

**CASE**

**NUMBER:**

99-281

INDEX FOR CASE: 1999-281  
GTE WIRELESS OF THE MIDWEST  
Construct

CELL SITE - ROUTE 1 (ALPHIN ROAD/WALNUT LICK ROAD) VERONA, GALLATIN

IN THE MATTER OF THE APPLICATION OF SBA TOWERS, INC. AND GTE  
WIRELESS OF THE MIDWEST INCORPORATED FOR ISSUANCE OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT  
A WIRELESS COMMUNICATIONS FACILITY IN THE CINCINNATI-DAYTON  
MAJOR TRADING AREA WHICH INCLUDES BOONE KENTON, CAMPBELL  
GALLATIN, GRANT, PENDLETON, BRACKEN MASON, LEWIS, GREENUP,  
CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, FLOYD AND  
PIKE COUNTIES, KENTUCKY  
(STATION FACILITY)

SEQ NBR	ENTRY DATE	REMARKS
0001	07/01/1999	Application.
0002	07/02/1999	Acknowledgement letter.
0004	07/09/1999	No deficiency letter.
M0001	07/20/1999	BRENT RICE/GTE WIRELESS OF MIDWEST-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTIFI
0005	08/02/1999	Order granting Brian and Kim Bessler intervention
M0002	10/13/1999	MICHAEL RUBERG ATTORNEY-REQUEST TO WITHDRAW INTERVENTION
0006	12/10/1999	Final Order approving cell site construction.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-281  
GTE WIRELESS OF THE MIDWEST

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on December 10, 1999.

See attached parties of record.

*Stephan Bell*

Secretary of the Commission

SB/lc  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

SBA Towers, Inc.  
One Town Center Road  
3rd Floor  
Boca Raton, FL. 33486

SBA Towers, Inc.  
2310 Valletta Lane  
Louisville, KY. 40205

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

Hon. Michael K. Ruberg  
O'HARA, RUBERG, TAYLOR,  
SLOAN AND SERGENT  
209 Thomas More Park - Suite C  
P.O. Box 17411  
Covington, KY. 41017 0411

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
WIRELESS OF THE MIDWEST INCORPORATED )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY IN )  
THE CINCINNATI-DAYTON MAJOR TRADING )  
AREA ("MTA") WHICH INCLUDES BOONE, ) CASE NO. 99-281  
KENTON, CAMPBELL, GALLATIN, GRANT, )  
PENDLETON, BRACKEN, MASON, LEWIS, )  
GREENUP, CARTER, BOYD, ELLIOTT, )  
LAWRENCE, JOHNSON, MARION, FLOYD AND )  
PIKE COUNTIES, KENTUCKY ("STATION/01-1550 )  
FACILITY")

O R D E R

On July 7, 1999, SBA Towers, Inc. ("SBA Towers") and GTE Wireless of the Midwest Incorporated (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 380 feet in height, with attached antennas, to be located at Route 1 (Allphin Road/Walnut Lick Road), Verona, Gallatin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 47' 46.51" by West Longitude 84° 43' 52.09".

SBA Towers has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the Gallatin County Judge/Executive of the proposed construction. To date, no comments have been filed by the Judge/Executive. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. Two owners of jointly held property ("Intervenors") near the proposed construction filed comments and intervened in this matter. However, the Intervenors later withdrew their request for intervention.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SBA Towers should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SBA Towers.

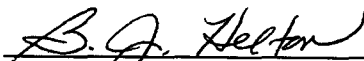
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:


1. SBA Towers is granted a Certificate of Public Convenience and Necessity to construct a guyed antenna tower not to exceed 380 feet in height, with attached antennas, to be located at Route 1 (Allphin Road/Walnut Lick Road), Verona, Gallatin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 47' 46.51" by West Longitude 84° 43' 52.09".
2. The Intervenors' motion to be removed as a party to this proceeding is granted.
3. SBA Towers shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of December, 1999.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

RECEIVED

OCT 13 1999

PUBLIC SERVICE  
COMMISSION

LAW OFFICES

**O'HARA, RUBERG, TAYLOR, SLOAN AND SERGENT**

ROBERT E. RUBERG  
ARNOLD TAYLOR  
DONALD J. RUBERG  
DAVID B. SLOAN  
GARY J. SERGENT<sup>1</sup>  
MICHAEL K. RUBERG<sup>1</sup>  
MICHAEL J. O'HARA<sup>1</sup>

209 THOMAS MORE PARK - SUITE C  
P.O. Box 17411  
Covington, Kentucky 41017-0411

TEL. (606) 331-2000

FAX. (606) 578-3365

JOHN J. O'HARA  
1922 - 1997

CINCINNATI OFFICE:  
1200 AMERICAN BLDG.  
30 EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

<sup>1</sup> ALSO ADMITTED TO  
PRACTICE IN OHIO

PLEASE RESPOND TO:  
KENTUCKY OFFICE

SUZANNE CASSIDY<sup>1</sup>  
RAYMOND H. DECKER, Jr.<sup>1</sup>  
CHRISTOPHER J. ARLINGHAUS<sup>1</sup>

October 8, 1999

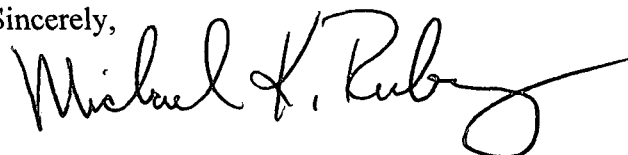
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

Re: Case No.: 99-281 (V Station/01-1550 Facility)

Dear Public Service Commission:

I am writing this letter as a follow-up to my prior letter of July 14, 1999 and the resulting Order of the Commission of August 2, 1999, allowing Mr. and Mrs. Bessler to intervene in this matter. Please be advised that Mr. and Mrs. Bessler have elected to withdraw as an intervener in this matter. Their concerns have been satisfied by SBA Towers, Inc. and GTE Wireless, and as such, it is our intention to withdraw our request to intervene in this case. Thank you for your time and attention to this matter.

Sincerely,



MICHAEL K. RUBERG  
O'HARA, RUBERG, TAYLOR,  
SLOAN AND SERGENT

MKR:mjr

E:\DOCS\Bessler.Gte\PSC10.7





COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

August 2, 1999

To: All parties of record

RE: Case No. 99-281

We enclose one attested copy of the Commission's Order in  
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie J. Bell".

Stephanie Bell  
Secretary of the Commission

SB/sa  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA 30338

SBA Towers, Inc.  
One Town Center Road  
3rd Floor  
Boca Raton, FL 33486

SBA Towers, Inc.  
2310 Valletta Lane  
Louisville, KY 40205

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Suite 300  
Lexington, KY 40507 1361

Hon. Michael K. Ruberg  
O'HARA, RUBERG, TAYLOR,  
SLOAN AND SERGENT  
209 Thomas More Park - Suite C  
P.O. Box 17411  
Covington, KY 41017 0411

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
WIRELESS OF THE MIDWEST INCORPORATED )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY IN )  
THE CINCINNATI-DAYTON MAJOR TRADING ) CASE NO.  
AREA ("MTA") WHICH INCLUDES BOONE, ) 99-281  
KENTON, CAMPBELL, GALLATIN, GRANT, )  
PENDLETON, BRACKEN, MASON, LEWIS, )  
GREENUP, CARTER, BOYD, ELLIOTT, )  
LAWRENCE, JOHNSON, MARTIN, FLOYD AND )  
PIKE COUNTIES, KENTUCKY ("STATION/  
01-1550 FACILITY") )

O R D E R

This matter arising upon the motion of Brian and Kim Bessler, filed July 16, 1999, for full intervention, and it appearing to the Commission that the Besslers have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of Brian and Kim Bessler to intervene is granted.

2. The Besslers shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Besslers file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 2nd day of August, 1999.

By the Commission

ATTEST:

  
Executive Director

LAW OFFICES

**O'HARA, RUBERG, TAYLOR, SLOAN AND SERGENT**

ROBERT E. RUBERG  
ARNOLD TAYLOR  
DONALD J. RUBERG  
DAVID B. SLOAN  
GARY J. SERGENT'  
MICHAEL K. RUBERG'  
MICHAEL J. O'HARA'

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TEL. (606) 331-2000

FAX. (606) 578-3365

SUZANNE CASSIDY'  
RAYMOND H. DECKER, Jr.'  
CHRISTOPHER J. ARLINGHAUS'

July 14, 1999

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JUL 16 1999

JOHN J. O'HARA

1922 - 1997

PUBLIC SERVICE  
COMMISSION

CINCINNATI OFFICE

1200 AMERICAN BLDG.  
30 EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

' ALSO ADMITTED TO  
PRACTICE IN OHIO

PLEASE RESPOND TO:  
KENTUCKY OFFICE

The Executive Director's Office  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

Case No.: 99-281 (V Station/01-1550 Facility)

Dear Public Service Commission of Kentucky:

Please be advised that the undersigned represents Brian and Kim Bessler with respect to the above case. Mrs. Bessler strongly objects to the placement of this tower, due to its closeness to their property. They have not been contacted by anyone regarding this and they are worried as to any effects this tower may have on the use of their property. Please accept this letter as notice that they would like to intervene in this matter.

Sincerely,



MICHAEL K. RUBERG  
O'HARA, RUBERG, TAYLOR,  
SLOAN AND SERGENT

MKR:mjr

cc: W. Brent Rice, Esq.  
Brian & Kim Bessler

E:\DOCS\MKR.MIS\Public.ser

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY MCBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS \*\*  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET M. YOUNG  
MELINDA G. WILSON  
REBECCA L. BRIGGS  
MARY ELIZABETH CUTTER  
J. BRADFORD DERIFIELD \*\*  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
+ ALSO ADMITTED IN TEXAS & FLORIDA  
\*\* ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 280  
GREENUP, KENTUCKY 41144-0280  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

July 19, 1999

RECEIVED

JUL 20 1999

PUBLIC SERVICE  
COMMISSION

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

RE: **SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated**  
**PSC Case No. 99-281 (The Station/01-1550 Facility)**

Dear Ms. Helton:

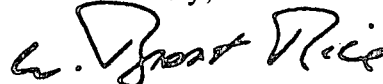
Please find enclosed the originals and one copy each of return receipts for correspondence forwarded via certified mail, return receipt requested, to the Gallatin County Judge and all property owners within 500' of the proposed facility referenced above. The following property owners have been notified:

Brian and Kim Bessler  
1706 Mt. Vernon Drive  
Ft. Wright, KY 41011

Walter B. Lawson  
Route 1  
Verona, KY 41092

Please file the enclosed with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



W. Brent Rice  
Counsel for SBA Towers, Inc. and  
GTE Wireless of the Midwest  
Incorporated

WBR/dkw  
Enclosures

Z 463 757 316

US Postal Service  
Receipt for Certified Mail

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <b>BRIAN AND KIM BESSLER</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	7/2/99 7634-1

PS Form 3800, April 1995

RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
**BRIAN AND KIM BESSLER**  
1706 Mt. Vernon Drive  
Ft. Wright, KY 41011

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*Brian and Kim Bessler*

4a. Article Number  
**Z 463 757 316 (7634-1)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**7.7.99**

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:  
**WALTER B. LAWSON**  
Route 1  
Verona, KY 41092

5. Received By: (Print Name)  
**WALTER LAWSON**

6. Signature: (Addressee or Agent)  
*Walter Lawson*

4a. Article Number  
**Z 463 757 317 (7634-1)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**7-7-99**

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Z 463 757 315

US Postal Service  
Receipt for Certified Mail

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <b>Hon. Clarence Davis</b>	
Street & Number <b>Gallatin County Judge Executive</b>	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	7/2/99 7634-1

PS Form 3800, April 1995

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I also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
**HON. CLARENCE DAVIS**  
Gallatin County Judge Executive  
100 N. Main Street  
Warsaw, KY 41095

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*Clarence Davis*

4a. Article Number  
**Z 463 757 315 (7634-1)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**7-7-99**

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

US Postal Service  
Receipt for Certified Mail

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

WALTER B. LAWSON

Street & Number

Post Office, State, & ZIP Code

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees \$

Postmark or Date

7/2/99 7634-1

PS Form 3800, April 1995

102595-98-B-0229 Domestic Return Receipt

102595-98-B-0229 Domestic Return Receipt

is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**HON. CLARENCE DAVIS**  
 Gallatin County Judge Executive  
 100 N. Main Street  
 Warsaw, KY 41095

4a. Article Number

Z 463 757 315 (7634-1)

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

7-7-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Alma Chipman*

PS Form 3811, December 1994

102595-88-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.  
PS Form 3800, April 1995

Z 463 757 315

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Hon. Clarence Davis	
Street & Number	
Gallatin County Judge Executive	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
7/2/99 7634-1	

is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**BRIAN AND KIM BESSLER**  
 1706 Mt. Vernon Drive  
 Ft. Wright, KY 41011

4a. Article Number

Z 463 757 316 (7634-1)

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

7-7-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Brian A Bessler*

PS Form 3811, December 1994

102595-88-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.  
PS Form 3800, April 1995

Z 463 757 316

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

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Sent to	
BRIAN AND KIM BESSLER	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
7/2/99 7634-1	



Is your RETURN ADDRESS completed on the reverse side?

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 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:  
**WALTER B. LAWSON**  
 Route 1  
 Verona, KY 41092

4a. Article Number  
**Z 463 757 317 (7634-1)**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**7-7-99**

5. Received By: (Print Name)  
**WALTER LAWSON**

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)  
*Walter Lawson*

PS Form 3811, December 1994

102595-98-8-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

PS Form 3800, April 1995

US Postal Service Receipt for Certified Mail No Insurance Coverage Provided. Do not use for International Mail (See reverse)	
Sent to <b>WALTER B. LAWSON</b>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
<b>7/2/99 7634-1</b>	

Z 463 757 317

*Case file*



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

July 9, 1999

To: All parties of record

RE: Case No. 99-281  
GTE WIRELESS OF THE MIDWEST

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

*Stephanie J. Bell*

Stephanie Bell  
Secretary of the Commission

SB  
Enclosure

Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

SBA Towers, Inc.  
6001 Broken Sound Parkway, 4th Floor  
Boca Raton, FL. 33487

SBA Towers, Inc.  
2320 Valletta Lane  
Louisville, KY. 40205

Honorable W. Brent Rice  
Attorney at Law  
McBrayer, McGinnis,  
Leslie & Kirkland  
163 West Short Street  
Suite 300  
Lexington, KY. 40507 1361

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
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MARY ELIZABETH CUTTER  
J. BRADFORD DERIFIELD \*\*  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
+ ALSO ADMITTED IN TEXAS & FLORIDA  
\*\* ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 280  
GREENUP, KENTUCKY 41144-0280  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1178  
FACSIMILE 502-226-6234

**FILED** July 1, 1999

JUL 1 - 1999

**PUBLIC SERVICE  
COMMISSION**

**RECEIVED**  
JUL - 1 1999  
**PUBLIC SERVICE  
COMMISSION**

**HAND DELIVERED**

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

RE: Application of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for Issuance of a Certificate of Public Convenience and Necessity to Construct A Wireless Communications Facility in The Cincinnati-Dayton Major Trading Area ("MTA") which Includes Boone, Kenton, Campbell Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Carter, Boyd, Elliott, Lawrence, Johnson, Martin, Floyd And Pike Counties, Kentucky - PSC Case No. 99-281 ("Station/01-1550 Facility")

Dear Ms. Helton:

Please be advised that the undersigned represents SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated in regard to the above-referenced application which I am filing on their behalf today with the Commission.

Pursuant to 807 KAR 5:063, the original and five copies of the application are submitted for filing. Additionally, three Site Plans are submitted with the application. Any comments or questions in regard to the application should be forwarded to the undersigned.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice

Counsel for SBA Towers, Inc. and GTE  
Wireless of the Midwest Incorporated

WBR/dkw

Enclosures



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**  
730 SCHENKEL LANE  
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FRANKFORT, KENTUCKY 40602  
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**Ronald B. McCloud, Secretary**  
**Public Protection and**  
**Regulation Cabinet**

**Helen Helton**  
**Executive Director**  
**Public Service Commission**

**Paul E. Patton**  
**Governor**

July 2, 1999

To: All parties of record

RE: Case No. 99-281  
GTE WIRELESS OF THE MIDWEST  
(Construct) CELL SITE  
ROUTE 1 - ALPHIN ROAD/WALNUT LICK ROAD VERONA, GALLATIN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 1, 1999 and has been assigned Case No. 99-281. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc



Ms. Charon Harris  
Director, Regulatory Matters  
GTE Wireless of the Midwest  
1200 Ashwood Parkway  
Third Floor  
Atlanta, GA. 30338

SBA Towers, Inc.  
6001 Broken Sound Parkway, 4th Floor  
Boca Raton, FL. 33487

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2320 Valletta Lane  
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Honorable W. Brent Rice  
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Leslie & Kirkland  
163 West Short Street  
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**FILED** July 1, 1999

JUL 1 - 1999

**PUBLIC SERVICE  
COMMISSION**

**RECEIVED**  
JUL - 1 1999  
**PUBLIC SERVICE  
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**HAND DELIVERED**

Ms. Helen C. Helton, Executive Director  
Public Service Commission  
730 Schenkel Lane  
Frankfort, KY 40602

**RE: Application of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for Issuance of a Certificate of Public Convenience and Necessity to Construct A Wireless Communications Facility in The Cincinnati-Dayton Major Trading Area ("MTA") which Includes Boone, Kenton, Campbell Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Carter, Boyd, Elliott, Lawrence, Johnson, Martin, Floyd And Pike Counties, Kentucky - PSC Case No. 99-281 ("Station/01-1550 Facility")**

Dear Ms. Helton:

Please be advised that the undersigned represents SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated in regard to the above-referenced application which I am filing on their behalf today with the Commission.

Pursuant to 807 KAR 5:063, the original and five copies of the application are submitted for filing. Additionally, three Site Plans are submitted with the application. Any comments or questions in regard to the application should be forwarded to the undersigned.

Thank you for your assistance in this matter.

Sincerely,



W. Brent Rice  
Counsel for SBA Towers, Inc. and GTE  
Wireless of the Midwest Incorporated

WBR/dkw

Enclosures

JUL 1 1999  
PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE )  
WIRELESS OF THE MIDWEST INCORPORATED )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY IN )  
THE CINCINNATI-DAYTON MAJOR TRADING )  
AREA ("MTA") WHICH INCLUDES BOONE )  
KENTON, CAMPBELL GALLATIN, GRANT, )  
PENDLETON, BRACKEN MASON, LEWIS, GREENUP, )  
CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, )  
MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY )  
("STATION/01-1550 FACILITY") )

CASE NO. 99-281

APPLICATION

SBA Towers, Inc. ("SBA"), as ultimate owner, and GTE Wireless of the Midwest Incorporated ("GTE Wireless"), as a licensed public utility in the Commonwealth of Kentucky, through counsel, applies for a Certificate of Public Convenience and Necessity to construct and operate a Wireless Communications Facility (the "WCF") to serve the customers of GTE Wireless and other wireless service provider colocations in the Cincinnati-Dayton Major Trading Area. In support of this Application, SBA and GTE Wireless (hereinafter collectively referred to as "Applicants") respectfully state that:

1. The complete names, addresses and telephone numbers of the Applicants are:

SBA Towers, Inc.  
6001 Broken Sound Parkway, 4<sup>th</sup> Floor  
Boca Raton, FL 33487  
(561)995-7670



and SBA also has a local address:

2320 Valletta Lane  
Louisville, KY 40205  
(502)419-0907

GTE Wireless of the Midwest Incorporated  
245 Perimeter Center Parkway  
Atlanta, Georgia 30346  
(770)391-8000

2. SBA Towers, Inc. is a Florida corporation, which constructs, owns, maintains and operates independent communication networks and is a wireless communications consulting firm. A copy of SBA's Articles of Merger were provided to the Commission in Case Number 99-241 UAC. Com-Net Construction Services, Inc. is a wholly owned subsidiary of SBA Towers, Inc. A certified copy of its Articles of Incorporation and Certificate of Authority were provided to the Commission in Case No. 99-241 UAC.

3. GTE Wireless is an Indiana corporation. A certified copy of its Articles of Incorporation, as amended, of GTE Mobilnet Incorporated, the parent corporation of GTE Wireless, have been provided to the Commission in Case No. 96-338 in which it applied for a Certificate of Public Convenience and Necessity to provide personal communications service ("PCS") in Kentucky. The Commission has previously found that the parent corporation of GTE Wireless had the financial, technical and managerial ability to provide PCS in the Cincinnati-Dayton Major Trading Area in its order dated August 20, 1996 in Case No. 96-338.

4. SBA proposes to construct a WCF in Gallatin County, Kentucky situated in the Cincinnati-Dayton MTA in which GTE Wireless is licensed by the Federal Communications Commission ("FCC") to provide PCS in this area. The WCF will be comprised of a 350' guyed

tower with attached antennas extending upwards for a total height of 380' and an equipment shelter. The equipment shelter will contain the transmitters and receivers required to connect the cell facility with PCS users, which will link the WCF with GTE Wireless' other PCS facilities. The WCF will be fenced with a secured access gate. Three (3) sets of Index of Drawings for the proposed facility are being submitted with this Application. A detailed description of the manner in which the WCF will be constructed is included as the Property Map and Site Plan (scale: no more than two miles per inch). A reduced copy of the Index of Drawings are attached as Exhibit A. The referenced drawings are signed and sealed by Lawrence L. Baumann, a professional engineer registered in Kentucky. They depict the proposed location of the tower and all easements and existing structures on the property on which the tower will be located. A vertical tower profile and its foundation, each signed and sealed by a professional engineer registered in Kentucky are attached as Exhibit B. The tower design plans include a description of the standard according to which the tower was designed.

5. After completion of the proposed tower construction, SBA will lease or license space on said tower and the surrounding site to allow GTE Wireless to locate and operate its PCS facility, including all required antennas and appurtenances. SBA will locate the proposed site in a manner such that other wireless communications service providers will desire to co-locate on the completed WCF.

6. A geotechnical investigation report performed by ATC Associates, Inc. of Cincinnati, Ohio, dated December 18, 1998 is attached as Exhibit C. The geotechnical investigation report is signed and sealed by James P. Kapsho, a professional engineer registered in Kentucky. The geotechnical investigation report includes boring logs, foundation design recommendations, and a

statement in regard to flood hazard areas.

7. As noted on the Property Map attached as Exhibit A, the surveyor has determined that the property is outside the 500 year flood plain.

8. The possibility of a strong ground shaking has been considered in the design of this self-supporting tower. Formulas are given in codes for earthquake loading. The formulas are for lateral loads, and they take into account the seismic zone, ground motion and structure. The two most important components of the structure are its weight and shape. Applying all of the factors to the formula, the resultant earthquake load is less than the design wind load. Seismic loading has been considered in the design of this tower, although it is regarded as secondary to the wind loading.

Even if the tower would fall as result of an earthquake, it should not damage any occupied buildings. In the event of failure of the tower mast, all of the debris will most likely lie within a circle whose center is the tower base and whose radius is no more than 60% of the tower height.

9. Similarly, the possibility of a strong wind has been considered in the design of this tower. It has been designed and engineered by professional engineers using computer assistance and the same accepted codes and standards as are typically used for high-rise building construction. This tower has been designed in accordance with the Electronic Industries Association ("EIA") Standard RS-222E, which has been accepted and approved by ANSI and is a nationally recognized tower design standard. The ANSI/EIA standard utilizes a "stepped" wind loading in tower design. This means that a standardized wind speed (the "basic wind speed") is applied to the structure at the 33-foot level and then is "increased" with increments of its height. In this case, the design wind speed is 70 mph. Using the appropriate wind speed for each antenna level, the thrust of the antenna and

its corresponding waveguide load are applied to the structure for maximum member loads.

