A. Young Municipal Center
7 Woodward Avenue
Detroit, MI 48226

RE North east corner of Iverness and John C. Lodge Freeway (M-10)
Zoning District: Detroit
Jurisdiction: MDOT

Dear Mr. Bolger

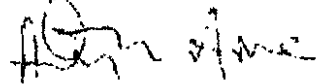
Pursuant to our conversation today, please confirm that permits issued within the MDOT right-of-way, such as the above referenced property, fall outside of the province of the Detroit Zoning Ordinance and are the responsibility of the State of Michigan, and not the City of Detroit.

If this accurately reflects your understanding, please indicate your concurrence below

Thank you for your consideration in this matter

Sincerely,

AMINE & ASSOCIATES, LLC



Anthony M. Amine

CONCURRENCE:

M. Rory Bolger 20 November 2007
BY: Rory Bolger DATE
Acting Deputy Director, Planning Commission, City of Detroit



David C. Hollister, Mayor

DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

316 N. CAPITOL AVENUE • SUITE D-1 • LANSING, MI 48933-1236
(517) 483-4066 • FAX: (517) 483-6036

PLANNING OFFICE

December 20, 2001

Ms. Natasha Jenkins
AAT Communications Corporation
7402 Westshire Drive, Suite 120
Lansing, MI 48917

Dear Ms. Jenkins:

I am in receipt of plans for a new communications tower which is proposed to be located near the intersection of Dunckel Road and I-496, in the City of Lansing. Based on the information that you supplied, the tower will be located on property owned by the State of Michigan. Therefore, as we discussed with the City Building Official, building permits for this project must be obtained from the State of Michigan. In addition, the City of Lansing does not have zoning jurisdiction over this project. However, and as we have previously discussed, the City would like for the tower to be a monopole so that it is consistent with other towers in Lansing.

If I can answer any questions, please do not hesitate to contact me at 483-4085.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Stachowiak".

Susan Stachowiak
Zoning Administrator



May 18, 2010

Krysten Kitzman
Black & Veatch
30150 Telegraph Rd.
Suite 420
Bingham Farms, MI 48025

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Justin Fischer

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

RE: SP08-40 M-5 SBA Cell Tower

Dear Ms. Kitzman:

We received your letter and attachments dated May 12, 2010 asking us to acknowledge that the City of Novi's Zoning Ordinance does not regulate the State of Michigan right-of-way in the City. After conducting a review of our Zoning Ordinance, we believe the City does regulate this right-of-way since Section 204.8 (see attached) states that district boundaries "...do extend to the center of any public right-of-way." Therefore, the adjacent OST, Planned Office Service Technology district depicted on the City's Zoning Map actually extends to cover all of the adjacent right-of-way.

In addition, we are aware of no law or rule that expressly exempts all MDOT lands from local regulation. We note that the tower is contemplated to be a primarily private use even though located in the MDOT right-of-way.

Therefore, we decline to sign your acknowledgement.

If you have any questions about this response, please feel free to contact me.

Sincerely,

Mark Spencer, AICP, Planner
City of Novi

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

CC: Barbara McBeth, Deputy Director Community Development
Charles Boulard, Director Community Development

Sec. 204. District Boundaries Interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.*
- 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.*
- 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.*
- 4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.*
- 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.*
- 6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.*
- 7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1. through 6. above, the Board of Appeals shall interpret the district boundaries.*
- 8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.*

August 18, 2010

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
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www.secretwardle.com

Thomas R. Schultz
Direct: 248-539-2849
tschultz@secretwardle.com

Alan M. Greene, Esq.
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304

Re: *SBA Communications Tower M5/Twelve Mile Road*
Our File No. 55142 NOV

Dear Mr. Greene:

Our office represents the City of Novi as City Attorney. We received a copy of your letter dated August 11, 2010, regarding the proposed SBA Communications wireless communications tower on the southwest corner of M-5 and Twelve Mile Road in Novi. You give the opinion that the property at issue, owned by the Michigan Department of Transportation (MDOT), is unregulated under the City's zoning ordinance, though you indicate that SBA will continue the process of seeking zoning approval without waiving that position.

We disagree with your conclusion about the unregulated nature of the property at issue. In your discussion of whether the MDOT property is a public right-of-way (and therefore included in the OST District along with the adjacent property), you cite two provisions of the City's Code of Ordinances that have nothing to do with the purpose, intent, and operation of the City's zoning ordinance. The first is the City's telecommunications ordinance, which is intended to regulate use of City rights-of-way (Chapter 32.5, Article II), and the other is the provision of the code relating to use of City streets (Chapter 31). These have nothing to do with the zoning ordinance's definition or designation of areas included in a zoning district.

As you well know, no federal law exempts the siting of wireless towers from local zoning processes. From our perspective, and as Mr. Spencer's initial letter to SBA indicates, the MDOT property is public property, and even your letter describes it as right-of-way. It is public right-of-way and the district lines shown on the zoning map extend to cover it. The idea that this large area of property is simply unzoned and unregulated and that a private entity like SBA can simply use it in whatever way it sees fit (with MDOT's concurrence) is not required under federal telecommunications laws and is unsupported by either the Code of Ordinances or the zoning ordinance.

Alan M. Greene, Esq.
August 18, 2010
Page 2

While we appreciate the information regarding how other communities have responded to applications submitted by SBA, we cannot know what the ordinances in those communities say. I would note that SBA did not make a similar argument in our neighboring community, Farmington Hills, when it recently secured authority from the City's Planning Commission to place a tower on MDOT property adjacent to I-96 in very similar circumstances.

Given the indication in your letter that SBA will continue through the approval process set forth in the zoning ordinance, it is my understanding that the application will be placed on the City Council's agenda for August 23, 2010.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



Thomas R. Schultz

TRS/jec

cc: Clay Pearson, City Manager
Maryanne Cornelius, City Clerk
Charles Boulard, Community Development Director
Barb McBeth, Deputy Community Development Director
Mark Spencer, Senior Planner

1475475



BLACK & VEATCH
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SBA TOWERS II, LLC (SBA)

**PLANNING REVIEW REPORT RESPONSE
LANDSCAPE REVIEW REPORT RESPONSE
ENGINEERING REVIEW REPORT RESPONSE
TRAFFIC REPORT RESPONSE**

**PROPOSED CELLULAR TOWER
M-5 AND 12 MILE ROAD
NOVI, MICHIGAN**

PLAN REVIEW CENTER REPORT

March 29, 2010

Planning Review

Cellular tower at M-5 and Twelve Mile (SBA Towers)

SP08-40D

1. Schedule of Regulations.

The proposal does not demonstrate compliance with the minimum setback requirements for buildings and parking.

The applicant is asked to **relocate the proposal to a place where they can meet the setback requirements of the zoning district or obtain a variance from the Zoning Board of Appeals for the location of the shelter building and parking in the right-of-way.**

Per Mark Spencer's letter dated 5/18/2010, the zoning district boundaries "...do extend to the center of any public right-of-way." Under this analysis, the proposal is zoned OST. The OST setback requirements are 50 feet for buildings and 40% of the height of the tower from other uses, which is 63.2 feet in this case.

SBA's drawings show the setback distances to the edge of the pavement for the proposed buildings are:

North- +500 feet

West- +200 feet

East- +130 feet

South- +700 feet to where the 12 Mile ramp and M-5 intersect

SBA's drawings show the setback distances to the edge of the pavement for the proposed tower are:

North- 582 feet

West- 224 feet

East- 185 feet

South- +700 feet to where the 12 Mile ramp and M-5 intersect

SBA's proposed location greatly exceeds both the tower and building setback requirements for the OST district, and therefore, no variance is required.

Under the analysis that imposes the OST zoning district requirements on the proposed location, the proposed parking space would also be zoned OST and not Right-of-Way. Therefore, the regulations are satisfied and no variance is required.

2. Parking Spaces (Section 2505 and 2506)

The City's Traffic Consultant's review of October 22, 2009 recommends one parking space. The Zoning Ordinance requires all commercial parking spaces and drives to be paved with asphalt or concrete. The applicant is proposing gravel drive and parking

space. The applicant is asked to **pave the drive and parking space or seek a Zoning Board of Appeals variance from the paving requirement.** Staff supports this variance.

3. Special Requirements (Section 2508.1)

- **Essentiality and Compatibility (Section 2508.1.a. and b.)**
Communication towers are permitted in the I-1 and I-2 industrial districts and may be permitted in all other districts if the City Council determines that the requested use is essential or desirable to the public convenience or welfare, or whether the denial of the facility would prohibit or in effect prohibit wireless services and whether the size, location and character of the proposal is compatible with the orderly development of the district, environment and use of adjacent properties. Section 2508.1.a states that City Council may vary the standards of Section 2508 if they determine the proposal meets the above requirements. The applicant provided some information to demonstrate these items.

Only an MDOT camera is proposed on the tower at this time. No information was provided by MDOT requesting this location or demonstrating that they need a camera mounted at the proposed 145 feet.

Please see enclosed e-mail from Michele Mueller, Traffic Signals Engineer with the Michigan Department of Transportation (MDOT). **This e-mail confirms that MDOT would like to add a Closed Circuit TV (CCTV) camera to the proposed tower location.**

The proposed site is both essential and desirable to the public convenience and welfare. MDOT intends to utilize this proposed site as part of their expansion, which will include coverage along I-96 from Novi to the Livingston County line. The proposed CCTV camera will provide the public with real time traffic information, which in turn facilitates better traffic incident management, along with freeway courtesy patrol dispatches. The CCTV camera will relay information back to the Michigan Intelligent Transportation Systems center which is the hub for surface transportation communications in the Metro Detroit area.

As previously stated, SBA has current applications for collocation on the proposed site from both Verizon and T-Mobile. Significant information was previously provided demonstrating the carriers' desire to collocate antennas on the proposed monopole tower facility. This proposed site is a high volume traffic area and is intended to improve and maintain continuous, uninterrupted voice and data services to customers living, working and traveling in the area. Both Verizon and T-Mobile have provided coverage maps, along with backup documentation, demonstrating how the proposed site will fill

and enhance current coverage gaps, and allow for greater call volume in the area, especially during peak travel times.

- **Outdoor Equipment** (Section 2508.1.h)
Although the road surface of M-5 at the Twelve Mile Road overpass is over 10 feet higher than the compound and it will be difficult to screen the equipment from the view of the south bound motorist on M-5, the **applicant is asked to increase the screening or seek a waiver from City Council.**

Please see enclosed Landscape Affidavit from SBA. SBA agrees to install, at a minimum, 15 *Viburnum lantana* (Mohican Viburnum) or *Viburnum dentatum* (Arrowwood Viburnum) at a height of 5 feet to provide supplementary understory screening. The proposed compound is fully screened on all sides, and SBA is willing to install additional landscaping, subject to MDOT's list of approved plantings, that the City of Novi deems reasonably necessary.

