

RESOLUTION NO. 12-398

WHEREAS, AT&T has requested modification of a telecommunication facility located at 2611-B Highway 31 South, Decatur, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Decatur and;

WHEREAS, AT&T has complied with City's Ordinance No. 99-3536A and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and AT&T customers in Decatur will benefit from improved service; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located at 2611-B Highway 31 South which consists of 150' self supporting tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Decatur, Alabama that AT&T is hereby granted a Special Use Permit to modify existing facilities at 2611-B Highway 31 South. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred twenty (120) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted *force majeure* exceptions acceptable to the City. AT&T may petition the City for an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
2. AT&T shall provide contractor information to CMS and City prior to request for issuance of Building Permit.
3. Once AT&T has met all the conditions of the permit and any other requirements of the City, AT&T must notify the City's consultant for all inspections.
4. At the completion of construction, AT&T must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
5. AT&T shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this 19<sup>th</sup> day of November, 2012.