10. Personnel directly responsible for the design and construction of the proposed tower are qualified and experienced. The soil testing and part of the foundation recommendation was performed by ATC Associates, Inc., under the supervision of James P. Kapsho, a registered professional engineer in the Commonwealth of Kentucky. His specialty is geotechnical engineering which includes sub-surface exploration and foundation design. He has served as project and principal engineer on various projects similar to the applicant's. These projects include construction, tower crane foundations, and nexrad doppler radar towers, other mobile telephone towers and elevated water towers. Foundation types for these towers have included drilled piers, auger-cast piles, driven piles and spread footings. Design of the tower and foundation was performed by Sabre Communications Corporation of Sioux City, Iowa, which designs, manufactures and installs such communications towers, monopoles and antenna systems that mount to them. Sabre has designed and installed worldwide hundreds of towers in all climates. This tower was designed by Chi S. Lee, who additionally certified the design. Mr. Lee is a registered engineer in the Commonwealth of Kentucky. SBA uses qualified installation crews and site inspectors for construction of its towers.

In the event the initial design of the tower and foundation is subsequently revised, the Applicants will amend this Application accordingly and will file with the Commission original and final drawings pursuant to applicable laws and regulations.

11. The Public Convenience and Necessity require the construction of the WCF. The WCF will provide a necessary link in GTE Wireless' system to meet the increasing demands for wireless services in its licensed area. The WCF will further enhance the public's access to wireless

telecommunications services.

SBA's construction of the WCF is also required by the Public Convenience and Necessity as it allows for the colocation of additional wireless services for this area of Kentucky. The WCF will be available to governmental agencies and providers of emergency services. The WCF will provide a necessary link in SBA's wireless network and it will further provide increasing competition in the Kentucky telecommunications market.

The process that was used in selecting the site for the proposed WCF by the Applicants' radio frequency engineers was consistent with the process used for selecting generally all other existing and proposed WCF's within the proposed network design area. The Applicants evaluated the location of the required facility for possible co-location opportunities, upon existing structures, before starting the acquisition process. Radio frequency engineers used computer programs to evaluate the most effective coverage design for facilitating co-location potential on this proposed tower.

The engineers select the optimum vicinity in terms of elevation and location to provide the best quality service to customers in the service area. All existing towers and suitable structures upon which to locate the communications antennas were considered in this search, which is detailed in Exhibit D. No suitable towers or structures were found which meet the technical requirements for this element of the telecommunications network. Although there are several structures within a one-mile radius of the proposed facility, none are suitable in height or sufficient from a structural standpoint to accommodate the technical requirements for this proposed site. A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the

necessary search within which a site should be located as determined by the applicant's Radio Frequency Engineer is additionally attached as Exhibit D.

12. The WCF will serve an area totally within GTE Wireless' current service area in the Cincinnati-Dayton MTA.

13. Since the proposed WCF will serve an area completely within GTE Wireless' licensed service area in the Cincinnati-Dayton MTA, no further approvals by the FCC are required. See 47 C.F.R. §24.11(b), "[b]lanket licenses are granted for each market and frequency block. Applications for individual sites are not required and will not be accepted."

14. The Federal Aviation Administration ("FAA") determined on November 12, 1998 that the proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation. The determination from the FAA is attached as Exhibit E. The Kentucky Airport Zoning Commission ("KAZC") determined on January 27, 1999 that GTE Wireless' application for a permit to construct the proposed facility was approved. A copy of the KAZC determination is attached as Exhibit F.

15. The proposed location of the tower is not within a jurisdiction that has adopted planning and zoning regulations in accordance with KRS Chapter 100. Powertel has notified the Gallatin County Judge Executive, by certified mail, return receipt requested, of the proposed construction. Applicants included in the notice the Commission docket number under which the application will be processed and informed said person of his right to request intervention. A copy of the notice is attached as Exhibit G.

16. The WCF will be located on the Walter B. Lawson property on Route 1 (Allphin

Road/Walnut Lick Road), Verona, Gallatin County, Kentucky. Appropriate notices 2' X 4' with the word "TOWER" in letters at least four inches high, have been posted in a visible location on the proposed site and on the nearest public road and shall remain posted for at least two (2) weeks after the Application is filed. The location of the proposed WCF has been published in a newspaper of general circulation in Gallatin County, Kentucky. The WCF's coordinates are: Latitude: 38° 47' 46"; Longitude: 084° 43' 52".

17. Clear directions from the county seat to the proposed site, including highway numbers and street names are set forth on the Cover Sheet to the Index of Drawings submitted with this Application. The telephone number of the person who prepared the directions is 513-755-3222. The Property Map attached as exhibit A depicts the proposed location of the tower and all easements and existing structures within 500' of the proposed site on the property on which the tower will be located, and all easements and existing structures within 200' of the access drive, including the intersection with the public street system. A map, drawn to a scale no less than one inch = 200', that identifies every structure and every owner of real estate within 500' of the proposed tower is depicted as the Project Area on the Property Map attached as Exhibit B.

18. The Applicants have notified every person who owns property within 500' of the proposed tower by certified mail, return receipt requested, of the proposed construction. The Applicants included in the notice the Commission docket number under which the Application will be processed and informed each person of his or her right to request intervention. Copies of the certified letters sent to each are attached as Exhibit H. Copies of the return receipts will be filed with the Commission when received.

19. The area as depicted on the Site Survey in which the proposed WCF is to be constructed is not zoned. The property is currently used for agricultural purposes.

20. The Applicants have considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service can be provided, and that there are no reasonable available opportunities to collocate. The Applicants attempted to collocate on towers designed to host multiple wireless service providers facilities or existing structures, such as a telecommunications tower or another suitable structure capable of supporting GTE Wireless' facilities. There are no towers within the search area.

21. The site for the WCF is to be leased from Walter B. Lawson. The lease provides a method that the applicant will follow in dismantling and removing the tower including a timetable for such removal in the case of abandonment pursuant to KRS 100.987(2)(b). A copy of the Option and Lease Agreement is additionally attached as Exhibit I.

22. The names of all public utilities, corporations, or persons with whom the proposed new construction is likely to compete is NextWave, Inc.; Mercury PCS II; BellSouth Wireless Cable, Inc.; BellSouth Mobility, Inc.; AT&T Wireless; Sprint PCS; Ameritech and Nextel Communications.

23. GTE Wireless plans to finance the construction of the collocation of its PCS facility to the WCF through the use of working capital. If sufficient funds are not available from this source, the company will obtain funds through short-term loans payable within two years.

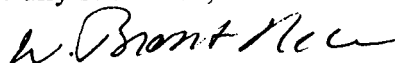
24. Any customer complaints may be reported to GTE Wireless by dialing 513-326-8100 on the customer's phone, which is the main telephone number in the applicant's Cincinnati area office



which serves the northern Kentucky counties in the Cincinnati-Dayton MTA.

WHEREFORE, Applicants request that the Commission, pursuant to KRS 278.020, grant a Certificate of Public Convenience and Necessity to construct and operate the WCF at the location set forth herein for the respective networks in Kentucky and providing for such other relief as is necessary and appropriate pursuant to all applicable rules and regulations of the Public Service Commission.

Respectfully submitted,



---

W. Brent Rice  
MCBRAYER, MCGINNIS, LESLIE & KIRKLAND  
163 West Short Street, Suite 300  
Lexington, KY 40507-1361  
Phone: 606/231-8780

COUNSEL FOR SBA TOWERS, INC. AND GTE  
WIRELESS OF THE MIDWEST INCORPORATED

wbr\sba\station\01-1550\psc application

**LIST OF EXHIBITS**

Exhibit A	Property Map, Site Plan - Grounding and Power, and Electrical Specifications
Exhibit B	Tower and Foundation Profile
Exhibit C	Geotechnical Investigation Report
Exhibit D	Search Area Map
Exhibit E	FAA Determination
Exhibit F	KAZC Determination
Exhibit G	Notification to Gallatin County Judge Executive
Exhibit H	Notice to Adjoining Property Owners
Exhibit I	Option and Lease Agreement



10		
9		
8		
7		
6		
5		
4		
3		
2		
1	REVISIONS	DATE

DATE: 12/11/98  
DRAWN BY: JLB  
CHECKED BY: JLB  
DATE: 12/11/98

LAWRENCE L. BAUMANN  
KENTUCKY LICENSE # 13182  
ENGINEER'S SEAL

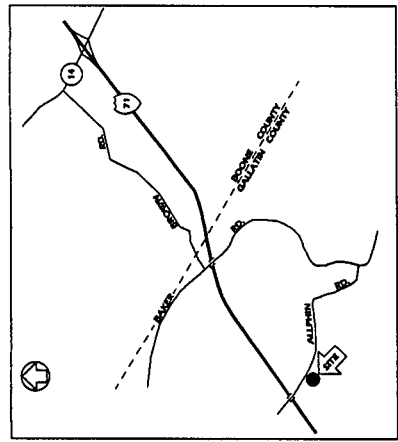
LAWRENCE L. BAUMANN  
KENTUCKY LICENSE # 13182  
PROJECT  
STATION  
PROJECT NO. 01-1550  
GALLATIN COUNTY, KENTUCKY

PROJECT LOCATION  
RT 1 HALLMARK RD./WALNUT  
VERSAILLES, KY 40382

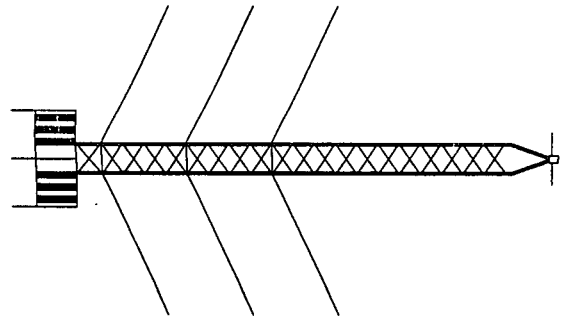
DRAWING TITLE  
**TITLE SHEET**

ISSUE DATE: 12-11-98  
PROJECT NO.: 01-1550  
SCALE: NOT SCALE  
DRAWN BY: JLB  
CHECKED BY: JLB  
DATE: 12-11-98

(12)  
+  
(9)



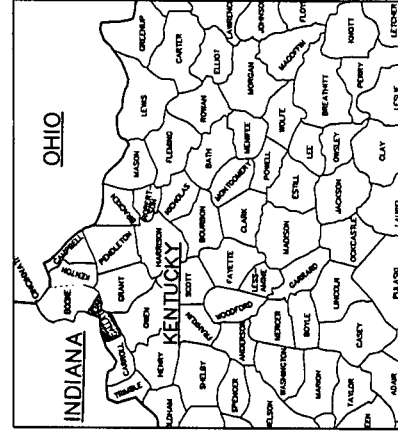
DRIVE TO DIRECTIONS:  
FROM CHINCINNATI TAKE I-71 SOUTH TO THE KY 114 NORTH EXIT, GOING NORTH ON KY 114 TO BROWN ROAD. TURN LEFT ON BROWN ROAD THEN LEFT ON BAKER. TURN RIGHT ON ALLPAIN. PROPERTY IS THE LAST ONE ON LEFT BEFORE -J1. THE TOWER SITE IS TO BE AT THE GATED ACCESS TO THE TOBACCO FIELD ABOUT 300 FEET EAST OF THE HOUSE.



# STATION COM-NET #: 01-1550 GALLATIN COUNTY, KENTUCKY I-71 CINCINNATI TO LOUISVILLE

## INDEX OF DRAWINGS

- 1 - TITLE SHEET
- 2 - PROJECT AREA
- 3 - PROPERTY MAP
- 4 - SITE PLAN
- 5 - TOWER ELEVATION & DETAILS



**NOTE:**  
THE CONTRACTOR SHALL CONTACT THE PROPERTY OWNER PRIOR TO ANY WORK AND SHALL PROVIDE THE CONTRACTOR WITH A COPY OF THE CONTRACT AGREEMENT AND THE CONTRACTOR'S PHONE NUMBER FOR BIDDING AGENTS AND NON-BIDDING AGENTS.

**3 WORKING DAYS BEFORE YOU DIG**  
CALL TOLL FREE 800-752-6007  
ALL NON-NUMBERS MUST BE CALLED DIRECTLY.

**NOTICE**

LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT NECESSARY ALL OF THE EXISTING UTILITIES AND UNDERGROUND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

THE CONTRACTOR SHALL MAINTAIN ACCURATE AND LEGIBLE RECORDS OF ALL UTILITIES AND UNDERGROUND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES.

UTILITY LIST

UTILITY	ADDRESS	CONTACT NAME
ENCH ELECTRIC COOPERATIVE	1000 CHINCINNATI BLVD. SUITE 100 WEST CHICAGO, OHIO 45380	MARKET (513) 752-4327
ENGRING ENGINEERING DEPARTMENT	(600) 372-7812	

UTILITY	ADDRESS	CONTACT NAME
CHINCINNATI BELL	2000 CHINCINNATI BLVD. SUITE 100 WEST CHICAGO, OHIO 45380	(513) 397-4317

UTILITY	ADDRESS	CONTACT NAME
BAUMANN ENGINEERING	1000 CHINCINNATI BLVD. SUITE 100 WEST CHICAGO, OHIO 45380	(513) 752-4327

UTILITY	ADDRESS	CONTACT NAME
WALNUT B. LAMSON	1111 1/2 Highway 100 Versailles, KY 40383	(606) 643-5108

UTILITY	ADDRESS	CONTACT NAME
GALLATIN COUNTY	VERSAILLES, KY	(606) 662-4411

UTILITY	ADDRESS	CONTACT NAME
VERSAILLES, KY	VERSAILLES, KY 40382	(606) 643-5108

REV.	DESCRIPTION	DATE
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

FOR THE PURPOSES OF THIS SURVEY, THE FOLLOWING INSTRUMENTS WERE USED:

LAWRENCE L. BALMANN  
KENTUCKY # 93847  
PROJECT  
COMM. # 01-1530  
GALLATIN COUNTY, KENTUCKY

PROJECT LOCATION  
RT 1 (WALNUT LICK ROAD)  
VERMONT KY. 41091

DRAWING TITLE  
PROJECT AREA

ISSUE DATE: 12.4.98  
PROJECT NO: 98344  
SCALE: 1" = 150'  
DRAWN: JLG  
CHECKED: ILB  
DATE: 11.11.98

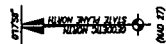
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LEGEND

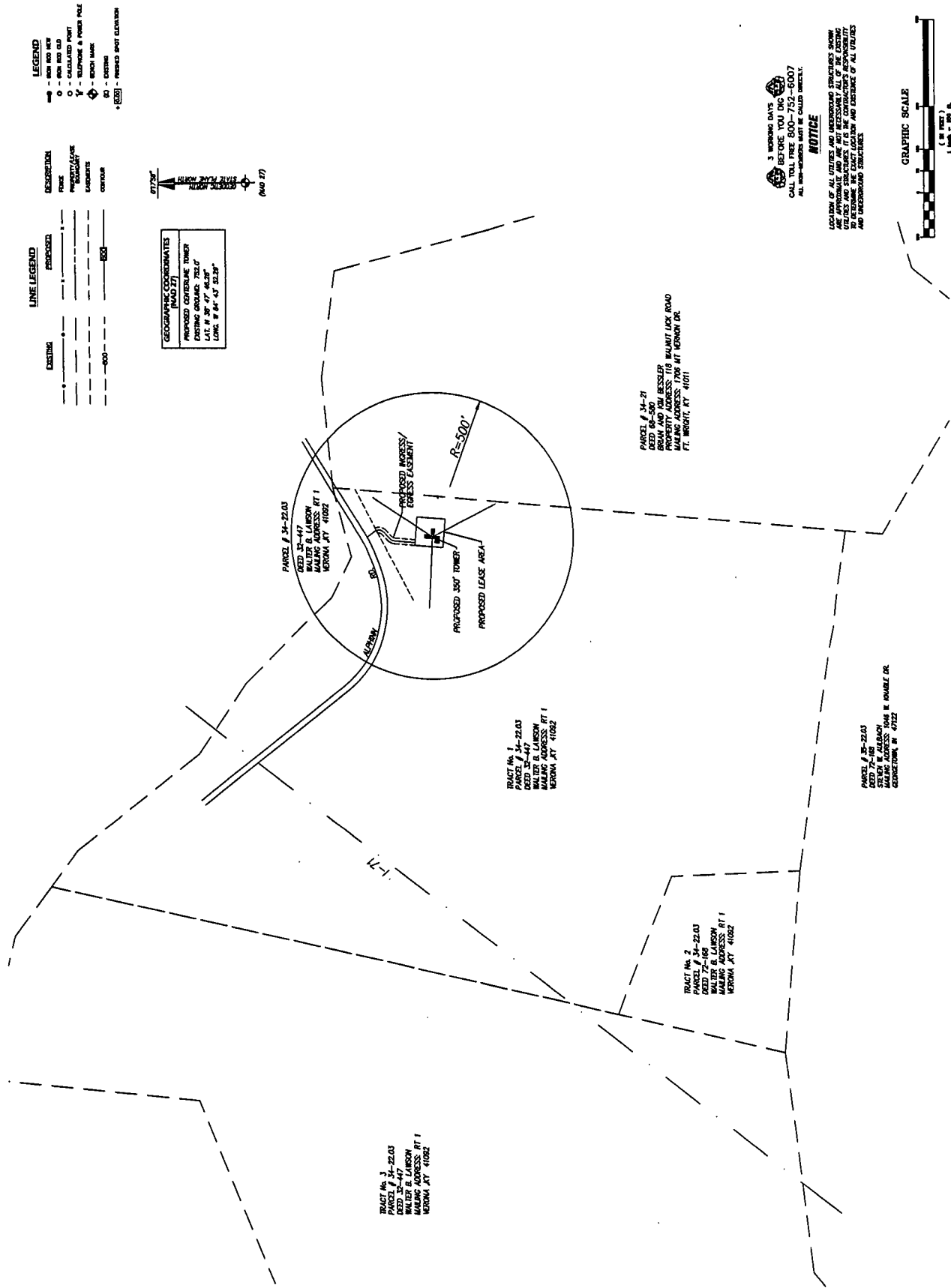
— 100' - 200' BOUNDARY  
— 200' - 400' BOUNDARY  
— 400' - 600' BOUNDARY  
— 600' - 800' BOUNDARY  
— 800' - 1000' BOUNDARY  
— 1000' - 1200' BOUNDARY  
— 1200' - 1400' BOUNDARY  
— 1400' - 1600' BOUNDARY  
— 1600' - 1800' BOUNDARY  
— 1800' - 2000' BOUNDARY

LINE LEGEND

EXISTING  
PROPOSED



GEOGRAPHIC COORDINATES  
(NAD 83)  
(NAD 83)  
PROPOSED COTENGLINE TOWER  
EXISTING ORIGIN: 752.07  
LAT. N 30° 47' 46.28"  
LONG. W 84° 45' 52.39"



PARCEL # 34-21  
BEAM AND JIM BESSLER  
PROPERTY ADDRESS: 118 WALNUT LICK ROAD  
WALNUT LICK, KY 41091

TRACT No. 1  
PARCEL # 34-22.03  
DEED 35-447  
WALTER E. LARSON  
WALNUT LICK, KY 41092

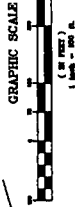
TRACT No. 2  
PARCEL # 34-22.03  
DEED 77-168  
WALTER E. LARSON  
WALNUT LICK, KY 41092

PARCEL # 35-22.03  
DEED 77-168  
WALTER E. LARSON  
WALNUT LICK, KY 41092

3 WORKING DAYS  
BEFORE YOU DR.  
CALL TOLL FREE 800-752-6007  
ALL WORKERS MUST BE CALLED DIRECTLY.

NOTICE

USE THIS DRAWING FOR CONSTRUCTION PURPOSES ONLY.  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS,  
UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY  
TO VERIFY THE LOCATION AND EXISTENCE OF ALL UTILITIES  
AND UNDERGROUND STRUCTURES.



NO.	DESCRIPTION	DATE
10	SURVEYORS SEAL	
9		
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5		
4		
3		
2		
1		

THIS DRAWING IS BASED ON A SURVEY MADE UNDER MY DIRECTION.  
SURVEYOR'S SEAL  
LAWRENCE D. BAUMANN  
PROFESSIONAL SURVEYOR  
STATION  
COMM. NO. 01-1550  
GALLATIN COUNTY, KENTUCKY

PROJECT LOCATION  
671 GALLATIN RD., WALKING  
VERONA, KY 41974  
**DRAWING TITLE**  
**PROPERTY MAP**  
ISSUE DATE: 12.4.198  
PROJECT NO.: 98344  
SCALE: 1" = 30'  
DRAWN: JAG  
CHECKED: LLB  
DATE: 11.11.198

GRAPHIC SCALE  
1" = 30' (IN FEET)  
1" = 30.48 M (IN METERS)

**LINE LEGEND**

EXISTING	CONSTRUCTION	DESCRIPTION
---	---	PROPERTY BOUNDARY
---	---	CONCRETE
---	---	EXISTING FENCE
---	---	PROPOSED FENCE
---	---	UTILITY POLE
---	---	IRON PIPE
---	---	STONE WALL

**LEGEND**

---	IRON PIPE
---	STONE WALL
---	CONCRETE
---	PROPOSED FENCE
---	EXISTING FENCE
---	UTILITY POLE
---	IRON PIPE
---	STONE WALL
---	CONCRETE
---	PROPOSED FENCE
---	EXISTING FENCE
---	UTILITY POLE
---	IRON PIPE
---	STONE WALL
---	CONCRETE
---	PROPOSED FENCE
---	EXISTING FENCE

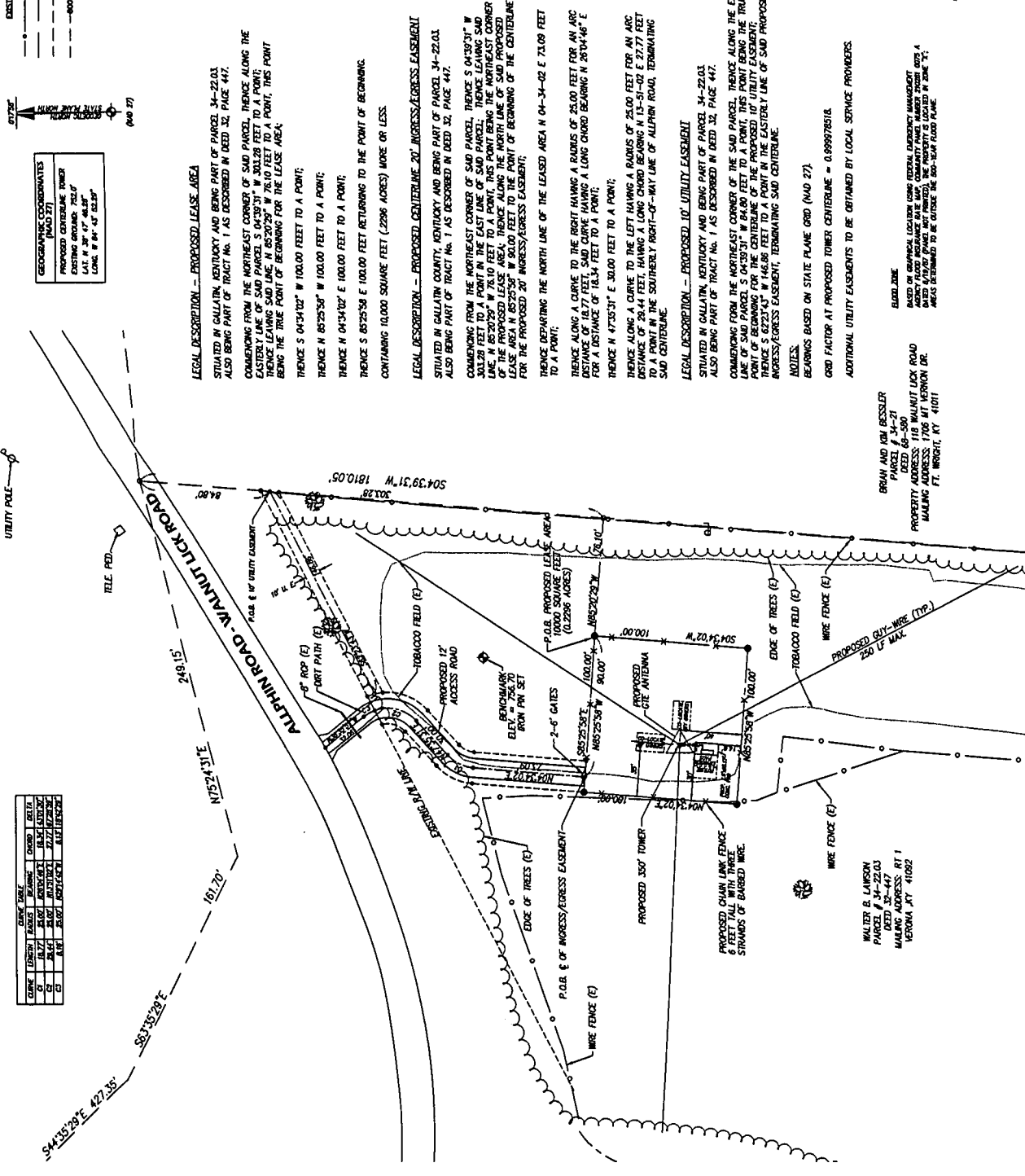
**COORDINATE INFORMATION**  
(MAD 27)  
PROPOSED CENTERLINE TOWER  
EXISTING BOUNDS: 762.0'  
C.L. N 04°32'31" W 1810.05'  
CORN. N 84°41'42.88"

**LEGAL DESCRIPTION - PROPOSED LEASE AREA**  
SITUATED IN GALLATIN, KENTUCKY AND BEING PART OF PARCEL 34-22.03  
ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447,  
COMMENCING FROM THE NORTHEAST CORNER OF SAID PARCEL, THENCE ALONG THE  
EASTERY LINE OF SAID PARCEL S 04°32'31" W 303.28 FEET TO A POINT;  
THENCE LEAVING SAID LINE N 85°20'29" W 76.10 FEET TO A POINT, THIS POINT  
BEING THE TRUE POINT OF BEGINNING FOR THE LEASE AREA;  
THENCE S 04°32'31" W 100.00 FEET TO A POINT;  
THENCE N 85°25'28" W 100.00 FEET TO A POINT;  
THENCE N 04°32'31" E 100.00 FEET TO A POINT;  
THENCE S 85°25'28" E 100.00 FEET RETURNING TO THE POINT OF BEGINNING,  
CONTAINING 10,000 SQUARE FEET (.2296 ACRES) MORE OR LESS.