- **Outdoor Lighting** (Section 2511)
If the applicant is proposing any outdoor lighting, the applicant is asked to submit fixture details, including any fixtures used to illuminate the tower, and a photometric plan as required by Section 2511.

As previously stated, there is no proposed outdoor lighting at the site.

4. Special Land Use Considerations (Sec. 2508.1.b. & c.) Communications towers require Special Land Use approval and thus are subject to meeting the requirements of Section 2516.2(c). The City Council in exercising its discretion over site plan approval should consider the following factors relative to other feasible uses of the site:

- Whether the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.

A wireless facility is unstaffed, and accordingly, there will be no impact to the existing traffic patterns. The facility will not generate any traffic hazards or nuisances. This site will be visited on the average of once a month by maintenance personnel, and thus, the safety and efficiency of public streets will be maintained. Access will be provided via the existing driveway off of Twelve Mile Road. A gate is provided at the driveway entrance to avoid any trespassing into the proposed site. Site plans for this site show that adequate parking is provided. Off-street parking and off-street loading/unloading will not be necessary at this proposed site.

- Whether the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.

The only utilities necessary for this facility are electricity and telephone, both of which are SBA's and the carriers' responsibility. Site plans submitted together with this application, reflect that provisions have been made for utilities and access. As this facility is unstaffed, no drainage, sanitation, refuse disposal, water and sewer will be necessary. The facility is electronically monitored and connected to a sophisticated central computer system which will detect any breach of security or other danger. Existing police and fire protection is more than adequate to provide security for this facility.

- Whether the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.

SBA proposes to construct a 150' monopole antenna structure within the MDOT right-of-way at M-5 and Twelve Mile Road. The monopole antenna structure is similar to a light standard comparable to those currently located on M-5 and will have little or no aesthetic impact on the surroundings. With such a small footprint and the nature of surrounding uses, there will be little or no impact on the character of the locality, with no adverse effect on existing woodlands, wetlands, watercourses and wildlife habitats. In fact, enhanced wireless communications will have a positive influence on the development of this area. Due to the fact that SBA has been sensitive in selecting a site that will minimize the impact on the surrounding properties, the proposed facility will be compatible with the existing environment and will not result in the destruction, loss, or damage of any natural or scenic feature.

- Whether the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.

The monopole antenna structure is similar to a light standard. Due to the fact that SBA has been sensitive in selecting a site that will minimize the impact on the surrounding property, its facility will be compatible with the adjacent uses, existing environment and will not disrupt future development of the area. This facility will not have an adverse effect on the property values within the neighborhood but rather, enhanced wireless communications will have a positive

influence in the development of this area. Due to the minimal size of the lease parcel and the nature of the surrounding uses, there will be little or no impact on the character of the locality, and in turn will provide much needed essential communications, including traffic monitoring.

- Whether the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.

The special use will be in harmony with the general and specific purposes of the City of Novi's zoning ordinance and with the regulations of the OST (Office Service Technology) District. The facility will also support the policies, goals and objectives of the City of Novi's Master Plan for Land Use.

- Whether the proposed use will promote the use of land in a socially and economically desirable manner.

SBA's small lease parcel site with approximate dimensions of 120' x 40' will be located on vacant MDOT property which could not feasibly be used for other (business, industrial, etc.) uses.

Additionally, the current and future demands for quality wireless communications in industry, business, safety and emergency services are becoming increasingly important factors in the prosperous growth of communities. The MDOT CCTV camera will also provide critical traffic information to the City of Novi and the Metro Detroit area, making this a socially and economically desirable use of the property.

- Whether the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

(1) Communications towers are listed as one of the uses requiring special land use review in the OST district. Preliminary Site Plans and Special Land Use Permits for new communications towers outside of the Industrial districts require approval from the City Council after a review and recommendation from the Planning Commission.

(2) The establishment, maintenance and operation of this facility will be wholly contained within the fenced lease compound (120' x 40'). The proposed facility will be built to conform to the applicable site design regulations of the OST zoning district including the regulations concerning height and setbacks. Therefore, the special use will be in

harmony with the general and specific purposes and the regulations of the OST zoning district.

6. **Response Letters** A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested with any subsequent submittal and prior to the matter being reviewed by the Planning Commission. The letter must highlight all changes made to the plans and address each of the comments listed in all review letters and with any conditions of City Council approval.

Joy Tiemeyer

From: Michele Mueller [Muellerm2@michigan.gov]
Sent: Friday, February 12, 2010 8:28 AM
To: Rick Kramer; Joe Rios; Matt Smith; Joy Tiemeyer
Subject: RE: Southwest M5

Yes, we would like to add a CCTV to this tower location. I need to do some research at how high we need to be to get good images which I am working on....

Michele

Michele R. Mueller
Traffic Signals Engineer
Michigan Dept of Transportation
Metro Region Office
248-483-5133 (Office)
248-431-1443 (Cell)
248-569-3103 (Fax)

>>> Joy Tiemeyer <JTiemeyer@sbsite.com> 2/11/2010 9:21AM >>>
Michele,

I put together a small set of information for you that I hope helps. You will see that there is a batch plant at the site temporarily but last fall we met with the batch plant operations and MDOT on site and worked out a plan that is going to allow us to both move forward. I am just in the process of making some slight modification to my plan so I can make any changes that I need to. Even if you need more height on the tower I can change that. Right now it is only 150 ft but that is because the City likes it that way and the applications that I have require 140' and 120 ft. I have no problem making it higher. It would be helpful if I knew fairly soon however.

Let me know if there is anything else that you need - I will be happy to send it.

Thanks
Joy
(517)622-8448

SBA's contractor will pay the permit fee in the amount of \$201.25 for the grading permit at the pre-construction meeting.

6. Construction inspection fees in the amount of \$1,375.00 must be paid to the City Treasurer's Office.

The construction inspection fees in the amount of \$1,375.00 will be paid to the City Treasurer's office.

7. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.

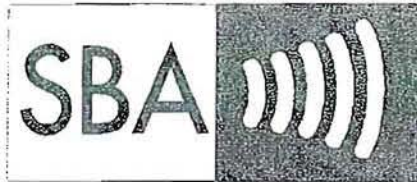
SBA's contractor will apply for the soil erosion control permit from the City of Novi prior to the start of construction.

8. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.

SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the City of Novi's City Engineering Department once the final site plan has been submitted.

9. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the Road Commission for Oakland County. SBA's contractor will forward a copy of this permit to the City.



June 22, 2010

SBA Towers II, LLC. – Landscape Affidavit
SBA site # MI11404-S SW M-5
Subject Location: SW corner of M-5 and Twelve Mile Road

To Whom It May Concern,

In response to comments received by David Beshke, landscape review dated March 29, 2010.

As a condition of approval, SBA Towers II, LLC agrees to install additional landscaping and understory trees to the proposed facility.

Per the suggestion of SBA's landscape consultant, Katheryn Maxwell Talty, ASLA of KM Talty Design, Inc., SBA proposes to install at a minimum 15 *Viburnum lantana* (Mohican Viburnum) or *Viburnum dentatum* (Arrowwood Viburnum) at a height of 5 feet to provide additional supplementary screening. It is estimated that the cost of the additional landscaping will be \$140 per planting.

The plant materials specified above are approved for use in right-of-ways by MDOT.

This affidavit is signed by a representative of the company authorized to commit the company.

SBA Towers II, LLC

By: 

Name: Jason Laskey

Title: Site Development Manager

Date: 6/22/2010

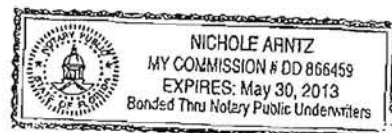
State of Florida, County of Palm Beach, to-wit:

Sworn to and acknowledged before me this June 22, 2010, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC



Notary Public

My commission expires: 5/30/2013



PLAN REVIEW CENTER REPORT

March 29, 2010

Revised Preliminary Landscape Review

Cellular Tower at M-5 / Twelve Mile (SBA Towers)

SP#08-40C

Revised Preliminary landscape review/Special Land Use dated March 29, 2010

Adjacent to Residential – Buffer (Sec. 2509.3.b.)

1. The project site is not directly adjacent to residential properties.

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. The entirety of the project is within the right-of-way. The tower itself cannot be buffered through the use of landscape. Typically development on properties zoned OST would be required to install a 3' high berm or wall along right-of-ways. This is not practical on this site. Site grades do not allow for the installation of a berm over much of the surrounding area due to the presence and grades of the freeway ramps and existing pond. Installation of a berm would require the removal of numerous existing mature trees that are proposed to be preserved. The southbound M-5 ramp connecting to other freeways is elevated over the facility, making any berm along the ramp ineffective for effective screening. Given the site circumstances, **Staff supports a Planning Commission waiver for a berm along the right-of-way frontage.**

SBA will request a Planning Commission waiver from the required berm along the right-of-way frontage of the proposed site.

2. Outdoor service structures such as those proposed are required to be screened. **The Applicant should add additional understory trees or large shrubs to further buffer the fenced area. Alternately, the Applicant could seek a Planning Commission waiver for the screening. Staff would not support the waiver.**

Please see enclosed Landscape Affidavit from SBA. SBA agrees to install, at a minimum, 15 *Viburnum lantana* (Mohican *Viburnum*) or *Viburnum dentatum* (Arrowwood *Viburnum*) at a height of 5 feet to provide supplementary understory screening. The proposed compound is fully screened on all sides, and SBA is willing to install additional landscaping, subject to MDOT's list of approved plantings, that the City of Novi deems reasonably necessary.

Street Tree Requirements (Sec. 2509.3.b.)

1. One Canopy Street tree per 35 LF is typically required between any proposed bike path/sidewalk and roadway. No walkways are proposed due to the project location. Further, MDOT and transportation safety issues preclude the planting of street trees along these right-of-ways. **Staff supports a Planning Commission waiver for the required street trees.**

SBA will request a Planning Commission waiver from the requirement that street trees be planted along the right-of-way.

Parking Landscape (Sec. 2509.3.d.)

1. No formal parking area is proposed for the project.

Building Foundation Landscape (Sec. 2509.3.c.)

1. A 4' wide landscape bed is typically required along all building foundations with the exception of access points. An area 8' wide multiplied by the length of building foundations is typically required as foundation landscape area. Due to the nature of the facility and the need for continued access, a landscape bed is not practical for the small building proposed. However, the Applicant should consider the addition of massing of large native shrubs along the exterior of the proposed fencing to further buffer the visual impact of the facility. **Staff supports a Planning Commission waiver for the required building foundation landscape.**

Additional landscaping has been added to the east and to the north of the compound. Please see site plan pages LP, C-1 and L-1. SBA will request a Planning Commission waiver from the building foundation landscaping requirement. SBA has also agreed to install an additional 15 understory trees at 5 feet tall, per the City's request.

Plant List (LDM)

1. A Plant List has been provided per Ordinance requirements.

Planting Details & Notations (LDM)

1. Plan Details and Notations have been provided.

Irrigation (Sec. 2509 3.f.(6)(b))

1. All landscape areas are typically required to be irrigated. It would be cost prohibitive to provide irrigation to this site, and the applicant has proposed the use of native plants with relatively low water requirements. **Staff would support a Planning Commission waiver for the site irrigation.**

SBA will request a Planning Commission waiver from the irrigation requirement at the proposed site.

General Notes

1. There appear to be several trees shown to be removed on the north side of the proposed access road that do not seem to be affected by any aspect of the development. The Applicant should clarify the reason for the proposed removal with the City's Landscape Architect.

It is the opinion of SBA's Landscape Architect that the 4 trees to the north of the drive were too close in proximity to the proposed construction to be reasonably saved. The tree to the northwest is the furthest from the access road and will still be stressed, so it is also proposed to be removed. During the original evaluation in 2008, the trees were shown as 2" caliper and nothing special in variety. The plan is to replace them with larger, 2.5" caliper trees.

PLAN REVIEW CENTER REPORT

April 8, 2010

Engineering Review

Cellular tower at M-5 and Twelve Mile (SBA Towers)
SP08-40D

Comments:

The Revised Preliminary Site Plan meets the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and the Engineering Design Manual with the following exceptions, which can be addressed at Stamping Set submittal:

General

1. As previously stated, a right-of-way permit will be required from the City of Novi and the Road Commission for Oakland County. Traffic signs in the RCOC right-of-way will be installed by RCOC.

SBA will apply for a right-of-way permit from the City of Novi and the Road Commission for Oakland County prior to start of construction.

The following must be submitted with the Stamping Set:

(Please note that all documents must be submitted together as a package with the Stamping Set submittal. Partial submittals will not be accepted).

2. An executed copy of the 30-foot access easement must be submitted to the Community Development Department.

A fully executed copy of SBA's 30 foot access easement was contained within the Memorandum of License as Exhibit 3, which was previously submitted as Exhibit M. SBA has enclosed the document again, for reference.

The following must be addressed prior to construction:

3. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application required). A grading permit fee in the amount of \$201.25 must be paid to the City Treasurer's Office.

SBA's contractor will pay the permit fee in the amount of \$201.25 for the grading permit at the pre-construction meeting.

4. Construction inspection fees in the amount of \$1,375.00 must be paid to the City Treasurer's Office.

The construction inspection fees in the amount of \$1,375.00 will be paid to the City Treasurer's office.

5. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.

SBA's contractor will apply for the soil erosion control permit from the City of Novi prior to the start of construction.

6. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.

SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the City of Novi's City Engineering Department once the final site plan has been submitted.

7. A permit for work within the right-of-way of Twelve Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

SBA's contractor will apply for a permit for work within the right-of-way of Twelve Mile Road from the Road Commission for Oakland County. SBA's contractor will forward a copy of this permit to the City.

**EXHIBIT 3
MEMORANDUM OF LICENSE**

A. The State of Michigan, by its Department of Transportation ("the State"), having an address of 7050 West Saginaw Highway, Lansing, Michigan 48909, owns certain property located at 12 Mile Road/M-5, City of Novi, County of Oakland, and State of Michigan, and known on the tax map for said _____ as _____ (the "Property").

B. By way of that certain License Agreement dated _____, the State granted to SBA Towers II LLC ("SBA"), a Florida limited liability company having an address of 5900 Broken Sound Parkway N.W., Boca Raton, Florida 33487, the right to use a certain portion of the Property (the "Licensed Site") for the construction and operation of a communications tower and equipment shelters.

C. The State and SBA have agreed that SBA may, at its option, record a Memorandum giving notice as to SBA's interest in the Licensed Site.

Now, Therefore, the State and SBA represent as follows:

1. The Licensed Site is in the location as set forth on the plan attached hereto as Attachment "A".
2. The initial term of the License is 20 yrs years, commencing on _____ and ending on _____. SBA may, at its option, renew the term of the License for 2 additional 5 year periods.

Accepted by: The State
State of Michigan Department of Transportation

By: [Signature]

Print Name: Lois E. Hank

Title: Chief Admin. Officer

Date: 1/18/10



Accepted by: SBA
SBA Towers II LLC

By: [Signature]

Print Name: Alyssa Houlihan

Title: Director of Leasing

Date: 12/21/09

STATE OF Michigan

COUNTY OF Ingham

On January 19, 2010, before me, Maria Katharina Bowerman, Notary Public, personally appeared Leon E. Hank, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.
Maria Katharina Bowerman (SEAL)
Notary Public
My Commission expires: 9/6/14

MARIA KATHARINA BOWERMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF EATCH
MY COMMISSION EXPIRES Sep 6, 2014
ACTING IN COUNTY OF INGHAM

STATE OF FLORIDA

COUNTY OF PALM BEACH

On December 21, 2009, before me, Wendy Carrick, Notary Public, personally appeared ALYSSA HOULIHAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.
Wendy Carrick (SEAL)
Notary Public
My Commission expires: 11/30/2013

NOTARY PUBLIC-STATE OF FLORIDA
Wendy Carrick
Commission # DD933314
Expires: NOV. 30, 2013
BONDED TRUST ATLANTIC BONDING CO., INC.

Witnesses

[Signature]
[Signature]

Dated: 12/21/09

PLAN REVIEW CENTER REPORT
March 31, 2010
Traffic Review of Fourth Revised Preliminary Site Plan
Cellular tower at M-5 and Twelve Mile (SBA Towers)
SP08-40D

Recommendation

We recommend approval of the fourth revised preliminary site plan.

Project Description

What is the applicant proposing?

1. The applicant, SBA Towers LLC, proposes to construct a 145-foot monopole cellular communications tower within the property bounded by eastbound 12 Mile Road, the onramp to southbound M-5, and the southbound M-5. A gated access drive is proposed on the south side of eastbound 12 Mile Road. Six cellular providers are planned collocate on the tower.

Traffic Study

Was a study submitted and is it acceptable?

2. No traffic study was submitted. The proposed facility would not generate enough new trips to warrant a study, based on the City's Procedures Manual.

Trip Generation

How much traffic would the proposed development generate?

3. Typically we would provide a trip generation table for the proposed land use within our traffic review, but no data is available from the Institute of Transportation Engineers (ITE) for the proposed communications tower. In our discussion with the applicant's engineer earlier this year, a facility such as the one proposed generates approximately six visits per month by a single vehicle (one monthly maintenance check by each of the approximately six providers that would collocate on the proposed tower).

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

4. A gated access drive is proposed on the south side of eastbound 12 Mile Road, and would follow the same general path as the existing gravel drive, which serves the MDOT construction staging area and temporary batch plant. One new curb-cut and curbed driveway is proposed on the south side of eastbound 12 Mile, approximately 110 feet (measured center-to-center) east of the southbound M-5 on-ramp. The currently proposed driveway location has been shifted further west from its previously proposed location,

presumably to avoid the potential for conflicts with the nearby gap in the median of 12 Mile Road. We do not feel that the City's commercial driveway spacing standards (DCS Section 11-216.d.1.d) apply because the proposed driveway should not be considered a commercial driveway. Given the very limited volume of traffic to be generated by the proposed facility (approximately 6 vehicles per month), the location and visibility of the proposed gate, and the proposed signage (two "Authorized Vehicles Only" signs, on either side of the driveway), we have minimal concern for the potential for traffic conflicts created by the proposed driveway.

5. Driveway is proposed to include an asphalt approach extending 25 feet south of the back of curb of 12 Mile Road, with the remainder of the driveway to be compacted aggregate.

6. Proposed utility structure driveway meets all of the Design Considerations included within Section 11.216.e of the City's Design and Construction Standards.

7. Revised plan includes a note on Page LP (Location Plan) stating that City emergency services will have access to the locked gate.

Vehicular Access Improvements

Will there be any improvements to the public road(s) at the proposed driveway(s)?

8. No improvements are proposed to eastbound 12 Mile Road. The proposed use is not expected to generate sufficient traffic to warrant a turn lane or taper.

9. The existing gravel drive is currently accessible from the southbound M-5 on-ramp (via a gravel service area adjacent to the east shoulder of the ramp). We previously recommended that the gravel service area be modified so that the sole point of access to the site would be via the new gated driveway on the south side of 12 Mile Road. Sheet C-2 (Site Grading Plan) provides a detail describing how this area would be cleared of aggregate and seeded. No change is proposed to the existing flat topography.

Driveway Design and Control

Are the driveways acceptably designed and signed?

10. The design standards for a Utility Structure Driveway (DCS Figure IX.6) have been met. Two "Authorized Vehicles Only" signs are proposed on either side of the new entrance, to deter motorists from mistaking it for a ramp onto M-5. Two "Turn Right Only" signs are proposed to deter authorized vehicles exiting the site from turning left into one-way traffic. The revised plan provides height and dimensions of proposed regulatory signs. Sign height has been reduced to the 5-ft rural standard, per our request.

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

11. The proposed facility is not intended to accommodate pedestrians.

Circulation

Can vehicles safely and conveniently maneuver through the site?

12. The applicant has provided a turnaround at the east end of the driveway. No further improvements are necessary.

Parking Requirements

Is adequate on-site parking provided?

13. Section 2505.10 of the City's Zoning Ordinance states that for uses which do not have an off-street parking requirement listed in the Ordinance, the City's traffic consultant may make a recommendation to the Planning Commission. Birchler Arroyo recommends that the single parking space proposed on the east side of the service pad be deemed adequate off-street parking for the use proposed.