**LEGAL DESCRIPTION - PROPOSED 20' INGRESS/EGRESS EASEMENT**  
SITUATED IN GALLATIN, KENTUCKY AND BEING PART OF PARCEL 34-22.03  
ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447,  
COMMENCING FROM THE NORTHEAST CORNER OF SAID PARCEL, THENCE S 04°32'31" W  
303.28 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL, THENCE LEAVING SAID  
LINE N 85°20'29" W 76.10 FEET TO A POINT, THIS POINT BEING THE NORTHEAST CORNER  
OF THE PROPOSED LEASE AREA, THENCE ALONG THE NORTH LINE OF SAID PROPOSED  
LEASE AREA N 85°25'28" W 80.00 FEET TO A POINT OF BEGINNING OF THE CENTERLINE  
FOR THE PROPOSED 20' INGRESS/EGRESS EASEMENT;  
THENCE DEPARTING THE NORTH LINE OF THE LEASED AREA N 04°-34'-42" E 73.09 FEET  
TO A POINT;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET FOR AN ARC  
DISTANCE OF 18.77 FEET, SAID CURVE HAVING A LONG CHORD BEARING N 20°14'46" E  
FOR A DISTANCE OF 18.34 FEET TO A POINT;  
THENCE N 47°25'31" E 30.00 FEET TO A POINT;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET FOR AN ARC  
DISTANCE OF 18.44 FEET, HAVING A LONG CHORD BEARING S 20°14'46" E  
FOR A DISTANCE OF 18.77 FEET TO A POINT OF BEGINNING OF THE 20' INGRESS/EGRESS  
SAID CENTERLINE.

**LEGAL DESCRIPTION - PROPOSED 10' UTILITY EASEMENT**  
SITUATED IN GALLATIN, KENTUCKY AND BEING PART OF PARCEL 34-22.03  
ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447,  
COMMENCING FROM THE NORTHEAST CORNER OF THE SAID PARCEL, THENCE ALONG THE EASTERY  
LINE OF SAID PARCEL S 04°32'31" W 303.28 FEET TO A POINT BEING THE TRUE  
POINT OF BEGINNING FOR THE CENTERLINE OF THE PROPOSED 10' UTILITY EASEMENT;  
THENCE S 82°23'43" W 146.86 FEET TO A POINT IN THE EASTERY LINE OF SAID PROPOSED  
INGRESS/EGRESS EASEMENT, TERMINATING SAID CENTERLINE.

**NOTES**  
BEARINGS BASED ON STATE PLANE GRID (MAD 27).  
GRID FACTOR AT PROPOSED TOWER CENTERLINE = 0.99978918.  
ADDITIONAL UTILITY EASEMENTS TO BE OBTAINED BY LOCAL SERVICE PROVIDERS.  
BEARINGS BASED ON STATE PLANE GRID (MAD 27).  
GRID FACTOR AT PROPOSED TOWER CENTERLINE = 0.99978918.  
ADDITIONAL UTILITY EASEMENTS TO BE OBTAINED BY LOCAL SERVICE PROVIDERS.  
BRAN AND JIM BESSLER  
PARCEL # 34-21  
DEED 86-580  
PROPERTY ADDRESS: 118 MILL CREEK LICK ROAD  
WALKING ROCK, KENTUCKY 41091  
WALTER B. LAMSON  
PARCEL # 34-22.03  
DEED 87-577  
PROPERTY ADDRESS: RT. 1  
VERONA, KY. 41092



CURVE	LENGTH	BEARING	RADIUS	CHORD	ANGLE	AREA
C1	18.77	N 20°14'46" E	25.00	18.34	18.77	0.00
C2	18.44	S 20°14'46" E	25.00	18.77	18.44	0.00
C3	80.00	N 85°25'28" W	76.10	80.00	80.00	0.00



REV.	DESCRIPTION	DATE
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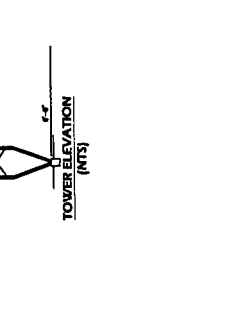
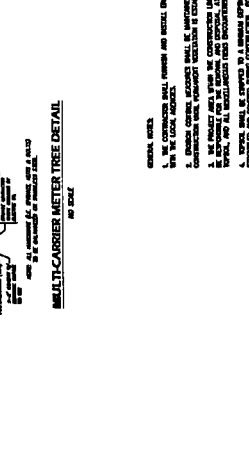
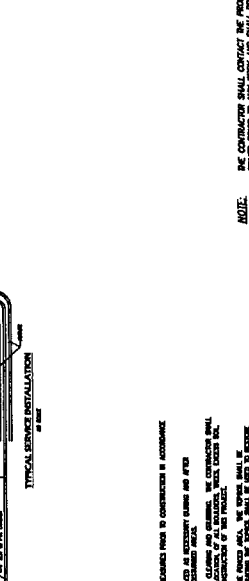
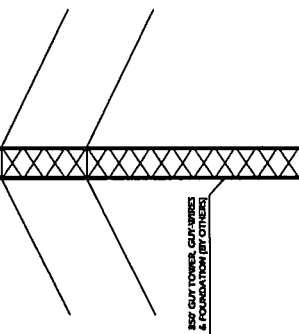
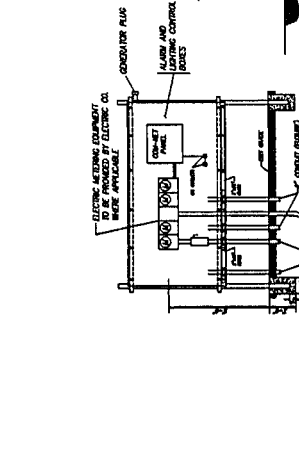
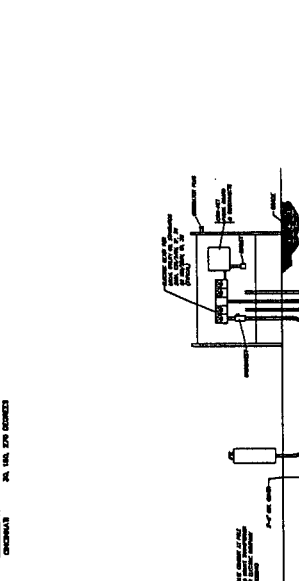
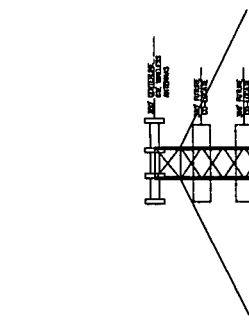
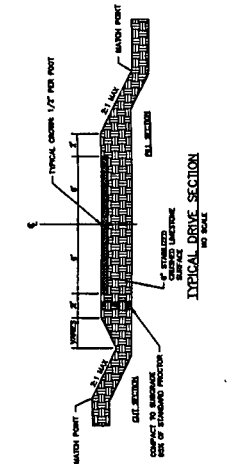
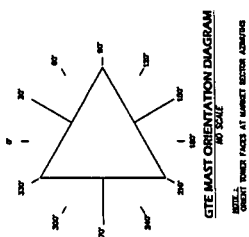
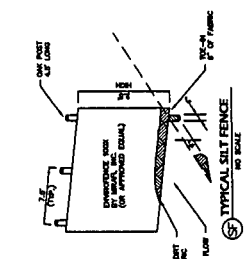
ENGINEER'S SEAL

LAWRENCE E. BAUMANN  
KENTUCKY PE # 11008  
PROJECT  
STATION # 4: 014550  
GALLATIN COUNTY, KENTUCKY

PROJECT LOCATION  
871 HALLMARK DEL SWANNEY LOCUS  
MADISON, KY 40402

DRAWING TITLE  
TOWER ELEVATION  
& DETAILS

ISSUE DATE: 12.4.98  
PROJECT NO: 98334  
SCALE: NONE  
DRAWING: JLG  
CHECKED: LLB  
DATE: 11.1.98



NOTE: THE CONTRACTOR SHALL CONTACT THE PROPERTY OWNER TO VERIFY THE EXISTING UTILITIES AND THE PROPERTY OWNER WITH A VIEW TO THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND EXTENT OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

3 WORKING DAYS  
CALL TOLL FREE 800-522-8007  
ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.

NOTICE  
LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT TO BE CONSIDERED A GUARANTEE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION AND EXTENT OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

GENERAL NOTES  
1. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES SHOWN TO CONSTRUCTION BY ACCORDANCE WITH THE LOCAL AGENCIES.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND INSTALLATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES AND THE PROPERTY OWNER WITH A VIEW TO THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND EXTENT OF ALL UTILITIES AND UNDERGROUND STRUCTURES.  
3. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
4. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
5. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
6. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
7. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
8. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
9. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.  
10. THE CONTRACTOR SHALL CORRECT THE LOCATION AND INSTALLATION OF DETAILS WITH APPROVED DETAIL COMPANIES.

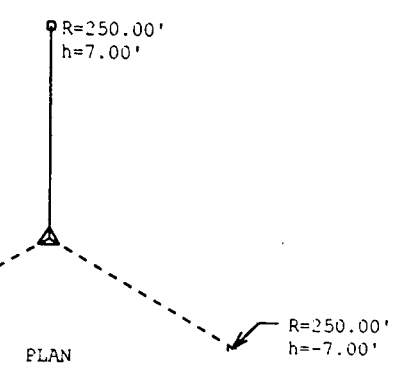
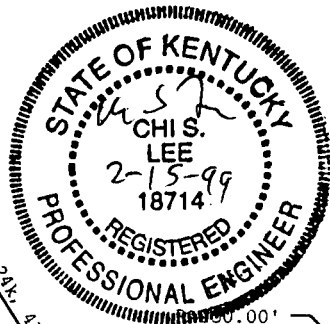
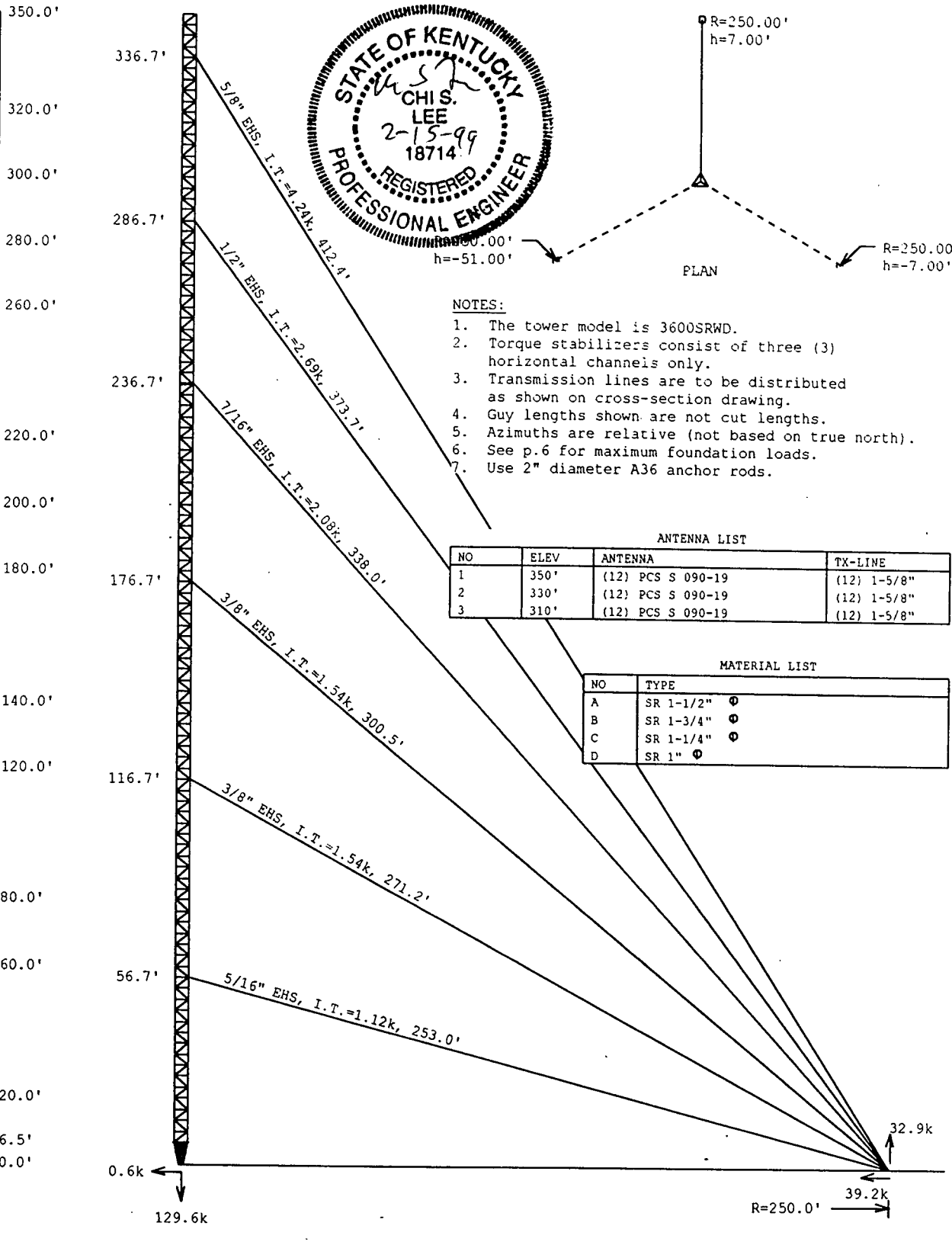
3 WORKING DAYS  
CALL TOLL FREE 800-522-8007  
ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.

NOTICE  
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DRAWMAST Version 1.2 (c) Guymast Inc. 1997 Phone: (416) 736-7453

Leg	50 ksi	SR 1-3/4" φ	SR 1" φ	SR 1" φ	SR 1" φ	SR 7/8" φ	SR 1-1/4" φ	SR 1-1/4" φ	SR 1-1/4" φ
Diagonal	36 ksi	C	C	C	C	C	D	A	B
Horizontal	36 ksi	C	C	C	C	C	D	A	B
Brace Bolts									
Face Width	3.0'								
Panel Height#Panels	#2 #4								
		3.3' #99	3.0'						



- NOTES:**
1. The tower model is 3600SRWD.
  2. Torque stabilizers consist of three (3) horizontal channels only.
  3. Transmission lines are to be distributed as shown on cross-section drawing.
  4. Guy lengths shown are not cut lengths.
  5. Azimuths are relative (not based on true north).
  6. See p.6 for maximum foundation loads.
  7. Use 2" diameter A36 anchor rods.

**ANTENNA LIST**

NO	ELEV	ANTENNA	TX-LINE
1	350'	(12) PCS S 090-19	(12) 1-5/8"
2	330'	(12) PCS S 090-19	(12) 1-5/8"
3	310'	(12) PCS S 090-19	(12) 1-5/8"

**MATERIAL LIST**

NO	TYPE
A	SR 1-1/2" φ
B	SR 1-3/4" φ
C	SR 1-1/4" φ
D	SR 1" φ

Elevation on azimuth 0.00 deg

**Sabre Communications Corporation**  
 2101 Murray Street, Sioux City, Iowa 51102  
 Phone: (712) 258-6990 Fax: (712) 258-8250

Client: Com-Net Construction Services, Job No: 99-02014 Date: 12 feb 1999  
 Location: Station/Ryle, KY (SA1728G) Tower Height: 350.00'  
 Standard: ANSI/TIA/EIA 222-F 1996 Design Wind & Ice: 70 mph + 1/2" ice



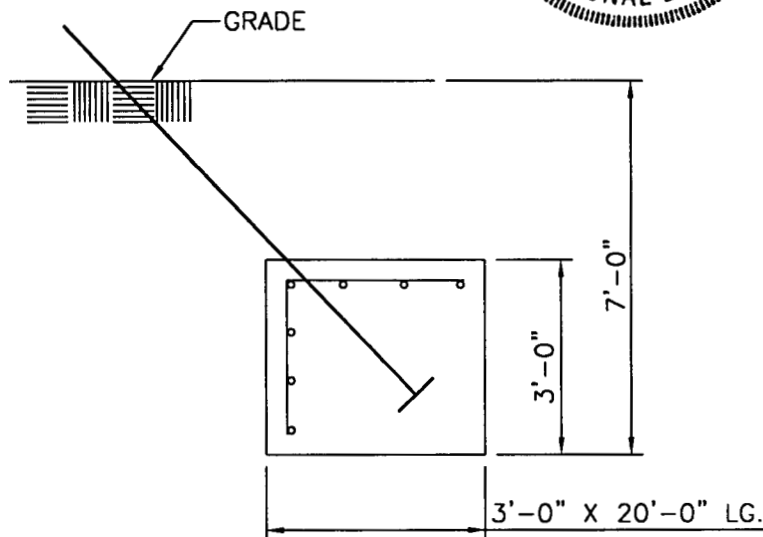
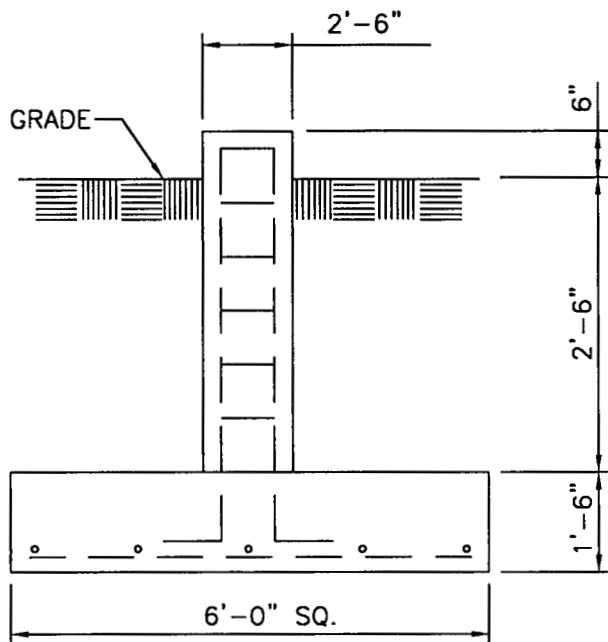
**SABRE COMMUNICATIONS CORPORATION**  
 2101 MURRAY STREET P.O. BOX 658 SIOUX CITY, IOWA 51102  
 PHONE: (712) 258-6690 FAX: (712) 258-8250

NO. SA1728-G  
 COVER PAGE 2  
 DATE 2/12/99  
 BY KJT/MLC

CUSTOMER: COM-NET CONSTRUCTION SERVICES

SITE: STATION/RYLE, KY

TITLE: 350 FT. MODEL 3600 SRW GUYED TOWER (36" FACE) AT  
 70 MPH WIND + 1/2" ICE PER EIA-222-F-1996.  
 ANTENNA LOADING PER PAGE 1 OF STRESS ANALYSIS.



TOWER BASE

(2.55 CU. YDS. EACH)

GUY ANCHOR

(6.67 CU. YDS. EACH)

REBAR SCHEDULE PER TOWER BASE AND GUY ANCHOR	
TOWER BASE	PIER: (6) #7 V-BARS W/ #3 TIES @ 12" C/C PAD: (7) #7 H-BARS EA. WAY EVENLY SPACED BOT ONLY
GUY ANCHOR	(7) #7 H-BARS X 19'-6" (20) #3 BENT BARS EVENLY SPACED

NOTES

- 1). CONCRETE SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI, IN ACCORDANCE WITH ACI 318-95.
- 2). 3" MINIMUM CONCRETE COVER.
- 3). REBARS PER ASTM A615 GR. 60.
- 4). FOUNDATION DESIGNS ARE BASED ON SOILS REPORT (JOB NO. 05910.0202) BY ATC, DATED 12/18/98

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5



**GEOTECHNICAL INVESTIGATION REPORT  
TOWER SITE 01-1550  
ALLPHIN ROAD (WALNUT LICK ROAD)  
RYLE (VERONA), KENTUCKY**

**ATC FILE NUMBER: 05910.0202**

Prepared for: Com-Net Construction Services, Inc.  
Attention Mr. Frank Messer  
111 Tri-County Parkway  
Cincinnati, Ohio 45246

Prepared By: ATC Engineering Services of Ohio, L.P.  
11121 Canal Road  
Cincinnati, Ohio 45241

December 18, 1998



ENVIRONMENTAL, GEOTECHNICAL AND MATERIALS PROFESSIONALS

11121 Canal Road  
Cincinnati, OH 45241-1861  
(513) 771-2112  
FAX (513) 782-6908

December 18, 1998

Com-Net Construction Services, Inc.  
Attention Mr. Frank Messer  
111 Tri-County Parkway  
Cincinnati, Ohio 45246

RE: Geotechnical Investigation Report  
Tower Site 01-1550  
Allphin Road (Walnut Lick Road)  
Ryle (Verona), Kentucky  
ATC File Number: 05910.0202

Gentlemen:

In compliance with your recent request, we have completed a subsurface investigation and evaluation for the above referenced project. It is our pleasure to transmit herewith three (3) copies of our written report of the result of this investigation. This work was performed in accordance with our written proposal dated May 5, 1998, and was authorized by Ms. Laura Messer on October 13, 1998.

If you should have any questions regarding this site or our report, please feel free to call us at your convenience. It has been a pleasure working with you on this project.

Very Truly Yours,

ATC Engineering Services of Ohio, L.P.

A handwritten signature in black ink, appearing to read 'Malcolm D. Hargraves', written in a cursive style.

Malcolm D. Hargraves, P.E.  
Staff Engineer I

MDH

A handwritten signature in black ink, appearing to read 'James P. Kapsho', written in a cursive style.