Collocation Applications

SBA

Collocation Application

3900 Broken Sound Pkwy NW
 Boca Raton, FL 33487
 Attention: Property Management

Main Tel: 561-995-7670 / 800-487-7483
 Fax: 561-226-3577
 e-mail: towers@sbasite.com

(Tab through the fields to enter info; if at anytime you need to unlock to manually add something, go to View, Toolbars, Forms and click the "padlock" to Unprotect the form)

Site Information

Date: 1/11/2010	SBA Site ID: MI11404-S	SBA Site Name: Southwest M-5
Latitude: 42° 29' 39.768"	Longitude: -83° 26' 53.52"	Source of Coordinates: SBA
AGL: 907	City: Novi	State: MI

Tenant Information

Site ID: 107	Site Name: Meadowbrook & 12 Mile
Company Name: C&W Consultants	Company Representing: New Par d/b/a Verizon Wireless <i>(if consultant)</i>
Contact Name: Jon Crane	Contact Address: 1126 N. Main Street Rochester, MI 48307
Contact Phone: (248) 650-8000	
Contact Fax: (248) 650-9239	Contact e-mail: jrccp@sbcglobal.net

Leasing Information

Contact Name: <i>(if different)</i>	Phone: () -	
Name of Company to Appear on Lease: New Par, a Delaware partnership d/b/a Verizon Wireless By: Verizon Wireless (VAW) LLC, its general partner	State Incorporated: DE	Tax ID #: -
Signatory Name: Beth Ann Drohan	Signatory Title: Area Vice President Network	
Corporate Address: One Verizon Way, Mailstop 4AW100, Basking Ridge, NJ 07920	Notice Address: 180 Washington Valley Drive, Bedminster NJ 07921, Attn: Network Real Estate	
	With Copies to: N/A	
Name / Phone & Address to Send Leases For Execution: <i>(if different)</i> Please send to C&W Consultants address listed above	# of Original Leases Required (for Tenant only): 1	Special Instructions:

Construction Information

Contact Name: Bill Buck	Phone: (248) 915-3597
Fax: () -	e-mail: @

Mobile: ()	Projected Installation Date: 05/01/2010
------------------	---

Tenant 24 Hour Emergency Contact (NOC)

Name:	Phone: (800) 852-2671
-------	-----------------------

NOTE: PLEASE USE AMERICAN STANDARD MEASUREMENTS, NOT METRIC

Equipment Specifications	
ANTENNA:	GROUND SPACE REQUIREMENTS:
Quantity: 12	Tenant Provided Shelter or Pad? Tenant Provided Shelter
Type (panel, omni, receive, transmit, etc.): Panel	Exact Dimensions: 11'6"x26'
Mfg: Antel	Type Shelter / Pad: Fibrebond Shelter / Concrete Pad
Model: 3 different types - see attached	Generator Size: Inside shelterx
Length: varies' "	EQUIPMENT SPECIFICATIONS:
Weight: varies lbs.	(SBA's) Shelter Space Dimensions Needed: 'x 'x 'x
Mounting (list for each antenna if different)	Transmitter:
Height at base of the antenna: varies'	Quantity:
Height at centerline of the antenna: 120'	Manufacturer:
Height at tip of the antenna: varies'	Model:
Down Tilt: 0	Power Output (Watts):
Orientation: 60, 180, 300	Model:
Mount Make/Model: /	Quantity:
Mount Weight: lbs.	Manufacturer:
CABLE:	Model:
Number of Lines: 12	Dimensions: x x
Type: Andrew	Weight: lbs.
Size: 1 5/8"	FREQUENCIES:
DISH:	Transmit: 777-787, 869-894, 1945-1950
Quantity:	Receive: 746-756, 824-849, 1865-1870
Mfg / Model: /	POWER:
Dimensions / Weight: / lbs.	ERP:
Mounting Height: ' "	Transmitter Operating Power: 500
Orientation:	GENERATOR:

Cable / Type Mount: /	Mfg / Model: Generac / SD060
GPS / TTA / TMA:	Type: Propane <input type="checkbox"/> Diesel <input checked="" type="checkbox"/>
Type (GPS, MHA, etc.): Diplexers	Power: 60 kw Capacity: 295 gallons
Quantity: 6	IS SBA AN APPROVED CONTRACTOR: Yes <input type="checkbox"/> No <input type="checkbox"/>
Mfg / Model: CSS / DBC-750	SPECIAL REQUIREMENTS:
Dimensions / Weight: 7.8" x 6.6" x 1.25" / 4.88lbs	
Mount Location: 120'	
Cable / Type Mount: n/a /	



Collocation Application

SBA Towers, Inc. 5900 Broken Pkwy NW Boca Raton, FL 33486-1010 Attention: Property Management	Phone: (630) 605-7630 Fax: (509) 752-5913 e-mail: towers@sbsasite.com
---	--

Site Information

Date: 7/15/08	SBA Site ID: MI11404-S	SBA Site Name: SW M-5
Latitude: 42-29-39.77 N	Longitude: 83-26-53.52 W	Source of Coordinates: SBA
AGL: 150'	City: Novi	State: MI

Tenant Information

Site ID: DE013411	Site Name: SBA Novi - NB
Company Name: T-Mobile Central LLC, A Delaware limited liability company	Company Representing: N/A <i>(if consultant)</i>
Contact Name: John Stoliker	Contact Address: 12170 Merriman Road Livonia, Mich. 48150
Contact Phone: 734-367-7255 (desk) / 810-394-0148 (mobile)	
Contact Fax: 734-367-7242	Contact e-mail: john.stoliker@t-mobile.com

Leasing Information

Contact Name: Same <i>(if different)</i>	Phone: Same	
Name of Company to Appear on Lease: Same	State Incorporated: DE	Tax ID #: 91-1973799
Signatory Name: Ankur Kapoor	Signatory Title: Director, Engineering	
Corporate Address: 12920 SE 38 th Street Bellevue, WA 98006	Notice Address: 2001 Butterfield, Ste 1900 Downers Grove, IL 60515 With Copies to: 12170 Merriman Road Livonia, MI 48150	
Name / Phone & Address to Send Leases For Execution: 12170 Merriman Road Livonia, MI 48150	# of Original Leases Required: Two (2)	Special Instructions:

Construction Information

Contact Name: John Nalepa	Phone: 734-223-1896
Fax: 734-367-7242	e-mail: john.nalepa@t-mobile.com
Mobile:	Projected Installation Date:

Tenant Emergency Contact

Name: Dave Chludzinski, Field Ops Mgr	Phone: 586-344-9936
---------------------------------------	---------------------

Equipment Specifications

ANTENNA:			GROUND SPACE REQUIREMENTS:	
Quantity: 3/sector (9 total)			Total Lease Size Needed: 15' x 20'	
Type (panel, omni, receive, transmit, etc.): panel			Tenant Provided Shelter / Pad: N/A	
Manufacturer: Andrew			Dimensions: N/A	
Model: TMBX-6517-R2M			Type Shelter / Pad: N/A	
Length: 82.9'			IF EXISTING SPACE IN OWNER'S SHELTER IS BEING USED, PLEASE PROVIDE EQUIPMENT SPECIFICATIONS:	
Weight: 15.4 lbs				Shelter Space Dimensions Needed: N/A
Mounting Height: (list for each antenna)			Transmitter: N/A	
At base of the antenna: 136.5'			Quantity: N/A	
At centerline of the antenna: 140.0'			Manufacturer: N/A	
At tip of the antenna: 143.5'			Model: N/A	
Down Tilt: 0°			Power Output (Watts): N/A	
Orientation	45°	150°	330°	Transmitter Cabinet:
CABLE:			Quantity: up to 3	
Number of Lines: 2/antenna (18 total)			Manufacturer: Nortel	
Type: LDF6-50			Model: S-12000	
Size: 1-1/4"			Dimensions: 62" x 53" x 25"	
DISH:			Weight: 326 lbs.	
Quantity: 0			FREQUENCIES:	
Manufacturer: N/A			Transmit: 1930 – 1990 MHz / 2110 – 2155 MHz	
Model: N/A			Receive: 1850 – 1910 MHz / 1710m – 1755 MHz	
Dimensions: N/A			POWER:	
Weight: N/A			ERP: 60	
Mounting Height: N/A			Transmitter Operating Power: 240 volts / 100 amps	
Orientation: N/A			GENERATOR REQUIRED: Yes or No	
Cable / Type Mount: N/A			If Yes, describe requirements in detail:	
GPS / TTA / TMA:				
Quantity: 6 (TMA's)			IS SBA AN APPROVED CONTRACTOR: Yes or No	
Manufacturer / Model: Andrew / ETT190VS12UB (3) ETT200VS12UB (3)				
Dimensions / Weight: 10.2" x 6.7" x 3.7" / 14.8 lbs			SPECIAL REQUIREMENTS:	
Mount Location: 140'				
Cable / Mount: N/A				

K M Talty DESIGN
345 Glendale Avenue
Winnetka, Illinois 60093
847.446.0226
kmtalty@sbcglobal.net

Opinion of Cost

February 26, 2010

Mr. Tony Puljic, PE
Terra Consulting Group, Ltd.
600 Busse Highway
Park Ridge, IL 60068

Re: Site MI 11404-S
Novi, MI

Dear Tony:

Please find below my opinion of the costs that would be incurred for the landscape work at the SW 5 Mile, Site MI 11404-S in Novi, MI.

Planting (excluding site preparation)-

Labor and materials

(Planting mix, Plant material, Mulch & 200sy of turf repair)

\$23,060.00

Please note that all pricing information is conservatively estimated based on the revised landscape plan dated February 26, 2010 and may be subject to change. The cost also reflects a 5% contingency to accommodate for inflation in labor and materials.

I hope this Opinion of Cost is helpful. Please let me know if you have any questions or comments.

Sincerely-



Kathryn Maxwell Talty, ASLA
Principal
K M Talty DESIGN

MDOT and USDOT Approvals



STATE OF MICHIGAN
Commercial Wireless Telecommunications
FORMAL APPLICATION

Application Number: 76		Site Name: Southwest M5	
Company Name: SBA Network Services		Date: February 10, 2009	
Address: 7402 Westshire Dr. Ste. 120		Phone #: 517.622.8448	
City: Lansing	State: MI	Zip: 48917-8976	Fax #: 517.622.8438
E-Mail Address: jtiemeyer@sbaseite.com			
Department: MDOT			
(Check One) <input type="checkbox"/> Existing Tower <input type="checkbox"/> Existing Structure <input checked="" type="checkbox"/> Raw Land			
Latitude: 42 29 40.22		Longitude: 83 26 53.32	
Elevation			
Approximate Address: M5 and 12 Mile Road			
Town, Range, Section, Quarter-Quarter: T1N, R8E, NE 1/4, NW 1/4, Sec 13			
Municipality: Novi		County: Oakland	
Preliminary Application Approval (Date): 4/25/08			

SBA Network Services, Inc.

Comments:	
Name: Joy E. Tiemeyer	Signature: <i>Joy E. Tiemeyer</i>
Title: Project Director	Date: 2/13/09

<i>(One Stop Shop)</i>		STATE OF MICHIGAN	<i>Managing Agency</i>
Date Received: 2/13/2009	Return By: 6/9/2009		
Name/Title: Rick Kramer, Statewide Contract Manager	Name/Title: <i>ACTING Section Head</i>		
Signature: <i>Rick Kramer</i>	Signature: <i>Robert D. Backen</i>		
Signature Date: 3/9/2009	Signature Date: 9/24/09		

(Check One)

APPROVED

*DENIED

*If denial, please specify why.