James P. Kapsho, P.E.  
Principal Engineer



## TABLE OF CONTENTS

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2.0 PROJECT AND SITE CHARACTERISTICS .....	2
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4.2 Guy Anchors .....	5
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5.0 FIELD AND LABORATORY INVESTIGATIONS .....	7
5.1 Scope .....	7
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### APPENDIX

## **GEOTECHNICAL INVESTIGATION REPORT**

**TOWER SITE 01-1550  
ALLPHIN ROAD (WALNUT LICK ROAD)  
RYLE (VERONA), KENTUCKY**

**ATC/ATEC FILE NUMBER: 05910.0202**

### **1.0 INTRODUCTION**

This report presents the results of a geotechnical investigation and soils evaluation for the proposed telecommunication tower. This study was performed in response to the written proposal dated May 5, 1998 and was authorized by Ms. Laura Messer on October 13, 1998.

The purpose of this investigation was to determine the types of subsoils and bedrock present at the proposed site and to evaluate their suitability for the present tower foundation. Also, selected comments and recommendations relative to the design of the foundation and proposed construction are provided.

The scope of this investigation included a review of available geologic and soils data for the project area, a subsurface investigation consisting of four (4) standard test borings, located as shown on the attached Boring Location Plan in the Appendix, field and laboratory soil testing, and an engineering analysis and evaluation of the subsurface conditions encountered at this site.

## 2.0 PROJECT AND SITE CHARACTERISTICS

The tower comprising this project is to be constructed on a parcel of land roughly 1 mile west of Ryle, Kentucky, approximately 1,000 feet southeast of the Allphin Road (Walnut Lick Road) overpass at Interstate 71. The actual site is a 100 feet by 100 feet lease area, approximately 300 feet south off of Allphin Road, in a tobacco field (see Boring Location Plan, Figure 1 in the Appendix).

Present information indicates that the proposed tower is a guy supported structure about 350 feet in height. The tower is to be connected by guy wires to reinforced concrete anchor blocks at three discrete points and will presumably rest on a reinforced concrete pad. No structural loads have been provided to ATC as of the writing of this report.

## 3.0 GENERAL SUBSURFACE CONDITIONS

Using standard rotary drill equipment, ATC made four (4) standard test borings plus rock coring for this investigation. The soil and rock samples were returned to our laboratory in Cincinnati, Ohio, for the required analysis, testing and evaluation.

It should be noted that stratification lines shown on the boring logs represent approximate transitions between material types. In-situ strata changes could occur gradually or at slightly different levels. Also, it should be noted that the borings depict conditions at the particular location and times indicated. Some conditions, particularly groundwater levels, could change with time.

The subsurface profile and groundwater conditions are described in detail on the boring logs located in the Appendix to this report, but in general terms consist of the following:

### 3.1 Soil Profile

The soil borings encountered light brown/beige to light orange-brown silty clay with traces of oxide stains and root hairs to a depth ranging from 3 to 6 feet below the present ground surface. Standard Penetration (N) values in this material ranged from 12 to 20 blows per foot (bpf) indicative of a stiff to very stiff soil consistency.

Light olive brown/tan silty clay with traces of limestone lens fragments and oxide stains was encountered below about 3 to 6 feet deep and was disclosed to the depth of auger refusal, which usually ranged between 7.5 and 9.5 feet below the surface. N-values in this residual material ranged from 19 to greater than 50 bpf, with the higher N-values occurring where limestone lenses were encountered. A laminated structure, typical of residual soils derived from the weathering of the local bedrock, was observed in this soil, particularly in the olive brown to more olive (less weathered) samples of this material. It should be noted that some samples of this material, specifically those observed at Boring 4, appeared to possess a relatively higher plasticity than other samples, indicating the possible presence of moderately expansive clays.

Rock coring methods were used to advance Boring 1 below the depth of auger refusal at 7.5 feet deep. Interbedded, soft to very soft olive brown to olive shale and hard, light gray to white limestone was recovered in the core run of 7 feet. The recovered core sample was extremely disturbed due to the very soft and fragmented nature of the very weathered bedrock. In addition, part of the sample had to be destroyed to ream the material from the drilling tools, due to swelling of the shale portion exposed to the drilling water. This is



another indicator that encounters with expansive residual soils and shales are probable in the area.

### **3.2 Groundwater Conditions**

Observations concerning groundwater were made during the drilling operations. No water was noted in the boreholes or on the drilling and sampling tools, prior to rock coring operations.

The observed groundwater level depends on normal variations in precipitation and surface runoff amounts. Fluctuations in groundwater can only be determined through observations made in cased holes, the construction of which was beyond the scope of this investigation.

## **4.0 GEOTECHNICAL CONCLUSIONS & TOWER FOUNDATION RECOMMENDATIONS**

Based upon the field and laboratory tests on the subsurface materials, the following conclusions and material parameters were developed. At present the subsurface conditions revealed at this site are considered suitable for the proposed development. If there are any subsequent changes, ATC should be allowed to review the revised plans to determine if the conclusions of this report need to be modified.

#### **4.1 Tower Base Foundation**

The soil borings encountered stiff to very stiff soils underlain by generally harder, residual silty clay materials. Field and laboratory tests of these materials indicate that a spread type foundation is feasible for the tower base foundation. Based upon this information, it is recommended that the tower base foundation bearing in the stiff to very stiff silty clay soils, above about 3 feet deep, be designed for a maximum net allowable bearing pressure of 3,000 pounds per square foot (psf). If the harder, olive brown, laminated, residual silty clay is exposed, generally below 3 to 4 feet deep, the foundation can be designed utilizing a maximum net allowable bearing pressure of 4,000 psf.

In using net allowable soil pressures, the weight of the footings and backfill over the footings need not be used for dimensioning. Furthermore, isolated footings should be at least 24 inches square, respectively (or as per applicable building code requirements, whichever is larger) for protection of shear punch through the foundation soils. The above stated recommended soil bearing value should be considered an upper limit, and any values less than that listed above would be acceptable for the foundation system.

#### **4.2 Guy Anchors**

The guy anchors have to resist vertical and horizontal ("pull out") loadings resulting from the guy wires that will be in tension during wind events. Borings 2 through 4, drilled at the locations of the respective anchors, revealed stiff to very stiff soils to depths ranging from 3 to 6 feet below grade underlain by harder silty clays and weathered rock. Based upon this information and assuming an undrained (rapid) failure for transient loadings, a maximum allowable passive pressure of 1,200 psf is recommended for the light brown/beige stiff soils encountered above 3 to 6 feet depth and 2,000 psf for the hard, light olive brown silty clay soils below about 3 to 6 feet deep. This allowable pressure includes a factor of safety equal to 3 against lateral failure. A soil adhesion of 500 psf on

the base of the block resting in the light brown/beige silty clay above 3 to 6 feet depth can also be utilized for sliding resistance. The allowable adhesion for the hard, light olive brown silty clay encountered below 3 to 6 feet deep can be taken as 800 psf. This allowable adhesion should be reduced to 85 percent of the above recommended values for resistance on the sides of the anchor block.

Vertical forces on the anchor are primarily resisted by soil weight and the dead weight of the concrete block. This resistance force should be calculated assuming a soil unit weight of 120 pounds per cubic foot (pcf) and a concrete unit weight of 150 pcf.

#### **4.3 General Foundation Comments**

All foundation elements and anchor blocks should be placed at a minimum depth of 2.5 feet or greater below finished exterior grades for frost protection. If any soft, wet, organic or loose soil, or any old fill is encountered, the excavations should be extended downward so that the footings rest on firm soils.

All foundation bearing surfaces should be protected against freezing, the surface water and undue disturbance as the cohesive soils will tend to soften and increase settlements in such cases. If at all possible, the footing concrete should be placed the same day that the excavation takes place. If this is not feasible, proper protection of the footing excavations should be provided. All footing excavations should be inspected to assure that adequate bearing is achieved before placing concrete for the foundations.

## 5.0 FIELD AND LABORATORY INVESTIGATIONS

### 5.1 Scope

Field investigations to determine the general engineering characteristics of the foundation materials for this project included the performance of four (4) test borings with rock coring located approximately as shown on the enclosed Boring Location Plan, and the performance of standard penetration tests on the in-situ soils. The apparent groundwater level at the boring locations was also determined.

The types of foundation materials encountered in the test borings have been visually classified by ATC engineering staff, and are described in detail on the boring logs. The results of the field penetration tests, strength tests and water level observations are present on the boring logs. Representative samples of the soils and bedrock encountered in the field were placed in sample jars or core boxes and are now stored in our laboratory for further analysis, if desired. Unless we are notified to the contrary, all samples will be disposed of 30 days from the date of this report.

### 5.2 Field Investigations

The borings were performed with a truck-mounted drilling rig equipped with a rotary head. Conventional hollow-stem augers were used to advance the holes. Representative samples of the in-situ soils and rock were obtained employing split-barrel and diamond core sampling procedures in accordance with ASTM Procedures D-1586 and D-2113.

### **5.3 Laboratory Investigations**

In conjunction with the field investigations, a supplemental laboratory investigation was conducted to determine additional pertinent engineering characteristics of the subsurface materials necessary for analyzing the behavior of the foundation for the proposed structure. The laboratory testing program included supplementary visual classification tests on all samples. Hand penetrometer, moisture content and Atterberg Limits tests were made on selected samples of soil. All phases of the laboratory investigation were conducted in general accordance with applicable ASTM specifications and procedures.

## 6.0 LIMITATIONS OF STUDY

### Differing Conditions

Our recommendations for this project were developed utilizing subsurface information obtained from the test boring that was made at the proposed site. At this time we would like to point out that test boring only depicts the subsurface conditions at the specific location and time at which it was made. The subsurface conditions at other locations on the site may differ from those occurring at the boring locations. If deviations from the noted subsurface conditions are encountered during construction, they should be brought to the attention of the geotechnical engineer.

### Changes in Plans

The conclusions and recommendations herein have been based upon the available subsurface information and the preliminary design details furnished by a representative of the owner of the proposed project and/or as assumed herein. Any revision in the plans for the proposed construction from those anticipated in this report should be brought to the attention of the geotechnical engineer to determine whether any changes in the foundation or earthwork recommendations are necessary.

### Recommendations vs. Final Design

This report and the recommendations included within are not to be considered a final design, but rather as a basis for the final design to be completed by others (architect, civil or structural engineer, etc.). It is the client's responsibility to insure that the recommendations of the geotechnical engineer are properly integrated into the design, and that the geotechnical engineer is provided the opportunity for design input and comment after the submittal of this report, as needed. We recommend that this firm be retained to review the final construction documents to confirm that the proposed project design sufficiently considers our geotechnical recommendations. We also suggest that our firm be represented at pre-bid and/or pre-construction meetings regarding this project to offer any needed clarification of the geotechnical information to all involved.

### Construction Issues

Although general constructability issues have been considered in this report, the means, methods, techniques, sequences and operations of construction, safety precautions, and all items incidental thereto and consequences of, are the responsibility of parties to the project other than ATEC. This office should be contacted if additional guidance is needed in these matters.

### Report Interpretation

This company is not responsible for the conclusions, opinions, or recommendations made by others based upon the data included herein. It is the client's responsibility to seek any guidance and clarifications from the geotechnical engineer needed for proper interpretation of this report.

### Environmental Considerations

The scope of our services does not include any environmental assessment or investigation for the presence or absence of hazardous or toxic materials in the soil, groundwater, or surface water within or beyond the site studied. Any statements in this report or on the test boring logs regarding odors, staining of soils, or other unusual conditions observed are strictly for the information of our client. Unless complete environmental information regarding the site is already available, an environmental assessment is recommended prior to the development of this site.

### Standard of Care

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. This statement is made in lieu of all other warranties either express or implied.

**APPENDIX**

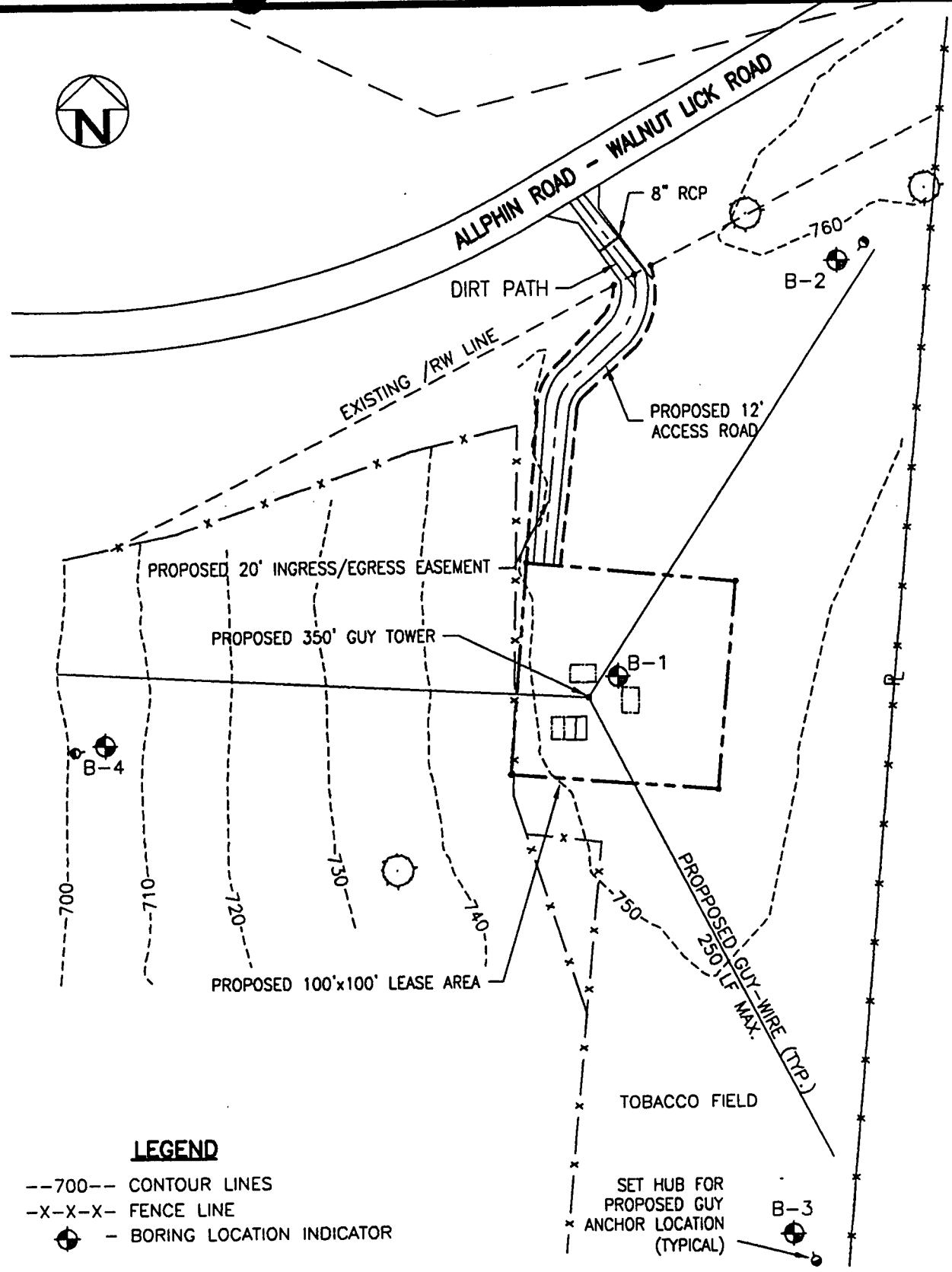
**Boring Location Plan**

**Logs of Borings**

**Unified Soil Classification**

**Field Classification of System for Soil Exploration**

**Important Information About Your Report**



**LEGEND**

- 700-- CONTOUR LINES
- X-X-X- FENCE LINE
- ⊕ - BORING LOCATION INDICATOR

SET HUB FOR PROPOSED GUY ANCHOR LOCATION (TYPICAL)

**BORING LOCATION MAP**  
 COM-NET CONSTRUCTION SERVICE, INC.  
 TOWER SITE 01-1550  
 ALLPHIN ROAD (WALNUT LICK ROAD)  
 RYLE (VERONA), KENTUCKY

PROJECT NO. 05910.0202	
SCALE N.T.S	
FIGURE NO. 1	
DRAWN BY DLG	APPROVED BY MDH





CLIENT Com-Net Construction Services, Inc.  
 PROJECT NAME Tower Site 01-1550  
 PROJECT LOCATION Allphin Road (Walnut Lick Road)  
Ryle (Verona), Kentucky

BORING # 1  
 JOB # 05910.0202  
 DRAWN BY mlw  
 APPROVED BY MDH

**DRILLING and SAMPLING INFORMATION**

Date Started 10/30/98 Hammer Wt. 140 lbs.  
 Date Completed 10/30/98 Hammer Drop 30 in.  
 Drill Foreman R. Blakney Spoon Sampler OD 2 in.  
 Inspector \_\_\_\_\_ Rock Core Dia. \_\_\_\_\_ in.  
 Boring Method HSA Shelby Tube OD \_\_\_\_\_ in.

**TEST DATA**

SOIL CLASSIFICATION	Stratum Depth	Depth Scale	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, N - blows/foot	Cu- $\beta$ f Unconfined Compressive Strength	PP- $\beta$ f Pocket Penetrometer	Moisture Content %	Liquid Limit (LL)	Plastic Limit (PL)	Remarks
Light brown SILTY CLAY with traces of oxide stains and root hairs. (CL) moist, stiff	3.0		1	SS			12			24.7			
Light olive brown/tan SILTY CLAY with traces of oxide stains. (CL) [residual soil] slightly moist, very stiff	5.5	5	2	SS			19		2.5	21.7			
laminated structure													
Olive brown SILTY CLAY. (CL) [extremely weathered shale] slightly moist, hard	7.5		3	SS			86/0.8'			17.8			
laminated structure													
Auger Refusal at 7.5' Interbedded, soft, olive brown to olive, very weathered SHALE and hard, light gray to white LIMESTONE.		10	4	RC									
(RQD not measured due to extreme sample disturbance during drilling activities.)													
Boring discontinued at 14.5 feet depth.	14.5												

**Sample Type**

- SS - Driven Split Spoon
- ST - Pressed Shelby Tube
- CA - Continuous Flight Auger
- RC - Rock Core
- CU - Cuttings
- CT - Continuous Tube

**Depth to Groundwater**

- Noted on Drilling Tools \_\_\_\_\_ ft.
- ⊕ At Completion (in augers) \_\_\_\_\_ ft.
- ⊕ At Completion (open hole) \_\_\_\_\_ ft.
- ∇ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ∇ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ⊠ Cave Depth \_\_\_\_\_ ft.

**Boring Method**

- HSA - Hollow Stem Augers
- CFA - Continuous Flight Augers
- DC - Driving Casing
- MD - Mud Drilling

CLIENT Com-Net Construction Services, Inc.  
PROJECT NAME Tower Site 01-1550  
PROJECT LOCATION Allphin Road (Walnut Lick Road)  
Ryle (Verona), Kentucky

BORING # 2  
JOB # 05910.0202  
DRAWN BY mlw  
APPROVED BY MDA

**DRILLING and SAMPLING INFORMATION**

Date Started 10/30/98 Hammer Wt. 140 lbs.  
Date Completed 10/30/98 Hammer Drop 30 in.  
Drill Foreman R. Blakney Spoon Sampler OD 2 in.  
Inspector \_\_\_\_\_ Rock Core Dia. \_\_\_\_\_ in.  
Boring Method HSA Shelby Tube OD \_\_\_\_\_ in.

**TEST DATA**

SOIL CLASSIFICATION	Stratum Depth	Depth Scale	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, N - blows/foot	Qu- <u>test</u> Unconfined Compressive Strength	PP- <u>test</u> Pocket Penetrometer	Moisture Content %	Liquid Limit (LL)	Plastic Limit (PL)	Remarks
Topsoil	0.3												
Light brown/beige SILTY CLAY with traces of rock fragments. (CL) moist, stiff to very stiff			1	SS			15			24.9			
			2	SS			20		2.75	27.0			
	6.0	5											
Light olive brown/tan to olive brown SILTY CLAY with trace to little limestone lens fragments. (CL) [residual soil] slightly moist, hard			3	SS			96		4.0	12.4			
	9.5		4	SS			72/0.8'			54.1			
laminated structure Boring discontinued at 9.5 feet depth.													

**Sample Type**

- SS - Driven Split Spoon
- ST - Pressed Shelby Tube
- CA - Continuous Flight Auger
- RC - Rock Core
- CU - Cuttings
- CT - Continuous Tube

**Depth to Groundwater**

- ☉ Noted on Drilling Tools Dry ft.
- ⊕ At Completion (in augers) \_\_\_\_\_ ft.
- ⊗ At Completion (open hole) \_\_\_\_\_ ft.
- ∇ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ∇ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ⊠ Cave Depth 5.0 ft.

**Boring Method**

- HSA - Hollow Stem Augers
- CFA - Continuous Flight Augers
- DC - Driving Casing
- MD - Mud Drilling

CLIENT Com-Net Construction Services, Inc.  
PROJECT NAME Tower Site 01-1550  
PROJECT LOCATION Allphin Road (Walnut Lick Road)  
Ryle (Verona), Kentucky

BORING # 3  
JOB # 05910.0202  
DRAWN BY mlw  
APPROVED BY MDH

DRILLING and SAMPLING INFORMATION

Date Started 10/30/98 Hammer Wt. 140 lbs.  
Date Completed 10/30/98 Hammer Drop 30 in.  
Drill Foreman R. Blakney Spoon Sampler OD 2 in.  
Inspector \_\_\_\_\_ Rock Core Dia. \_\_\_\_\_ in.  
Boring Method HSA Shelby Tube OD \_\_\_\_\_ in.

TEST DATA

SOIL CLASSIFICATION	Stratum Depth	Depth Scale	Sample No.	Sample Type	Sampler Graphics Recovery Graphics	Groundwater	Standard Penetration Test, N - blows/foot	Qu-tsif Unconfined Compressive Strength	PP-tsif Pocket Penetrometer	Moisture Content %	Liquid Limit (LL)	Plastic Limit (PL)	Remarks
Topsoil	0.3												
Light orange-brown SILTY CLAY with traces of root hairs. (CL) moist, stiff			1	SS			14			14.8			
Light olive brown/tan SILTY CLAY with traces of oxide stains. (CL) [residual soil] slightly moist, hard	3.0		2	SS			30			14.4			
-laminated structure			3	SS			30			17.2			
Boring discontinued at 7.5 feet depth due to auger refusal.	7.5		4	SS			50/0.1						

Sample Type

SS - Driven Split Spoon  
ST - Pressed Shelby Tube  
CA - Continuous Flight Auger  
RC - Rock Core  
CU - Cuttings  
CT - Continuous Tube

Depth to Groundwater

☉ Noted on Drilling Tools Dry ft.  
⊕ At Completion (in augers) \_\_\_\_\_ ft.  
⊕ At Completion (open hole) \_\_\_\_\_ ft.  
⚡ After \_\_\_\_\_ hours \_\_\_\_\_ ft.  
⚡ After \_\_\_\_\_ hours \_\_\_\_\_ ft.  
⚡ Cave Depth 4.0 ft.

Boring Method

HSA - Hollow Stem Augers  
CFA - Continuous Flight Augers  
DC - Driving Casing  
MD - Mud Drilling

CLIENT Com-Net Construction Services, Inc. BORING # 4  
 PROJECT NAME Tower Site 01-1550 JOB # 05910.0202  
 PROJECT LOCATION Allphin Road (Walnut Lick Road) DRAWN BY mlw  
Ryle (Verona), Kentucky APPROVED BY MDH

**DRILLING and SAMPLING INFORMATION**

Date Started 10/30/98 Hammer Wt. 140 lbs.  
 Date Completed 10/30/98 Hammer Drop 30 in.  
 Drill Foreman R. Blakney Spoon Sampler OD 2 in.  
 Inspector \_\_\_\_\_ Rock Core Dia. \_\_\_\_\_ in.  
 Boring Method HSA Shelby Tube OD \_\_\_\_\_ in.

**TEST DATA**

SOIL CLASSIFICATION	Stratum Depth	Depth Scale	Sample No.	Sample Type	Sampler Graphics	Recovery Graphics	Groundwater	Standard Penetration Test, N - blows/foot	Qu- <sub>u</sub> Unconfined Compressive Strength	PP- <sub>tsf</sub> Pocket Penetrometer	Moisture Content %	Liquid Limit (LL)	Plastic Limit (PL)	Remarks
Light orange-brown SILTY CLAY with traces of root hairs. (CL, CL-CH) moist, stiff			1	SS				12		1.75	18.6			
Light olive brown/tan SILTY CLAY with traces of limestone lens fragments. (CL, CL-CH) [residual soil] moist, very stiff	3.0		2	SS				18			24.4	40	19	
Olive brown to olive SILTY CLAY. (CL) moist, hard		5.5	3	SS				36			20.4			
--laminated structure Boring discontinued at 8.0 feet depth due to auger refusal.	8.0		4	SS				50/0.0						

**Sample Type**

- SS - Driven Split Spoon
- ST - Pressed Shelby Tube
- CA - Continuous Flight Auger
- RC - Rock Core
- CU - Cuttings
- CT - Continuous Tube

**Depth to Groundwater**

- ☉ Noted on Drilling Tools Dry ft.
- ⊕ At Completion (in augers) \_\_\_\_\_ ft.
- ⊕ At Completion (open hole) \_\_\_\_\_ ft.
- ⌚ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ⌚ After \_\_\_\_\_ hours \_\_\_\_\_ ft.
- ⊕ Cave Depth \_\_\_\_\_ ft.

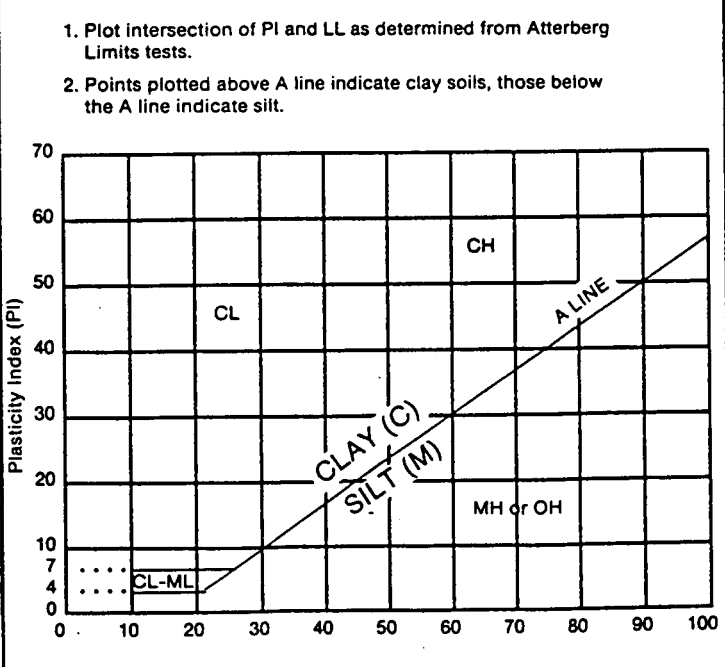
**Boring Method**

- HSA - Hollow Stem Augers
- CFA - Continuous Flight Augers
- DC - Driving Casing
- MD - Mud Drilling

# Unified Soil Classification System

Major Divisions		Group Symbol	Typical Names	Laboratory Classifications Criteria		
<b>COARSE GRAINED SOILS</b> (More than half of material is larger than No. 200 sieve)	<b>Gravels</b> (More than half of coarse fraction is larger than No. 4 sieve)	Clean gravels	GW	Well graded gravels, gravel-sand mixtures, little or no fines.	$C_u = \frac{D_{60}}{D_{10}} > 4 : 1$ $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}} < 3$	
		Gravels with fines	GP	Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting all gradation requirements for GW
		<b>Sands</b> (More than half of coarse fraction is smaller than No. 4 sieve)	Clean sands	SW	Well graded sands, gravelly sands, little or no fines	$C_u = \frac{D_{60}}{D_{10}} > 6 : 1$ $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}} < 3$
			Sands with fines	SP	Poorly graded sands, gravelly sands, little or no fines	
	<b>FINE GRAINED SOILS</b> (More than half of material is smaller than No. 200 sieve)	<b>Silts and Clays</b> (LL less than 50)	Sands with fines	SM	Silty sands, sand-silt mixtures	Atterberg limits below "A" line or P.I. less than 4  Atterberg limits above "A" line with P.I. greater than 7
			Gravels with fines	SC	Clayey sands, sand-clay mixtures	
			<b>Silts and Clays</b> (LL greater than 50)	Sands with fines	SH	Silty sands, sand-silt mixtures
		Sands with fines		SH	Silty sands, sand-silt mixtures	
		Sands with fines		SH	Silty sands, sand-silt mixtures	
		<b>Highly Organic Soil</b>	Sands with fines	SO	Silty sands, sand-silt mixtures	Atterberg limits below "A" line or P.I. less than 4  Atterberg limits above "A" line with P.I. greater than 7
Sands with fines	SO		Silty sands, sand-silt mixtures			

Determine percentages of sand and gravel from grain size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse grained soils, are classified as follows:  
 Less than 5% . . . . . GW, GP, SW, SP  
 More than 5% to 12% . . . . . GM, GC, SM, SC  
 More than 12% . . . . . Borderline cases requiring dual symbols



# FIELD CLASSIFICATION SYSTEM FOR SOIL EXPLORATION

## NON COHESIVE SOILS (Silt, Sand, Gravel and Combinations)

### Density

Very Loose	- 5 blows/ft. or less
Loose	- 6 to 10 blows/ft.
Medium Dense	-11 to 30 blows/ft.
Dense	-31 to 50 blows/ft.
Very Dense	-51 blows/ft. or more

### Relative Proportions

Descriptive Term	Percent
Trace	1 -10
Little	11-20
Some	21-35
And	36-50

### Particle Size Identification

Boulders	-8 inch diameter or more
Cobbles	-3 to 8 inch diameter
Gravel	-Coarse -1 to 3 inch
	Medium -½ to 1 inch
	Fine -¼ to ½ inch
Sand	-Coarse 2.00mm to ¼ inch (dia. of pencil lead)
	Medium 0.42 to 2.00mm (dia. of broom straw)
	Fine 0.074 to 0.42mm (Dia. of human hair)
Silt	0.074 to 0.002mm
	(Cannot see particles)

## COHESIVE SOILS (Clay, Silt and Combinations)

### Consistency

Very Soft	- 3 blows/ft. or less
Soft	- 4 to 5 blows/ft.
Medium Stiff	- 6 to 10 blows/ft.
Stiff	-11 to 15 blows/ft.
Very Stiff	-16 to 30 blows/ft.
Hard	-31 blows/ft. or more

### Plasticity

Degree of Plasticity	Plasticity Index
None to slight	0- 4
Slight	5- 7
Medium	8-22
High to Very High	over 22

Classification on logs are made by visual inspection of samples.

**Standard Penetration Test**—Driving a 2.0" O.D., 1-¾" I.D., sampler a distance of 1.0 foot into undisturbed soil with a 140 pound hammer free falling a distance of 30.0 inches. It is customary for ATEC to drive the spoon 6.0 inches to seat into undisturbed soil, then perform the test. The number of hammer blows for seating the spoon and making the test are recorded for each 6.0 inches of penetration (Example—6/8/9). The standard penetration test result can be obtained by adding the last two figures (i.e. 8 + 9 = 17 blows/ft.). (ASTM D-1586-67)

**Strata Changes** — In the Column "Soil Descriptions" on the drill log the horizontal lines represent strata changes. A solid line ( \_\_\_\_\_ ) represents an actually observed change a dashed line ( - - - - - ) represents an estimated change.

**Ground Water** observations were made at the times indicated. Porosity of soil strata, weather conditions, site topography, etc., may cause changes in the water levels indicated on the logs.



ENVIRONMENTAL, GEOTECHNICAL AND MATERIALS PROFESSIONAL

# IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING REPORT

As the client of a consulting geotechnical engineer, you should know that site subsurface conditions cause more construction problems than any other factor. ASFE/The Association of Engineering Firms Practicing in the Geosciences offers the following suggestions and observations to help you manage your risks.

## **A GEOTECHNICAL ENGINEERING REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS**

Your geotechnical engineering report is based on a subsurface exploration plan designed to consider a unique set of project-specific factors. These factors typically include: the general nature of the structure involved, its size, and configuration; the location of the structure on the site; other improvements, such as access roads, parking lots, and underground utilities; and the additional risk created by scope-of-service limitations imposed by the client. To help avoid costly problems, ask your geotechnical engineer to evaluate how factors that change subsequent to the date of the report may affect the report's recommendations.

Unless your geotechnical engineer indicates otherwise, do not use your geotechnical engineering report:

- when the nature of the proposed structure is changed, for example, if an office building will be erected instead of a parking garage, or a refrigerated warehouse will be built instead of an unrefrigerated one;
- when the size, elevation, or configuration of the proposed structure is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership; or
- for application to an adjacent site.

Geotechnical engineers cannot accept responsibility for problems that may occur if they are not consulted after factors considered in their report's development have changed.

## **SUBSURFACE CONDITIONS CAN CHANGE**

A geotechnical engineering report is based on conditions that existed at the time of subsurface exploration. Do not base construction decisions on a geotechnical engineering report whose adequacy may have been affected by time. Speak with your geotechnical consultant to learn if additional tests are advisable before construction starts. Note, too, that additional tests may be required when subsurface conditions are affected by construction operations at or adjacent to the site, or by natural events such as floods, earthquakes, or ground water fluctuations. Keep your geotechnical consultant apprised of any such events.

## **MOST GEOTECHNICAL FINDINGS ARE PROFESSIONAL JUDGMENTS**

Site exploration identifies actual subsurface conditions only at those points where samples are taken. The data were extrapolated by your geotechnical engineer who then applied judgment to render an opinion about overall subsurface conditions. The actual interface between materials may be far more gradual or abrupt than your report indicates. Actual conditions in areas not sampled may differ from those predicted in your report. While nothing can be done to prevent such situations, you and your geotechnical engineer can work together to help minimize their impact. Retaining your geotechnical engineer to observe construction can be particularly beneficial in this respect.

## **A REPORT'S RECOMMENDATIONS CAN ONLY BE PRELIMINARY**

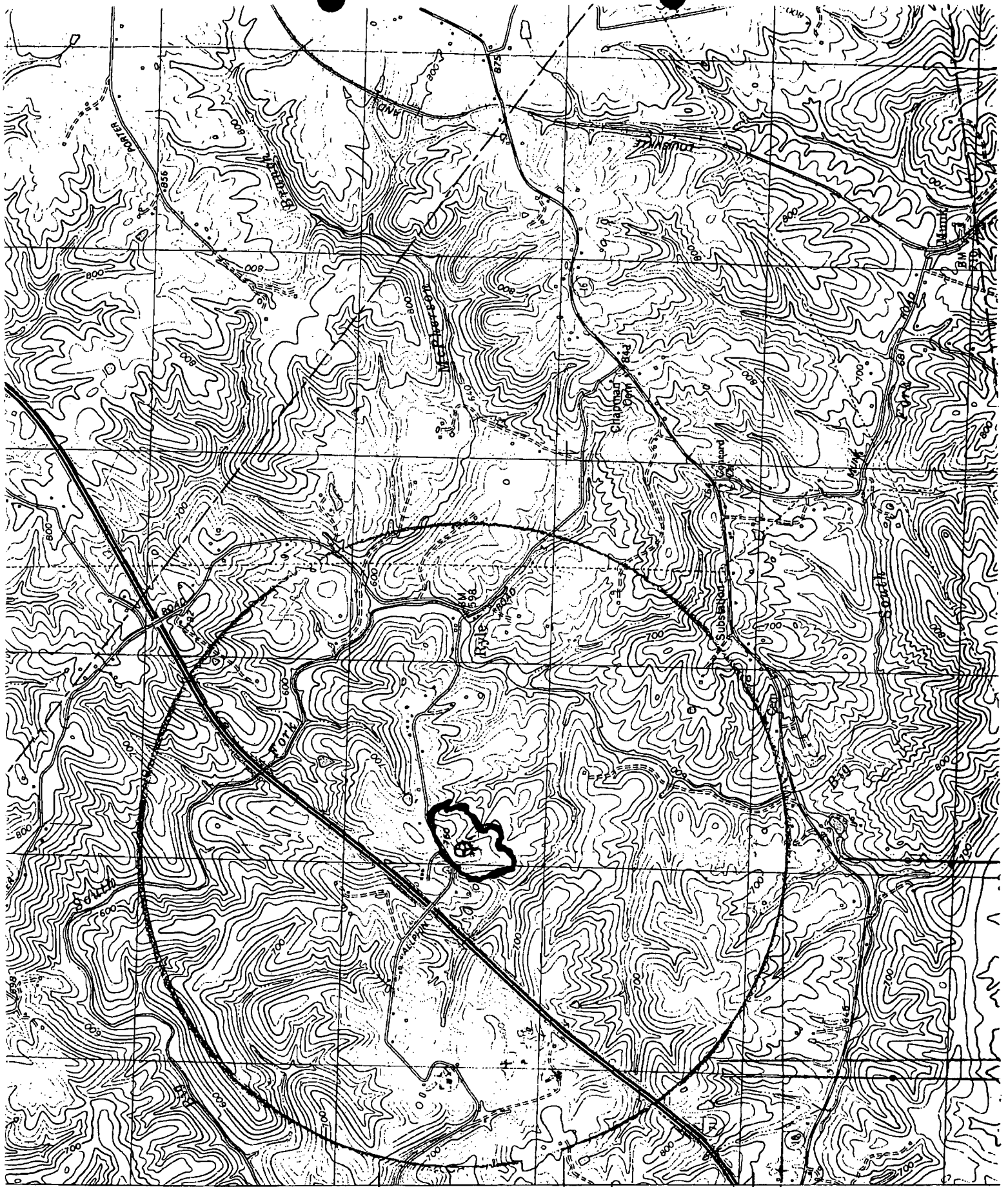
The construction recommendations included in your geotechnical engineer's report are preliminary, because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site. Because actual subsurface conditions can be discerned only during earthwork, you should retain your geotechnical engineer to observe actual conditions and to finalize recommendations. Only the geotechnical engineer who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations are valid and whether or not the contractor is abiding by applicable recommendations. The geotechnical engineer who developed your report cannot assume responsibility or liability for the adequacy of the report's recommendations if another party is retained to observe construction.

## **GEOTECHNICAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS**

Consulting geotechnical engineers prepare reports to meet the specific needs of specific individuals. A report prepared for a civil engineer may not be adequate for a construction contractor or even another civil engineer. Unless indicated otherwise, your geotechnical engineer prepared your report expressly for you and expressly for purposes you indicated. No one other than you should apply this report for its intended purpose without first conferring with the geotechnical engineer. No party should apply this report for any purpose other than that originally contemplated without first conferring with the geotechnical engineer.

## **GEOENVIRONMENTAL CONCERNS ARE NOT AT ISSUE**

Your geotechnical engineering report is not likely to relate any findings, conclusions, or recommendations



861  
4961 N SE  
(PATRIOT)

Station

01-1550-97

496

47'30"

LOUISVILLE 69 MI.  
5 MI. TO INTERCHANGE 82

494



②

Federal Aviation Administration  
 Southern Region  
 Air Traffic Division, ASO-520  
 P. O. Box 20636  
 Atlanta, GA 30320

 ACKNOWLEDGEMENT OF NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION
 

---

CITY	STATE	LATITUDE/LONGITUDE		MSL	AGL	AMSL
RYLE	KY	38-47-46.51	084-43-52.09	752	380	1132

---

COM-NET CONSTRUCTION  
 KELLY VAUGHN  
 111 TRI-COUNTY PKWY  
 SPRINGDALE, OH 45246

AERONAUTICAL STUDY  
 No: 98-ASO-7118-OE

Type Structure: ANTENNA TOWER 1951.2 MHZ/ 1600 WATTS

The Federal Aviation Administration hereby acknowledges receipt of notice dated 11/05/98 concerning the proposed construction or alteration contained herein.

A study has been conducted under the provisions of Part 77 of the Federal Aviation Regulations to determine whether the proposed construction would be an obstruction to air navigation, whether it should be marked and lighted to enhance safety in air navigation, and whether supplemental notice of start and completion of construction is required to permit timely charting and notification to airmen. The findings of that study are as follows:

The proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation. However, the following applies to the construction proposed:

The structure should be obstruction marked and lighted per FAA Advisory Circular AC 70/7460-1J, 'Obstruction Marking and Lighting. CHAPTERS: -3 -4 -5 -6 -7 -8 -9 -10 -11 -12 -13. Dual red with medium intensity white lights.

Supplemental notice is required ~~xxxxxx days before the~~ *within five days after construction reaches its greatest height (use the enclosed FAA form).*

This determination expires on 05/14/99 unless application is made, (if subject to the licensing authority of the Federal Communications Commission), to the FCC before that date, or it is otherwise extended, revised or terminated.

If the structure is subject to the licensing authority of the FCC, a copy of this acknowledgement will be sent to that agency.

NOTICE IS REQUIRED ANYTIME THE PROJECT IS ABANDONED OR THE PROPOSAL IS MODIFIED

SIGNED *Mary Z. Mc Burney* Specialist, Airspace Branch.  
 Mary Z. Mc Burney (404) 305-~~5583~~ 5583  
 ISSUED IN: College Park, Georgia ON 11/12/98

F



Kentucky Airport Zoning Commission  
125 Holmes Street  
Frankfort, KY 40622

(502) 564-4480  
fax: (502) 564-7953  
No.: AS-039-CVG-98-284

Station 01-1550

January 27, 1999

APPROVAL OF APPLICATION

APPLICANT:  
COM-NET CONSTRUCTION  
111 TRI COUNTY PARKWAY  
Cincinnati, OH 45246

SUBJECT: AS-039-CVG-98-284

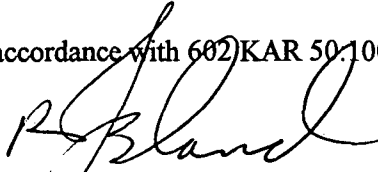
STRUCTURE: Antenna Tower  
LOCATION: Ryle, KY  
COORDINATES: 38°47'46.0"N / 84°43'52.0"W  
HEIGHT: 380' AGL/1,132' AMSL

The Kentucky Airport Zoning Commission has approved your application for a permit to construct (380' AGL/1,132' AMSL) Antenna Tower near Ryle, KY 38°47'46"N, 84°43'52"W.

This permit is valid for a period of 18 Month(s) from its date of issuance. If construction is not completed within said 18-Month period, this permit shall lapse and be void, and no work shall be performed without the issuance of a new permit.

A copy of the approved application is enclosed for your files.

Dual obstruction lighting is required in accordance with 602 KAR 50.100..

  
Ronald Bland, Administrator

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY MCBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
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J. BRADFORD DERIFIELD ++  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
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WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 280  
GREENUP, KENTUCKY 41144-0280  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

July 1, 1999

Hon. Clarence Davis  
Gallatin County Judge Executive  
100 N. Main Street  
Warsaw, KY 41095

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-281 (The Station/01-1550 Facility)**

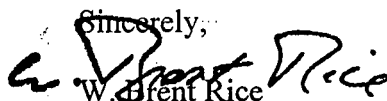
Dear Judge Davis:

SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a wireless communications facility. The facility will be comprised of a 350' guyed tower with attached antennas extending upwards for a total height of 380' and an equipment shelter to be located on the Walter B. Lawson property on Route 1 (Allphin Road/Walnut Lick Road), Verona, Gallatin County, Kentucky, Gallatin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent pursuant to 807 KAR 5:063.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 99-281 in your correspondence.

Sincerely,

  
W. Brent Rice

Counsel for SBA Towers, Inc. and GTE  
Wireless of the Midwest Incorporated

WBR/dkw

H

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

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606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1178  
FACSIMILE 502-226-6234

July 1, 1999

Brian and Kim Bessler  
1706 Mt. Vernon Drive  
Ft. Wright, KY 41011

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-281 (The Station/01-1550 Facility)**

Dear Mr. and Mrs. Bessler:

SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated have applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a wireless communications facility. The facility will be comprised of a 350' guyed tower with attached antennas extending upwards for a total height of 380' and an equipment shelter to be located on the Walter B. Lawson property on Route 1 (Allphin Road/Walnut Lick Road), Verona, Gallatin County, Kentucky, Gallatin County, Kentucky. A map showing the location of the proposed new facility is enclosed. This notice is being sent to you because you own property within a 500' radius of the proposed facility. You may also contact your local planning commission.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 99-281 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for SBA Towers, Inc. and GTE  
Wireless of the Midwest Incorporated

WBR/dkw

MCBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

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July 1, 1999

Walter B. Lawson  
Route 1  
Verona, KY 41092

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: **Public Notice - Public Service Commission of Kentucky,  
Case No. 99-281 (The Station/01-1550 Facility)**

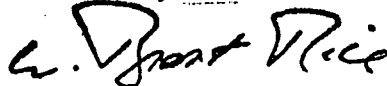
Dear Mr. Lawson:

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Sincerely, .....



W. Brent Rice  
Counsel for SBA Towers, Inc. and GTE  
Wireless of the Midwest Incorporated

WBR/dkw

## OPTION AND LEASE AGREEMENT

THIS OPTION AND LEASE AGREEMENT ("Agreement") is made this 29 day of SEPT, 1998, by and between ✓ ("Optionor") and Com-Net Construction Services, Inc. ("Optionee").  
WALTER B. LAWSON, A MARRIED MAN

### I. OPTION TO LEASE

1. Grant of Option. For good and valuable consideration and the mutual promises herein set forth Optionor hereby gives and grants unto Optionee and its assigns, an exclusive and irrevocable option to lease a certain parcel or parcels of real property more particularly described on Exhibit "A" attached hereto ("Property") together with an easement for ingress, egress and utilities for the duration of the lease on the property which is more particularly described on Exhibit "B" attached hereto ("Easement"). Optionor agrees and acknowledges that Optionee may at Optionee's sole cost and expense have a metes and bounds survey prepared of the Property and the Easement and that the legal description of the Property and the Easement as shown on the survey shall thereafter become the legal description of the Property and the Easement.

2. Option Initial Term. The initial term of this Option shall be for six (6) months from the date this Option is executed by Optionee ("Option Initial Term").

3. Consideration for Option. Consideration for the Initial Term of the Option granted hereunder shall be 100- and No /100 Dollars (\$100-) ("Option Consideration"). This payment by Optionee to Optionor shall be credited in full to the first year's rental payment due Optionor if this Option is exercised by Optionee.

4. Extension of Option. This Option can be extended at the discretion of Optionee for 1 (ONE) additional period(s) of six (6) months each ("Option Renewal Term(s)") by Optionee paying to Optionor the additional consideration of 100- and No /100 Dollars (\$100-) prior to the expiration of the then existing term of this Option. Any consideration paid by Optionee to extend the term of this Option shall be credited in full to the first year's rental due Optionor if this Option is exercised by Optionee.

5. Optionor's Representations and Warranties. As an inducement for Optionee to enter into and be bound by the terms of this Option, Optionor represents and warrants to Optionee and Optionee's successors and assigns that:

(a) Optionor has good and marketable title to the Property and the Easement free and clear of all liens and encumbrances other than those liens and encumbrances shown on Exhibit "C" attached hereto. Optionee may at Optionee's sole cost and expense procure an abstract of title or a commitment to issue a policy of title insurance on the Property. In the event that Optionee objects to any defect or cloud on title to the Property, Optionee may declare this Option and any



obligation of Optionee to lease the Property or acquire the Easement to be void and of no further force or effect whereupon this Option shall become null and void and there shall be no further liability of Optionee to Optionor;

(b) Optionor has the authority to enter into and be bound by the terms of this Option;

(c) There are no pending or threatened administrative actions including bankruptcy or insolvency proceedings under state or federal law, suits, claims or causes of action against Optionor or which may otherwise affect the Property; and

(d) The Property is not presently subject to an option, lease or other contract which may adversely affect Optionor's ability to fulfill its obligations under this Option and Optionor covenants that it shall not grant an option or enter into any contract which will affect the Property or the Easement until this Option expires or is terminated by Optionee.

These representations and warranties of Optionor shall survive the exercise of the Option and the closing anticipated by the exercise of this Option.