ATTACH COMMENTS



OFFICE MEMORANDUM

DATE: March 11, 2009

TO: Stacey Gough, Permit/Drainage Engineer
Oakland Transportation Service Center

FROM: Mark A. Dionise, P.E.
Utility Coordination & Permits Section Manager
Real Estate Division

SUBJECT: Commercial Wireless Communication - Formal Application
Proposed Southwest Quadrant of M-5 and 12 Mile Interchange
Novi Township, Michigan - Oakland County

Please review the attached wireless communication installation request. This site was previously given preliminary approval by the Oakland Transportation Service Center (TSC) in April 17, 2008. It is important that the review include any and all region/TSC personnel who may have concerns with the location or operational characteristics of this facility.

If this formal application package is denied, please summarize the reason(s) why and provide them as an attachment to this memo when responding. If approved, please return this memo indicating so. A hard copy of the formal application package and original individual permit will follow by mail.

The permit application and complete package will be attached to the standard cell tower contract, and become part of the agreement between SBA/AAT and the State of Michigan. Therefore, it is important that any site specific construction, maintenance requirements, or other special conditions that are not covered in this application package be included as permit attachments.

The agreement between the State of Michigan and SBA/AAT communication states specific time allowances for preliminary and formal wireless communication installation reviews. In order to meet these requirements, your response is requested **May 11, 2009**.

If you have any questions or need additional information, please feel free to contact either me or Joe Rios, Statewide Construction Permit Coordinator at (517) 241-2103.

Approve: X Deny: _____

Mark A. Dionise
Section Manager

Stacey Gough
Utility Permit Engineer

3/11/09
Date

Attachment
MAD/kjf

cc: M. DeLong R. Ranck J. Schwensen S. Ferman
R. Beckon P. Ajegba J. Rios



U.S. Department
of Transportation
Federal Highway
Administration

Michigan Division

September 16, 2009

315 W. Allegan Street, Room 201
Lansing, MI 48933
517-377-1844 (office)
517-377-1804 (fax)
Michigan.FHWA@dot.gov

In Reply Refer To:
HAD-MI

Mr. Matthew W. DeLong, Administrator
Real Estate Support Area (E050)
Michigan Department of Transportation
Lansing, Michigan 48909

Dear Mr. DeLong:

Commercial Wireless Communications Site Development Application
Cell Tower Installation in Limited Access Right-of-Way
M-5 at 12 Mile Road
Novi, Oakland County

This is in response to your July 24, 2009, e-mail requesting FHWA approval of the subject cell tower installation. It is our understanding that the access drive location has been reviewed by MDOT's traffic and safety staffs to assure traffic conflicts are minimized between the ramp traffic and 12 Mile Road traffic. Also, it has been determined that the concerns in the FHWA May 8, 2008 letter have been addressed.

Please accept this reply as FHWA approval to proceed with the installation as per plan.

Please feel free to contact me for any additional information you may need.

Sincerely,

Ronald L. Krauss, P.E.
Realty Officer and Special Programs Manager

For: James J. Steele
Division Administrator



cc: Mark Dionise, MDOT (E050) Joe Rios, MDOT (E050) Rob Beckon, MDOT (E050)
Amanda Borgman, MDOT Kathy Fulton, MDOT Dave Calabrese, FHWA
Bob Conway, FHWA Profile No. S-100972



INDIVIDUAL APPLICATION AND PERMIT

FOR USE OF STATE TRUNKLINE RIGHT OF WAY
 All permit and application fees are non-refundable based on P.A. 561 of 2002.
 This permit is incomplete without "General Conditions and Supplemental Specifications."
 MDOT Forms at: <http://mdotvas1.mdot.state.mi.us/public/veblforms/>
 PRINT IN INK OR TYPE

PERMIT NO.	63192-0023-09-0113 ME		
ISSUE DATE	7/13/09	EXPIRATION DATE	7/13/2010
FEE:	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Exempt	<input type="checkbox"/> Billable
BY		JS	
DEPT. BOND NO.	SURETY TYPE		BOND AMOUNT
Exempt			\$

APPLICANT NAME (Property or Facility Owner)			CONTRACTOR NAME (Individual, Company, etc.)		
SBA Network Services					
MAILING ADDRESS			MAILING ADDRESS		
7402 Westshire Drive Suite 120					
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
Lansing	MI	48917			
CONTACT'S NAME		PHONE NUMBER	CONTACT'S NAME		PHONE NUMBER
Joy E. Tiemeyer		(517) 622-8448			
EMAIL ADDRESS		CELL PHONE NUMBER	EMAIL ADDRESS		CELL PHONE NUMBER
jtiemeyer@sbasile.com		(517) 420-2172			

REQUEST: I do hereby make application for a permit to use the right of way of the following state trunkline highway.

STATE ROUTE	CITY OR TOWNSHIP	COUNTY	SECTION	TOWN	RANGE
M5	Novi	Oakland	13	T 1 N	R B E
DISTANCE TO NEAREST INTERSECTION	NEAREST INTERSECTION	COUNTY	SECTION	TOWN	RANGE
400 ft	MS/12 Mile Rd	Oakland	13	T 1 N	R B E
SIDE OF ROAD (Select all that apply)			DIRECTION FROM WORKSITE TO NEAREST INTERSECTION ON STATE		
<input type="checkbox"/> NORTH <input checked="" type="checkbox"/> SOUTH <input type="checkbox"/> EAST <input checked="" type="checkbox"/> WEST			ROUTE: <input type="checkbox"/> NORTH <input checked="" type="checkbox"/> SOUTH <input type="checkbox"/> EAST <input type="checkbox"/> WEST		
Is a lane closure proposed?			Mobility Impact Map link http://mdotvas1.mdot.state.mi.us/public/mobility/		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A			Is the work located on a restricted route?		
			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (check above link)		
			Can the work be performed outside of the time restrictions?		
			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (check above link)		
PROPOSED START DATE	PROPOSED COMPLETION DATE	PLANS ATTACHED?			
6/1/2009	8/1/2009	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
PURPOSE (Description of work activities)					
Permit for the construction of a cellular tower, compound area, utilities and access to provide mobile coverage and data in this area.					

REQUISITION NO. (if applicable)	WORK ORDER NUMBER (if applicable)	JOB NUMBER (if applicable)

I certify that I accept the following:

- I am the legal owner of this property, the owner's authorized representative, or have statutory authority to work within the right-of-way.
- Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.
- Failure to object within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.
- If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.
- I agree that form 2204 (Advance notice of Permitted Activities) will be submitted 5 days prior to the commencement of the proposed work.

Note: No work shall begin until the form has been approved. Failure to submit the form 2204 may result in a stop work order.

APPLICATION/AUTHORIZED AGENT	NAME AND TITLE (PLEASE PRINT OR TYPE)	DATE
If Authorized agent- I hereby certify that I am acting as an authorized agent on behalf of the named applicant. Certificate of Agent attached.	Joy E. Tiemeyer, Project Director	02/13/2009
	SIGNATURE	FEDERAL TAX ID NUMBER (if applicable)
	<i>Joy E. Tiemeyer</i>	13-2623598

CONTROL SECTION	TRUNKLINE	WORK TYPE CODE	WORK METHOD	MI FROM	MI TO	LOCATION
63192	M-5	99	U	99.499	99.499	<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> T
						<input type="checkbox"/> L <input type="checkbox"/> M <input type="checkbox"/> R <input type="checkbox"/> T

ENDANGERED SPECIES ASSESSMENT NEEDED	ENVIRONMENTAL ASSESSMENT	LIABILITY INSURANCE:	REVIEWED BY	INITIAL	DATE
<input type="checkbox"/> YES (SEE FORM 2008) <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> CATEGORICAL <input type="checkbox"/> OTHER (SEE FORM 2204)	<input type="checkbox"/> REQUIRED <input checked="" type="checkbox"/> EXEMPT <input type="checkbox"/> SELF-INSURED	C & T		
			Maintenance		

RECOMMENDED FOR ISSUANCE:	INSPECTION STATUS	INSPECTION TYPE	DESIGN
NAME AND TITLE	<input type="checkbox"/> ROUTINE <input checked="" type="checkbox"/> BILLABLE	<input type="checkbox"/> OTHER <input checked="" type="checkbox"/> DEPARTMENT <input type="checkbox"/> MAIN AGENCY	Traffic & Safety Resource Specialist
DATE			
7/13/09			
APPROVED FOR ISSUANCE - U-P Engineer of Region/TSC Engineer			
NAME AND TITLE			
DATE			
7/13/09			
WORK ACCEPTED BY: (SIGNATURE)	INSPECTED BY:		DATE
<i>[Signature]</i>			

Memorandum of License -- 30 Foot Access Easement

**EXHIBIT 3
MEMORANDUM OF LICENSE**

A. The State of Michigan, by its Department of Transportation ("the State"), having an address of 7050 West Saginaw Highway, Lansing, Michigan 48909, owns certain property located at 12 Mile Road/M-5, City of Novi, County of Oakland, and State of Michigan, and known on the tax map for said _____ as _____ (the "Property").

B. By way of that certain License Agreement dated _____, the State granted to SBA Towers II LLC ("SBA"), a Florida limited liability company having an address of 5900 Broken Sound Parkway N.W., Boca Raton, Florida 33487, the right to use a certain portion of the Property (the "Licensed Site") for the construction and operation of a communications tower and equipment shelters.

C. The State and SBA have agreed that SBA may, at its option, record a Memorandum giving notice as to SBA's interest in the Licensed Site.

Now, Therefore, the State and SBA represent as follows:

1. The Licensed Site is in the location as set forth on the plan attached hereto as Attachment "A".
2. The initial term of the License is 20 yrs years, commencing on _____ and ending on _____. SBA may, at its option, renew the term of the License for 2 additional 5 year periods.