6. **Taxes.** Any ad valorem taxes or other special assessment taxes attributable to the Property and the Easement during the Initial Term and any Renewal Term of the Option shall be paid by Optionor.

7. **Liquidated Damages.** In the event the closing does not occur due to a default or breach of this Option by Optionee, Optionor's damages shall be fixed and liquidated to the sums paid by Optionee to Optionor as consideration for this Option. Optionor hereby expressly waives any other remedies it may have for a breach of this Option by Optionee including specific performance and damages for breach of contract.

8. **Inspections and Investigations.** Optionor hereby grants to Optionee, its officers, agents, employees and independent contractors the right and privilege to enter upon the Property and the Easement at any time after the date of this Option, to perform or cause to be performed test borings of the soil, environmental audits, engineering studies and to conduct a survey of the Property and the Easement. Optionor shall provide Optionee with any necessary keys or access codes to the Property if needed for ingress and egress, Optionee shall not unreasonably interfere with Optionor's use of the Property or the Easement in conducting these activities.

9. **Further Acts.** Optionor shall cooperate with Optionee in executing any documents necessary to protect Optionee's rights under this Option or Optionee's use of the Property and the Easements and to take such action as Optionee may reasonably require to effect the intent of this Option. Optionor hereby irrevocably appoints Optionee or Optionee's agent as Optionor's agent to file applications on behalf of Optionor with federal, state and local governmental authorities which applications relate to Optionee's intended use of the Property including but not limited to land use

and zoning applications.

## II. LEASE AGREEMENT

10. **Exercise of Option.** Upon the tender of written notice of Optionee's intent to exercise the Option, the terms of this Agreement applying to the lease of the Property and grant of the Easements shall govern the relationship of the parties and Optionor shall thereafter be referred to as Lessor and Optionee shall thereafter be referred to as Lessee. The date of the written notice to exercise the Option shall constitute the commencement date of the Lease ("Commencement Date").

11. **Use.** The Property may be used by Lessee for the transmission and receipt of wireless communication signals in any and all frequencies and the construction and maintenance of towers, antennas, or buildings, and related facilities and activities. Lessor agrees to cooperate with Lessee in obtaining, at Lessee's expense, all licenses and permits required for Lessee's use of the Property (the "Governmental Approvals"). Lessee may construct additional improvements, demolish and reconstruct improvements, or restore replace and reconfigure improvements at any time during the Initial Term or any Renewal Term of this Lease.

12. **Initial Term.** The term of this Lease shall be five (5) years commencing on the Commencement Date, as that term is defined in paragraph 10, and terminating on the fifth anniversary of the Commencement Date ("Initial Term").

13. **Renewal Terms.** Lessee shall have the right to extend this Lease for five (5) additional five (5) year terms ("Renewal Terms"). Each Renewal Term shall be on the same terms and conditions as set forth in this Lease except that Rent shall increase as provided in paragraph 14(c). This Lease shall automatically be renewed for each successive Renewal Term unless Lessee notifies Lessor of Lessee's intention not to renew the Lease at least 30 days prior to the expiration of the Initial Term or the Renewal Term which is then in effect.

14. **Consideration.**

(a) Upon the Commencement Date, Lessee shall pay Lessor the sum of  $5^{00}$  and  $00/100$  Dollars ( $\$5^{00}$ ) per monthly as rental ("Rent"). Rent shall be payable on the Commencement Date in advance beginning on the first day of the calendar month following the Commencement Date and on the first day of each calendar month thereafter during the Initial Term and any Renewal thereafter to Lessor at Lessor's address as specified in Paragraph 27 below;

(b) If this Lease is terminated at a time other than on the anniversary of the Commencement Date, Rent shall be prorated as of the date of termination ("Termination Date"), and in the event of termination for any reason other than nonpayment of Rent, all Rents paid in advance of the Termination Date for that period after the Termination Date shall be refunded to Lessee; and

(c) In the event that Lessee elects to renew this Lease as provided in paragraph 13, Rent shall increase at the inception of each Renewal Term by ~~10~~ percent (15%) over the rate at which Rent accrued in the immediately prior term.

15. **Lessor's Representations and Warranties.** Lessor represents and warrants that Lessee's intended use of the Property as a site for the transmission and receipt of wireless communication signals; for the construction and maintenance of towers, antennas or buildings; and related facilities ("Intended Use") is not prohibited by any covenants, restrictions, reciprocal easements, servitudes, subdivision rules or regulations. Lessor further represents and warrants that there are no easements, licenses, rights of use or other encumbrances on the Property which will interfere with or constructively prohibit Lessee's Intended Use of the Property. Lessor further represents and warrants that the execution of this Lease by Lessor will not cause a breach or an event of default of any other agreement to which Lessor is a party.

16. **Conditions Subsequent.** In the event that Lessee's Intended Use of the Property is actually or constructively prohibited through no fault of Lessee or the Property is, in Lessee's opinion, unacceptable to Lessee then this Lease shall terminate and be of no further force or effect and Lessee shall be entitled to a refund from Lessor of any deposits or Rent paid in advance to Lessor which sums were paid prior to the date upon which Lessee gives Lessor notice of its intent to terminate this Lease pursuant to this paragraph.

17. **Interference.** Lessor shall not use, nor shall Lessor permit its lessees, licensees, invitees or agents to use any portion of adjacent real property owned by Lessor in any way which interferes with the wireless communications operations of Lessee. Such interference shall be deemed a material breach of this Lease by Lessor and Lessor shall have the responsibility to terminate said interference. In the event any such interference does not cease or is not promptly rectified, Lessor acknowledges that continuing interference will cause irreparable injury to Lessee, and Lessee shall have the right, in addition to any other rights that it may have at law or in equity, to bring action to enjoin such interference or to terminate this Lease immediately upon notice to Lessor.

18. **Improvements; Utilities; Access.**

(a) Lessee shall have the right, at Lessee's sole cost and expense, to erect and maintain on the Property improvements, personal property and facilities, including without limitation, towers, a structural tower base, radio transmitting and receiving antennas, communications equipment, equipment cabinets or shelter and related facilities (collectively the "Tower Facilities"). The Tower Facilities shall remain the exclusive property of the Lessee throughout the term and upon termination of this Lease. Lessee shall have the obligation to remove all of the above ground portions of the Tower Facilities following any termination of this Lease. Lessor grants Lessee the right to clear all trees, undergrowth, or other obstructions and to trim, cut, and keep trimmed and cut all tree limbs which may interfere with or fall upon Lessee's tower or Lessee's other improvements, communications equipment or Easement rights. Lessor grants Lessee a non-exclusive easement in, over, across and through other real property owned by Lessor as reasonably required for construction, installation, maintenance, and operation of the Tower Facilities. In the event that the

tower to be constructed by Lessee on the Property is a guyed tower, Lessor also grants Lessee an easement over Lessor's real property during the Initial Term and any Renewal Term of this Lease for any guy wires and guy wire anchors.

(b) Lessee shall have the right to install utilities, at Lessee's expense, and to improve present utilities on the Property (including but not limited to the installation of emergency power generators). Lessee shall have the right to permanently place utilities on (or to bring utilities across or under) the Easement to service the Property and the Tower Facilities. In the event that utilities necessary to serve the equipment of Lessee or the equipment of Lessee's licensee(s) or sublessee(s) cannot be located within the Easement for ingress and egress, Lessor agrees to cooperate with Lessee and to act reasonably in allowing the location of utilities on other real property owned by Lessor without requiring additional compensation from Lessee or Lessee's licensee(s) or sublessee(s). Lessor shall, upon Lessee's request, execute a separate written easement to the utility company providing the service or Lessee in a form which may be filed of record evidencing this right.

(c) Lessor represents and warrants to Lessee that Lessee shall at all times during this Lease enjoy ingress, egress, and access from the Property to an open and improved public road which presently exists and which Easement shall be adequate to service the Property and the Tower Facilities. If no such public road exists or ceases to exist in the future, Lessor will grant an appropriate easement to Lessee, Lessee's sublessees and assigns so that Lessee may, at its own expense, construct a suitable private access drive to the Property and the Tower Facilities. To the degree such access is across other property owned by Lessor, Lessor shall execute an easement evidencing this right and Lessor shall maintain access to the Easement in a free and open condition so that no interference is caused to Lessee by other lessees, licensees, invitees or agents of the Lessor which may utilize the Easement.

19. **Termination.** Except as otherwise provided herein, this Lease may be terminated, without any penalty or further liability upon written notice as follows:

(a) By either party upon a default of any covenant or term hereof by the other party which default is not cured within 60 days of receipt of written notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions hereof); provided, that if the defaulting party commences efforts to cure the default within such period the non-defaulting party shall no longer be entitled to declare a default;

(b) Upon 30 days' written notice by Lessee to Lessor if Lessee is unable to obtain or maintain through no fault of Lessee any license, permit or other Governmental Approval necessary to the construction and operation of the Tower Facilities or Lessee's business; or

(c) By Lessee for any reason or no reason at all upon six (6) months advance written notice from Lessee to Lessor.

20. Subleases. Lessee at its sole discretion shall have the right without any need to obtain the consent of Lessor to license or sublease all or a portion of the Property and the Tower Facilities to others whose business includes the provision of wireless communication services. Lessee's licensee(s) and sublessee(s) shall be entitled to modify the Tower and to erect additional improvements on the Property including but not limited to antennas, dishes, cabling, additional equipment cabinets, storage buildings and equipment shelters on the Property as are reasonably required for the operation and maintenance of the communications equipment to be installed on the Property by said licensee(s) and sublessee(s) together with rights of ingress and egress to the Property and the right to install utilities on the Property as if said licensee or sublessee were the Lessee under this Lease.

21. Taxes. Lessee shall pay any personal property taxes assessed on, or any portion of such taxes attributable to, the Tower Facilities. Lessor shall pay when due all real property taxes and all other fees and assessments attributable to the Property. Lessee shall pay as additional Rent any increase in real property taxes levied against Property which are directly attributable to Lessee's use of the Property and Lessor agrees to furnish proof of such increase to Lessee. In the event that Lessor fails to pay when due any taxes affecting the Property or the Easement, Lessee shall have the right but not the obligation to pay such taxes and deduct the full amount of the taxes paid by Lessee on Lessor's behalf from future installments of Rent.

22. Destruction of Premises. If the Property or the Tower Facilities are destroyed or damaged so as to hinder the effective use of the Tower Facilities in Lessee's judgment, Lessee may elect to terminate this Lease as of the date of the damage or destruction by so notifying the Lessor. In such event, all rights and obligations of Lessee to Lessor shall cease as of the date of the damage or destruction and Lessee shall be entitled to the reimbursement of any Rent prepaid by Lessee.

23. Condemnation. If a condemning authority takes all of the Property, or a portion sufficient in Lessee's determination, to render the Property in the opinion of Lessee unsuitable for the use which Lessee was then making of the Property, this Lease shall terminate as of the date the title vests in the condemning authority. Lessor and Lessee shall share in the condemnation proceeds in proportion to the values of their respective interests in the Property (which for Lessee shall include, where applicable, the value of its Tower Facilities, moving expenses, prepaid rent and business dislocation expenses). A sale of all or part of the Property to a purchaser with the power of eminent domain in the face of the exercise of eminent domain power shall be treated as a taking by condemnation for the purposes of this paragraph.

24. Insurance. Lessee shall purchase and maintain in full force and effect throughout the Initial Term and any Renewal Term such public liability and property damage policies as Lessee may deem necessary. Said policy of general liability insurance shall provide a combined single limit of \$1,000,000.

25. Environmental Compliance. Lessor warrants and represents that the Property, the

Easement and the improvements thereon are free of contaminants, oils, asbestos, PCB's, hazardous substances or wastes as defined by federal, state or local environmental laws, regulations or administrative orders or other materials the removal of which is required or the maintenance of which is prohibited, regulated or penalized by any federal, state or local government authority ("Hazardous Materials"). This Lease shall at the option of Lessee terminate be void and of no further force or effect if Hazardous Materials are discovered to exist on the Property through no fault of Lessee after Lessee takes possession of the Property and Lessee shall be entitled to a refund of all the consideration given Lessor under this Lease.

26. Environmental Indemnities. Lessor, its heirs, grantees, successors, and assigns shall indemnify, defend, reimburse and hold harmless Lessee from and against any and all environmental damages arising from the presence of Hazardous Materials upon, about or beneath the Property or migrating to or from the Property or arising in any manner whatsoever out of the violation of any environmental requirements pertaining to the Property and any activities thereon, which conditions exist or existed prior to or at the time of the execution of this Lease or which may occur at any time in the future through no fault of Lessee.

27. Notices. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, to the following addresses or to such other addresses as may be specified in writing at any time during the term of this Agreement:

If to Lessor, to:

Name WALTER B. LAWSON  
Address RR1  
VERONA, KY 41092  
—  
(Area Code) Phone Number (606)643-5109  
Federal I.D. or Social Security No.:

If to Lessee, to:

Com-Net Construction Services, Inc.  
121 Boone Ridge Drive  
Johnson City, Tennessee 37615  
Attention: Dan Eldridge

With a copy to:  
Lewellen & Frazier, PLC  
415 North McKinley, Suite 1240

7

Little Rock, AR 72205  
Attn: Todd A. Lewellen

28. **Title and Quiet Enjoyment.** Lessor warrants and represents that (i) it has the full right, power, and authority to execute this Lease; (ii) it has good and marketable fee simple title to the Property and the Easement free and clear of any liens, encumbrances or mortgages except those liens and encumbrances disclosed in Exhibit "C" attached hereto; and (iii) the Property constitutes a legal lot that may be leased without the need for any subdivision or platting approval. Lessor covenants that Lessee shall have the quiet enjoyment of the Property during the term of this Lease. Lessor shall indemnify Lessee from and against any loss, cost, expense or damage including attorneys fees associated with a breach of the foregoing covenant of quiet enjoyment.

29. **Assignment.** Lessee may assign this Lease without the consent of Lessor. Any sublease, license or assignment of this Lease that is entered into by Lessor or Lessee shall be subject to the provisions of this Lease. Additionally, Lessee may, upon notice to Lessor, mortgage or grant a security interest in this Lease and the Tower Facilities, and may assign this Lease and the Tower Facilities to any such mortgagees or holders of security interests including their successors and assigns (hereinafter collectively referred to as "Secured Parties"). In such event, Lessor shall execute such consent to leasehold financing as may reasonably be required by Secured Parties. Lessor agrees to notify Lessee and Lessee's Secured Parties simultaneously of any default by Lessee and to give Secured Parties the same right to cure any default as Lessee except that the cure period for any Secured Party shall not be less than 10 days after the receipt of the default notice. If a termination, disaffirmance or rejection of the Lease pursuant to any laws (including any bankruptcy or insolvency laws) by Lessee shall occur, or if Lessor shall terminate this Lease for any reason, Lessor will give to the Secured Parties prompt notice thereof and Lessor will give the Secured Parties the right to enter upon the Property during a 30-day period commencing upon the Secured Party's receipt of such notice for the purpose of removing any Tower Facilities. Lessor acknowledges that the Secured Parties shall be third-party beneficiaries of this Lease.

30. **Successors and Assigns.** This Lease shall run with the Property described on Exhibit "A" and shall be binding upon and inure to the benefit of the parties, their respective heirs, successors, personal representatives and assigns.

31. **Waiver of Lessor's Lien.** Lessor hereby waives any and all lien rights it may have, statutory or otherwise, in and to the Tower Facilities or any portion thereof, regardless of whether or not same is deemed real or personal property under applicable laws.

32. **Waiver of Incidental and Consequential Damages.** Lessor will not assert any claim whatsoever against Lessee for loss of anticipatory profits or any other indirect, special, incidental or consequential damages incurred by Lessor as a result of the construction, maintenance, operation or use of the Property or the Easement by Lessee.

33. **Miscellaneous.**



- (a) The substantially prevailing party in any litigation arising hereunder shall be entitled to its reasonable attorney's fees and court costs, including appeals, if any.
- (b) Each party agrees to furnish to the other, within 10 days after request, such truthful estoppel information as the other may reasonably request.
- (c) This Lease constitutes the entire agreement and understanding of Lessor and Lessee with respect to the subject matter of this Lease, and supersedes all offers, negotiations and other agreements. There are no representations or understandings of any kind not set forth herein. Any amendments to said Lease must be in writing and executed by Lessor and Lessee.
- (d) If either Lessor or Lessee is represented by a real estate broker in this transaction, that party shall be fully responsible for any fees due such broker and shall hold the other party harmless from any claims for commission by such broker.
- (e) Lessor agrees to cooperate with Lessee in executing any documents necessary to protect Lessee's rights under this Lease or Lessee's use of the Property and to take any further action which Lessee may reasonably require as to effect the intent of this Lease.
- (f) This Lease shall be construed in accordance with the laws of the state in which the Property is situated.
- (g) If any term of this Lease is found to be void or invalid, such invalidity shall not affect the remaining terms of this Lease, which shall continue in full force and effect.
- (h) Lessee may file of record in the property records in the county in which the Property and Easement(s) are located a Memorandum of Lease which sets forth the names and addresses of Lessor and Lessee, the legal description of the Property and the Easement(s), the duration of the Initial Term and the quantity and duration of the Renewal Terms.
- (i) Lessor shall cooperate with Lessee in executing any documents necessary to protect Lessee's rights under this Lease or Lessee's use of the Property and the Easements and to take such action as Lessee may reasonably require to effect the intent of this Lease. Lessor hereby irrevocably appoints Lessee or Lessee's agent as Lessor's agent to file applications on behalf of Lessor with federal, state and local governmental authorities which applications relate to Lessee's intended use of the Property including but not limited to land use and zoning applications.
- (j) This Lease may be executed in two or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by the each of the parties, it being understood that all parties need not sign the same counterpart.



IN WITNESS WHEREOF, Optionor and Optionee have executed this Option and Lease as of the date first written above.

**OPTIONOR/LESSOR:**

~~[Corporation]~~

ATTEST:

By: [Signature]  
Title: Witness

By: [Signature]  
Title: Witness

Walter B Lawson  
WALTER B. LAWSON, SOLE  
OWNER & OPTIONOR/LESSOR

Shelia F. Lawson  
Shelia F. Lawson,  
Releasing Power rights

**OPTIONEE/LESSEE:**

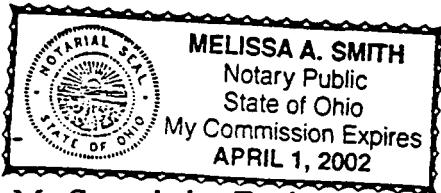
Com-Net Construction Services, Inc.

By: WL Bryant  
Title: CONTROLLER

**Acknowledgments**

State of Ohio )  
County of Butler ) ss

Before me, a notary public, in and for said county, personally appeared the above named Walter B. Lawson + Shelia F. Lawson, who acknowledged that ~~he~~ <sup>they</sup> did sign the foregoing instrument, and that the same is ~~his~~ <sup>their</sup> free act and deed. In testimony whereof, I have hereunto subscribed my name at Hamilton, Ohio, this 29<sup>th</sup> day of September, 1998.



Melissa A. Smith  
Notary Public

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

**Form for corporation in representative capacity must be substantially as follows:**

State of Ohio )  
County of \_\_\_\_\_ ) ss

Before me, a notary public, in and for said county in said state, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the persons who, as president and secretary (or other proper officers), respectively, of \_\_\_\_\_, the corporation which executed the foregoing instrument, signed the same, and acknowledged to me that they did so sign said instrument in the name and upon behalf of said corporation as such officers, respectively, and the free and corporate act and deed of said corporation; that they were duly authorized thereunto by its board of directors; and that the seal affixed to said instrument is the corporate seal of said corporation. In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_, 1998.

My Commission Expires:

\_\_\_\_\_  
Notary Public

*Individual*

STATE OF KENTUCKY )  
 )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

STATE OF KENTUCKY )  
 )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, husband and wife.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

*Corporation*

STATE OF Tennessee )  
 )  
COUNTY OF Washington )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October,  
1998 by William L. Bryant, Controller of Com-Net Const. on behalf of the  
Corporation.

Jammy R. Cloud  
NOTARY PUBLIC  
My Commission Expires: 1-31-01

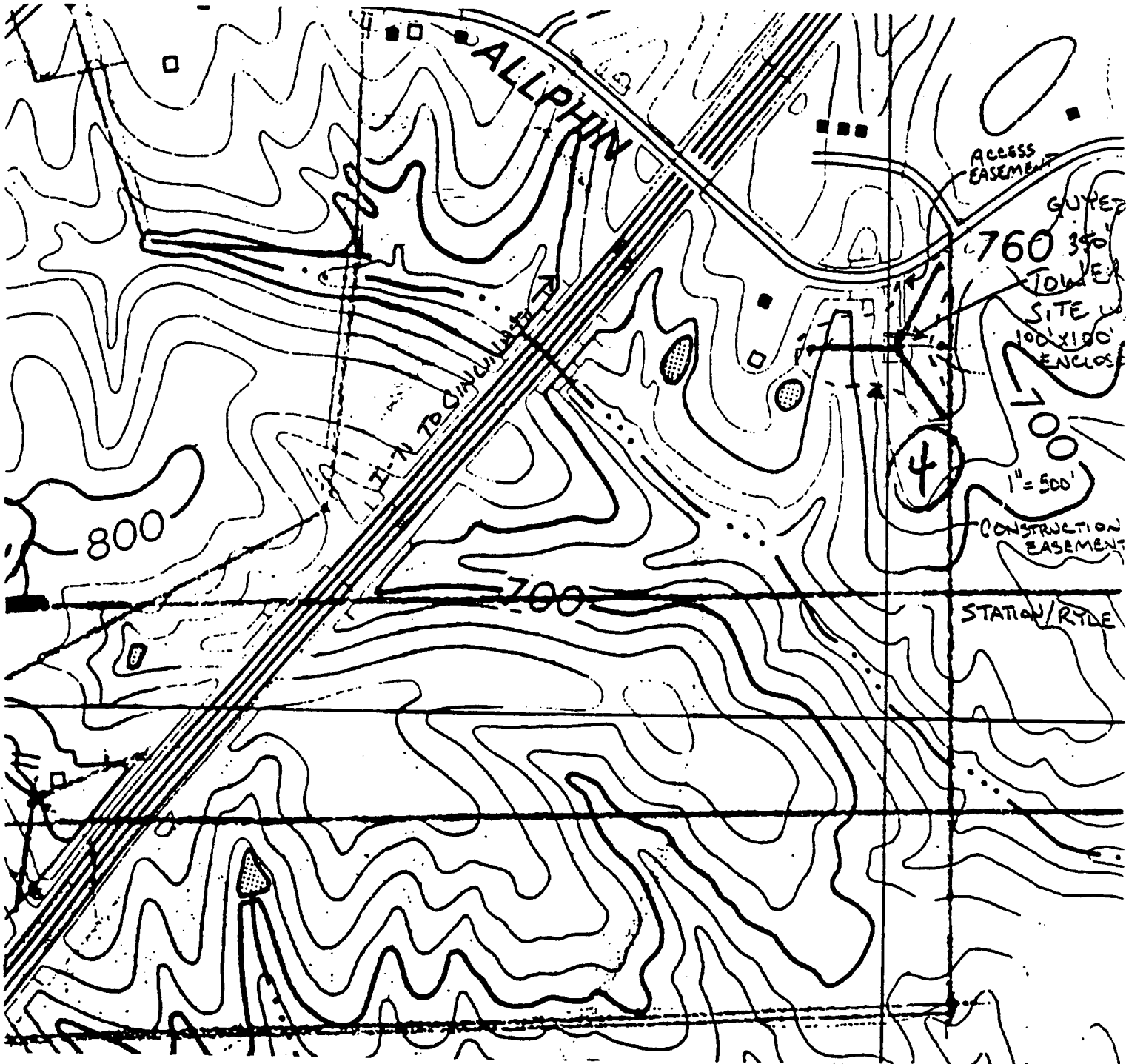
EXHIBIT "A"