Accepted by: The State
State of Michigan Department of Transportation

By: Leon E. Hank

Print Name: Leon E. Hank

Title: Chief Admin. Officer

Date: 1/19/10



Accepted by: SBA
SBA Towers II LLC

By: Alyssa Houlihan

Print Name: Alyssa Houlihan

Title: Director of Leasing

Date: 12/21/09

MDOT #2010-_____

STATE OF Michigan

COUNTY OF Ingham

On January 19, 2010, before me, Maria Katharina Bowerman, Notary Public, personally appeared Leon E. Hank, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Maria Katharina Bowerman (SEAL)

Notary Public

My Commission expires: 9/6/14

MARIA KATHARINA BOWERMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF EATON
MY COMMISSION EXPIRES Sep 6, 2014
ACTING IN COUNTY OF INGHAM

STATE OF FLORIDA

COUNTY OF PALM BEACH

On December 21, 2009, before me, Wendy Carrick, Notary Public, personally appeared ALYSSA HOULIHAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his authorized capacity, and that by her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Wendy Carrick (SEAL)

Notary Public

My Commission expires: 11/30/2013

NOTARY PUBLIC-STATE OF FLORIDA
Wendy Carrick
Commission #DD933314
Expires: NOV. 30, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

Witnesses

[Signature]
[Signature]

Dated: 12/21/09

ATTACHMENT "A" TO MEMORANDUM OF LICENSE PLAN

See Exhibit 1

LEGAL DESCRIPTION

PROPOSED QUARTY SECTION
1/4 of Section 16 Township 1 North Range 8 East, Merit Township, Calhoun County, Michigan, also being all Containing 1/4 of the North 1/4 corner of said Section 16. From South 89°28'00" East 330.46 feet along the north line of said Section 16 to a stone corner 07°28'10" East 691.71 feet to the PLACE OF BEGINNING of said QUARTY SECTION. Thence South 89°28'10" East 691.71 feet to the PLACE OF BEGINNING of said QUARTY SECTION. Thence South 89°28'10" East 691.71 feet to the PLACE OF BEGINNING of said QUARTY SECTION. Thence South 89°28'10" East 691.71 feet to the PLACE OF BEGINNING of said QUARTY SECTION.

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SBA Letter to MDOT to Eliminate Access Point



October 1, 2009

Ms. Stacy Gough
Permit Engineer
MDOT Oakland TSC
800 Vanguard Drive
Pontiac, MI 48341

RE: Permit No.: 63192-0023-09-0113ME

Dear Stacey,

Please consider this SBA's agreement that once the batch plant has been removed (approx late 2010) SBA will come back in and place the field approach off of 12 Mile. We will complete all of the requirements set forth in the original issued permit (seeding, etc. to close of the existing ramp driveway, the driveway, permanent compound, landscaping, etc.) according to the Construction Drawings dated September 23, 2009.

Respectfully,

A handwritten signature in black ink, appearing to read "Jay E. Tiemeyer". The signature is written in a cursive, flowing style.

Jay E. Tiemeyer
Project Director

Various SBA Affidavits



February 25, 2009

SBA Towers II, LLC. – Affidavit
Application for the Construction of a Wireless Services Facility
SBA site # M111404-S SW 5 Mile
Subject Location: SW corner of M-5 and Twelve Mile Road

To Whom It May Concern,

SBA Communications Corporation "SBA" is a leading independent owner and operator of wireless communications towers in the United States.

SBA provides this signed statement indicating its willingness and ability to allow collocation on the proposed tower. SBA will permit collocation and shared use of the facility subject to usual market conditions and rent.

Furthermore, SBA, its affiliates and subsidiaries hereby agree to perform and operate the facility in compliance with the following standards:

- 1.) The proposed communications tower will be designed and constructed to accommodate collocations of a minimum of five (5) wireless service providers.
- 2.) SBA will respond to all requests for information from a potential shared-use applicant in a timely manner;
- 3.) SBA will negotiate in good faith concerning future requests of shared use of the tower by other providers of communications.
- 4.) SBA agrees to operate and maintain the facility in compliance with all local, state and federal regulation and all operational requirements as mandated the FCC.
- 5.) The facility will be maintained in good order, kept free of overgrown vegetation and routinely inspected by a field engineer.

This affidavit is signed by a representative of the company authorized to commit the company.

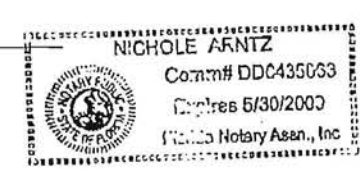
SBA Towers II, LLC

By: [Signature]
Name: Jason Laskey
Title: Site Development Manager
Date: 2/25/2009

State of Florida, County of Palm Beach, to-wit:
Sworn to and acknowledged before me this 25 day of February, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC

[Signature]
Notary Public

My commission expires: 5/30/09





**AFFIDAVIT REGARDING MAINTENANCE AND REMOVAL
OF TELECOMMUNICATIONS TOWER**

SBA Towers II, LLC. – Affidavit
Application for the Construction of a Wireless Services Facility
SBA site # MI11404-S SW 5 Mile
Subject Location: SW corner of M-5 and Twelve Mile Road

SBA Communications Corporation "SBA" is a leading independent owner and operator of wireless communications towers in the United States.

SBA HEREBY AGREES:

1. The proposed improvements shall be installed and maintained in compliance with the following standards:
 - a. The wireless facility will be visited and visually inspected on a monthly basis by a field technician.
 - b. SBA shall provide the City of Novi an annual inspection report issued by a licensed engineer attesting to the structural integrity of the tower.
 - c. The tower will be operated and maintained in compliance with all local, state and federal requirements including all requirements mandated by the Federal Communications Commission (FCC).
 - d. All landscaped areas of the Property shall be kept in a vigorous reasonably weed free, growing condition by regularly scheduled maintenance practices (i.e., fertilization, irrigation, and similar measures). Any lawn areas of the Property shall be maintained by regular mowing.
 - e. Drainage systems on the Property shall be maintained free of debris, mud, silt or other unsightly conditions and shall be kept fully operable as designed and built.
 - f. Trees on the Property shall be pruned and maintained according to standard horticulture practices to keep them in a neat and healthy condition. Broken, dead and unsafe branches shall be removed when said condition occurs.
 - g. Litter shall be removed from all areas on the Property on an as needed basis to keep the Property litter free.
 - h. All paved surfaces, curbs, paths, fencing, signs, lighting and other structures and surfaces on the Property shall be maintained in a complete, safe and good

condition, as they were originally designed and constructed. Needed repairs or replacements shall be made which conform to the Site Plan.

- i. The Property shall be secured from unauthorized access and the security fence and entrance gate shall be maintained and kept in repair at all times.
 - j. The Property shall be maintained in compliance with all local ordinances and codes.
 - k. Utility transmission lines servicing the tower facility shall be placed underground.
2. Cessation of operations and removal
- a.) In the event the use of the communications facility is discontinued and operations of the facility end, SBA shall dismantle and decommission the tower within 90 days of said cessation of operations.

This affidavit is signed by a representative of the company authorized to commit the company.

SBA Towers II, LLC

By: *[Signature]*
 Name: Jason Laskey
 Title: Site Development Manager

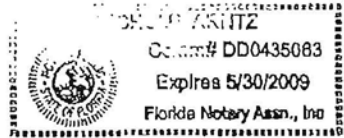
Date: 2/25/2009

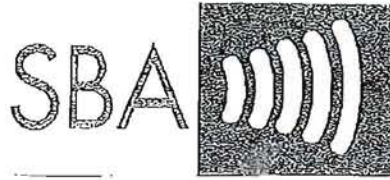
State of Florida
County of Palm Beach, to-wit:

Sworn to and acknowledged before me this 25 day of February, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC,

[Signature]
 Notary Public

My commission expires: 5/30/09
(Affix seal)





September 23, 2009

SBA Towers II, LLC. – Affidavit
SBA site # M11 1404-S SW 5 Mile
Subject Location: SW corner of M-5 and Twelve Mile Road

On Wednesday, July 29th, 2009, a discussion took place between Jason Laskey, a representative of SBA Towers II, LLC and Fernando Guevara, of ITC Holdings Corp Property Management Department.

Mr. Guevara stated the following:

ITC Building – The six story building located at 27175 Energy Way, Novi, MI houses the corporate offices of ITC. It is unlikely the company will allow the placement of third party antennas on the building because it is a secured limited access facility. Additionally, there are concerns that the addition of antennas could cause interference with ITC’s existing corporate communications system.

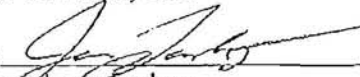
Transmission Line Attachments – Per Mr. Guevara, ITC owns transmission tower structures which were acquired through a purchase from DTE Energy. As part of that sale, DTE retained all leasehold rights associated with transmission lines. ITC has no authority to enter into a direct agreement with third party entities.

Contact information for Fernando Guevara is as follows:

Fernando Guevara
ITC Holdings Corp Property Management Department
27175 Energy Way
Novi, MI 48377
(248) 946-3514 (Direct)
(248) 946-3515 (Fax)
E-mail: fguevara@itctransco.com

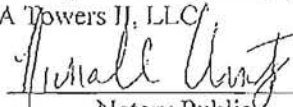
This affidavit is signed by a representative of the company authorized to commit the company.

SBA Towers II, LLC

By: 
Name: Jason Laskey
Title: Site Development Manager
Date: 9/23/2009

State of Florida, County of Palm Beach, to-wit:

Sworn to and acknowledged before me this September 23, 2009, by Jason Laskey, Site Development Manager, on behalf of SBA Towers II, LLC.


Notary Public

My commission expires: 5/30/13



T-Mobile E-Mail

From: jamieabbqy@smj-llc.com
To: jamieabbqy@smj-llc.com;
Subject: FW: Southwest M5 (Novi) - DE01341
Date: Friday, May 15, 2009 9:52:45 AM

From: Zimmer, Heidi [<mailto:Heidi.Zimmer@T-Mobile.com>]
Sent: Wednesday, April 29, 2009 4:50 PM
To: Joy Tiemeyer; Kalousek, Kenneth; Sanders, Michelle
Cc: Tim Blandford; Stoliker, John
Subject: RE: Southwest M5 (Novi) - DE01341

Joy, T-Mobile has tried for several years to work with DTE/ITC on getting on either one of their transmission towers in this immediate area, or to collocate on to ITC main building in this area. However, we have been unsuccessful and have been told repeatedly that the ITC building is off limits due to security reasons. The string of transmission towers has also been taken off the list of allowable transmission towers to collocate on due to ITC upgrades to that string. Please feel free to call or email with any questions. I would be happy to speak with anyone at the city of Novi regarding this as well.

Thanks, Heidi

Heidi Zimmer

T-Mobile U.S.A. | Development Manager - Michigan | M (734) 645-2252
| O (734) 367-7292

Verizon Propagation Maps and Narratives

JONATHAN R. CRANE, P.C.

ATTORNEY AND COUNSELOR
1126 N. MAIN ST.
ROCHESTER, MI 48307

JONATHAN R. CRANE
BENJAMIN S. HERRICK

TELEPHONE: (248) 650-8000
FACSIMILE: (248) 650-9239
EMAIL: JRCPC@SBCGLOBAL.NET

March 9, 2010

Krysten M. Kitzman
Black & Veatch Corporation
30150 Telegraph Road
Suite 420
Bingham Farms, MI 48025

Via Federal Express

Re: Verizon Wireless #107 – Meadowbrook & 12 Mile
Our File No. JC2884-09

Dear Ms. Kitzman:

This letter is written on behalf of my client Verizon Wireless to address the immediate need for a new antenna in the northerly quadrant of the I-696/M-5/I-275 interchange area. The additional communications facility is intended to improve and maintain continuous, uninterrupted voice, location and data services to customers living, working and traveling in the area.

The proposed shared use antenna with Michigan Department of Transportation is an ideal public/private cooperative venture that minimizes impacts on homesites while providing much needed essential communications.

Existing antenna in the area include:

<u>Site No.</u>	<u>Address</u>	<u>Type of Structure</u>
155	39990 – 14 Mile Road Commerce Twp.	Monopole
437	3533 W. 12 Mile Road Farmington Hills	Rooftop
1029	27345 Drake Farmington Hills	Monopole
620	27245 Halsted Farmington Hills	Lattice

Krysten M. Kitzman
March 9, 2010
Page 2

107	<i>City of Novi – Proposed</i>	
512	27448 Novi Road Novi	Water Tower
631	44170 Grand River Novi	Monopole
455	24062 Taft Novi	Monopole Lightpole
904	42075 – 11 Mile Road Novi	Lattice
733	35200 Haggerty Novi	Monopole
636	24690 Hathaway Farmington Hills	Monopole

The coverage plots showing sector performance are submitted for the Planning Commission and City Staff review. Please be assured that the site is critical and necessary to fulfill continuous, seamless, quality wireless services in the immediate service area.

Very truly yours,

JONATHAN R. CRANE P.C.

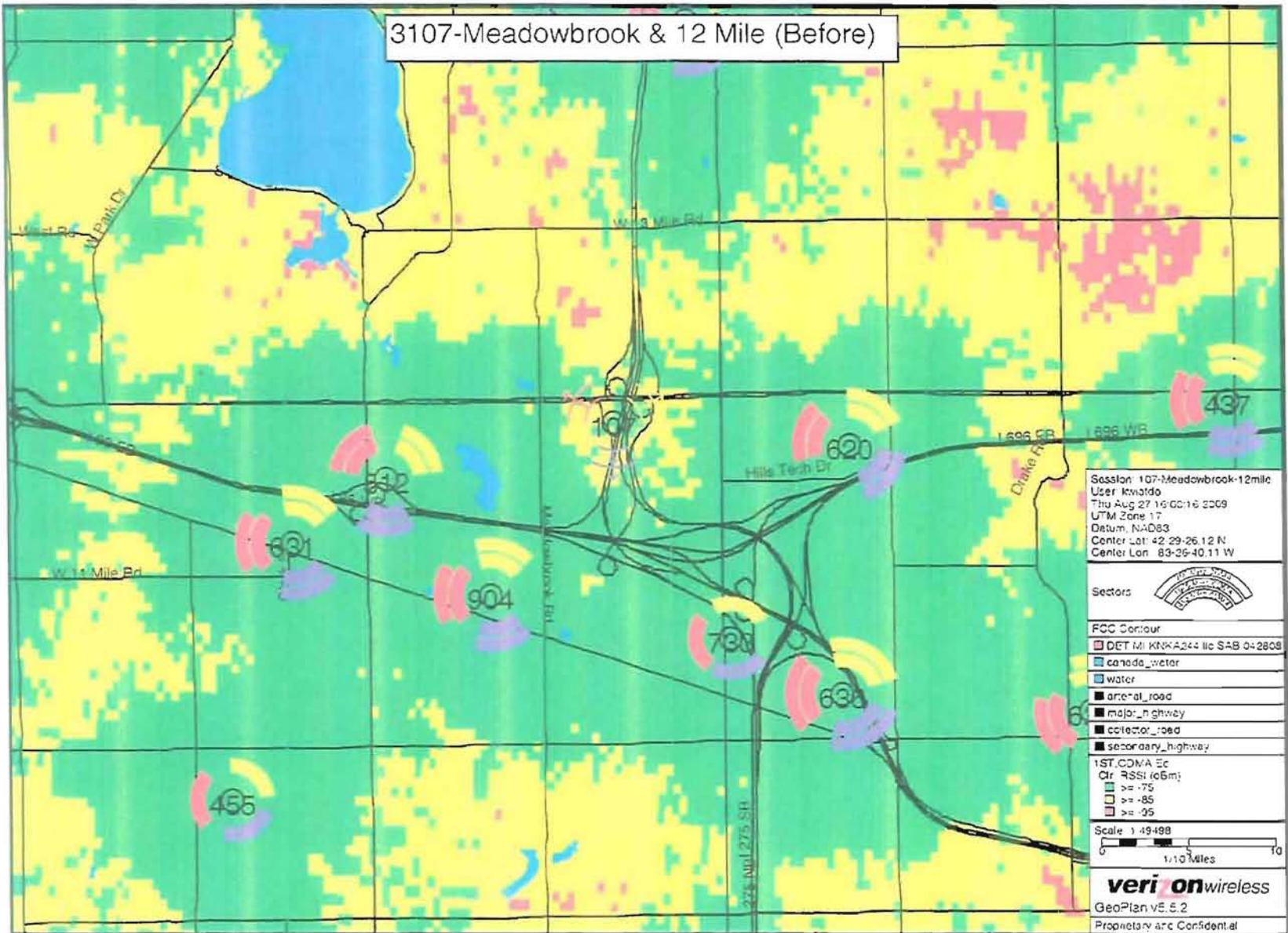


Jonathan R. Crane

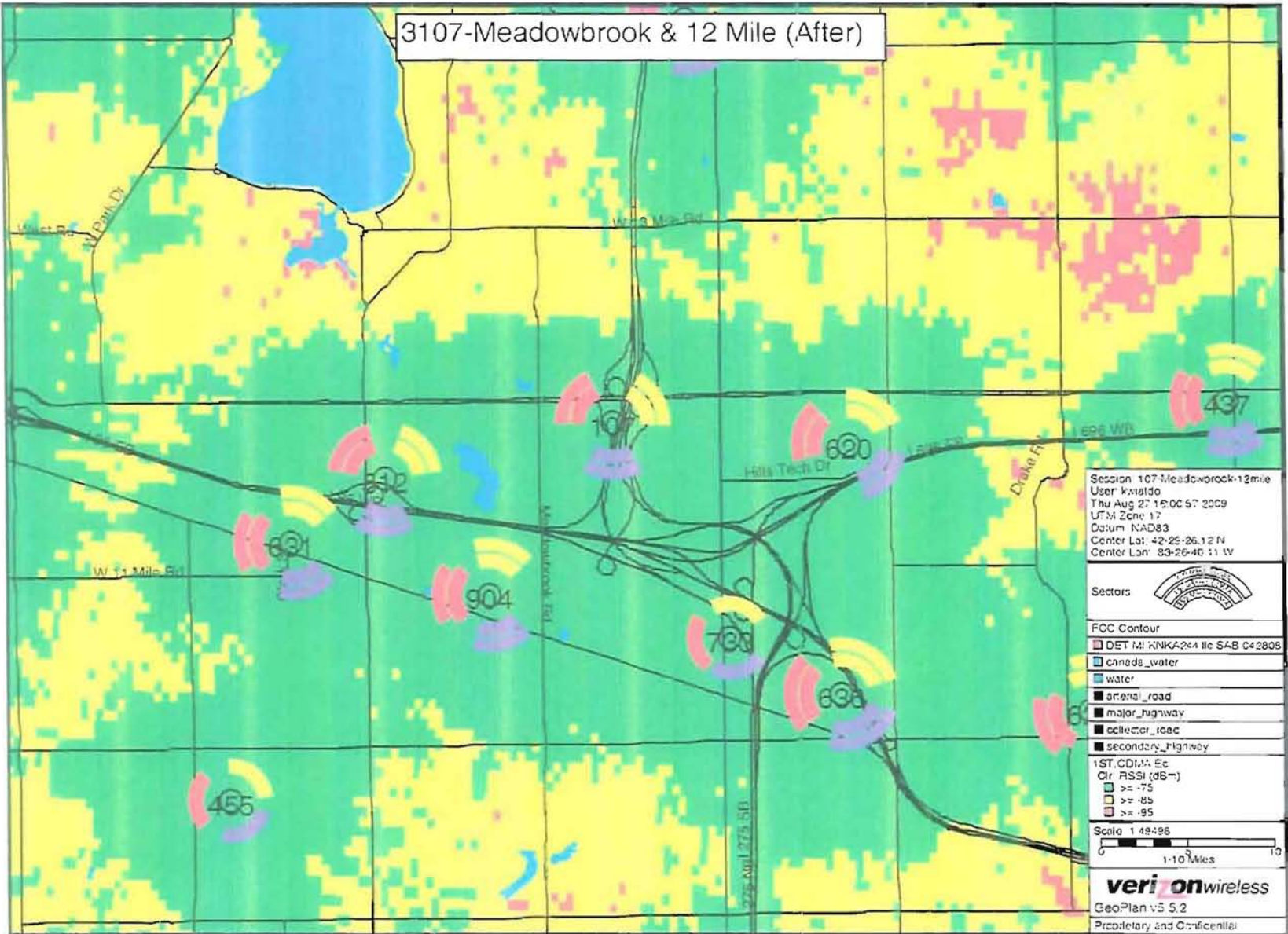
Verizon Wireless #107 – Facility Search Information

Verizon Wireless has had this site in search for approximately 4 years. Sites considered include the Michigan State Agricultural Station at 12 Mile & Meadowbrook, various lower profile offices east of the site and, of course, ITC (Edison Towers). The existing lattice power lines are not satisfactory for Verizon Wireless requirements due to loadings, maintenance, ground space and access.