LEGAL DESCRIPTION OF  
PROPERTY

APPROXIMATELY 110 ACRES KNOWN AS PROPERTY VALUATION  
MAP/PARCEL NUMBER 34-22.03 WITH DEED REFERENCE  
32-447, LYING SOUTH OF I-71 AND WEST OF A LI  
WAYNT-LICK RD. AND HAVING A ROUGHLY TRIANGULAR

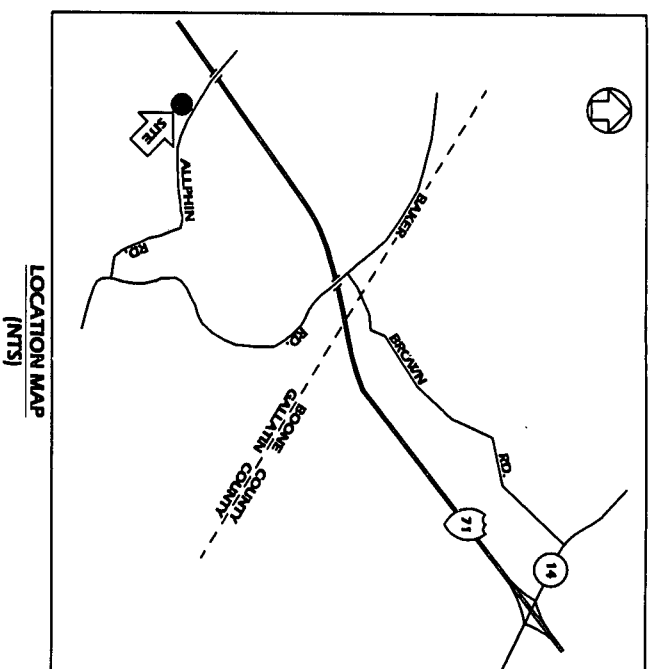
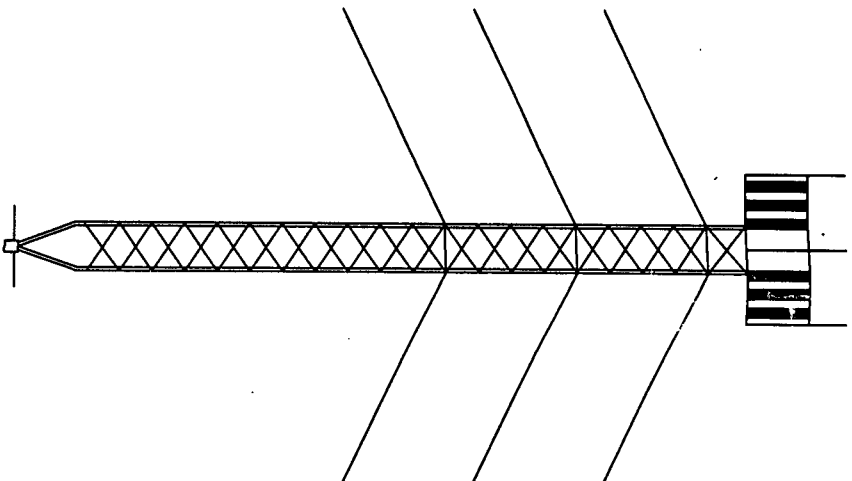
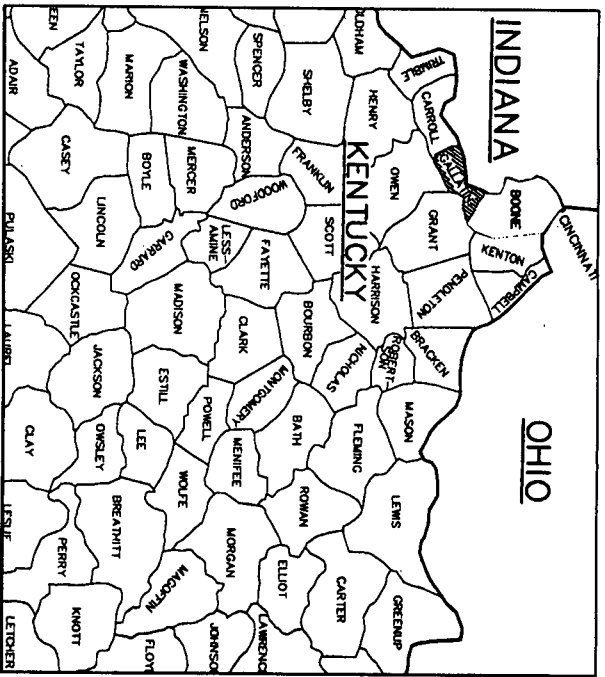
EXHIBIT "B"

LEGAL DESCRIPTION OF  
EASEMENT(S)



**EXHIBIT "C"**  
**LIENS AND ENCUMBRANCES**

*ONLY THOSE OF RECORD AT DATE OF THIS AGREEMENT*



DRIVE TO DIRECTIONS:  
 FROM CINCINNATI, TAKE I-71 SOUTH TO THE KY 14 NORTH EXIT. GOING NORTH ON KY 14 TO BROWN ROAD, TURN LEFT ON BROWN ROAD THEN LEFT ON BAKER. TURN RIGHT ON ALLPHIN. PROPERTY IS THE LAST ONE ON LEFT BEFORE -71. THE TOWER SITE IS TO BE AT THE GATED ACCESS TO THE TOBACCO FIELD ABOUT 500 FEET EAST OF THE HOUSE.

NOTE: THE CONTRACTOR SHALL CONTACT THE PROPERTY OWNER PRIOR TO ANY WORK AND SHALL PROVIDE THE PROPERTY OWNER WITH A WORK SCHEDULE, CONTACT PERSON, AND THE CONTRACTOR'S PHONE NUMBER FOR WORKING HOURS AND NON-WORKING HOURS.

3 WRONG DAYS BEFORE YOU DIG CALL TOLL FREE 800-752-6007 ALL NON-MEMBERS MUST BE CALLED DIRECTLY.

LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES AND STRUCTURES TO DETERMINE THE EXACT LOCATION AND EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

# STATION COM-NET #: 01-1550 GALLATIN COUNTY, KENTUCKY I-71 CINCINNATI TO LOUISVILLE

## INDEX OF DRAWINGS

- 1 - TITLE SHEET
- 2 - PROJECT AREA
- 3 - PROPERTY MAP
- 4 - SITE PLAN
- 5 - TOWER ELEVATION & DETAILS

THE CONTRACTOR(S), OR ANYONE USING THESE DOCUMENTS IS ADVISED TO LAYOUT THEM WORK AND REPORT THE ACTUAL FIELD CONDITIONS RELATIVE TO THE DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.

### UTILITY LIST

UTILITY	COMPANY	NAME :	ADDRESS :	PHONE :
	OWEN ELECTRIC COOPERATIVE	NAME :	510 SOUTH MAIN STREET OWEN, KY 40358	(800) 372-7812
	WALTER E. LAWSON	NAME :	RT 1 (ALLPHIN RD., WALNUT LICK RD.) VERONA, KY 41092	(606) 643-5109
	CINCINNATI BELL	NAME :	301 EAST TOWNSHIP ST CINCINNATI, OH 45202	(513) 387-4317
	GALLATIN COUNTY	NAME :	RT 1 (ALLPHIN RD., WALNUT LICK RD.) VERONA, KY 41092	(606) 643-5109
	BALMANN ENGINEERING	NAME :	7808 CINCINNATI-DAYTON ROAD, STE 1 WEST CHESTER, OH 45089	(513) 726-3222
	CLARK ENGINEERING	NAME :	RT 1 (ALLPHIN RD., WALNUT LICK RD.) VERONA, KY 41092	(606) 643-5109

**CON NET**  
 Construction Services, Inc.  
 Midwest Regional Office  
 111 St. Charles Parkway  
 Cincinnati, Ohio 45244

**BALMANN ENGINEERING**  
 CIVIL ENGINEERING - LAND PLANNING  
 LAND SURVEYING  
 7808 CINCINNATI-DAYTON ROAD  
 WEST CHESTER, OH 45089  
 PHONE: (513) 726-3222  
 FAX: (513) 725-3772  
 EMAIL: LBALMANN@CON-NETZ

LAWRENCE L. BALMANN  
 KENTUCKY REG. # 15006  
 ENGINEER'S SEAL

LAWRENCE L. BALMANN  
 KENTUCKY REG. # 63362  
 ENGINEER'S SEAL

PROJECT LOCATION  
 RT 1 (ALLPHIN RD./WALNUT LICK RD.)  
 VERONA, KY 41092

PROJECT  
 STATION  
 COM-NET #: 01-1550  
 GALLATIN COUNTY, KENTUCKY

DRAWING TITLE  
**TITLE SHEET**

ISSUE DATE: 12.4.98  
 PROJECT NO: 98344  
 SCALE: NO SCALE  
 DRAWING: JLG  
 CHECKED: LIB  
 DATE: 11.11.98

REV.	DESCRIPTION	DATE
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

SURVEYOR'S SEAL



Constructor Services, Inc.  
 Midwest Regional Office  
 111 1st Street, Suite 200  
 Cincinnati, Ohio 45202



CIVIL ENGINEERING - LAND PLANNING  
 LAND SURVEYING

7908 CINCINNATI-DAYTON ROAD  
 SUITE 1  
 WEST CHESTER, OHIO 45389  
 PHONE (513) 755-3222  
 FAX (513) 755-3776  
 EMAIL LB@BAIRDENGINEERING.NET

GENERAL NOTES

REV.	DESCRIPTION	DATE
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

SURVEYOR'S SEAL

THIS DRAWING IS BASED ON A SURVEY MADE UNDER MY DIRECTION.

LAWRENCE L. BAUMANN  
 KENTUCKY LS #3302

PROJECT  
 STATION  
 COM-LET #.: 01-1550  
 GALLATIN COUNTY, KENTUCKY

PROJECT LOCATION  
 RT 1 (WALTON RD., WALNUT LICK RD.)  
 VERONA KY, 41092

DRAWING TITLE

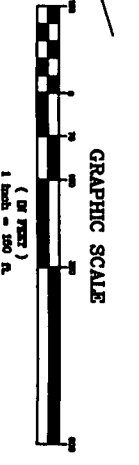
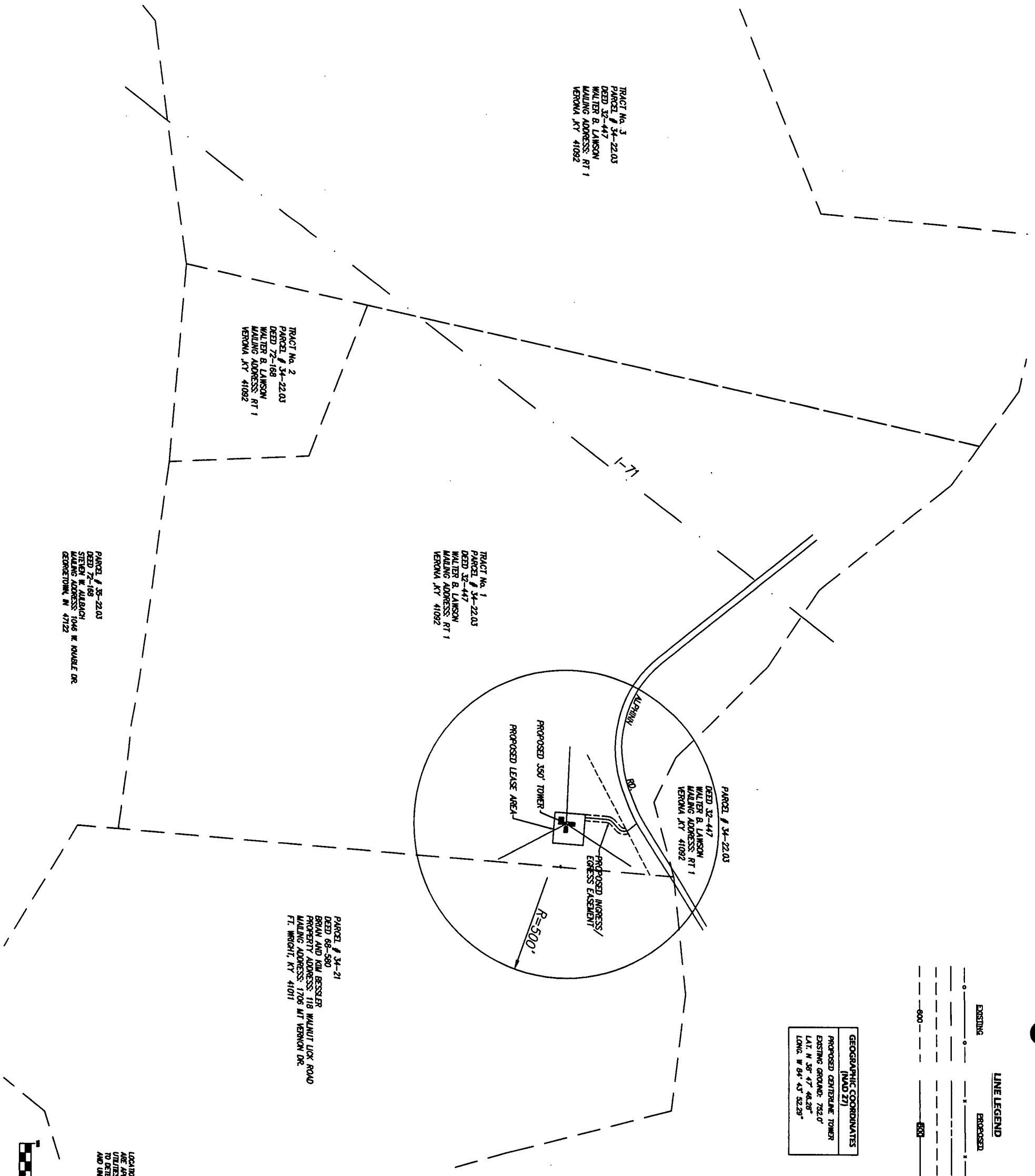
PROJECT AREA

ISSUE DATE: 12.4.98	
PROJECT NO.: 98344	
SCALE: 1" = 150'	
DRAWN: JLG	2
CHECKED: LLB	
DATE: 11.11.98	5

LINE LEGEND	DESCRIPTION
— 0 — 0 —	EXISTING
— 1 — 1 —	PROPOSED
— 2 — 2 —	PROPOSED CENTERLINE TOWER
— 3 — 3 —	PROPOSED LEASE AREA
— 4 — 4 —	PROPOSED INGRESS/EGRESS EASEMENT
— 5 — 5 —	PROPOSED 350' TOWER
— 6 — 6 —	PROPOSED LEASE AREA
— 7 — 7 —	PROPOSED LEASE AREA
— 8 — 8 —	PROPOSED LEASE AREA
— 9 — 9 —	PROPOSED LEASE AREA
— 10 — 10 —	PROPOSED LEASE AREA

GEOGRAPHIC COORDINATES  
 (NAD 27)  
 PROPOSED CENTERLINE TOWER  
 EXISTING GROUND: 752.0'  
 LAT. N 37° 47' 48.29"  
 LONG. W 84° 43' 52.29"

07738°  
 TRUE NORTH  
 GEODETIC NORTH  
 STATE PLANS  
 (NAD 27)



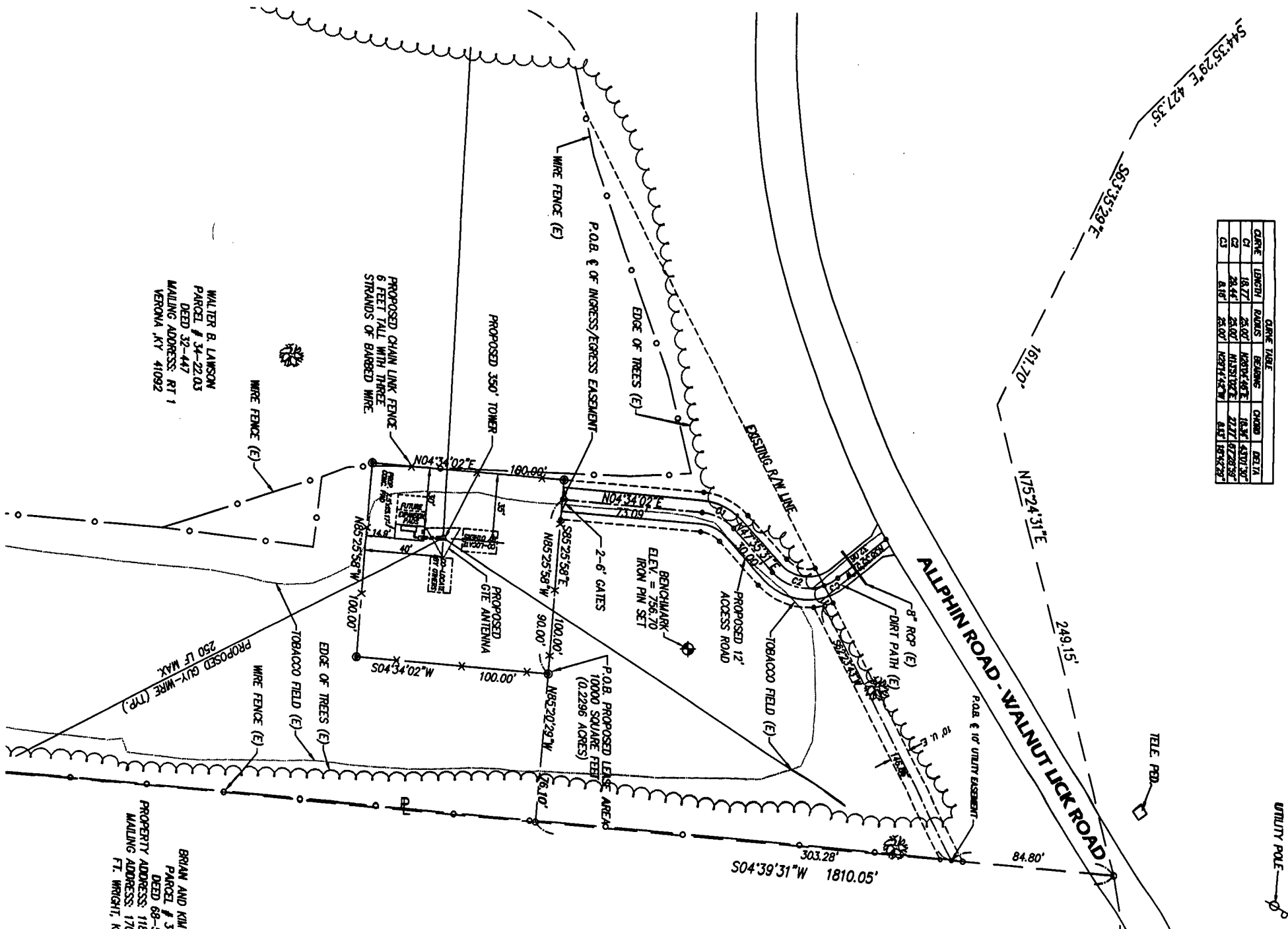
LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

3 WORKING DAYS  
 BEFORE YOU DIG  
 CALL TOLL FREE 800-752-6007  
 ALL NON-MEMBERS MUST BE CALLED DIRECTLY.

NOTICE



GRADE	LENGTH	BEARINGS	CURVED	DELTA
C1	18.27'	S85°02'42"E		18.27'
C2	28.44'	S85°02'42"E		28.44'
C3	25.00'	S85°02'42"E		25.00'
ALL	71.71'			71.71'

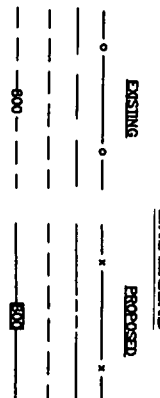


WALTER B. LAWSON  
 PARCEL # 34-22-03  
 DEED 32-447  
 MAILING ADDRESS: RT 1  
 VERNONA, KY 41092

BRYAN AND KIM BESSLER  
 PARCEL # 34-21  
 DEED 89-580  
 PROPERTY ADDRESS: 118 WALNUT LICK ROAD  
 MAILING ADDRESS: 1706 MT VERNON DR.  
 FT. WRIGHT, KY 41011

BASED ON AERIAL PHOTOGRAPHY USING FEDERAL AERIAL PHOTOGRAPHIC INFORMATION SERVICE (FAPS) DATA DATED 6/19/87 (FRAME NOT PRINTED). THE PROPERTY IS LOCATED IN ZONE 17. AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLANE.

PROPOSED CENTERLINE TOWER	ELEVATION: 752.0'
EXISTING GROUND	ELEVATION: 752.0'
LONG. W. 84° 43' 52.29"	



- LEGEND**
- EXISTING
  - PROPOSED
  - FENCE
  - PROPERTY/LEASE BOUNDARY
  - EASEMENT
  - EASEMENT CORNER
  - - R/W ROD NEW
  - - R/W ROD OLD
  - - CALCULATED POINT
  - ⊕ - TELEPHONE & POWER POLE
  - ⊕ - BENCH MARK
  - (3) - EXISTING
  - + (20) - RAINFALL SPOT ELEVATION

**LEGAL DESCRIPTION - PROPOSED LEASE AREA**

SITUATED IN GALLATIN COUNTY, KENTUCKY AND BEING PART OF PARCEL 34-22-03, ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447.

COMMENCING FROM THE NORTHEAST CORNER OF SAID PARCEL, THENCE ALONG THE EASTERN LINE OF SAID PARCEL S 04°39'31" W 303.28 FEET TO A POINT; THENCE LEAVING SAID LINE N 85°20'29" W 78.10 FEET TO A POINT, THIS POINT BEING THE TRUE POINT OF BEGINNING FOR THE LEASE AREA;

THENCE S 04°34'02" W 100.00 FEET TO A POINT;

THENCE N 85°25'58" W 100.00 FEET TO A POINT;

THENCE N 04°34'02" E 100.00 FEET TO A POINT;

THENCE S 85°25'58" E 100.00 FEET RETURNING TO THE POINT OF BEGINNING, CONTAINING 10,000 SQUARE FEET (2296 ACRES) MORE OR LESS.

**LEGAL DESCRIPTION - PROPOSED CENTERLINE 20' INGRESS/EGRESS EASEMENT**

SITUATED IN GALLATIN COUNTY, KENTUCKY AND BEING PART OF PARCEL 34-22-03, ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447.

COMMENCING FROM THE NORTHEAST CORNER OF SAID PARCEL, THENCE S 04°39'31" W 303.28 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL, THENCE LEAVING SAID LINE N 85°20'29" W 78.10 FEET TO A POINT, THIS POINT BEING THE NORTHEAST CORNER OF THE PROPOSED LEASE AREA; THENCE ALONG THE NORTH LINE OF SAID PROPOSED LEASE AREA N 85°25'58" W 80.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE FOR THE PROPOSED 20' INGRESS/EGRESS EASEMENT;

THENCE DEPARTING THE NORTH LINE OF THE LEASED AREA N 04°-34'-02" E 73.09 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 18.77 FEET, SAID CURVE HAVING A LONG CHORD BEARING N 26°04'46" E FOR A DISTANCE OF 18.34 FEET TO A POINT;

THENCE N 47°35'31" E 30.00 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET FOR AN ARC DISTANCE OF 23.44 FEET, HAVING A LONG CHORD BEARING N 13°-51'-02" E 27.77 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF ALPHIN ROAD, TERMINATING SAID CENTERLINE.

**LEGAL DESCRIPTION - PROPOSED 10' UTILITY EASEMENT**

SITUATED IN GALLATIN COUNTY, KENTUCKY AND BEING PART OF PARCEL 34-22-03, ALSO BEING PART OF TRACT NO. 1 AS DESCRIBED IN DEED 32, PAGE 447.

COMMENCING FROM THE NORTHEAST CORNER OF THE SAID PARCEL, THENCE ALONG THE EASTERN LINE OF SAID PARCEL S 04°39'31" W 84.80 FEET TO A POINT, THIS POINT BEING THE TRUE POINT OF BEGINNING FOR THE CENTERLINE OF THE PROPOSED 10' UTILITY EASEMENT; THENCE S 62°23'43" W 146.88 FEET TO A POINT IN THE EASTERLY LINE OF SAID PROPOSED INGRESS/EGRESS EASEMENT; TERMINATING SAID CENTERLINE.