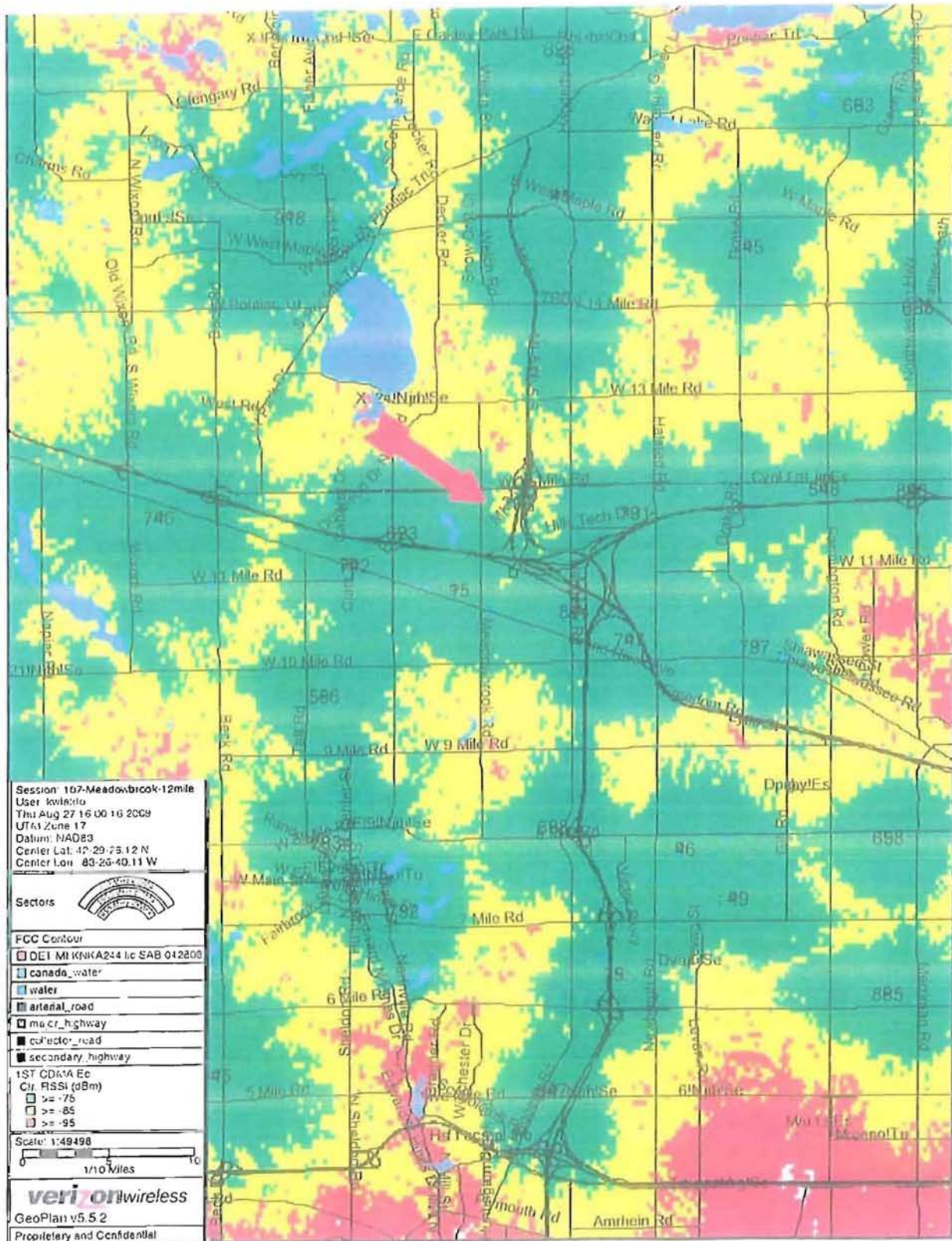
3107-Meadowbrook & 12 Mile (Before)



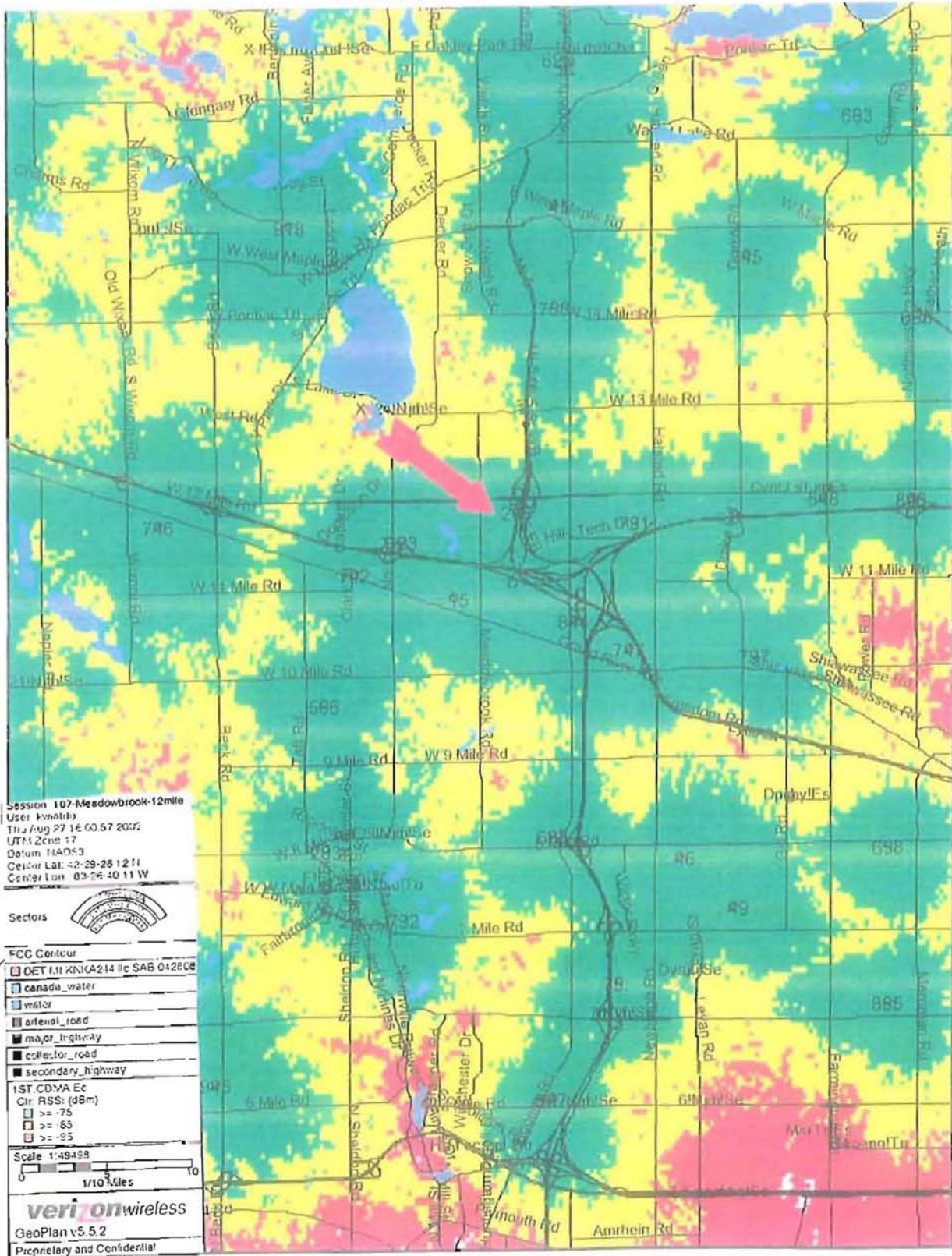
3107-Meadowbrook & 12 Mile (After)



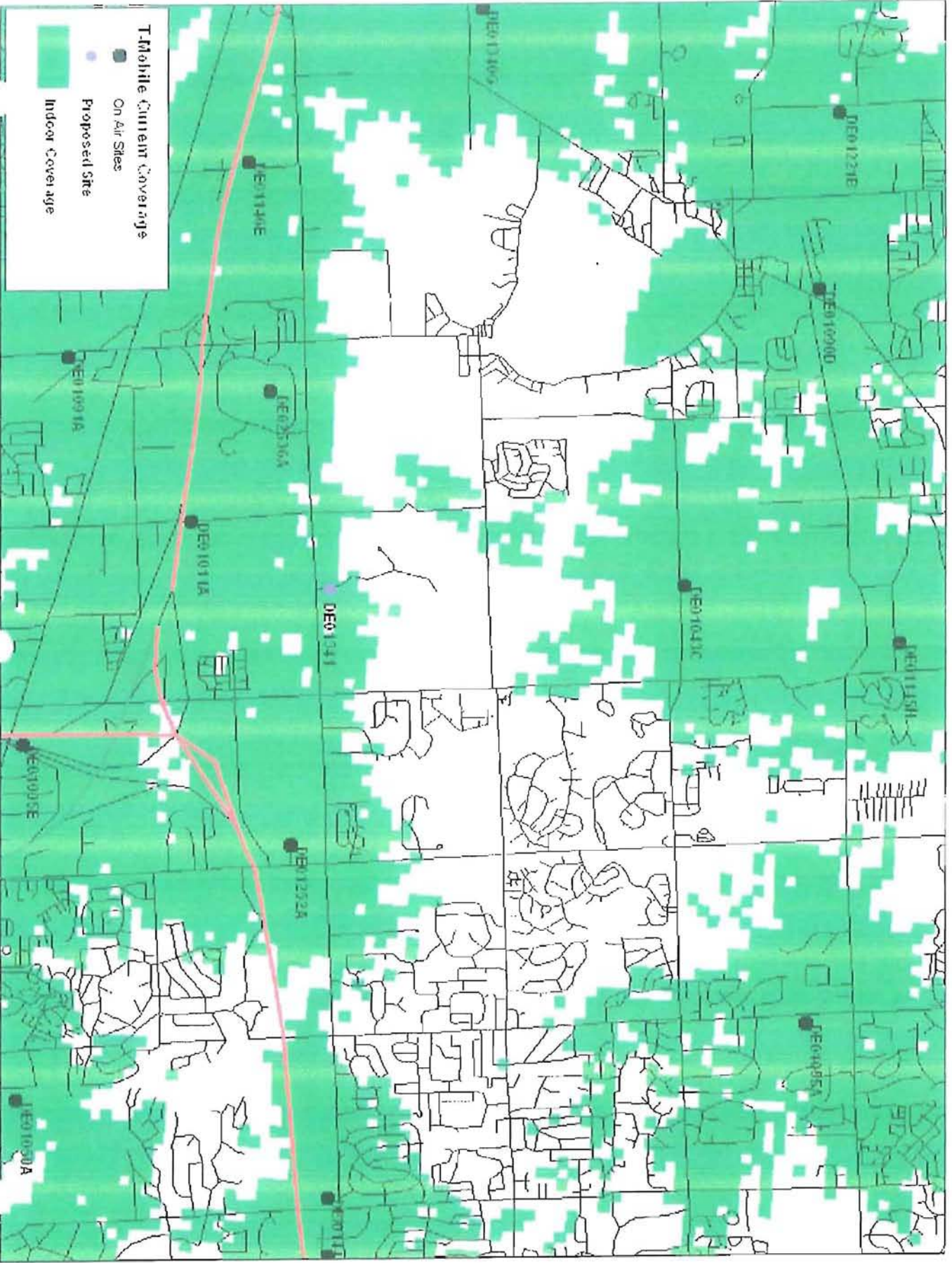
VERIZON'S CURRENT COVERAGE AS OF MARCH 2010



VERIZON'S COVERAGE WITH THE PROPOSED SITE



T-Mobile Propagation Maps



Aerial View of ITC Building and Transmission Lines



ITC Permitted with a Tower