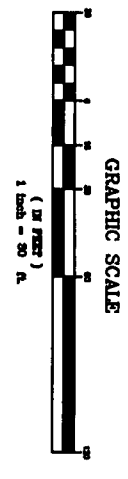
**NOTES:**

BEARINGS BASED ON STATE PLANE GRID (NAD 27).

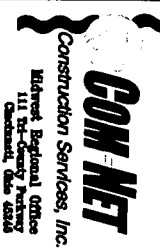
GRID FACTOR AT PROPOSED TOWER CENTERLINE = 0.939978518.

ADDITIONAL UTILITY EASEMENTS TO BE OBTAINED BY LOCAL SERVICE PROVIDERS.

LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND EXISTENCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.



3 WORKING DAYS BEFORE YOU DIG  
 CALL TOLL FREE 800-752-6007  
 ALL NON-EMERGENCIES MUST BE CALLED AHEAD.



**BALLMANN ENGINEERING**  
 CIVIL ENGINEERING - LAND PLANNING  
 LAND SURVEYING  
 7908 CINCINNATI-DAYTON ROAD  
 SUITE 1  
 WEST CHESTER, OHIO 45389  
 PHONE (513) 755-3222  
 FAX (513) 755-3176  
 EMAIL LBALLMANN@COM-NET  
 GENERAL NOTES

NO.	REV.	DESCRIPTION	DATE
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			

THIS DRAWING IS BASED ON A SURVEY MADE UNDER MY DIRECTION.  
 LAWRENCE L. BAUMANN  
 LAND SURVEYOR  
 LICENSE NO. 15938

**PROJECT LOCATION**  
 RT 1, ALPHIN RD., WALNUT LICK RD.,  
 VERNONA, KY 41092

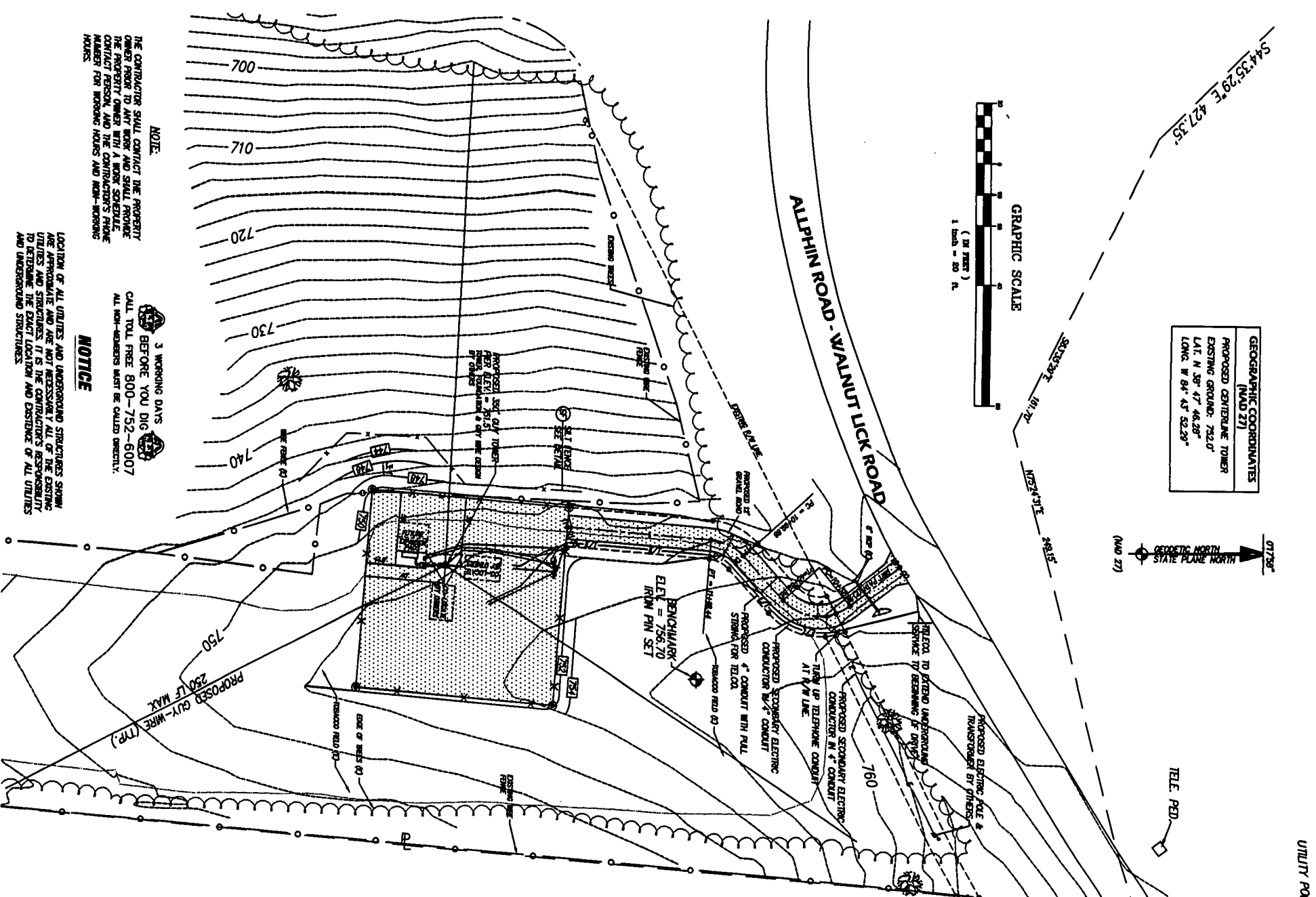
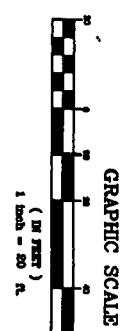
**PROJECT STATION**  
 COMMENT #1: 01-1550  
 GALLATIN COUNTY, KENTUCKY

**PROPERTY MAP**

ISSUE DATE: 12.4.98  
 PROJECT NO: 98344  
 SCALE: 1" = 30'  
 DRAWN: JLG  
 CHECKED: LIB  
 DATE: 11.11.98

544°35'29"E, 427.35'  
 PROPOSED GEOTERMIANE TOWER  
 (MAD 27)  
 EXISTING GROUND: 752.0'  
 LAT. N 38° 47' 48.28"  
 LONG. W 84° 45' 52.29"

0729°  
 GEODETIC NORTH  
 STATE PLANE NORTH  
 (MAD 27)



**NOTE:**  
 THE CONTRACTOR SHALL CONTACT THE PROPERTY OWNER PRIOR TO ANY WORK AND SHALL PROVIDE THE PROPERTY OWNER WITH A WORK SCHEDULE. CONTACT PERSON, AND THE CONTRACTOR'S PHONE NUMBER FOR WORKING HOURS AND NON-WORKING HOURS.

**3 WORKING DAYS BEFORE YOU DIG**  
 CALL TOLL FREE 800-752-6007  
 ALL NON-EMERGENCIES MUST BE CALLED AHEAD.

**NOTICE**  
 LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT LOCATION AND DISTANCE OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

UTILITY POLE

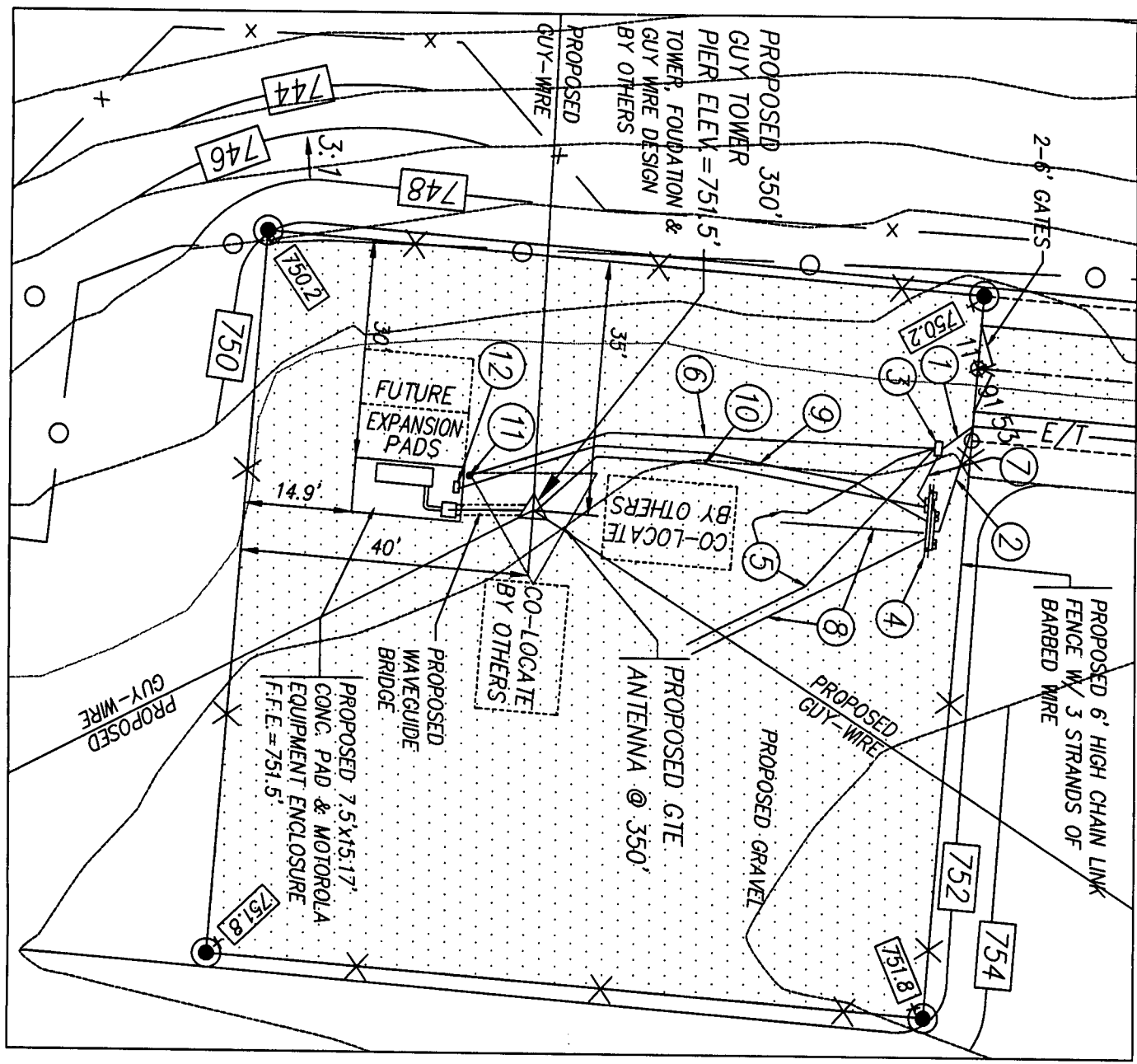
**KEY NOTES**

- 1 - PROPOSED 4" CONDUIT WITH PULL STRING FOR TELEPHONE.
- 2 - PROPOSED SECONDARY ELECTRIC CONDUCTOR IN 4" CONDUIT.
- 3 - PROPOSED PULL BOX FOR TELEPHONE.
- 4 - PROPOSED PULL LETTER BOARD WITH MOUNTING FOR COW-LET TOWER LIGHTING AND ALUMINUM SYSTEMS.
- 5 - PROPOSED BATTERY 4" CONDUIT FOR FUTURE TELEPHONE.
- 6 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 7 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 8 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 9 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 10 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 11 - PROPOSED 4" CONDUIT WITH PULL STRING FOR GIE WIRELESS TELEPHONE SERVICE.
- 12 - PROPOSED AC POWER FEEDLINE FOR GIE WIRELESS.

ALL CONDUIT TO BE SCHEDULE 40 PVC UNLESS OTHERWISE NOTED.  
 ALL BATTERY CONDUIT TO BE SCHEDULE 40 AND CAPED 6" ABOVE FINISH GRADE.

LINE LEGEND	DESCRIPTION
---	EXISTING
---	PROPOSED
---	POLE
---	PROPOSED/AS-BUILT
---	CONDUIT
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEPHONE

LEGEND	DESCRIPTION
○	FROM ROD NEW
○	FROM ROD OLD
○	CALCULATED POINT
+	TELEPHONE & POWER POLE
+	BENCH MARK
○	EXISTING
○	PROPOSED SPOT ELEVATION
+	FREE HORIZONTAL



SITE LAYOUT  
 SCALE: 1" = 10'

**COM NET**  
 Construction Services, Inc.  
 National Regional Offices  
 10000 W. 10th Street, Suite 400  
 Overland Park, KS 66211

**BAUWANN ENGINEERING**  
 CIVIL ENGINEERING - LAND PLANNING  
 LAND SURVEYING  
 7908 CHANNING-DAYTON ROAD  
 SUITE 11  
 WEST CHESTER, OHIO 45389  
 PHONE (513) 755-3222  
 FAX (513) 755-3776  
 EMAIL: BAUWANN@BAUWANN.ENG

GENERAL NOTES

REV.	DESCRIPTION	DATE
10		
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1		

ENGINEER'S SEAL

LAWRENCE E. BAUWANN  
 LICENSED PROFESSIONAL ENGINEER  
 LICENSE NO. FE 81000

PROJECT STATION: GALATIEN COUNTY, KENTUCKY  
 CONTRACT #: 01-1550

PROJECT LOCATION  
 RT 1 W/ALPHIN RD, WANUJUCK ROCK, KY  
 VERONA, KY 41092

DRAWING TITLE: SITE PLAN

ISSUE DATE: 12.4.98  
 PROJECT NO: 98344  
 SCALE: 1"=30'  
 DRAWN: MBB  
 CHECKED: LLB  
 DATE: 11.11.98

GENERAL NOTES

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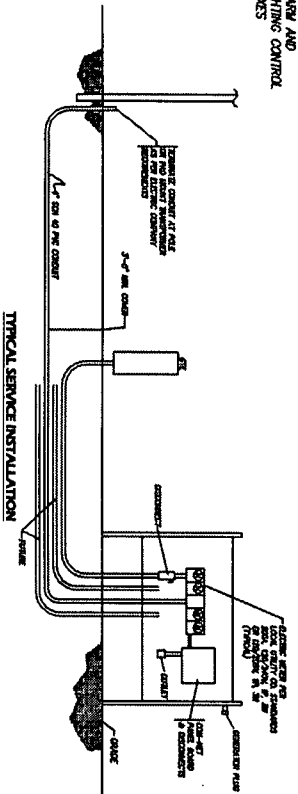
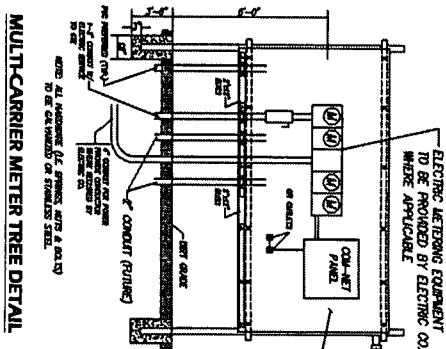
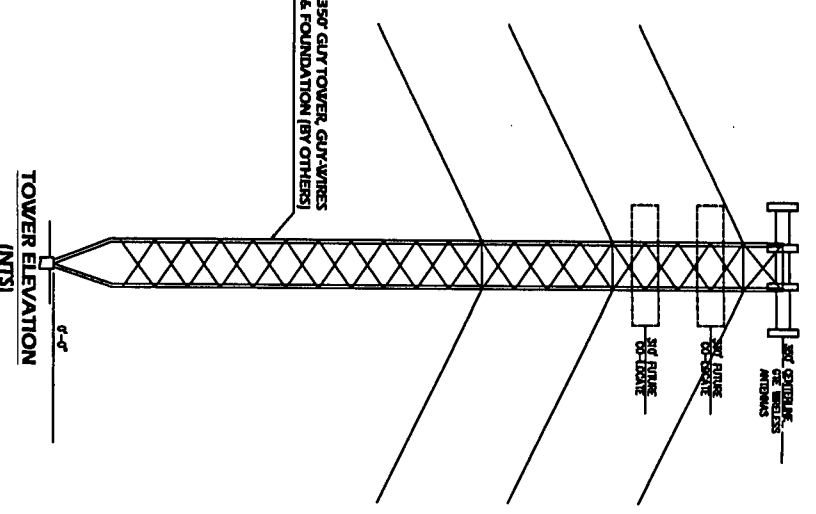
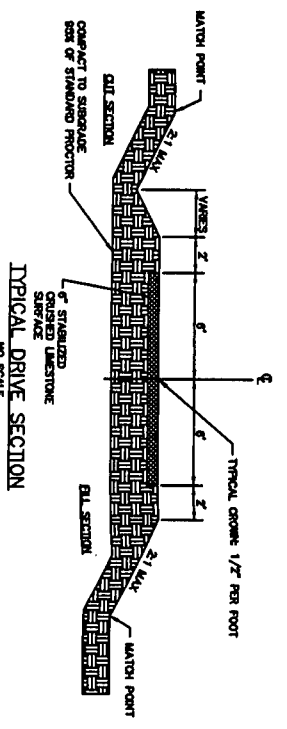
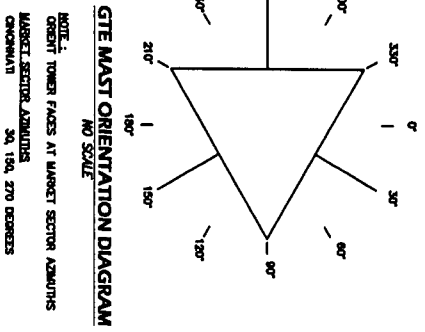
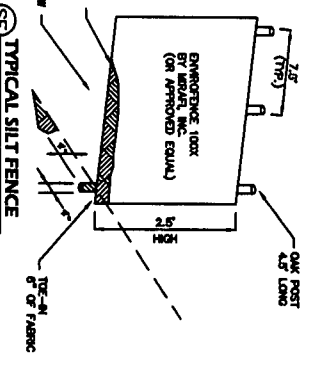
ENGINEER'S SEAL

REV.	DESCRIPTION	DATE

LAVERGNE L. BAUMANN  
 KENTUCKY PE # 16006  
 PROJECT  
 STATION  
 COM-NET # 01-1550  
 GALLATIN COUNTY, KENTUCKY  
 PROJECT LOCATION  
 RT 1 GALLATIN RD. WALNUT LICK RD.  
 VERSOVA, KY 41092

DRAWING TITLE  
**TOWER ELEVATION  
 & DETAILS**

ISSUE DATE:	12.4.98
PROJECT NO.:	98344
SCALE:	NONE
DRAWN:	JLG
CHECKED:	LLB
DATE:	11.11.98



- GENERAL NOTES**
1. THE CONTRACTOR SHALL OBTAIN AND INSTALL EMISSION CONTROL DEVICES FROM TO CONSTRUCTION IN ACCORDANCE WITH THE LOCAL AGENCIES.
  2. BEFORE OTHER WORKERS SHALL BE MAINTAINED AND/OR REPAIRED AS NECESSARY DURING AND AFTER CONSTRUCTION UNTIL NEARLYST RESTRICTION IS ESTABLISHED ON ALL DISTURBED AREAS.
  3. THE PROJECT AREA WITHIN THE CONSTRUCTION LIMITS SHALL BE KEPT CLEAR AND OPENING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPOSIT AT AN APPROVED LOCATION OF ALL DUMPERS, TRUCK EXCESS SOIL, DEBRIS AND ALL RESEMBLED ITEMS ENCOUNTERED DURING THE CONSTRUCTION OF THIS PROJECT.
  4. TOPSOIL SHALL BE STORED TO A MINIMUM DEPTH OF 6" WITHIN THE FENCED AREA. THE TOPSOIL SHALL BE STORED AND COVERED DURING CONSTRUCTION. FOLLOWING FINAL GRADING THE TOPSOIL SHALL BE USED TO RESTORE DISTURBED AREAS.
  5. THE CONTRACTOR SHALL MAINTAIN THE FENCED AREA. ALL GRASSES SHALL BE FENCED OFF. THE FENCED AREA WITHIN THE FENCED AREA SHALL BE MAINTAINED TO THE MAXIMUM EXTENT AS DETERMINED BY STANDARD PRACTICE. THE FENCED AREA SHALL BE MAINTAINED TO THE MAXIMUM EXTENT AS DETERMINED BY STANDARD PRACTICE.
  6. THE CONTRACTOR SHALL BE RESPONSIBLE TO STAY WITHIN THE DESIGNATED CUSTOMERS AND PROPERTY LINES AS SHOWN ON THE PLANS. EXCEED AS OVERSEEER APPROVED BY THE DESIGNER.
  7. THE CONTRACTOR SHALL VERIFY DIMENSIONS, ANGLES, AND GRADE ELEVATIONS FROM TO CONSTRUCTION. HORIZONTAL AND VERTICAL PROJECT RESURFACE POINTS WILL BE PROVIDED BY THE DESIGNER.
  8. STOPS TO OPERATE DURING WEATHER CONDITIONS (SUCH AS FLOODING) SHALL BE MAINTAINED BY THE CONTRACTOR. ALL MATERIALS AND WORK NECESSARY TO ESTABLISH A NEARLYST COVERED WATER FERTILIZER, AND TOPSOIL SHALL BE PROTECTED.
  9. ON STARTS EXCEEDING A GRADE OF 30% TO 10%, AND INCLUDING DISTANCE EXCEEDS. THE CONTRACTOR SHALL OBTAIN AND INSTALL EMISSION CONTROL DEVICES (COM-MET, THE "X") AFTER SETTING IN ACCORDANCE WITH COM-MET OR OTHER APPROVED EQUAL.
  10. THE CONTRACTOR SHALL OBTAIN AND INSTALL WATER FERTILIZER FROM LOCAL ELECTRIC SERVICE COMPANY REQUIREMENTS SPECIFICATIONS FOR CELL SITE CONSTRUCTION.
  11. THE PROJECT SHALL BE COMPLETED IN ACCORDANCE WITH LATEST EDITION OF THE DESIGNER'S SPECIFICATIONS AND THE LOCAL AGENCIES.
  12. CONTRACT INTERVAL - 3 FEET.
  13. THE CONTRACTOR SHALL CORRECTIVE THE LOCATION AND INSTALLATION OF UTILITIES WITH APPLICABLE UTILITY COMPANIES AND THE OWNER.

**NOTE:** THE CONTRACTOR SHALL CONTACT THE PROPERTY OWNER FROM TO ANY WORK AND SHALL PROVIDE THE CONTRACTOR WITH A WRITTEN NOTICE OF THE NUMBER FOR RECORDING HOURS AND NON-WORKING HOURS.

**3 WORKING DAYS BEFORE YOU DIG**  
 CALL TOLL FREE 800-752-6007  
 ALL NON-WORKING MUST BE CALLED DIRECTLY.

**NOTICE**  
 LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES.

**McBRAY, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 280  
GREENUP, KENTUCKY 41144-0280  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1176  
FACSIMILE 502-226-6234

July 1, 1999

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III +  
STEPHEN C. CAWOOD  
LISA ENGLISH HINKLE  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
LUKE BENTLEY III  
STEPHEN G. AMATO  
MARY ESTES HAGGIN  
R. STEPHEN MCGINNIS ++  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET M. YOUNG  
MELINDA G. WILSON  
REBECCA L. BRIGGS  
MARY ELIZABETH CUTTER  
J. BRADFORD DERIFIELD ++  
JARON P. BLANDFORD

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO  
+ ALSO ADMITTED IN TEXAS & FLORIDA  
++ ALSO ADMITTED IN WEST VIRGINIA

RECEIVED  
JUL - 2 1999  
PUBLIC SERVICE  
COMMISSION

Ms. Stephanie Bell  
Secretary of the Commission  
Kentucky Public Service Commission  
P.O. Box 615  
730 Schenkel Lane  
Frankfort, KY 40601

RE: Case Number 99-281  
SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated  
(Station/01-1550 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on July 1, 1999. The application is on behalf of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for a cell site located on the Walter B. Lawson property on Route 1 (Allphin Road/Walnut Lick Road), Verona, Gallatin County, Kentucky. I was given Case Number 99-281. We intend to file the application no later than July 2, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw