#### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/MEMPHIS, INC. ) d/b/a T-MOBILE FOR ISSUANCE OF A ) CERTIFICATE OF PUBLIC CONVENIENCE AND ) NECESSITY TO CONSTRUCT AN ADDITIONAL ) CASE NO. 2009-00030 CELL FACILITY AT OWINGSVILLE, BATH COUNTY, ) KENTUCKY ) (THE LV1259A/NORTH POLKSVILLE FACILITY) APPLICATION FEB 0 3 2009 PUBLIC SERVICE COMMISSION

Powertel/Memphis, Inc., a Delaware corporation d/b/a T-Mobile ("Applicant") applies for a Certificate of Public Convenience and Necessity to construct and operate an additional cell facility to serve the customers of its cellular radio telecommunications network in the Commonwealth of Kentucky. In support of this Application, Applicant, respectfully states that:

1. Its complete name, address and telephone number are: Powertel/Memphis, Inc., d/b/a T-Mobile, Four Concourse Parkway, Suite 300, Atlanta, Georgia 30328, having a local address of 11509 Commonwealth Drive, Louisville, Kentucky 40299. The local telephone number is (502)297-6202.

2. The Applicant is a Delaware corporation. Pursuant to 807 KAR 5:063: Section 1(1)(a) a certified copy of its Articles of Incorporation and all amendments thereto and a Certificate of Authorization to transact business in the Commonwealth of Kentucky were filed most recently with the Public Service Commission in the matter of: Application of Powertel/Memphis, Inc. d/b/a T-Mobile, to construct an additional cell facility at Leo Bowlds Road, Hardinsburg, Breckinridge County (the "9LV1109/Rough Facility") Case No. 2009-00006, filed with the Commission on

January 13, 2009. The Applicant's applicable Federal Communications License for this market area is attached as **Exhibit A**.

3. The Applicant proposes to construct an additional cellular facility in Bath County, Kentucky (the "Cell Facility"). The Cell Facility will be comprised of a 260' selfsupporting tower, including attached lightning rods and an equipment shelter. The equipment shelter will contain the transmitters and receivers required to connect the cell facility with cellular telephone users, which will link the Cell Facility with Applicant's other cells. The Cell Facility will be fenced with a secured access gate. Two sets of project drawings are being submitted with this Application. A detailed description of the manner in which the Cell Facility will be constructed is included in the drawings and on the Survey (scale: 1" = 200'). A copy of the Survey is attached as **Exhibit B**. The Survey is signed and sealed by Frank L. Sellinger, II, a professional registered surveyor in Kentucky and it depicts 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 C. The tower design plans include a description of the standard according to which the tower was designed.

4. A geotechnical investigation report performed by Asher, Inc. of Louisville, Kentucky, dated January 5, 2009 is attached as **Exhibit D**. The geotechnical investigation report is signed and sealed by Richard A. Linker, P.E., a professional engineer registered in Kentucky. The geotechnical investigation report includes boring logs, foundation design recommendations, and a finding as the proximity of the proposed site to flood hazard areas.

5. As noted on the Survey attached as a part of **Exhibit B**, the surveyor has

determined that the site is not within any FIA flood hazard area.

6. The possibility of a strong ground shaking has been considered in the design of this guyed 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.

7. 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 ("ETA") 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 tower structure at the 33-foot level and then is "increased" with increments of tower height. In this case, the design wind speed is 90 mph. Using the appropriate wind speed for each antenna level, the thrust of the antenna and its corresponding waveguide load are applied to the tower structure for maximum member loads.

8. Personnel directly responsible for the design and construction of the proposed tower are qualified and experienced. The soil testing and part of the foundation design was performed by Asher, Inc. under the supervision of Richard A. Linker, 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 was performed by FWT, Inc. of Ft. Worth, Texas. Design of the foundation was performed by Walker Engineering Incorporated of Atlanta, Georgia. The Applicant uses gualified installation crews and site inspectors for construction of its towers. The tower and foundation drawings are signed and sealed by Ta Wen Lee, P.E., a professional engineer registered in Kentucky.

9. The public convenience and necessity require the construction of this additional Cell Facility. The additional Cell Facility is essential to improve service to Applicant's current customers in that transmission and reception "weak spots" within the area to be covered by the Cell Facility will be substantially reduced. The Cell Facility will also increase the system's capacity to meet the increasing demands for cellular service in Kentucky.

The process that was used in selecting the site for the proposed Cell Facility by the applicant's radio frequency engineers was consistent with the process used for selecting generally all other existing cell facilities within the licensed area. The

engineers used computer programs to locate cell sites that will enable the cell facilities to serve the Federal Communications Commission certificated territory without extending beyond its approved boundary and to meet other mandates of the Commission. The engineers select the optimum site in terms of elevation and location to provide the best quality service to customers in the service area. 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 area within which a site should be located as determined by the Applicant's Radio Frequency Engineers is attached as **Exhibit E**.

It is imperative that the proposed Cell Facility be constructed to allow Applicant to meet its licensing requirements as mandated by the Federal Communications Commission and to further meet the increasing demands for cellular service in the licensed area.

10. The Cell Facility will serve an area totally within Applicant's current service area in the licensed area.

11. Since the proposed Cell Facility will serve only the licensed area, no further approvals by the Federal Communications Commission ("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."

12. The Federal Aviation Administration ("FAA") determined on December 29, 2008 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 F**. An Application to the Kentucky Airport Zoning Commission ("KAZC") was filed on December 8, 2008, a copy of which is attached as **Exhibit G**. Upon receiving a determination from the KAZC, the Applicant will forward a copy of such determination as

a supplement to this Application.

13. The proposed location of the tower is not within a jurisdiction that has adopted planning and zoning regulations in accordance with KRS Chapter 100. The Applicant has notified the Bath County Judge Executive, by certified mail, return receipt requested, of the proposed construction. The Applicant 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 H**.

14. The Cell Facility will be located off Adams Road, Owingsville, Bath County, Kentucky. Appropriate notices have been posted pursuant to 807 KAR 5:063: Section 1(2)(a) and (b) 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 facility has been published in a newspaper of general circulation in Bath County, Kentucky. The Cell Facility's coordinates are: Latitude: 38° 10' 31.37"; Longitude: 83° 40' 36.55".

15. Clear directions to the proposed site are:

From Lexington, Kentucky take I-64 East to Exit 123 and turn left onto Highway 60. Continue on Highway 60 to Wyoming Road and turn right. Continue on Water Dale Road and bear right onto Riddel Road. Follow Riddel Road to Adams Road and continue straight on Adams Road approximately <sup>1</sup>/<sub>4</sub> mile to the Site on the right.

The telephone number for the person preparing the directions is 205-655-1474, and the individual's name is Timothy L. Hardy. The Survey identifies every structure within 500' of the proposed tower, and all easements and existing structures within 200' of the access drive, including the intersection with the Public Street System, drawn to a scale no less than one (1) inch equals 200'.

16. Pursuant to 807 KAR 5:063: Section 1(1)(a) and 1(2)(a), Applicant has notified every person who is contiguous or within 500' of the proposed tower by certified mail, return receipt requested, of the proposed construction. Applicant included in said notice the Commission docket number under which the Application will be processed and informed each person of his or her right to request intervention. A list of the property owners and copies of the certified letters sent to the referenced property owners are attached as **Exhibit I**. Copies of the return receipts will be filed with the Commission when received.

17. The site for the proposed Facility is located outside the incorporated limits of the City of Owingsville and is not zoned. The area is rural in nature with vacant land and few residences. The proposed facility will improve coverage to the east part of Bath County along I-64 and Old Sand Road and will provide 911 emergency coverage in order to meet the continuing demands of location services.

18. Applicant has 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. Applicant attempted to collocate on existing towers or structures, however, there are no such existing towers or structures in the vicinity of the proposed site.

19. The site for the Cell Facility is to be leased from Beverly Kay Warren and Hanley Scott Warren. A copy of the Site Lease with Option Agreement is attached as **Exhibit J**.

20. The names of all public utilities, corporations, or persons with whom the proposed new construction is likely to compete is Sprint PCS, AT&T Wireless and Verizon Wireless.

21. Applicant plans to finance the construction of the Cell Facility 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.

22. Any customer complaints may be reported by dialing 611 on the customer's cellular phone.

WHEREFORE, Applicant requests that the Commission, pursuant to KRS278.020, grant a Certificate of Public Convenience and Necessity to Applicant for construction and operation of the proposed Cell Facility and providing for such other relief as is necessary and appropriate.

Respectfully submitted, .

1cm

W. Brent Rice
McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC
201 East Main Street, Suite 1000
Lexington, KY 40507
Phone: 859/231-8780
COUNSEL FOR POWERTEL/MEMPHIS, INC. d/b/a T-MOBILE

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### LIST OF EXHIBITS

- Exhibit A Applicant License
- Exhibit B Site Plan and Survey
- Exhibit C Tower and Foundation Profile
- Exhibit D Report of Geotechnical Exploration
- Exhibit E Search Area Map
- Exhibit F FAA Determination
- Exhibit G KAZC Filing
- Exhibit H Correspondence to County Judge Executive
- Exhibit I Notice to Adjoining Property Owners
- Exhibit J Site Lease with Option Agreement

#### Federal Communications Commission Wireless Telecommunications Bureau

Radio Station Authorization (Reference Copy Only)

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.

Licensee: Powertel Memphis Licenses, Inc.

ATTN Dan Menser Powertel Memphis Licenses, Inc. 12920 SE 38th Street Bellevue, WA 98006			F	FCC Registration Number (FRN): 0001832807		
			Call Sign: File KNLH399		File Number:	
					Radio S CW - PCS	
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<b>Grant Date</b> 04/28/1997		ffective Date 01/09/2006	Expiration Da 04/28/2007	te		int Date /20/2006
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Market Number: BTA252		Channel Block: E		Sub-Ma	rket Designa	ator: 0
Market Name: Lexington, KY						
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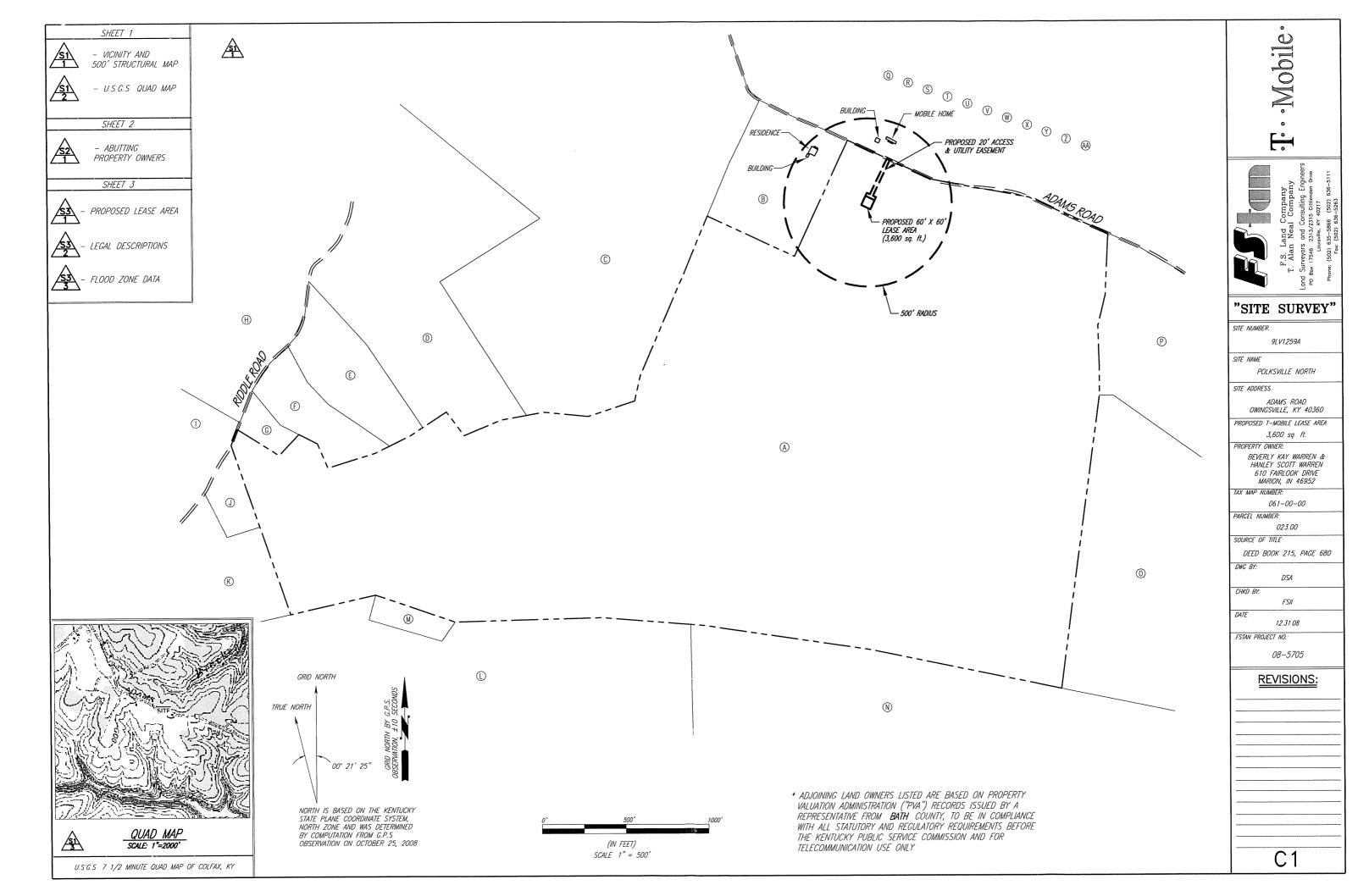
Special Conditions or Waivers/Conditions

#### Conditions

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C.

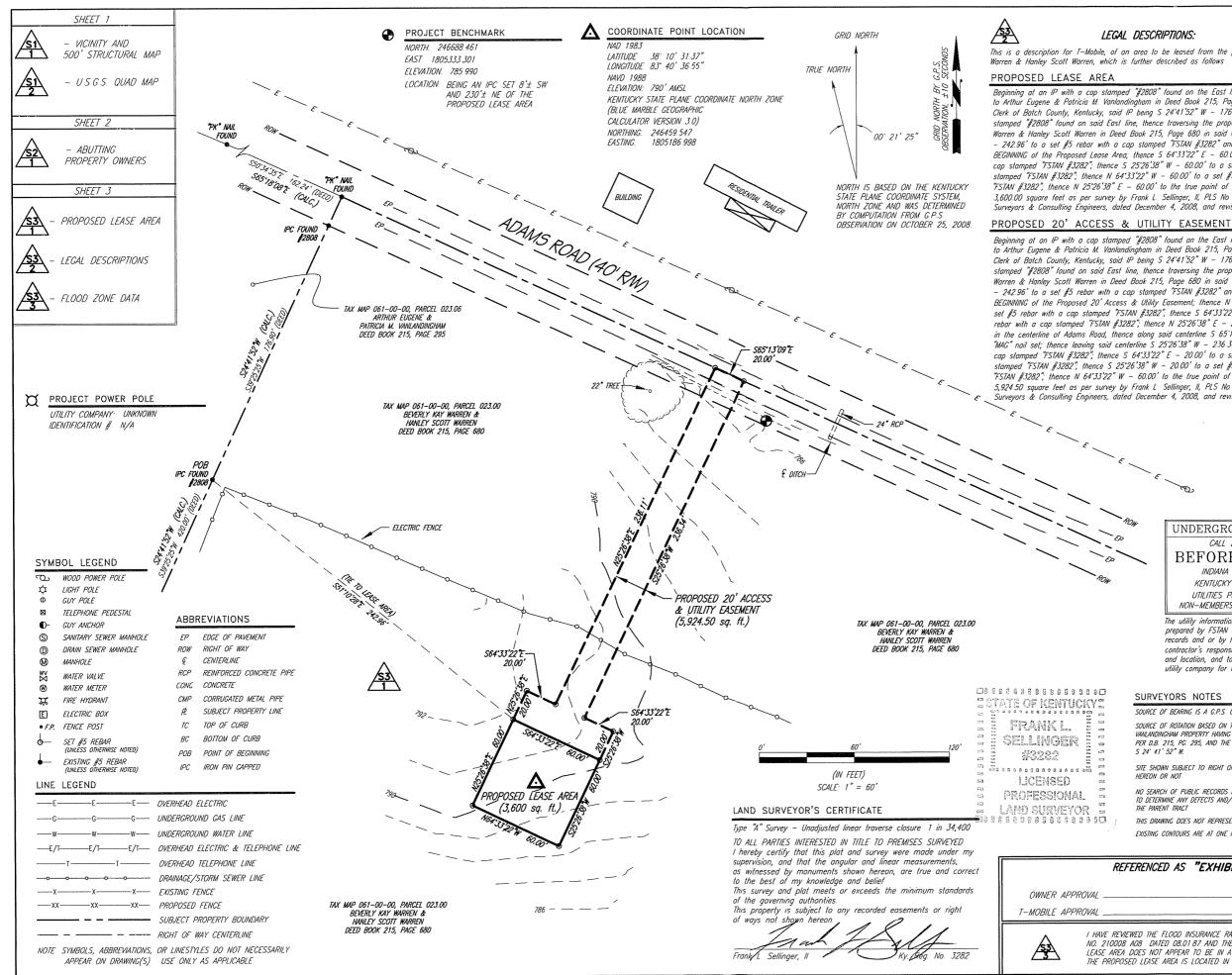
A graphical representation of the geographic area authorized to this call sign may be generated by selecting 'License Search' at the following web address: <a href="http://www.fcc.gov/wtb/uls/">http://www.fcc.gov/wtb/uls/</a>

FCC 601 - MB September 2002



SHEET 1 SI - VICINITY AND 500' STRUCTURAL MAP SI - U S G S QUAD MAP	MAP NO. 061-00-00, LOT 023 00 HANLEY SCOTT & BEVERLY KAY WARREN 610 FARLOON DRIVE MARION, IN 46952 DEED BOOK 215, PAGE 680 NO ZONING	MAP NO. 061-00-00, LOT 030.00 PAUL LEWIS WELLS 638 FEARING ROAD OWINGSVILLE, KY 40360 NO DEED OF RECORD FOUND NO ZONING	MAP NO. 061-00-00, LOT 021.41 WALTON, JOSEPH 377 FOXCLIFF RD. OWINGSVILLE, KY 40360 DEED BOOK 201, PAGE 267 NO ZONING
SHEET 2 - ABUITING PROPERTY OWNERS	MAP NO 061–00–00, LOT 023.06 ARTHUR EUGENE & PARTICIA M VANLANDINGHAM 2459 LOG LICK ROAD WINCHESTER, KY 40391 DEED BOOK 215, PAGE 295 NO ZONING	NO PARCEL NUMBER (M) OR LANDOWNER INFORMATION LISTED PER PVA REPRESENTATIVE	MAP NO. 061-00-00, LOT 021 16 COREY, JOHN & LORA P.O. BOX 11.31 OWINGSVILLE, KY 40360 DEED BOOK 187, PAGE 4.32 NO ZONING
SHEET 3 SHEET 3 PROPOSED LEASE AREA SS - LEGAL DESCRIPTIONS	MAP NO. 061–00–00, LOT 024.00 DOUGLASS & RORI McCARTY © 1360 RIDDLE ROAD OWINGSVILLE, KY 40360 DEED BOOK 194, PAGE 437 NO ZONING	MAP NO. 61-00-00, LOT 031 CRISP, TIM F. & SHARI 1449 CABIN CREEK RD. WINCHESTER, KY 40391 DEED BOOK 202, PAGE 263 NO ZONING	MAP NO. 061–00–00, LOT 021 10 Y THE CITIZENS BANK P.O. BOX 1026 MOREHEAD, KY 40351 DEED BOOK 213, PAGE 339 NO. 201000
FLOOD ZONE DATA	MAP NO. 061-00-00, LOT 025 06 EDDIE & TAMMY STAMPS P 0. BOX 377 OWINGSVILLE, KY 40360 DEED BOOK 188, PAGE 409 NO ZONING	MAP NO. 061–00–00, LOT 023 05 MARVIN NAPIER 9250 S SR–210 TIPP CITY, OH 45317–9767 DEED BOOK 190, PAGE 652 NO ZONING	NO ZONING MAP NO. 061–00–00, LOT 021.08 MORTON, MICHAEL & SUSAN 2184 ADAMS RO. OWINGSVILLE, KY 40360 DEED BOOK 214, PAGE 776 NO ZONING
	MAP NO. 061-00-00, LOT 025.08 DAVID & PEGGY JACKSON P.O. BOX 982 OWINGSWILE, KY 40360 DEED BOOK 192, PAGE 597 NO ZONING	MAP NO. 061–00–00, LOT 023.04 MARVIN & ALBERTA NAPIER 9250 5 SR–210 TIPP CITY, OH 45317–9767 DEED BOOK 188, PAGE 73 NO ZOMING	MAP NO. 061-00-00, LOT 021 00 MITCHELL, DOUGLAS & LAURA AD 1984 ADAMS RD. OWINGSVILLE, KY 40360 DEED BOOK 209, PAGE 99 NO ZONING
	MAP NO. 061–00–00, LOT 025.00 DAVID & PEGGY JACKSON P.O. BOX 982 OWINGSVILLE, KY 40360 DEED BOOK 211, PAGE 307 NO ZONING	MAP NO. 061–00–00, LOT 021 09 PHIPPS, PHYLISS P. 1660 ADAMS RD. OWINGSVILLE, KY 40360 DEED BOOK 187, PAGE 395 NO ZONING	
	MAP NO. 061-00-00, LOT 023 02 DAVID & PEGGY JACKSON P. O. BOX 982 OWINGSVILLE, KY 40360 DEED BOOK 203, PAGE 666 NO ZONING	MAP NO. 061-00-00, LOT 021.50 ANDERSON, RONNIE & REGINA P.O. BOX 914 OWINGSVILLE, KY 40360 DEED BOOK 207, PAGE 586 NO ZONING	
	MAP NO. 061–00–00, LOT 027 07 VIRGIL CARTER ET AL. 615 RIDDLE ROAD OWINGSVILLE, KY 40360 DEED BOOK 194, PAGE 415 NO ZONING	MAP NO. 061–00–00, LOT 021.23 ANDERSON, RONNIE & REGINA P.O. BOX 914 S OWINGSVILLE, KY 40360 DEED BOOK 207, PAGE 586 NO ZONING	
	MAP NO. 061–00–00, LOT 027.06 CHARLES D & LINDA K. WILLOUGHBY 495 RIDDLE ROAD OWINGSVILLE, KY 40360 DEED BOOK 190, PAGE 793 NO ZONING	MAP NO. 061-00-00, LOT 02127 SHEPHERD, JACKIE & WILMA P.O. BOX 294 OWINGSVILLE, KY 40360 DEED BOOK 191, PAGE 186 NO ZONING	
	MAP NO. 061–00–00, LOT 028.01 DAVID W. 7 PEGGY JACKSON P O. BOX 982 OWINGSVILLE, KY 40360 DEED BOOK 150, PAGE 698 NO ZONING	MAP NO. 061-00-00, LOT 021.39 CURTIS, ELDON RAY ① P.O. BOX 983 OWINGSVILLE, KY 40360 DEED BOOK 184 & 674, PAGE 183 & 353 NO ZONING	
	MAP NO. 061-00-00, LOT 028 02 DAVID & PEGGY JACKSON P.O BOX 982 OWINGSVILLE, KY 40360 DEED BOOK 201, PAGE 151 NO ZONING	MAP NO. 061-00-00, LOT 021 29 STANFIELD, MIKE & MAXINE P.O. BOX 1103 WINGSVILLE, KY 40360 DEED BOOK 173, PAGE 169 NO ZONING	

T Mobile.				
	F.S. Land Company T. Alan Neal Company	Land Surveyors and Consulting Engineers PO Box 17546 2313/2315 Crittenden Drwe Louusville, KY 40217	Phone: (502) 635-5866 (502) 636-5111 Fax: (502) 636-5263	
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#### LEGAL DESCRIPTIONS:

This is a description for T-Mobile, of an area to be leased from the property of Beverly Kay

Beginning at an IP with a cap stamped "#2808" found on the East line of the property conveyed to Arthur Eugene & Patricia M. Vanlandingham in Deed Book 215, Page 295 in the Office of the Clerk of Batch County, Kentucky, said IP being S 24'41'52" W - 176 90' from an IP with a cap stamped "#2808" found on said East line, thence traversing the property conveyed to Beverly Kay Warren & Hanley Scott Warren in Deed Book 215, Page 680 in said Clerk's Office S 51'10'28" E - 242.96' to a set #5 rebar with a cap stamped "FSTAN #3282" and the TRUE POINT OF BEGINNING of the Proposed Lease Area; thence 5 64'33'22" E − 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence S 25'26'38" W - 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 64'33'22" W - 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 25'26'38" E - 60.00' to the true point of beginning, containing 3,600.00 square feet as per survey by Frank L. Sellinger, II, PLS No 3282 with FS/Tan Land Surveyors & Consulting Engineers, dated December 4, 2008, and revised December 12, 2008.

Beginning at an IP with a cap stamped "#2808" found on the East line of the property conveyed to Arthur Eugene & Patricia M. Vanlandingham in Deed Book 215, Page 295 in the Office of the Clerk of Batch County, Kentucky, said IP being 5 24'41'52" W - 176 90' from an IP with a cap stamped "#2808" found on said East line, thence traversing the property conveyed to Beverly Kay Warren & Hanley Scott Warren in Deed Book 215, Page 680 in said Clerk's Office 5 51'10'28" E - 242.96' to a set #5 rebar with a cap stamped "FSTAN #3282" and the TRUE POINT OF BEGINNING of the Proposed 20' Access & Utility Easement; thence N 25'26'38" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence S 64'33'22" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"," thence N 25'26'38" E - 236 11' to a "MAG" nail set in the centerline of Adams Road, thence along said centerline 5 65'13'09" E - 20.00' to a "MAG" nail set; thence leaving said centerline S 25'26'38" W - 236'34' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence S 64'33'22" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282", thence S 25'26'38" W - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282", thence N 64'33'22" W - 60.00' to the true point of beginning, containing 5,924.50 square feet as per survey by Frank L. Sellinger, II, PLS No. 3282 with FS/Tan Land rveyors & Consulling Engineers, dated December 4, 2008, and revised December 12, 2008.

UNDERGROUND UTILITIES CALL 2 WORKING DAYS BEFORE YOU DIG INDIANA 1-800-382-5544 KENTUCKY 1-800-752-6007 UTILITIES PROTECTION SERVICE NON-MEMBERS MUST CALL DIRECTLY The utility information shown on this plat.

prepared by FSTAN was obtained from existing records and or by field locations It is the contractor's responsibility to verify their existence and location, and to contact the appropriate utility company for field locations

#### SURVEYORS NOTES

SOURCE OF BEARING IS A G.P.S. OBSERVATION ON OCTOBER 25, 2008.

SOURCE OF ROTATION BASED ON THE EAST PROPERTY LINE OF THE VANLANDINGHAM PROPERTY HAVING THE BEARING OF S 39' 25' 25" W PER D.B. 215, PG. 295, AND THE CALCULATED BEARING OF 5 24 41' 52"

SITE SHOWN SUBJECT TO RIGHT OF WAYS AND EASEMENTS SHOWN HEREON OR NOT.

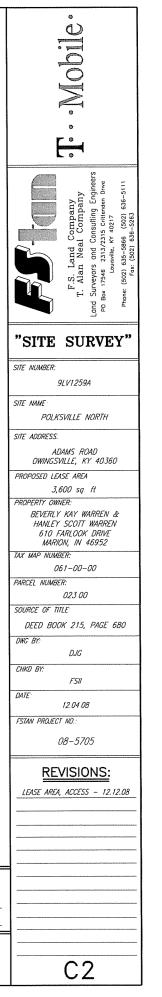
NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT TRACT.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. EXISTING CONTOURS ARE AT ONE FOOT INTERVALS

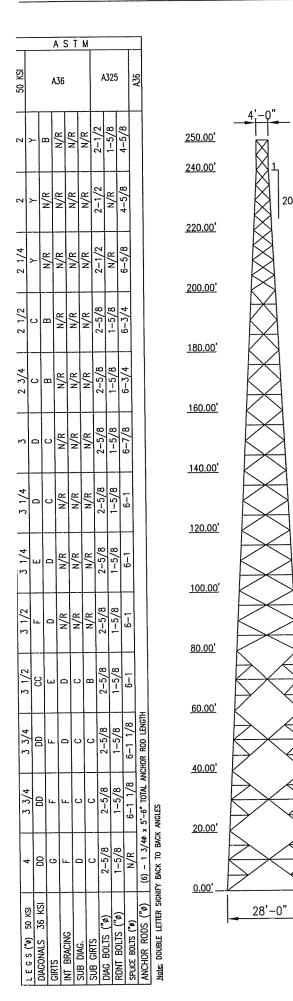
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DATE DATE

I HAVE REVIEWED THE FLOOD INSURANCE RATE MAPS (FIRM) MAP NO. 210008 A08 DATED 08.01 87 AND THE PROPOSED LEASE AREA DOES NOT APPEAR TO BE IN A FLOOD PRONE AREA THE PROPOSED LEASE AREA IS LOCATED IN ZONE X



#### ustomer Name: <u>T-MOBILE (TENNESSEE)</u> Site: <u>9LV1259</u> POLKSVILLE NORTH, BATH COUNTY, KY



# FMT

P.O. BOX 8597 FORT WORTH, TX 76124-0597 PHONE: (800) 433-1816 FAX: (817) 255-8656

	JO	B D A	T	A	
Page 1 of 1		Job No.			J081119001-F
Ву	HD/tw	Design No. Date			S08-0471-F Nov 20 2008
Chk'd By	TV	Rev. No.	0	Rev. Date	107 20 2000
Structure	250-FT SST				
Ref. No.	0400\0471\				19001F.out
Design Standard	ANSI/TIA-222-C	G-2005 A	dde	endum 1	

N CONDITIONS
Structure Class: II
Exposure Category: C
Topographic Category: 1
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3	250	(4) TMBX-6517-R2M	AM110-P-12'	120	
4	250	(4) TMBX-6517-R2M	AM110-P-12'	240	
5	235	(4) TMBX-6517-R2M	AM110-P-12'	0	12)LDF7P-50A
6	235	(4) TMBX-6517-R2M	AM110-P-12'	120	
7	235	(4) TMBX-6517-R2M	AM110-P-12	240	
8	220	(4) TMBX-6517-R2M	AM110-P-12'	0	12)LDF7P-50A
9	220	(4) TMBX-6517-R2M	AM110-P-12'	120	
10	220	(4) TMBX-6517-R2M	AM110-P-12'	240	

LINEAR APPURTENANCES
STEP BOLTS ON ONE LEG
(1)-Waveguide Ladder: 0'-250' On Tower Face (AZ): 60 deg
(1)-Waveguide Ladder: 0'-235' On Tower Face (AZ): 180 deg
(1)-Waveguide Ladder: 0'-220' On Tower Face (AZ): 300 deg

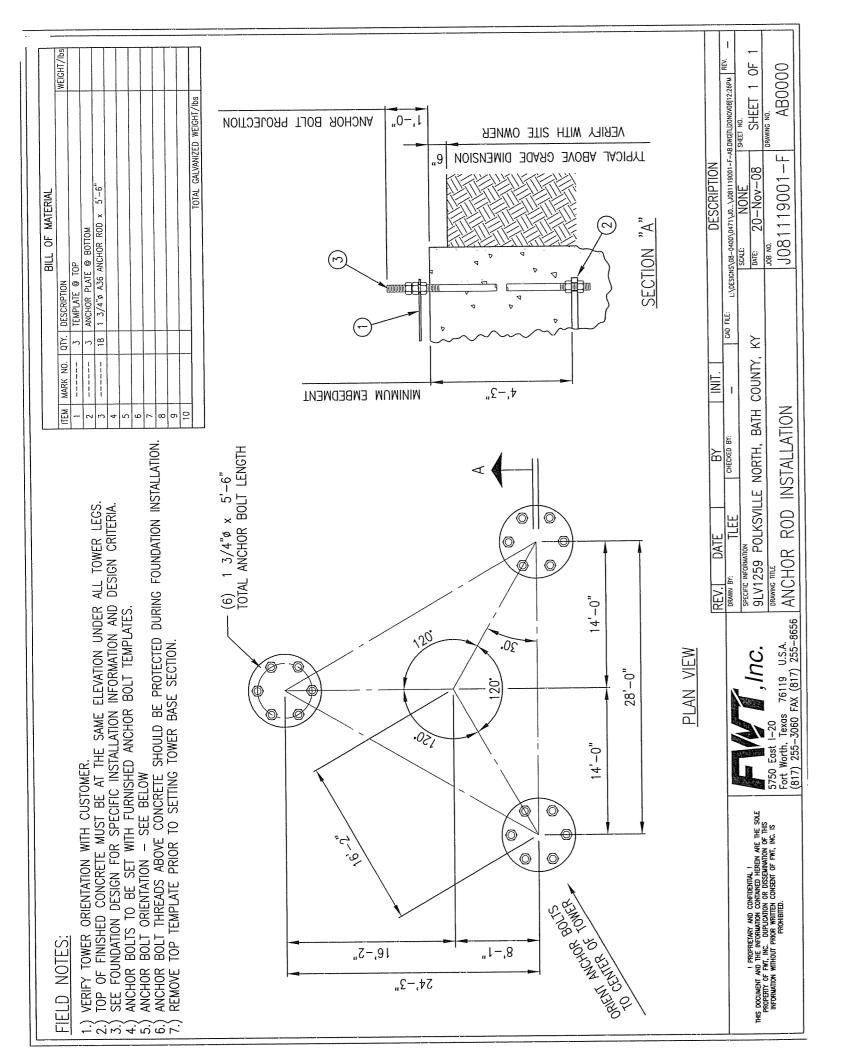
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235'	_	12D	_	12
220'		-	12D	12

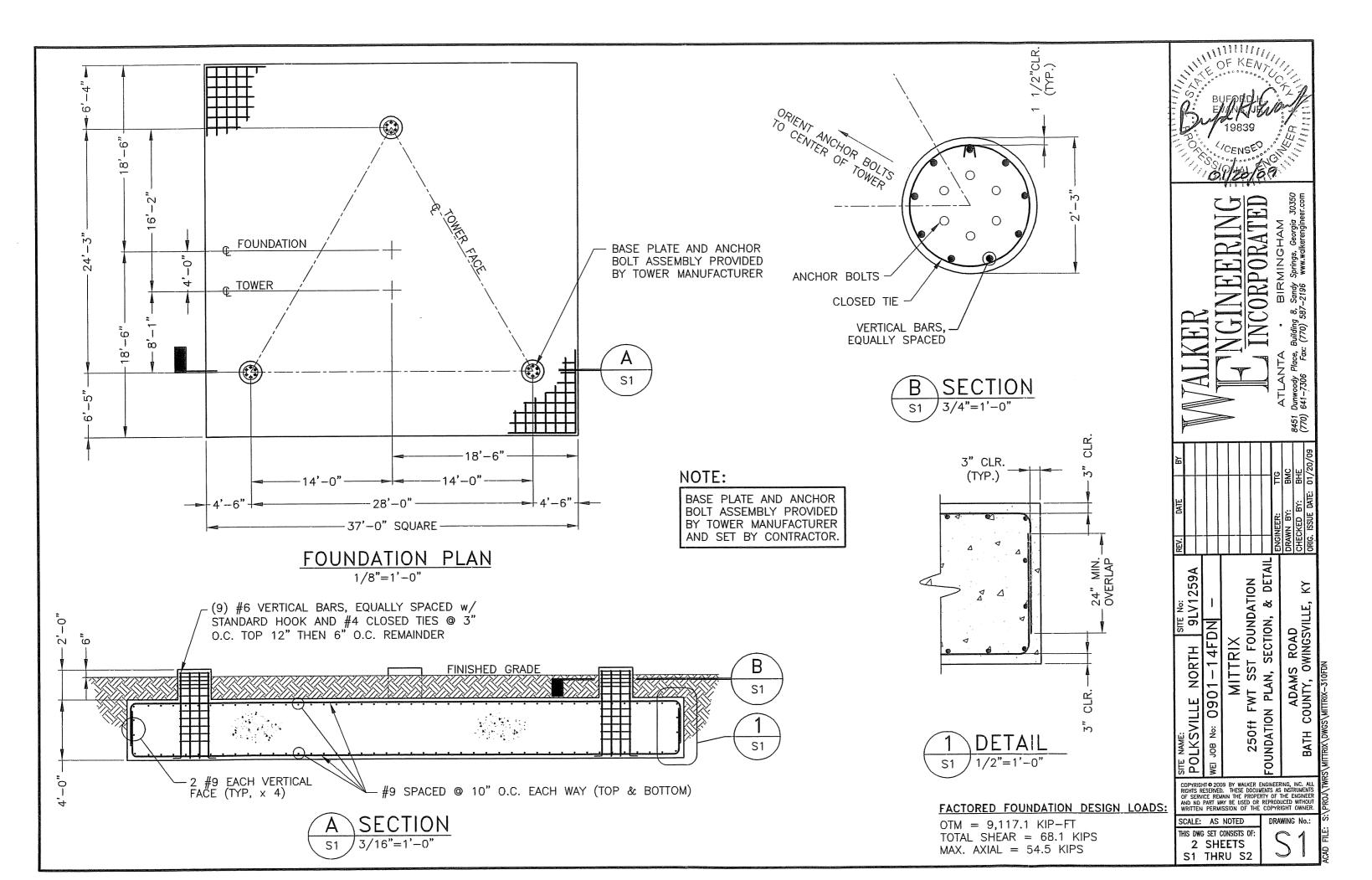


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st Xez	
INTERIOR BRACING	
(1) 5/8" BOLT EA. END	
<u>INTERIOR BRACING</u> (1) 5/8"Ø BOLT EA. END ( EL. 10' to 70')	

	MEMBER TABLE LEGEND
D	L3X3X3/16
G	L4X4X1/4
F	L3 1/2X3 1/2X1/4
C	L2 1/2X2 1/2X3/16
E	L3X3X1/4
В	L2X2X3/16
Y	L1 3/4X1 3/4X3/16

FACTORED BASE	REACTIONS		
UPLIFT/LEG:	333.7 KIPS.	O.T. MOMENT:	9117.1FT-KIPS.
COMP./LEG:	400.2 KIPS.	MAX. DOWNLOAD:	54.5 KIPS.
HORIZ /LEG:	40.3 KIPS.	TOTAL SHEAR:	68.1 KIPS.
EST.WEIGHT:	37.5KIPS. (N	lo SPL or Gussets)	





### GENERAL NOTES

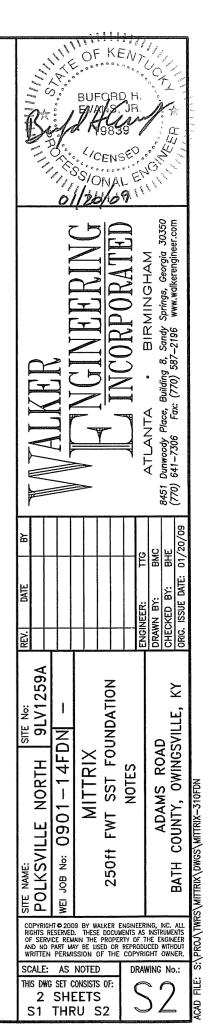
- G1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS. ALL DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.
- THE SIZE AND SPACING OF STRUCTURAL ELEMENTS SHALL NOT BE CHANGED WITHOUT THE G2. ENGINEER'S APPROVAL.
- G3. DETAILS SHOWN ARE TYPICAL; THEREFORE, SIMILAR DETAILS APPLY TO SIMILAR CONDITIONS UNLESS OTHERWISE NOTED.
- G4. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
- ALL STRUCTURAL AND NON-STRUCTURAL ITEMS SHALL BE TEMPORARILY BRACED DURING G5. CONSTRUCTION UNTIL ALL STRUCTURAL ELEMENTS THAT ARE REQUIRED FOR STABILITY, SUCH AS LATERAL BRACING, ANCHOR BOLTS, ETC., HAVE BEEN INSTALLED.
- G6. CONTRACTOR SHALL VERIFY THE EXACT LOCATIONS OF EXISTING UTILITIES, GROUND DRAINS, DRAIN PIPES, VENTS, OR ANY OTHER MECHANICAL DEVICES PRESENT BEFORE COMMENCING WORK. CONTRACTOR SHALL PROTECT EXISTING FACILITIES, UTILITIES, COAX AND UTILITY LINES FROM DAMAGE. NOTIFY ENGINEER IMMEDIATELY OF ANY CONFLICTS ARISING FROM THIS VERIFICATION.
- G7. INCORRECTLY FABRICATED, DAMAGED, MISFITTING OR NONCONFORMING MATERIALS OR CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO REMEDIAL OR CORRECTIVE ACTION.
- CONTRACTOR(S) SHALL COOPERATE WITH THE OWNER'S REPRESENTATIVE, AND COORDINATE HIS G8. WORK WITH THE WORK OF OTHERS.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE OSHA REGULATIONS, AND PER THE G9. 2007 KENTUCKY BUILDING CODE (IBC 2006), AND ANSI/TIA-222--G, AND SHALL BE PERFORMED ONLY IN "GOOD WEATHER". GOOD WEATHER MEANS LITTLE OR NO WIND AND RAIN AND MINIMUM TEMPERATURE OF 50 DEGREES F. CONTACT ENGINEER FOR ADDITIONAL INSTRUCTIONS IF "GOOD WEATHER" CANNOT BE ACHIEVED.
- G10. DESIGN WIND SPEED IS 90 MPH PER ANSI/TIA-222-G.

### REINFORCED CONCRETE NOTES

- C1. CONCRETE SHALL CONFORM TO ACI 301 & 318, AND SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AFTER 28 DAYS.
- C2. AGGREGATES SHALL BE CLEAN AND WELL-GRADED WITH A MAXIMUM SIZE OF 1-1/2". CONCRETE COMPRESSIVE TESTS SHALL CONFORM TO ASTM C39.
- C3. USE NORMAL WEIGHT CONCRETE.
- C4. USE ASTM A615 GRADE 60 FOR ALL CONCRETE REINFORCING STEEL.
- ALL CONCRETE REINFORCEMENT SHALL BE ACCURATELY PLACED, RIGIDLY SUPPORTED, AND C5. FIRMLY TIED IN PLACE WITH BAR SUPPORTS AND SPACERS IN ACCORDANCE WITH ACI 301 & 318.
- C6. MAXIMUM PERMISSIBLE SLUMP =  $4^{\circ}$ .
- C7. APPLY A WATER REPELLENT SEALANT TO ALL EXPOSED CONCRETE SURFACES. USE W.R. MEADOWS "SEAL-TIGHT #1200," OR EQUIVALENT, APPLIED IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- C8. FIELD-VERIFY SOIL PARAMETERS PRIOR TO CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER. SOIL PARAMETERS FOR FOUNDATION DESIGN WERE OBTAINED FROM THE REPORT BY ASHER, INC. ENVIRONMENTAL & ENGINEERING CONSULTING ON THE "GEOTECHNICAL ENGINEERING STUDY", ASHER PROJECT No. 008-239, DATED 01/05/2009.

## SHOP FABRICATION DRAWING SUBMITTAL

- F1. THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER IS RESPONSIBLE FOR ASSURING THAT ALL SUBMITTALS COMPLY WITH THE LATEST PROJECT PLANS, SPECIFICATIONS, GOVERNING CODES AND REGULATIONS, AND IS SOLELY RESPONSIBLE FOR CONFIRMING ALL QUANTITIES. DIMENSIONS, FABRICATION TECHNIQUES, AND COORDINATING WORK WITH ALL TRADES.
- SHOP DRAWINGS SHALL BE SUBMITTED IN A TIMELY MANNER TO ALLOW ADEQUATE TIME FOR F2. PROCESSING.
- F3. ALL SUBMITTALS ARE TO BE ACCOMPANIED BY A LETTER OF TRANSMITTAL.
- ALL SHOP DRAWINGS MUST BEAR EVIDENCE OF THE CONTRACTOR'S APPROVAL PRIOR TO F4. SUBMITTAL.
- F5. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO THE ENGINEER PRIOR TO FABRICATION.



GEOTECHNICAL ENGINEERING STUDY

PROPOSED COMMUNICATIONS TOWER POLKSVILLE NORTH TOWER SITE OWINGSVILLE, KENTUCKY

ASHER PROJECT NO. 008-239

**Prepared For:** 

Mr. Dean Davis T-Mobile South, LLC 3800 Ezell Road, Suite 815 Nashville, TN 37211

**Prepared By:** 

Asher, Inc. 1021 S. Floyd Street Louisville, Kentucky 40203

ASHER, INC. Environmental & Engineering Consulting

January 5, 2009

Mr. Dean Davis T-Mobile South, LLC 3800 Ezell Road, Suite 815 Nashville, TN 37211

RE: Geotechnical Engineering Study Proposed Communications Tower Polksville North Tower Site Owingsville, Kentucky

Dear Mr. Davis,

Asher, Inc. has completed a Geotechnical Engineering Study for the above referenced project. This report contains the findings of our subsurface exploration, geotechnical recommendations to aid design of foundations, and construction recommendations with regard to site work; fill placement, and foundation installation and inspection.

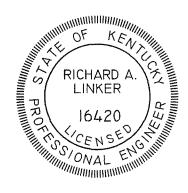
We appreciate the opportunity to be of service to you on this project. If we can be of further assistance, or if you have any questions regarding this report, please contact our office.

Sincerely, tacol D.

Jacob D. Brown, P.E. Project Engineer

Rut

Richard A. Linker, P. E. President



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#### APPENDICES

Site Location Plan Aerial Photograph Geologic Map Geologic Map Legend Location of Test Borings Test Boring Logs

#### **1.0 PROJECT INFORMATION**

The site is located on Adams Road in Owingsville, Kentucky. The site consists of an open cattle pasture that slopes downhill to the south. No ponding water was observed on the property.

Proposed for construction is a 250 ft. lattice tower and access road. The tower can be supported on a mat foundation bearing on soil, or end-bearing auger cast pile foundations. The equipment building/cabinets will be pre-fabricated structures supported on conventional shallow foundations.

#### 2.0 SUBSURFACE EXPLORATION

The subsurface conditions were explored by conducting two borings within the proposed lease area. The boring locations are shown on the plan included in the Appendix. The boring logs (also included in the Appendix) describe the materials and conditions encountered at each location.

A 6 to 12 in. layer of topsoil was encountered in the borings.

Beneath the topsoil our borings typically encountered natural sandy lean clay and silt to a depth of about 14 ft. The clay and silt soils were noted to be soft to very stiff with Standard Penetration Test results (N Values) ranging from 4 to 31 blows per ft. Orangish brown and gray silty sand and gravel was encountered beneath the clay and silt soils to a depth of about 23.5 ft. Weathered shale was encountered from about 23.5 ft. to 24.8 ft. Auger refusal was encountered at 24.5 ft. in B-2, and 24.8 ft. in B-1. A 5 ft. core of the shale bedrock was obtained in Boring 1. The shale was gray and contained interbedded layers of limestone.

#### 3.0 DESIGN RECOMMENDATIONS

The following design recommendations have been developed on the basis of the previously described project characteristics and subsurface conditions. Please notify our office if the project description included herein is incorrect, or if the location of the proposed tower is changed. Asher Inc. would then review the new project description to determine if revisions to our recommendations are necessary.

#### 3.1 Site Development and Foundations

Based on the subsurface conditions encountered, the existing soils are suitable for the anticipated loading on shallow mat foundations. Auger cast end-bearing piles may also be used if deemed to be more economical. Drilled shafts are not recommended because of the presence of sandy soils and shallow groundwater table (15 ft.) which would require casing of the drilled shafts.

#### SHALLOW FOUNDATIONS

If mat foundations are used, the footings can be proportioned using a net allowable bearing capacity of 2,000 psf with the base bearing at a depth of at least 5 ft. below existing grades. Site Classification C can be used for seismic design. We estimated foundation settlements should not exceed about 1 in. Differential settlement should not exceed 3/4 in. Careful field control during construction will minimize the actual settlement that occurs.

#### **AUGER CAST PILES**

A 16 in. diameter end bearing auger cast pile will provide a net allowable end-bearing capacity of 20 tons on competent shale bedrock. The auger cast pile would be drilled to refusal on sound competent bedrock. An Asher engineer would be on site during the pile installation to confirm suitable bearing. All installation methods should be conducted in accordance to applicable sections of the Kentucky Building Code.

Auger-cast piles are a type of cast-in-place bored pile. Cement grout is then pumped through the auger shaft as the auger is gradually withdrawn, leaving a continuous grout column in the ground.

#### 3.1 Site Development and Foundations (cont.)

#### AUGER CAST PILES (CONT.)

Auger-cast piles may be reinforced with single or bundled reinforcing rods, rolled steel sections, or reinforcing bar cages. Reinforcing is inserted before the grout sets up, normally within ten minutes after the augers are withdrawn. The reinforcing steel should be placed in the center of the pile and be plumb to avoid having the steel protrude from the grout into the soil. Since flexible reinforcing rods are difficult to center, they should be installed with a centering device.

Improper grout injection and auger withdrawal techniques can result in low capacity auger-cast piles. Since piles cannot be readily inspected after construction, the use of proper pile installation technique is extremely important. It is critical that a sufficient volume of grout be continuously pumped at sufficient pressure to prevent suction from developing as the augers are withdrawn. Such suction can cause the soil to mix with the grout, the bearing soils to be disturbed, and the drilled hole to collapse. This action results in a low capacity pile and a reduced cross-sectional area.

A pressure head of at least 10 feet of grout either above the injection point or above the ground water level, whichever is higher, should be maintained at all times during the withdrawal of the augers so that the grout resists the movement of loose material into the hole. The auger withdrawal rate should not exceed 10 feet per minute, unless a faster rate can be demonstrated to be acceptable. This method of placement should be used at all times regardless of whether the hole is sufficiently stable to retain its shape without support from the earth-filled auger flights. During pile installation, a geotechnical engineer should perform the following quality control observations:

- Monitor installation procedures to verify that auger refusal was achieved on sound bedrock, and that the auger withdrawal techniques are sufficient to remove loose cuttings from the pile.
- Monitor and record the rate of auger withdrawal.
- Check and calibrate the equipment for controlling and measuring the flow rate of grout into the pile.
- . Calculate the ratio of actual grout take to the theoretical hole volume.

#### 3.1 Site Development and Foundations (cont.)

#### AUGER CAST PILES (CONT.)

Auger-cast piles are generally designed for one of two conditions, friction bearing or end bearing. For this loading condition and based upon the subsurface conditions encountered, we recommend designing the piles for end-bearing.

Based on the recommended design capacity, the minimum grout strength to be used should be 4000 psi. The grout properties are critical in achieving a well-constructed pile that performs adequately. The grout should include additives that adequately control setting shrinkage. The grout must be fluid enough to be pumped easily and must flow without excessive pressure losses. The grout strength and structural adequacy of the pile sections should be reviewed in conjunction with applicable codes and expected load conditions.

#### Uplift Capacities

The uplift capacity of auger cast-in-place end-bearing piles can be considered 10 percent of the axial capacity (2 tons).

#### 3.1 Site Development and Foundations (cont.)

#### SUPPORT BUILDING FOUNDATIONS

The proposed equipment cabinet(s) can be supported on conventional shallow foundations. The footings can be proportioned using a net allowable bearing capacity of 2,000 psf. Site Classification C can be used for seismic design. Wall footings must be at least 16 in. wide and column footings must be at least 24 in. wide to provide an adequate factor of safety for bearing capacity. All exterior footings and footings in unheated areas must bear at least 30 inches below final exterior grade for frost protection.

Floor slabs should be supported on a 4-in. layer of KY Dense Graded Aggregate (DGA) crushed limestone compacted to 100 percent of the standard Proctor.

#### 3.2 Pavements

All pavement subgrade surfaces should be uniformly sloped to facilitate drainage and to avoid ponding of water beneath the pavement. Assuming proper subgrade preparation and drainage, a California Bearing Ratio (CBR) value of 3 is recommended. This value applies for the soil subgrade that is stable under a proofroll inspection, and for soil that is recompacted to 95 percent of the standard Proctor maximum dry density.

In areas that would be limited to automobiles and light trucks, the following asphalt pavement section is recommended.

The following granular or asphalt pavement sections are recommended:

Light Truck Areas

4.0 in. KY DGA6.0 in. KY No. 3 Crushed Limestone6 oz. Nonwoven Filter Fabric

Light Truck Areas

2.0 in. asphalt concrete base 8.0 in. KY DGA

All paving material should comply with the current Kentucky Department of Highway Specifications. The DGA granular base should be compacted to at least 98 percent of the standard Proctor maximum dry density (ASTM D-698). It should not be expected that the pavement would be maintenance free. However, the required maintenance work should be within normal limits.

#### 4.0 CONSTRUCTION RECOMMENDATIONS

Variations in subsurface conditions must be expected during construction. It is therefore recommended that the geotechnical engineer be retained to review the soils-related phases of the project and to correlate the subsurface data with the soil conditions that are encountered during construction.

#### 4.1 Subgrade Preparation

Prior to construction or the placement of new engineered fill, the exposed subgrade should be evaluated by the project geotechnical engineer. If unsuitable materials are encountered, the geotechnical engineer would recommend an appropriate remedial measure at that time. The silty clay soils encountered just beneath the pavement surface will be sensitive to moisture and heavy construction equipment, and may require aeration and re-compaction or undercutting to reach firm subgrade. The severity of this potential problem depends on the weather conditions prevailing during construction.

The contractor should exercise discretion when selecting equipment sizes and also control surface water while the subgrade soils are exposed. It may be necessary to undercut and stabilize the proposed pavement areas with crushed stone, or use a geotextile fabric to improve the subgrade, especially if the sitework is done during wet weather conditions.

#### 4.2 Engineered Fill

Engineered fill should be placed on a prepared subgrade that has been evaluated by the geotechnical engineer. Engineered fill should be compacted to at least 98 percent of the standard Proctor maximum dry density (ASTM D-698).

Field density tests should be performed on each lift as necessary to insure that the specified compaction is being achieved. Fill should be placed in horizontal lifts and each lift should be compacted to the specified density. Lift thickness of 8 in. and 12 in. should be used for clayey soils and granular soils, respectively. The on site soils are suitable for use as engineered fill.

#### 4.3 Foundation Excavations

All concrete for foundations should be poured the same day the excavation is made. If this is not practical, the foundation excavation should be adequately protected. Soils exposed in the base of all excavations must be protected against rain and freezing. Surface water should be drained away from all excavations and not allowed to pond.

#### 4.4 Construction Dewatering

At the time of our field investigation, groundwater was encountered at 14.5 ft. to 15.0 ft. upon completion of drilling. The groundwater level appears to be below the expected maximum excavation depth for shallow mat foundations. Due to seasonal variations in rainfall, local groundwater levels could rise to above the bottom of the excavation. Recommendations for construction dewatering can be made during construction if needed.

#### 5.0 QUALIFICATIONS

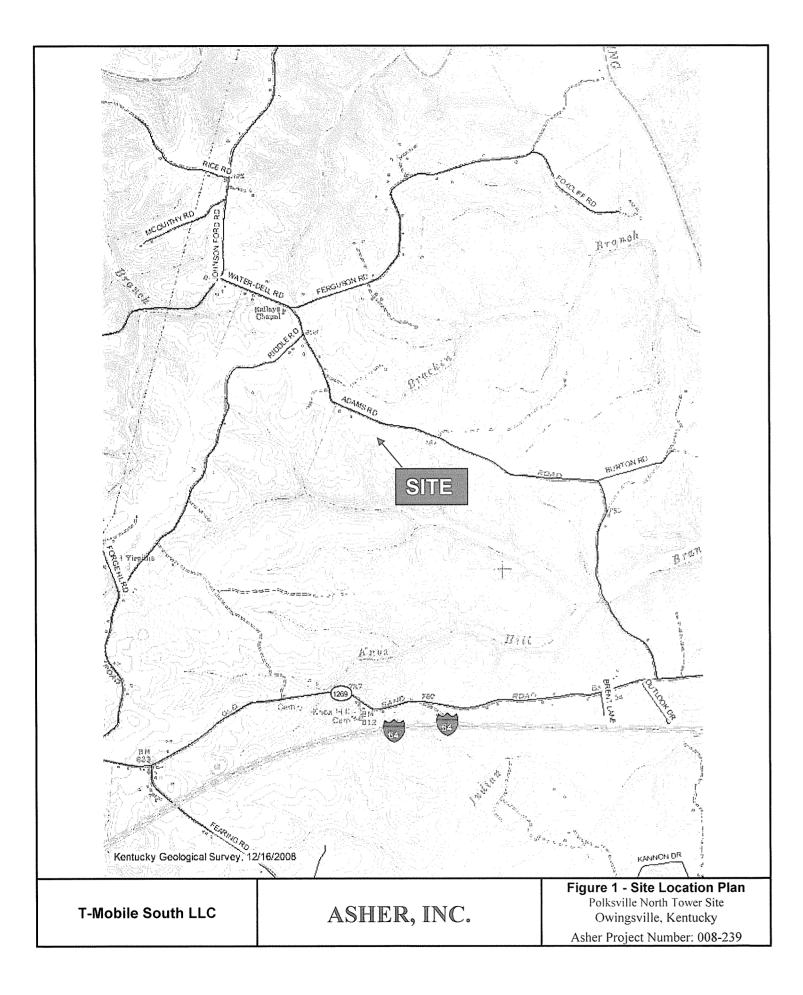
Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. This warranty is in lieu of all other warranties, either express or implied. Asher, Inc. is not responsible for the independent conclusion, opinions or recommendations made by others based on the field exploration and laboratory test data presented in this report.

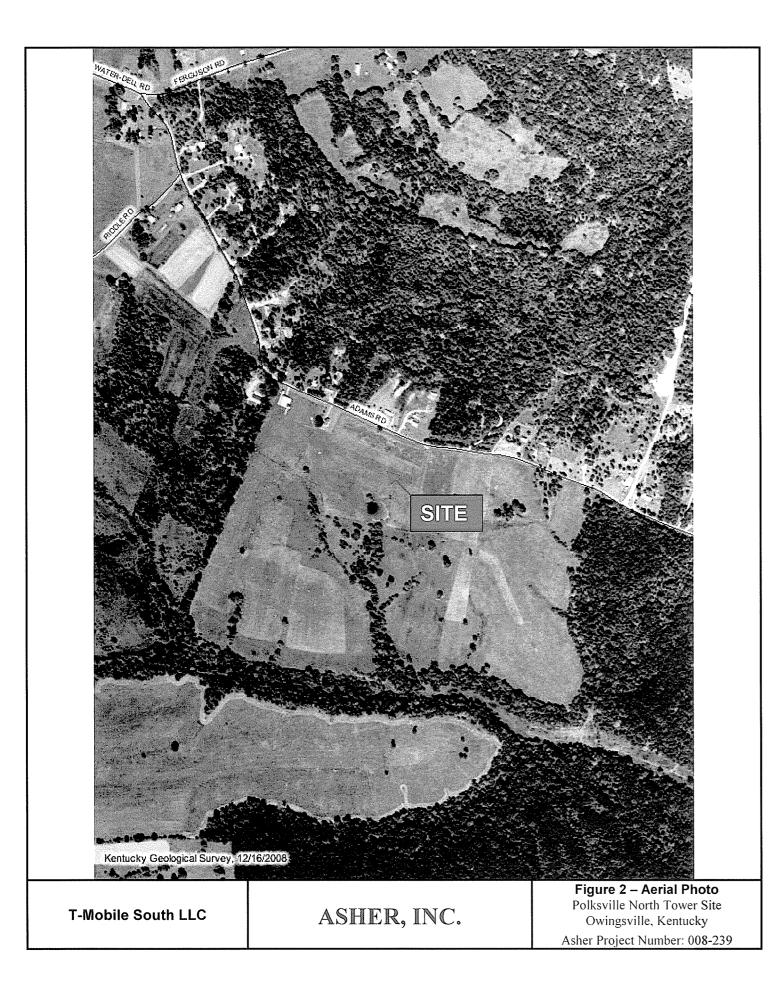
The nature and extent of variation and change in the subsurface conditions at the site may not become evident until the course of construction. Construction monitoring by the geotechnical engineer or his representative is therefore considered necessary to verify the subsurface conditions and to check that the soil connected construction phases are properly carried out. If significant variations or changes are in evidence, it may then be necessary to reevaluate the recommendations of this report.

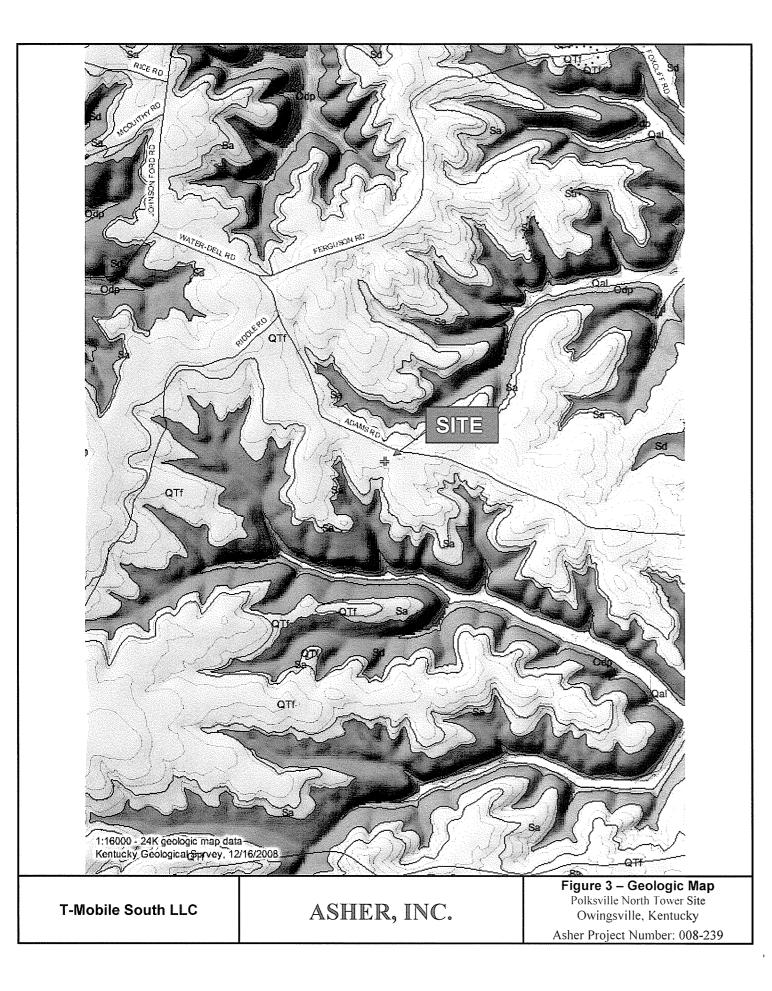
Furthermore, if the project characteristics are altered significantly from those discussed in this report, if the project information contained in this report is incorrect, or if additional information becomes available, a review must be made to determine if any modification in the recommendations will be required.

### APPENDIX

Site Location Plan Aerial Photograph Geologic Map Geologic Map Legend Location of Test Borings Test Boring Logs





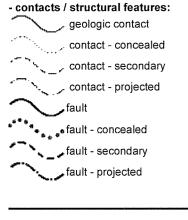


### Kentucky Geological Survey Geologic Information Service Map Legend

Geologic Units In Current View:

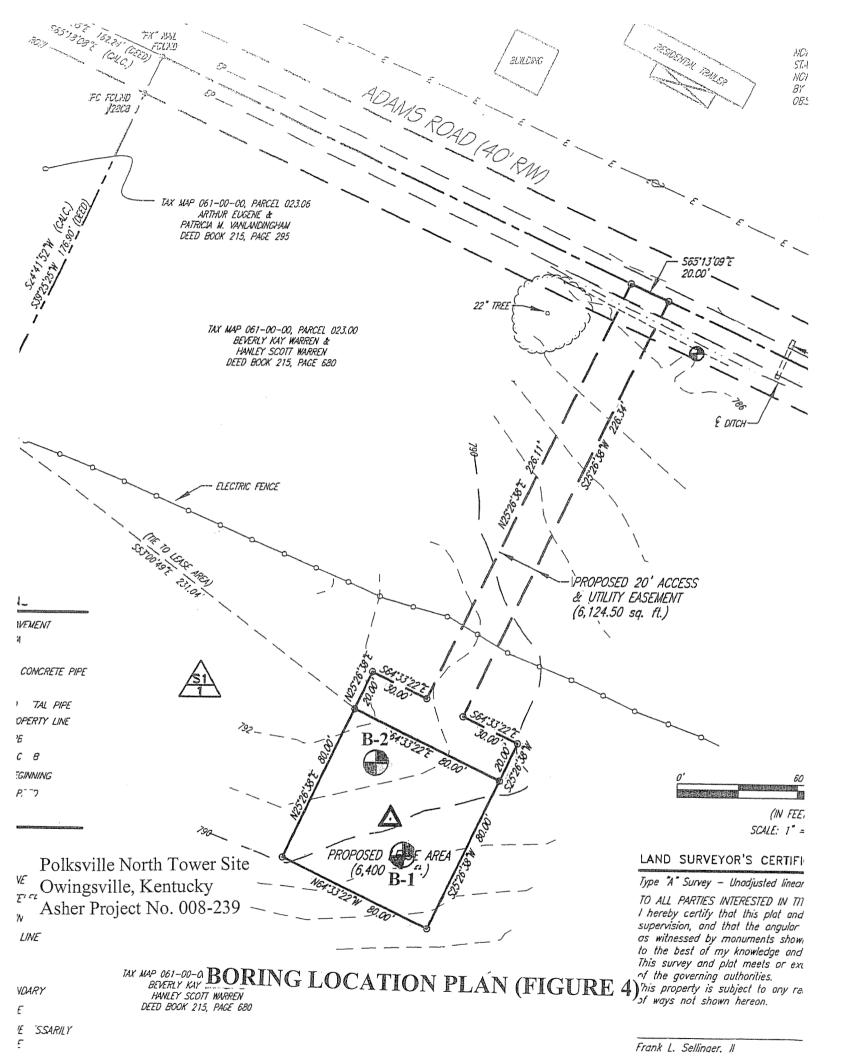
- 22	soonogie enne in europic nem.					
	1:24,000	scale data (detailed geology)				
	Qal	<b>Alluvium</b> (Quaternary - Quaternary)				
	QTf	High-level fluvial deposits (Tertiary - Quaternary)				
	Sa	Alger Shale (Middle Silurian - Middle Silurian)				
	Sd	Drowning Creek Formation (Middle Silurian - Middle Silurian)				
	Odp	Preacherville Member (Upper Ordovician - Upper Ordovician)				

Symbols:



B fossil location PRINT THIS PAGE

**NOTE:** in order to print colors, make sure your browser is enabled to print background colors. Internet Explorer Instructions: Go to Tools --> Internet Options --> Advanced --> Under the "Printing" header, click the "Print background colors and images" box. Firefox Instructions: Go to File --> Page Setup --> Click the "Print Background (colors & images)" box.



# **BORING LOG**

Boring No.: B-1

ELEV.: 789.0

Project: Polksville North Tower Site

Asher Project No.: 008-239

Location: Owingsville, KY

Client: T-Mobile South LLC

Date: January 2, 2009

ASHER, INC.

Louisville, KY 402017 (502) 589-0073

P.O. Box 17534

Elev (feet)	Depth (feet)	Sample Number	SPT Blows / 6''	N	Percent Moisture	Description of Material		
		1	4-3-1	4		SILT (ML), w/ trace sand, SOFT		
	_					to VERY STIFF, tan and brown, moist		
	_	2	4-4-8	12				
	_							
	5	3	7-8-16	24				
	_							
		4	5-5-6	11		LEAN CLAY (CL), silty, w/ trace sand, STIFF,		
						orangish brown and tan, moist		
	10	5	4-5-8	13		SILT (ML), w/ sand, STIFF, light gray, moist		
	-							
				_		SILTY SAND (SM), w/ some gravel, LOOSE,		
	15	6	4-3-4	7		orange and gray, wet		
	_							
	_					WELL-GRADED SAND (SW), W/ GRAVEL,		
	20	7	4-6-8	14		FIRM, wet		
	20	/	4*0-0	14		Thum, wet		
						Weathered SHALE, gray		
	25 —					AUGER REFUSAL AT 24.8 FT.		
Notes:	L.	ater was en	countered at	15.0 ft				
	Topsoil -				-			
	*		rpolated fror	n the su	pplied Top	ographic Survey performed by FS Tan.		
	Exercitions were interpolated nom the supplied repographic burvey performed by PB Tall.							

Ashar Project

## **BORING LOG**

Boring No.: B-2

ELEV.: 791.0

Project: Polksville North Tower Site

Asher Project No.: 008-239

Location:Owingsville, KYClient:T-Mobile South LLC

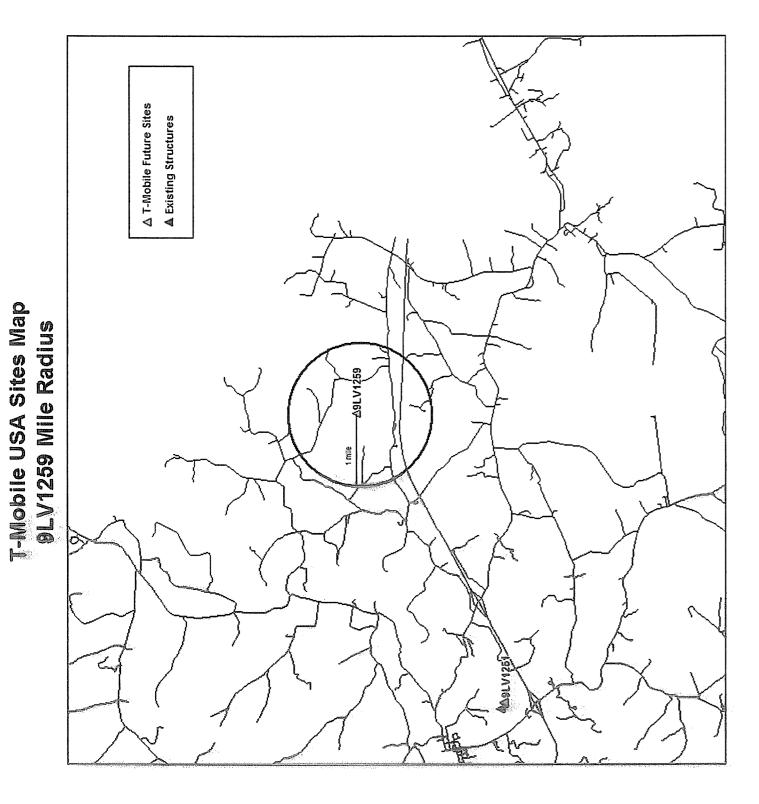
Date: January 2, 2009

Elev	Depth	Sample Number	SPT Blows / 6''	N	Percent Moisture	Description of Material
		1	4-2-2	4		Topsoil- 12 in.
	_					SILT (ML), w/ trace sand, SOFT
	-	2	4-8-9	17		to HARD, tan and brown, moist
	_					
	5	3	10-13-18	31		
ł		4	5-10-13	23		LEAN CLAY (CL), silty, w/ trace sand, VERY
						STIFF to STIFF, orangish brown and tan, moist
	10	5	4-6-9	15		
	10	5	4-0-9	15		
						SILTY SAND (SM), w/ some gravel, FIRM,
	15	6	4-6-5	11		orange and gray, wet
	-					
	_					
		7	4 5 7	10		WELL-GRADED SAND (SW), W/ GRAVEL,
	20	7	4-5-7	12		FIRM, wet
	~		REC %		RQD %	Weathered SHALE (23.5' to 24.5')
	25					AUGER REFUSAL AT 24.5 FT.
			98		42	SHALE, w/ interbedded limestone, gray
						ROCK CORING TERMINATED AT 29.5 FT.
Notes:	Groundwa	ater was en	countered at	14.5 ft	•	
	Topsoil -	12 in.				
	Elevation	s were inte	rpolated fror	n the sı	pplied Top	ographic Survey performed by FS Tan.

ASHER, INC.

P.O. Box 17534 Louisville, KY 402017 (502) 589-0073

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Federal Aviation Administration Air Traffic Airspace Branch, ASW-520 2601 Meacham Blvd. Fort Worth, TX 76137-0520 Aeronautical Study No. 2008-ASO-6580-OE

Issued Date: 12/29/2008

Ken Bischoff T-Mobile 11509 Commonwealth Drive, Suite 9 Louisville, KY 40299

### \*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\*

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower 9LV1259 Polksville North			
Location:	Owingsville, KY			
Latitude:	38-10-31.37N NAD 83			
Longitude:	83-40-36.55W			
Heights:	260 feet above ground level (AGL)			
_	1050 feet above mean sea level (AMSL)			

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part I)

\_\_\_X\_\_\_Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/29/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

Page 1 of 3

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

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

If we can be of further assistance, please contact our office at (718) 553-4542. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ASO-6580-OE.

Signature Control No: 608958-105187848 Katie Venticinque Technician (DNE)

Attachment(s) Frequency Data

### Frequency Data for ASN 2008-ASO-6580-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	82.4	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MH	2000	W

Page 3 of 3

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### Kentucký<sup>2</sup>

Kentucky Transportation Cabinet, Kentucky Airport Zoning Commission, 200 Mero APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER INSTRUCTIONS INCLUDED	
<ol> <li>APPLICANT Name, Address, Telephone, Fax, etc. T-Mobile USA Attn:Ken Bischoff 11509 Commonwealth Drive Louisville, KY 40299</li> <li>Representative of Applicant Name, Address, Telephone, Fax T-Mobile USA Attn:Kevin Blewitt 11509 Commonwealth Drive Louisville, KY 40299 Phone: (502) 297-6207, Fax (502) 297-6251</li> <li>Application for: ⊠ New Construction □ Alteration □ Existing</li> <li>Duration: ⊠ Permanent □ Temporary (Months)</li> <li>Work Schedule: Start 1/1/2009 End 3/31/2009         <ul> <li>Type: ⊠ Antenna Tower □ Crane □ Building □ Power Line</li> <li>Landfill □ Water Tank □ Other</li></ul></li></ol>	9. Latitude:       38       °       10       31       37       "         10. Longitude:       83       °       40       36       55       "         11. Datum:       ⊠ NAD83       □ NAD27       □ Other
22. Has a "NOTICE OF CONSTRUCTION OR ALTERATION" (FAA Form 7460-1	
Kevin Blewitt, Senior RF Engineer	12/8/2008
Printed Name and Title Signature	Date
PENALTIES: Persons failing to comply with Kentucky Revised Statutes (KRS 18 050:Series) are liable for fines and/or imprisonment as set forth in KRS 183.990(3) in further penalties.	3.861 through 183.990) and Kentucky Administrative Regulations (602 KAR
Commission Action:	man, KAZC Administrator, KAZC
	Data
L] Disapproved	Date

### Notice of Proposed Construction or Alteration - Off Airport

Project Name: T-MOB-000108935-08

Sponsor: T-Mobile

### Details for Case : 9LV1259 Polksville North

Show Project Summary

Case Status								
ASN: 2008-ASO-6580	I-OE	Date Accep	ted:	12/08/2008				
Status: Accepted		Date Deterr	nined:					
		Letters:	I	Vone				
		Documents	I	None				
Construction / Alterati	on Information	Structure	Summai	у				
Notice Of: (	Construction	Structure T	ype: A	ntenna Tow	er			
Duration:	Permanent	Structure N	lame: 91	V1259 Polk	sville	North		
if Temporary ;	Months: Days:	FCC Numbe	r:					
Work Schedule - Start: (	01/01/2009	Prior ASN:	Prior ASN:					
Work Schedule - End: (	03/31/2009							
State Filing:	Filed with State							
Structure Details		Common I	Frequen	cy Bands				
Latitude:	38° 10' 31.37" N	Low Freq 806	High Freq 824	Freq Unit MHz		ERP Unit		
Longitude:	83° 40' 36.55" W	824	849	MHz	500	W		
Horizontal Datum:	NAD83	851 869	866 894	MHz MHz	500	W W		
Site Elevation (SE):	790 (nearest foot)	896 901	901 902	MHz MHz	500 7	W W		
Structure Height (AGL):	260 (nearest foot)	930 931	931 932	=	3500 3500	w w		
Requested Marking/Light	Dual-red and medium Intensity	932 935	932.5 940	MHz		dBW W		
	Other :	940	941	MHz	3500	W		
Recommended Marking/L	lighting:	1850 1930	1910 1990	MHz	1640 1640	W W		
Nearest City:	Owingsville	2305 2345	2310 2360		2000 2000	w		
Nearest State:	Kentucky							
Description of Location:	Rural Area.	Specific Frequencies						
Description of Proposal:	Proposing a 250' self support tower with a 10' lightning arrestor.							

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Hon. Carolyn Belcher Bath County Judge P.O. Box 39 Owingsville, KY 40360

#### RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

Dear Judge Belcher:

Powertel/Memphis, Inc. d/b/a T-Mobile has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate an additional cell facility. The facility will be comprised of a 260' self-supporting tower, including attached lightning rods and an equipment shelter to be located off Adams Road, Owingsville, Bath County, Kentucky. The proposed facility will improve coverage to the east part of Bath County along I-64 and Old Sand Road and will provide 911 emergency coverage. A map showing the location of the proposed new facility is enclosed.

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Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to Case No. 2009-00030 in your correspondence. If I can be of assistance to you, please do not hesitate to call me.

W. Brent Rice Counsel for Powertel/Memphis, Inc.

.

### 9LV1259A/North Polksville Site

### **Adjoining Property Owners**

Mr. Hanley Scott Warren Ms. Beverly Kay Warren 610 Farloon Drive Marion, IN 46952

Mr. Arthur Eugene Vanlandingham Ms. Patricia M. Vanlandingham 2459 Log Lick Road Winchester, KY 40391

Mr. Douglass McCarty Ms. Rori McCarty 1360 Riddle Road Owingsville, KY 40360

Mr. Eddie Stamps Ms. Tammy Stamps PO Box 377 Owingsville, KY 40360

Mr. David Jackson Ms. Peggy Jackson PO Box 982 Owingsville, KY 40360

Mr. Virgil Carter, et al 615 Riddle Road Owingsville, KY 40360

Mr. Charles D. Willoughby Ms. Linda K. Willoughby 495 Riddle Road Owingsville, KY 40360

Mr. Paul Lewis Wells 638 Fearing Road Owingsville, KY 40360

Mr. Tim F. Crisp Ms. Shari Crisp 1449 Cabin Creek Road Winchester, KY 40390

Mr. Marvin Napier Ms. Alberta Napier 9250 S. SR-210 Tipp City, OH 45317-9767 Ms. Phylis P. Phipps 1660 Adams Road Owingsville, KY 40360

Mr. Ronnie Anderson Ms. Regina Anderson PO Box 914 Owingsville, KY 40360

Mr. Jackie Shepherd Ms. Wilma Shepherd PO Box 294 Owinsgville, KY 40360

Mr. Eldon Ray Curtis PO Box 983 Owingsville, KY 40360

Mr. Mike Stanfield Ms. Maxine Stanfield PO Box 1103 Owingsville, KY 40360

Mr. Joseph Walton 377 Foxcliff Road Owingsville, KY 40360

Mr. John Corey Ms. Lora Corey PO Box 1131 Owingsville, KY 40360

The Citizens Bank PO Box 1026 Morehead, KY 40351

Mr. Michael Morton Ms. Susan Morton 2184 Adams Road Owingsville, KY 40360

Mr. Douglas Mitchell Ms. Laura Mitchell 1984 Adams Road Owingsville, KY 40360

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

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Mr. Hanley Scott Warren Ms. Beverly Kay Warren 610 Farloon Drive Marion, IN 46952

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W. Brent Rice

Counsel for Powertel/Memphis. Inc.

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February 3, 2009

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Mr. Arthur Eugene Vanlandingham Ms. Patricia M. Vanlandingham 2459 Log Lick Road Winchester, KY 40391

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Sincerely,

Brent Rice

Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

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Mr. Douglass McCarty Ms. Rori McCarty 1360 Riddle Road Owingsville, KY 40360

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6. Sport Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Eddie Stamps Ms. Tammy Stamps PO Box 377 Owingsville, KY 40360

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W. Brent Rice Counsel for Powertel/Memphis, Inc.

### McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC ATTORNEYS-AT-LAW

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February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. David Jackson Ms. Peggy Jackson PO Box 982 Owingsville, KY 40360

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Sincerely,

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

#### VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Virgil Carter, et al 615 Riddle Road Owingsville, KY 40360

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Sincerely,

Vfor Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Charles D. Willoughby Ms. Linda K. Willoughby 495 Riddle Road Owingsville, KY 40360

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Vhort Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

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Mr. Paul Lewis Wells 638 Fearing Road Owingsville, KY 40360

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Sincerely,

Van Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

LOUISVILLE, KENTUCKY

ATTORNEYS-AT-LAW

W. BRENT RICE <u>brice@mmlk.com</u>

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

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Mr. Tim F. Crisp Ms. Shari Crisp 1449 Cabin Creek Road Winchester, KY 40390

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February 3, 2009

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Mr. Marvin Napier Ms. Alberta Napier 9250 S. SR-210 Tipp City, OH 45317-9767

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Sport Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

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201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

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Ms. Phylis P. Phipps 1660 Adams Road Owingsville, KY 40360

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Vfront V/ici

W. Brent Rice Counsel for Powertel/Memphis, Inc.

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February 3, 2009

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Mr. Ronnie Anderson Ms. Regina Anderson PO Box 914 Owingsville, KY 40360

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February 3, 2009

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Mr. Jackie Shepherd Ms. Wilma Shepherd PO Box 294 Owinsgville, KY 40360

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ATTORNEYS-AT-LAW

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February 3, 2009

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Mr. Eldon Ray Curtis PO Box 983 Owingsville, KY 40360

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W. Brent Rice Counsel for Powertel/Memphis, Inc.

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February 3, 2009

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Mr. Mike Stanfield Ms. Maxine Stanfield PO Box 1103 Owingsville, KY 40360

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

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, P.O. Box 615, Frankfort, KY 40602. Please refer to **Case No. 2009-00030** in your correspondence.

Sincerely, 6. Vfrank Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Joseph Walton 377 Foxcliff Road Owingsville, KY 40360

> RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

Dear Property Owner:

Powertel/Memphis, Inc. d/b/a T-Mobile has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate an additional cell facility. The facility will be comprised of a 260' self-supporting tower, including attached lightning rods and an equipment shelter to be located off Adams Road, Owingsville, Bath County, Kentucky. The proposed facility will improve coverage to the east part of Bath County along I-64 and Old Sand Road and will provide 911 emergency coverage. 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 or are a contiguous property owner.

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W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

### W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

### VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. John Corey Ms. Lora Corey PO Box 1131 Owingsville, KY 40360

### RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

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Anon Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com 201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

#### VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Citizens Bank PO Box 1026 Morehead, KY 40351

#### RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

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Sincerely,

Counsel for Powertel/Memphis, Inc.

ATTORNEYS-AT-LAW

### W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

### VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Michael Morton Ms. Susan Morton 2184 Adams Road Owingsville, KY 40360

### RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

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Sincerely,

W. Brent Rice Counsel for Powertel/Memphis, Inc.

# McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC

ATTORNEYS-AT-LAW

W. BRENT RICE brice@mmlk.com

201 E. Main Street, Suite 1000 Lexington, Kentucky 40507 (859) 231-8780 (859) 231-6518

February 3, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Douglas Mitchell Ms. Laura Mitchell 1984 Adams Road Owingsville, KY 40360

> RE: Public Notice – Public Service Commission of Kentucky Case No. 2009-00030 (The "9LV1259A /North Polksville" Facility)

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Sincerely,

4. Vhor Rice

W. Brent Rice Counsel for Powertel/Memphis, Inc.

WBR/dkw Enclosure

# SITE LEASE WITH OPTION

THIS SITE LEASE WITH OPTION (this "Lease") is by and between Beverly Kay Warren and Hanley Scott Warren, individuals ("Landlord") and Powertel Memphis, Inc., a Delaware corporation ("Tenant").

## 1. Option to Lease

(a) In consideration of the payment of a "Option Fee") by Tenant to Landlord, Landlord hereby grants to Tenant an option to lease a portion of the real property described in the attached <u>Exhibit A</u> (the "Property"), on the terms and conditions set forth herein (the "Option"). The Option shall be for an initial term of six (6) months, commencing on the Effective Date (as defined below) (the "Option Period"). The Option Period may be extended by Tenant for an additional six (6) months upon written notice to Landlord and payment of the sum of ("Additional Option Fee") at any time prior to the end of the Option Period.

(b) During the Option Period and any extension thereof, and during the Initial Term and any Renewal Term (as those terms are defined below) of this Lease, Landlord agrees to cooperate with Tenant in obtaining, at Tenant's expense, all licenses and permits or authorizations required for Tenant's use of the Premises (as defined below) from all applicable government and/or regulatory entities (including, without limitation, zoning and land use authorities, and the Federal Communications Commission ("FCC") ("Governmental Approvals"), including all land use and zoning permit applications, and Landlord agrees to cooperate with and to allow Tenant, at no cost to Landlord, to obtain a title report, zoning approvals and variances, land-use permits. Landlord expressly grants to Tenant a right of access to the Property to perform any surveys, soil tests, and other engineering procedures or environmental investigations ("Tests") on the Property deemed necessary or appropriate by Tenant to evaluate the suitability of the Property for the uses contemplated under this Lease. During the Option Period and any extension thereof, and during the Initial Term or any Renewal Term of this Lease, Landlord agrees that it will not interfere with Tenant's efforts to secure other licenses and permits or authorizations that relate to other property. During the Option Period and any extension thereof, Tenant may exercise the Option by so notifying Landlord in writing, at Landlord's address in accordance with Section 12 hereof.

(c) If Tenant exercises the Option, then Landlord hereby leases to Tenant that portion of the Property sufficient for placement of the Antenna Facilities (as defined below), together with all necessary space and easements for access and utilities, as generally described and depicted in the attached Exhibit B (collectively referred to hereinafter as the "Premises"). The Premises, located at Adams Road, Owingsville, Bath, KY 40360, comprises approximately 3,600 square feet.

2. <u>Term</u>. The initial term of this Lease shall be five (5) years commencing on the date of exercise of the Option (the "Commencement Date"), and terminating at midnight on the last day of the initial term (the "Initial Term").

3. <u>Renewal</u>. Tenant shall have the right to extend this Lease for five (5) additional and successive five-year terms (each a "Renewal Term") on the same terms and conditions as set forth herein. This Lease shall automatically renew for each successive Renewal Term unless Tenant notifies Landlord, in writing, of Tenant's intention not to renew this Lease, at least thirty (30) days prior to the expiration of the Initial Term or any Renewal Term. If Tenant shall remain in possession of the Premises at the expiration of this Lease or any Renewal Term without a written agreement, such tenancy shall be deemed a month-to-month tenancy under the same terms and conditions of this Lease.

## 4. Rent.

(a) From and after the Commencement Date, Tenant shall pay Landlord or designee, as rent per month ("Rent"). The first payment of Rent shall be due within twenty (20) days following the Commencement Date and shall be prorated based on the days remaining in the month following the Commencement Date, and thereafter Rent will be payable monthly in advance by the fifth day of each month to Landlord at the address specified in Section 12 below. If this Lease is terminated for any reason (other than a default by Tenant) at a time other than on the last day of a month, Rent shall be prorated as of the date of termination and all prepaid Rent shall be immediately refunded to Tenant. Landlord, its successors, assigns and/or designee, if any, will submit to Tenant any documents required by Tenant in connection with the payment of Rent, including, without limitation, an IRS Form W-9.

(b) During the Initial Term and any Renewal Terms, monthly Rent shall be adjusted, effective on the first day of each year of the Initial or Renewal Term, and on each such subsequent anniversary thereof, to an amount equal to of the monthly Rent in effect immediately prior to the adjustment date.

5. <u>Permitted Use</u>. The Premises may be used by Tenant for the transmission and reception of radio communication signals and for the construction, installation, operation, maintenance, repair, removal or replacement of related facilities, including, without limitation, tower and base, antennas, microwave dishes, equipment shelters and/or cabinets and related activities.

6. Interference. Tenant shall not use the Premises in any way which interferes with the use of the Property by Landlord or lessees or licensees of Landlord with rights in the Property prior in time to Tenant's (subject to Tenant's rights under this Lease, including, without limitation, non-interference). Similarly, Landlord shall not use, nor shall Landlord permit its lessees, licensees, employees, invitees or agents to use, any portion of the Property in any way which interferes with the operations of Tenant. Such interference shall be deemed a material breach by the interfering party, who shall, upon written notice from the other, be responsible for terminating said interference. In the event any such interference does not cease promptly, the parties acknowledge that continuing interference may cause irreparable injury and, therefore, the injured party shall have the

 Site Number:
 9LV1259

 Site Name:
 Polksville

 Market:
 Louisville

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right, in addition to any other rights that it may have at law or in equity, to bring a court action to enjoin such interference or to terminate this Lease immediately upon written notice.

## 7. Improvements; Utilities; Access.

(a) Tenant shall have the right, at its expense, to erect and maintain on the Premises improvements, personal property and facilities necessary to operate its communications system, including, without limitation, radio transmitting and receiving antennas, microwave dishes, tower and base, equipment shelters and/or cabinets and related cables and utility lines and a location based system, as such location based system may be required by any county, state or federal agency/department, including, without limitation, additional antenna(s), coaxial cable, base units and other associated equipment (collectively, the "Antenna Facilities"). Tenant shall have the right to alter, replace, expand, enhance and upgrade the Antenna Facilities at any time during the term of this Lease. Tenant shall cause all construction to occur lien-free and in compliance with all applicable laws and ordinances. Landlord acknowledges that it shall neither interfere with any aspects of construction nor attempt to direct construction personnel as to the location of or method of installation of the Antenna Facilities and the Easements (as defined below). The Antenna Facilities shall remain the exclusive property of Tenant and shall not be considered fixtures. Tenant shall have the right to remove the Antenna Facilities at any time during and upon the expiration or termination of this Lease.

(b) Tenant, at its expense, may use any and all appropriate means of restricting access to the Antenna Facilities, including, without limitation, the construction of a fence.

(c) Tenant shall, at Tenant's expense, keep and maintain the Antenna Facilities now or hereafter located on the Property in commercially reasonable condition and repair during the term of this Lease, normal wear and tear and casualty excepted. Upon termination or expiration of this Lease, the Premises shall be returned to Landlord in good, usable condition, normal wear and tear and casualty excepted.

(d) Tenant shall have the right to install utilities, at Tenant's expense, and to improve the present utilities on the Property (including, but not limited to, the installation of emergency power generators). Landlord agrees to use reasonable efforts in assisting Tenant to acquire necessary utility service. Tenant shall, wherever practicable, install separate meters for utilities used on the Property by Tenant. In the event separate meters are not installed, Tenant shall pay the periodic charges for all utilities attributable to Tenant's use, at the rate charged by the servicing utility. Landlord shall diligently correct any variation, interruption or failure of utility service.

(e) As partial consideration for Rent paid under this Lease, Landlord hereby grants Tenant easements on, under and across the Property for ingress, egress, utilities and access (including access for the purposes described in Section 1) to the Premises adequate to install and maintain utilities, including, but not limited to, the installation of power and telephone service cable, and to service the Premises and the Antenna Facilities at all times during the Initial Term of this Lease and any Renewal Term (collectively, the "Easements"). The Easements provided hereunder shall have the same term as this Lease.

(f) Tenant shall have 24-hours-a-day, 7-days-a-week access to the Premises at all times during the Initial Term of this Lease and any Renewal Term, at no charge to Tenant.

(g) Landlord shall maintain and repair all access roadways from the nearest public roadway to the Premises in a manner sufficient to allow vehicular and pedestrian access at all times, at its sole expense, except for any damage to such roadways caused by Tenant.

8. Termination. Except as otherwise provided herein, this Lease may be terminated, without any penalty or further liability as follows:

(a) upon thirty (30) days' written notice by Landlord if Tenant fails to cure a default for payment of amounts due under this Lease within such thirty (30) day period;

(b) immediately upon written notice by Tenant if Tenant notifies Landlord of any unacceptable results of any Tests prior to Tenant's installation of the Antenna Facilities on the Premises, or if Tenant does not obtain, maintain, or otherwise forfeits or cancels any license (including, without limitation, an FCC license), permit or any Governmental Approval necessary to the installation and/or operation of the Antenna Facilities or Tenant's business;

(c) upon thirty (30) days' written notice by Tenant if Tenant determines that the Property or the Antenna Facilities are inappropriate or unnecessary for Tenant's operations for economic or technological reasons;

(d) immediately upon written notice by Tenant if the Premises or the Antenna Facilities are destroyed or damaged so as in Tenant's reasonable judgment to substantially and adversely affect the effective use of the Antenna Facilities. In such event, all rights and obligations of the parties shall cease as of the date of the damage or destruction, and Tenant shall be entitled to the reimbursement of any Rent prepaid by Tenant. If Tenant elects to continue this Lease, then all Rent shall abate until the Premises and/or the Antenna Facilities are restored to the condition existing immediately prior to such damage or destruction; or

(e) at the time title to the Property transfers to a condemning authority pursuant to a taking of all or a portion of the Property sufficient in Tenant's determination to render the Premises unsuitable for Tenant's use. Landlord and Tenant shall each be entitled to pursue their own separate awards with respect to such taking. Sale of all or part of the Property to a purchaser with the power of eminent domain in the face of the exercise of the power shall be treated as a taking by condemnation.

9. Default and Right to Cure. Notwithstanding anything contained herein to the contrary and without waiving any other rights granted to it at law or in equity, each party shall have the right, but not the obligation, to terminate this Lease on written notice pursuant to Section 12 hereof, to take effect immediately, if the other party fails to perform any covenant or commits a material breach of this Lease and fails to diligently pursue a cure thereof to its completion after thirty (30) days' written notice specifying such failure of performance or default.

10. Taxes. Landlord shall pay when due all real property taxes for the Property, including the Premises. In the event that Landlord fails to pay any such real property taxes or other fees and assessments, Tenant shall have the right, but not the obligation, to pay such owed amounts and deduct them from Rent amounts due under this Lease. Notwithstanding the foregoing, Tenant shall pay any personal property tax, real property tax or any other tax or fee which is directly attributable to the presence or installation of Tenant's Antenna Facilities, only for so long as this Lease remains in effect. If Landlord receives notice of any personal property or real property tax assessment against Landlord, which may affect Tenant and is directly attributable to Tenant's installation, Landlord shall provide timely notice of the assessment to Tenant sufficient to allow Tenant to consent to or challenge such assessment, whether in a Court, administrative proceeding, or other venue, on behalf of Landlord and/or Tenant. Further, Landlord shall provide to Tenant any and all documentation associated with the assessment and shall execute any and all documents reasonably necessary to effectuate the intent of this Section 10. In the event real property taxes are assessed against Landlord or Tenant for the Premises or the Property, Tenant shall have the right, but not the obligation, to terminate this Lease without further liability after thirty (30) days' written notice to Landlord, provided Tenant pays any real property taxes assessed as provided herein.

## 11. Insurance and Subrogation and Indemnification.

(a) Tenant will maintain Commercial General Liability Insurance in amounts of One Million and no/100 Dollars (\$1,000,000.00) per occurrence and Two Million and no/100 Dollars (\$2,000,000.00) aggregate. Tenant may satisfy this requirement by obtaining the appropriate endorsement to any master policy of liability insurance Tenant may maintain.

(b) Landlord and Tenant hereby mutually release each other (and their successors or assigns) from liability and waive all right of recovery against the other for any loss or damage covered by their respective first party property insurance policies for all perils insured thereunder. In the event of such insured loss, neither party's insurance company shall have a subrogated claim against the other.

(c) Subject to the property insurance waivers set forth in subsection 11(b), Landlord and Tenant each agree to indemnify and hold harmless the other party from and against any and all claims, damages, costs and expenses, including reasonable attorney fees, to the extent caused by or arising out of the negligent acts or omissions or willful misconduct in the operations or activities on the Property by the indemnifying party or the employees, agents, contractors, licensees, tenants and/or subtenants of the indemnifying party, or a breach of any obligation of the indemnifying party under this Lease. The indemnifying party's obligations under this section are contingent upon its receiving prompt written notice of any event giving rise to an obligation to indemnify the other party and the indemnified party's granting it the right to control the defense and settlement of the same.

(d) Notwithstanding anything to the contrary in this Lease, the parties hereby confirm that the provisions of this Section 11 shall survive the expiration or termination of this Lease.

(e) Tenant shall not be responsible to Landlord, or any third-party, for any claims, costs or damages (including, fines and penalties) attributable to any pre-existing violations of applicable codes, statutes or other regulations governing the Property.

12. <u>Notices</u>. All notices, requests, demands and other communications shall be in writing and are effective three (3) days after deposit in the U.S. mail, certified and postage paid, or upon receipt if personally delivered or sent by next-business-day delivery via a nationally recognized overnight courier to the addresses set forth below. Landlord or Tenant may from time to time designate any other address for this purpose by providing written notice to the other party

If to Tenant, to: T-Mobile USA, Inc. 12920 SE 38<sup>th</sup> Street Bellevue, WA 98006 Attn: PCS Lease Administrator

With a copy to: Attn: Legal Dept.

And with a copy to: Powertel Memphis, Inc. 3800 Ezell Nashville, TN 37211 Attn: Lease Administration Manager

With a copy to: Attn: Legal Dept. If to Landlord, to: Beverly Kay Warren 610 Farlook Drive Marion, IN 46952

And with a copy to: Hanley Scott Warren <u>335 FORCE</u> HILL ROAD <u>CLARENCE</u> HULLO

Send Rent payments to: Diana Con KAY W ANDEN FARL- PAINTE RING IN 119. ARION.

13. Quiet Enjoyment, Title and Authority. As of the Effective Date and at all times during the Initial Term and any Renewal Terms of this Lease, Landlord covenants and warrants to Tenant that (i) Landlord has full right, power and authority to execute and perform this Lease; (ii) Landlord has good and unencumbered fee title to the Property free and clear of any liens or mortgages, except those heretofore disclosed in writing to Tenant and which will not interfere with Tenant's rights to or use of the Premises; (iii) execution and performance of this Lease will not violate any laws, ordinances, covenants, or the provisions of any mortgage, lease, or other agreement binding on Landlord; and (iv) Tenant's quiet enjoyment of the Premises or any part thereof shall not be disturbed as long as Tenant is not in default beyond any applicable grace or cure period.

14. Environmental Laws. Landlord represents that it has no knowledge of any substance, chemical or waste (collectively, "Hazardous Substance") on the Property that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. Landlord and Tenant shall not introduce or use any Hazardous Substance on the Property in violation of any applicable law. Landlord shall be responsible for, and shall promptly conduct any investigation and remediation as required by any applicable environmental laws, all spills or other releases of any Hazardous Substance not caused solely by Tenant, that have occurred or which may occur on the Property. Each party agrees to defend, indemnify and hold harmless the other from and against any and all administrative and judicial actions and rulings, claims, causes of action, demands and liability (collectively, "Claims") including, but not limited to, damages, costs, expenses, assessments, penalties, fines, losses, judgments and reasonable attorney fees that the indemnitee may suffer or incur due to the existence of any Hazardous Substances on the Property or the migration of any Hazardous Substance to other properties or the release of any Hazardous Substance into the environment (collectively, "Actions"), that relate to or arise from the indemnitor's activities on the Property. Landlord agrees to defend, indemnify and hold Tenant harmless from Claims resulting from Actions on the Property not caused by Landlord or Tenant prior to and during the Initial Term and any Renewal Term. The indemnifications in this section specifically include, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal or restoration work required by any governmental authority. This Section 14 shall survive the termination or expiration of this Lease.

15. <u>Assignment and Subleasing</u>. Tenant shall have the right to assign or otherwise transfer this Lease and the Easements (as defined above) granted herein upon written notice to Landlord. Upon such assignment, Tenant shall be relieved of all liabilities and obligations hereunder and Landlord shall look solely to the assignee for performance under this Lease and all obligations hereunder. Tenant may sublease the Premises, upon written notice to Landlord.

Landlord shall have the right to assign or otherwise transfer this Lease and the Easements granted herein, upon written notice to Tenant except for the following; any assignment or transfer of this Lease which is separate and distinct from a transfer of Landlord's entire right, title and interest in the Property, shall require the prior written consent of Tenant which may be withheld in Tenant's sole discretion. Upon Tenant's receipt of (i) an executed deed or assignment and (ii) an IRS Form W-9 from assignee, and subject to Tenant's consent, if required, Landlord shall be relieved of all liabilities and obligations hereunder and Tenant shall look solely to the assignee for performance under this Lease and all obligations hereunder.

Additionally, notwithstanding anything to the contrary above, Landlord or Tenant may, upon notice to the other, grant a security interest in this Lease (and as regards the Tenant, in the Antenna Facilities), and may collaterally assign this Lease (and as regards the Tenant, in the Antenna Facilities) to any mortgagees or holders of security interests, including their successors or assigns (collectively "Secured Parties"). In such event, Landlord or Tenant, as the case may be, shall execute such consent to leasehold financing as may reasonably be required by Secured Parties.

16. <u>Successors and Assigns</u>. This Lease and the Easements granted herein shall run with the land, and shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives and assigns.

17. Waiver of Landlord's Lien. Landlord hereby waives any and all lien rights it may have, statutory or otherwise, concerning the Antenna Facilities or any portion thereof, which shall be deemed personal property for the purposes of this Lease, whether or not the same is deemed real or personal property under applicable laws, and Landlord gives Tenant and Secured Parties the right to remove all or any portion of the same from time to time, whether before or after a default under this Lease, in Tenant's and/or Secured Party's sole discretion and without Landlord's consent.

## 18. Miscellaneous

(a) The prevailing party in any litigation arising hereunder shall be entitled to reimbursement from the other party of its reasonable attorneys' fees and court costs, including appeals, if any

(b) This Lease constitutes the entire agreement and understanding of the parties, and supersedes all offers, negotiations and other agreements with respect to the subject matter and property covered by this Lease. Any amendments to this Lease must be in writing and executed by both parties.

(c) Landlord agrees to cooperate with Tenant in executing any documents necessary to protect Tenant's rights in or use of the Premises. A Memorandum of Lease in substantially the form attached hereto as Exhibit C may be recorded in place of this Lease by Tenant.

(d) In the event the Property is encumbered by a mortgage or deed of trust, Landlord agrees, upon request of Tenant, to obtain and furnish to Tenant a non-disturbance and attornment agreement for each such mortgage or deed of trust, in a form reasonably acceptable to Tenant.

(e) Tenant may obtain title insurance on its interest in the Premises. Landlord agrees to execute such documents as the title company may require in connection therewith.

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Site Number: Site Name: Market:	9LV1259 Polksville Louisville	Site Lease - version 9 21 07	

(f) This Lease shall be construed in accordance with the laws of the state in which the Property is located, without regard to the conflicts of law principles of such state.

(g) If any term of this Lease is found to be void or invalid, the remaining terms of this Lease shall continue in full force and effect. Any questions of particular interpretation shall not be interpreted against the drafter, but rather in accordance with the fair meaning thereof. No provision of this Lease will be deemed waived by either party unless expressly waived in writing by the waiving party. No waiver shall be implied by delay or any other act or omission of either party. No waiver by either party of any provision of this Lease shall be deemed a waiver of such provision with respect to any subsequent matter relating to such provision.

(h) The persons who have executed this Lease represent and warrant that they are duly authorized to execute this Lease in their individual or representative capacities as indicated.

(i) This Lease may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

(j) All Exhibits referred to herein and any Addenda are incorporated herein for all purposes. The parties understand and acknowledge that Exhibits A and B may be attached to this Lease and the Memorandum of Lease, in preliminary form. Accordingly, the parties agree that upon the preparation of final, more complete exhibits, Exhibits A and/or B, as the case may be, may be replaced by Tenant with such final, more complete exhibit(s).

(k) If either party is represented by any broker or any other leasing agent, such party is responsible for all commission fee or other payment to such agent, and agrees to indemnify and hold the other party harmless from all claims by such broker or anyone claiming through such broker.

The effective date of this Lease is the date of execution by the last party to sign (the "Effective Date").

LANDLORD: Beverly Kay Warren

	· O ( 1) ) data
By:	Benirly Kay Warrene
Printed Name:	Beverly Kay Warren
Title:	Owner
Date:	11-3-08

LANDLORD: Hanley Scott Warren

	Hanky & Warren
Ву:	Manking & Waren
Printed Name:	Hanley Scott Warren
Title:	Owner
Date:	10-30-118

TENANT: Powertel Memphis, Inc.

By:	
Printed Name:	Tami Nystrom
Title:	Area Director of Engineering
Date:	

T-Mobile Legal Approval

Site Number: 9LV1259 Site Name: Polksville Market. Louisville

# EXHIBIT A Legal Description

## The Property is legally described as follows:

Property located in Bath County, KY known as parcel number 061-00-00-023.00 and to be later described on a survey

# EXHIBIT B

The location of the Premises within the Property (together with access and utilities) is more particularly described and depicted as follows:

[Enter Premises description here or on attachment(s).] To be inserted after completion of survey

EXHIBIT C

Memorandum of Lease

MEMORANDUM OF LEASE Assessor's Parcel Number: 36051001; Map number 061-00-00-023.00 Between Beverly Kay Warren and Hanley Scott Warren ("Landlord") and Powertel Memphis, Inc. ("Tenant")

A Site Lease with Option (the "Lease") by and between Beverly Kay Warren and Hanley Scott Warren, individuals ("Landlord") and Powertel Memphis, Inc., a Delaware corporation ("Tenant") was made regarding a portion of the following property:

## See Attached Exhibit "A" incorporated herein for all purposes

The Option is for a term of six (6) months after the Effective Date of the Lease (as defined under the Lease), with up to one additional six (6) month renewal ("Optional Period").

The Lease is for a term of five (5) years and will commence on the date as set forth in the Lease (the "Commencement Date"). Tenant shall have the right to extend this Lease for five (5) additional and successive five-year terms.

IN WITNESS WHEREOF, the parties hereto have respectively executed this memorandum effective as of the date of the last party to sign.

LANDLORD: Beverly Kay Warren

By:	Benerly Kay Warren
Printed Name:	Beverly Kay Warren
Title:	Owner
Date.	11-3-08

LANDLORD: Hanley Scott Warren

	in a Ori
By:	Hanley Sham
Printed Name:	Hanley Scott Warren
Title:	Owner
Date:	10-30-08

TENANT: Powertel Memphis, Inc.

By:	
Printed Name:	Tami Nystrom
Title:	Area Director of Engineering
Date:	

	[Notary block for Landlord]
[Landlord Notary block for an Indivi	idualJ
STATE OF Indiand	)
COUNTY OF Grant	) SS
This instrument was acknowle	edged before me on 11-3-08 by Beverly Kay Warren. Beverly Kay Warren.
Dated: 11-3-08	
	Jusa A Larma
	Notary Public Print Name <u>Lisa A Garza</u>
	My commission expires
	LISA A. GARZA Grant County sou My Commission Expires October 4, 2015

(Use this space for notary stamp/seal)

[Landlord Notary block for an Individual]

STATE OF COUNTY OF BATH

This instrument was acknowledged before me on 1030-08 by Banney Manney Hanley Scott Warren.

Dated: 16-10-08 Notary Public DUNGLAS STERE Print Name A My commission expires 11-63

) ss.

)

(Use this space for notary stamp/seal)

# [Notary block for Tenant]

STATE OF )
SS.
COUNTY OF )

I certify that I know or have satisfactory evidence that Tami Nystrom is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Area Director of Engineering of Powertel Memphis, Inc., a Delaware corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Public me
mission expires

(Use this space for notary stamp/seal)

Memorandum of Lease Exhibit A Legal Description

The Property is legally described as follows:

4

-

## ADDENDUM TO SITE LEASE WITH OPTION [Additional Terms]

In the event of conflict or inconsistency between the terms of this Addendum and this Lease, the terms of the Addendum shall govern and control. All capitalized terms shall have the same meaning as in this Lease.

NONE

LANDLORD: Beverly Kay Warren

	A III.
By:	Dewelly & Markin
Printed Name:	Beverly K. Warren
Title:	<u>ousher</u>
Date:	11-3-08

LANDLORD: Hanley Scott Warren

By: <u>Handie Studerne</u> Printed Name: <u>IHANDEY SCOTI WARREN</u> Title: <u>UMNER</u> Date: <u>IC-30-68</u>

TENANT: Powertel Memphis, Inc.

By:	
Printed Name:	Tami Nystrom
Title:	Area Director of Engineering
Date:	

## **GENERAL NOTES:**

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE COUNTY OF  $\ensuremath{\mathsf{BATH}}$  REGULATIONS.

2. CONTRACTOR SHALL NOTIFY ALL UTILITIES AT LEAST 24 HOURS PRIOR TO START OF CONSTRUCTION TO VERIFY LOCATION OF ALL UTILITIES SHOWN OR NOT SHOWN.

3. ALL UTILITIES WITHIN ROADWAY SHALL BE BACKFILLED WITH STONE.

4. CONTRACTOR SHALL REPAIR AT HIS EXPENSE DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO DRAINAGE, UTILITIES, PAVEMENT, STRIPPING, CURBS, ETC., REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.

5. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL UNUSABLE MATERIALS FROM THE SITE.

6. CONTRACTOR SHALL COORDINATE WITH POWER COMPANY PROVIDING TEMPORARY SERVICE FOR CONSTRUCTION FACILITIES DURING CONSTRUCTION.

7. THE CONTRACTOR IS SPECIFICALLY CAUTIONED ABOUT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES SHOWN ON THIS DRAWING. THEY ARE BASED UPON RECORDS FROM VARIOUS UTILITY COMPANIES, DEEDS, AND PLATS OF RECORD, AND WHERE POSSIBLE ACTUAL FIELD MEASUREMENTS. THIS INFORMATION IS NOT TO BE TAKEN EXACT OR COMPLETE.

8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATION OF EXISTING UTILITIES WHICH MAY CONFLICT WITH PROPOSED IMPROVEMENTS.

9. THIS PROJECT WILL NOT REQUIRE WATER OR SEWER SERVICE.

10. CONTRACTOR SHALL REMOVE ANY DIRT OR MUD FROM TIRES OF ANY CONSTRUCTION VEHICLES PRIOR TO LEAVING SITE.

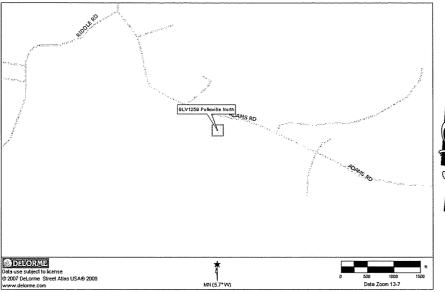
11. REFER TO BUILDING/TOWER PLANS FOR PROPOSED DIMENSIONS AND OTHER SPECIFICS WHICH ARE NOT SHOWN.

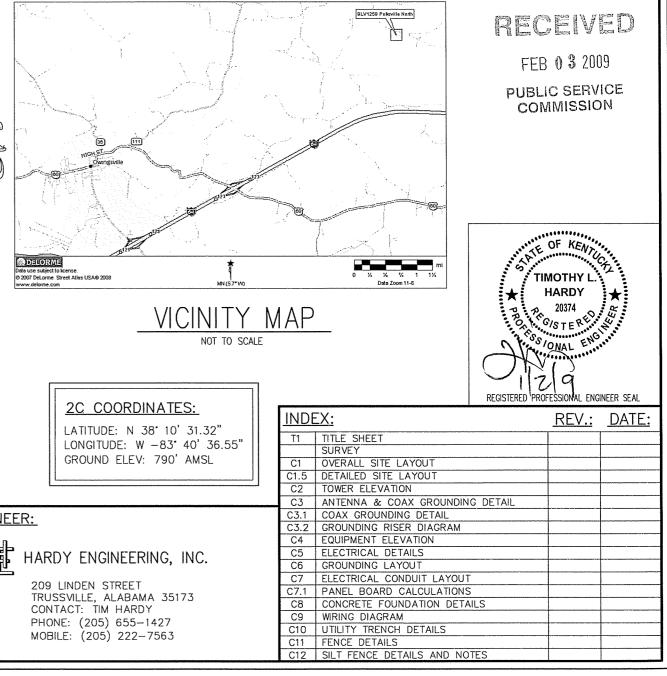
12. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH LATEST MUTCD EDITION.

13. CONTACT LOCAL GOVERNING JURISDICTION FOR TYPE AND SIZE OF GENERATOR FUEL LINE PRIOR TO INSTALLATION.

# SITE DEVELOPMENT PLANS FOR POWERTEL / MEMPHIS, INC.

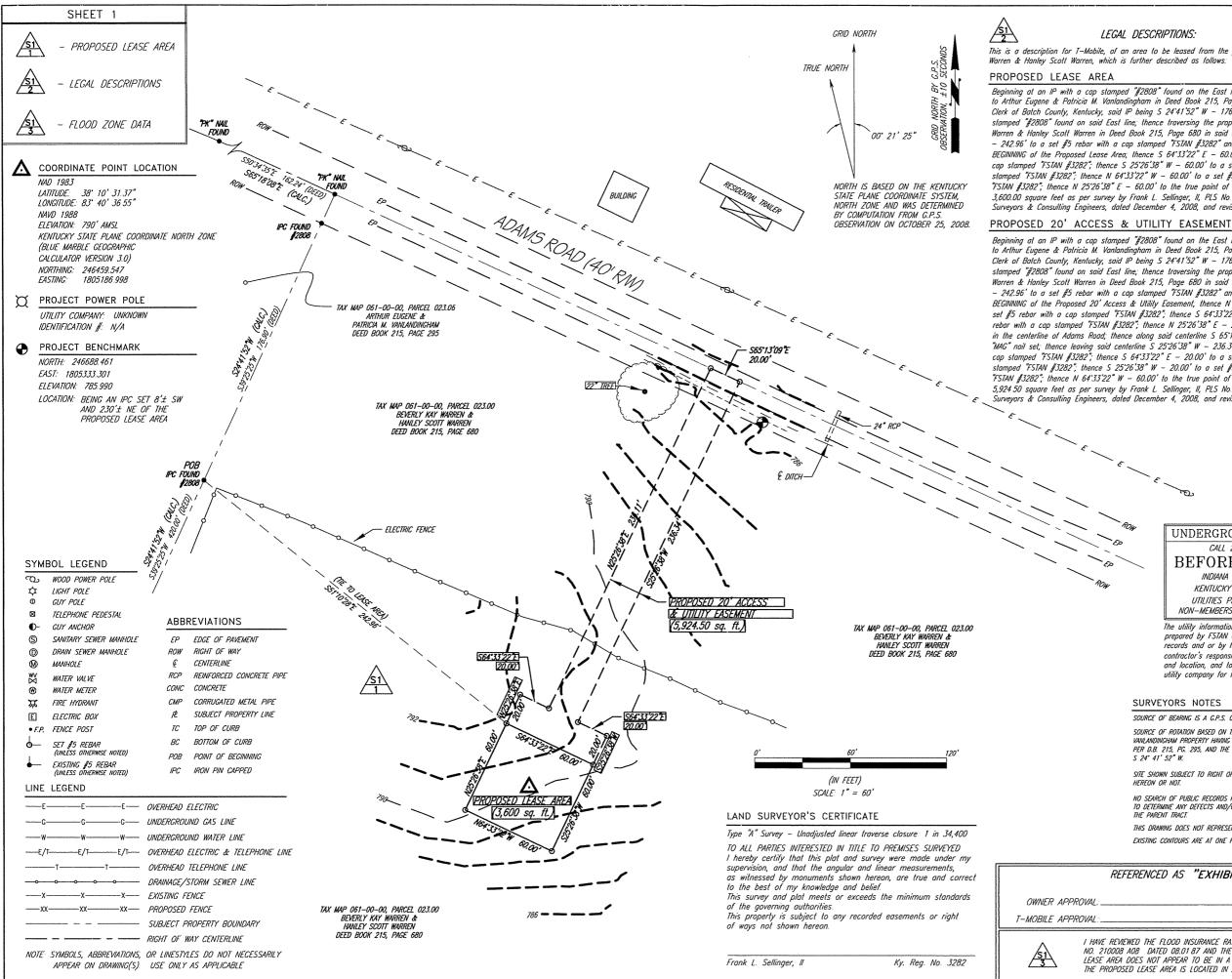
SITE #: 9LV1259A SITE NAME: POLKSVILLE NORTH SITE ADDRESS: ADAMS ROAD OWINGSVILLE, KENTUCKY 40360





ELECTRIC CO .:	© 2007 DeLorme Street Allas USA www.delorme.com	0 2008. 0 500 1000 Met (5.7*W) Dete Zoom 13-	
EAST KENTUCKY POWER COOPERATIVE 4775 LEXINGTON ROAD P.O. BOX 707 WINCHESTER, KY 40392-0707 PHONE: (859) 744-4864 FAX: (859) 744-6008	ONTO HWY-60. CO CONTINUE ON WA FOLLOW RIDDEL	, KY,, TAKE I-64 EAST TO EXIT 123 AND TURN LEFT JNTINUE ON HWY-60 TO WYOMING ROAD AND TURN RIGHT. TER DELL ROAD AND BEAR RIGHT ON TO RIDDEL ROAD. ROAD TO ADAMS ROAD AND CONTINUE STRAIGHT ON ADAMS 4 MILE TO THE SITE ON THE RIGHT.	S VICINITY
TELEPHONE CO.: AT&T CUSTOMER SERVICE			2C COORDINATES: LATITUDE: N 38' 10' 31.32" LONGITUDE: W -83' 40' 36.55" GROUND ELEV: 790' AMSL
PERMIT JURISDICTION: BATH COUNTY	LESSOR: BEVERLY KAY & HANLEY SCOTT WARREN 610 FARLOOK DRIVE MARION, INDIANA 46952 PHONE: (606) 782–3680 OR (606) 247–3052 EMAIL: MFDSTONE@HOTMAIL.COM	LESSEE: POWERTEL / MEMPHIS, INC. LOUISVILLE MARKET 11509 COMMONWEALTH DRIVE, SUITE 9 LOUISVILLE, KENTUCKY 40299 CONTACT: REAL ESTATE	ENGINEER: HARDY ENGINEERING, INC. 209 LINDEN STREET TRUSSVILLE, ALABAMA 35173 CONTACT: TIM HARDY PHONE: (205) 655–1427 MOBILE: (205) 222–7563

SIGNATURE AUTHORIZATIO	NS:
RF ENGINEER APPROVAL:	
SIGNATURE	DATE:
CONSTRUCTION MANAGER APPROVAL:	
SIGNATURE	DATE:
SITE ACQUISITION AGENT APPROVAL:	
SIGNATURE	DATE:
LAND OWNER APPROVAL:	
	DATE:
OPS APPROVAL:	DATE
ZONING/PERMITTING APPROVAL:	
SIGNATURE	DATE:
L	



## LEGAL DESCRIPTIONS:

This is a description for T-Mobile, of an area to be leased from the property of Beverly Kay

Beginning at an IP with a cap stamped "#2808" found on the East line of the property conveyed to Arthur Eugene & Patricia M. Vanlandingham in Deed Book 215, Page 295 in the Office of the Clerk of Batch County, Kentucky, said IP being 5 24'41'52" W - 176.90' from an IP with a cap stamped "#2808" found on said East line; thence traversing the property conveyed to Beverly Koy Warren & Hanley Scott Warren in Deed Book 215, Page 680 in said Clerk's Office 5 51'10'28" E - 242.96' to a set #5 rebar with a cap stamped "FSTAN #3282" and the TRUE POINT OF BEGINNING of the Proposed Lease Area; thence 5 64'33'22" E - 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence 5 25'26'38" W - 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 64'33'22" W - 60.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 25'26'38" E - 60.00' to the true point of beginning, containing 3,600.00 square feet as per survey by Frank L. Sellinger, II, PLS No. 3282 with FS/Tan Land Surveyors & Consulting Engineers, dated December 4, 2008, and revised December 12, 2008.

Beginning at an IP with a cap stamped "#2808" found on the East line of the property conveyed to Arthur Eugene & Patricia M. Vanlandingham in Deed Book 215, Page 295 in the Office of the Clerk of Batch County, Kentucky, said IP being S 24'41'52" W - 176.90' from an IP with a cap stamped "#2808" found on said East line; thence traversing the property conveyed to Beverly Kay Warren & Hanley Scott Warren in Deed Book 215, Page 680 in said Clerk's Office S 51'10'28" É - 242.96' to a set #5 rebar with a cap stamped "FSTAN #3282" and the TRUE POINT OF BEGINNING of the Proposed 20' Access & Utility Easement, thence N 25'26'38" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence \$ 64'33'22" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 25'26'38" E - 236.11' to a "MAG" nail set in the centerline of Adams Road; thence along said centerline 5 65'13'09" E - 20.00' to a "MAG" nail set; thence leaving said centerline \$ 25°26'38" W - 236.34' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence S 64\*33'22" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence 5 25'26'38" W - 20.00' to a set #5 rebar with a cap stamped "FSTAN #3282"; thence N 64'33'22" W - 60.00' to the true point of beginning, containing 5,924 50 square feet as per survey by Frank L. Sellinger, II, PLS No. 3282 with FS/Tan Land veyors & Consulting Engineers, dated December 4, 2008, and revised December 12, 2008.

UNDERGROUND UTILITIES CALL 2 WORKING DAYS BEFORE YOU DIG INDIANA 1-800-382-5544 KENTUCKY 1-800-752-6007 UTILITIES PROTECTION SERVICE NON-MEMBERS MUST CALL DIRECTLY

The utility information shown on this plat, prepared by FSTAN was obtained from existing records and or by field locations. It is the contractor's responsibility to verify their existence and location, and to contact the appropriate utility company for field locations.

## SURVEYORS NOTES

SOURCE OF BEARING IS A G.P.S. OBSERVATION ON OCTOBER 25, 2008.

SOURCE OF ROTATION BASED ON THE EAST PROPERTY LINE OF THE VANLANDINGHAM PROPERTY HAVING THE BEARING OF 5 39' 25' 25" W PER D.B. 215, PG. 295, AND THE CALCULATED BEARING OF 5 24° 41' 52° W

SITE SHOWN SUBJECT TO RIGHT OF WAYS AND EASEMENTS SHOWN HEREON OR NOT.

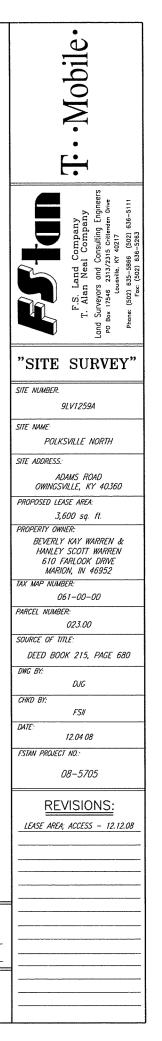
NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN THE TITLE OF THE PARENT TRACT.

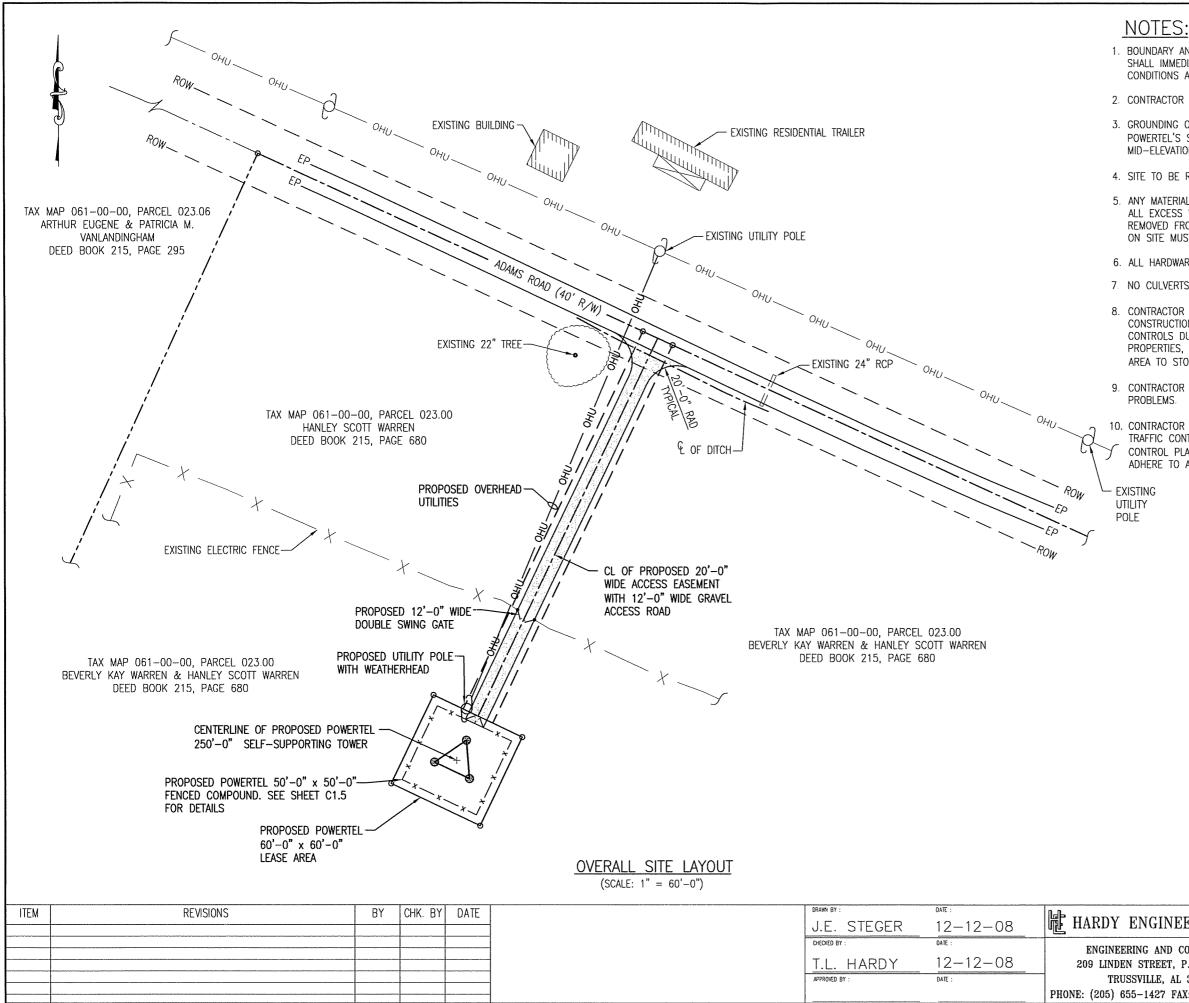
THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. EXISTING CONTOURS ARE AT ONE FOOT INTERVALS

EFERENCED	AS	"EXHIBIT	C'

DATE DATE: .

HAVE REVIEWED THE FLOOD INSURANCE RATE MAPS (FIRM) MAP NO 210008 AOR DATED OR OT RT AND THE PROPOSED LEASE AREA DOES NOT APPEAR TO BE IN A FLOOD PRONE AREA THE PROPOSED LEASE AREA IS LOCATED IN ZONE X.





1. BOUNDARY AND EXISTING SITE FEATURES ARE BASED ON FIELD MEASUREMENTS. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND THIS DRAWING.

2. CONTRACTOR SHALL FURNISH ALL MATERIALS FOR 600 AMP SERVICE.

3. GROUNDING OF ANTENNAS MOUNTS, COAX, AND EQUIPMENT SHALL BE IN ACCORDANCE WITH POWERTEL'S SPECIFICATIONS. COAX SHALL BE GROUNDED JUST BELOW ANTENNAS, AT MID-ELEVATION, AND AT BOTTOM OF TOWER.

4. SITE TO BE RESTORED BACK TO SITE OWNER'S SPECS.

5. ANY MATERIALS STORED ON SITE SHALL BE STORED IN CLOSED OR COVERED CONTAINERS AND ALL EXCESS WASTE MATERIALS WILL BE PROPERLY DISPOSED OF DAILY AND ALL SOILS REMOVED FROM SITE. NOTE NO BURNING ON SITE AT ANYTIME. ACCESS TO OTHER CUSTOMERS ON SITE MUST BE KEPT CLEAR.

6. ALL HARDWARE TO BE STAINLESS STEEL, NO PLATED METAL TO BE USED.

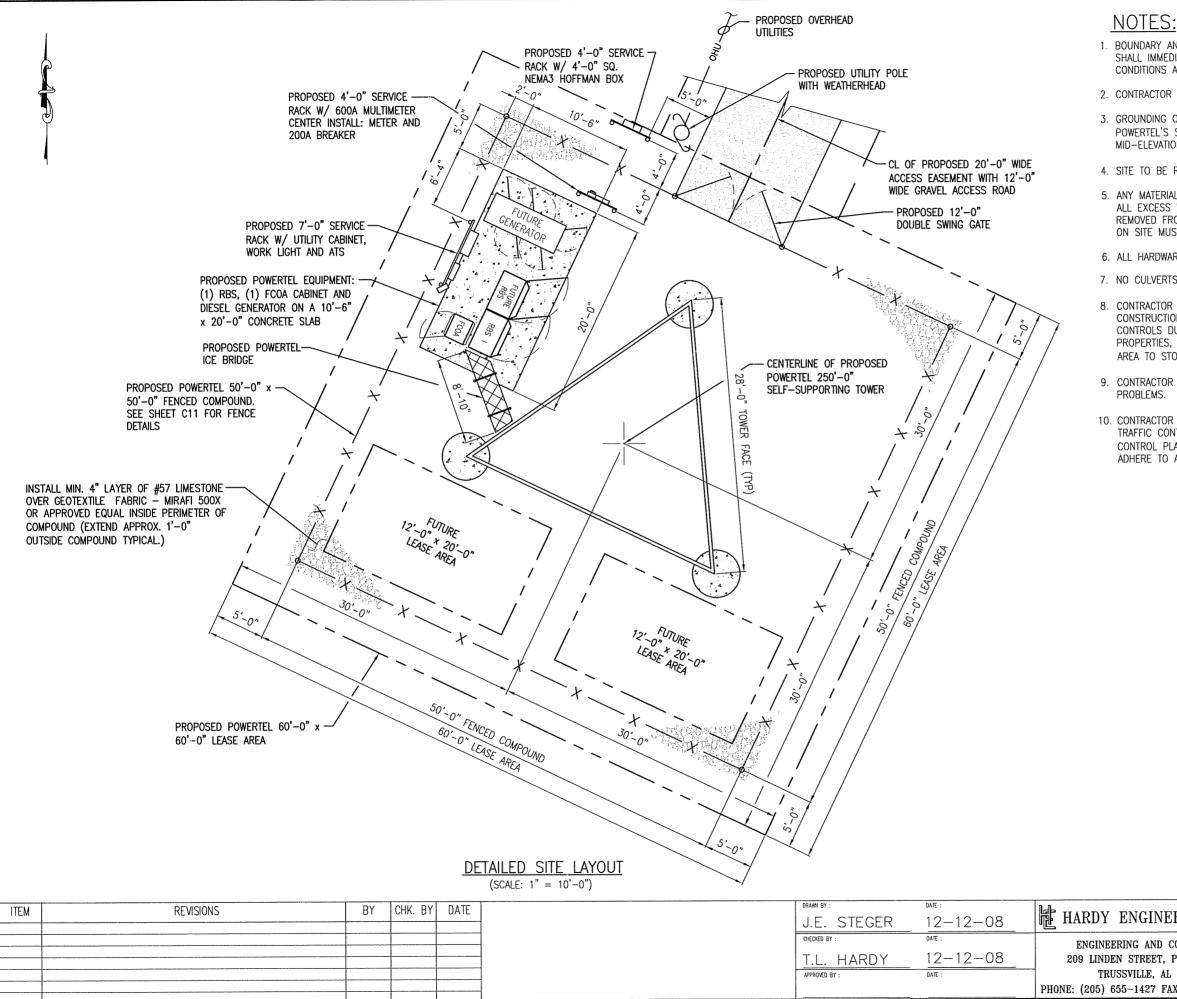
7. NO CULVERTS SHALL BE INSTALLED.

8. CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR CONSTRUCTION & MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS, AND WATERWAYS. SILT FENCE SHOULD BE INSTALLED AROUND WORK AREA TO STOP DAMAGE TO OTHER CUSTOMER'S EQUIPMENT.

9. CONTRACTOR AND/OR DEVELOPER ARE RESPONSIBLE FOR PROVIDING SITE FREE OF DRAINAGE

10. CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH LATEST (AMUTCO) EDITION. CONTRACTOR IS TO ADHERE TO ALL SAFETY GUIDELINES, AND OSHA SPECS WHILE ON WORK SITE.

		PROFILE OF TIMOT HAF PROFILE COST			
FEDINC INC	DWG. NAME: OVERA	LLL VILL MILLO	UT		
EERING, INC.	9LV1259A SITE: POLKSVILLE NORTH				
CONSULTING	OW	INGSVILLE, KENTUCKY			
P.O. BOX 708	POWER	RTEL / MEMPHIS, IN	C		
L 35173	LC	DUISVILLE, KENTUCKY	0.		
FAX: (205) 661-9027	LV1259_C1		OWG. No. C1		



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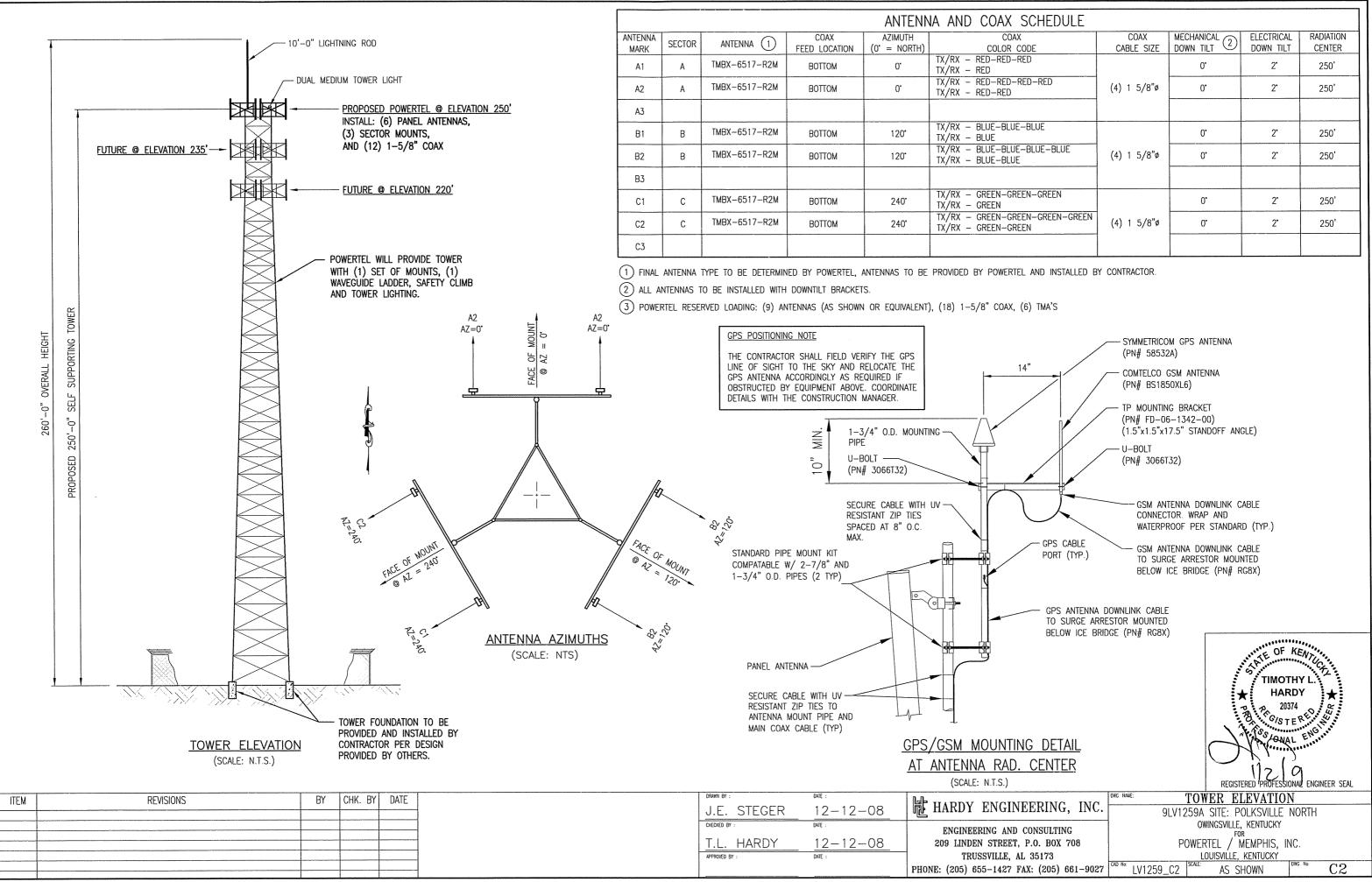
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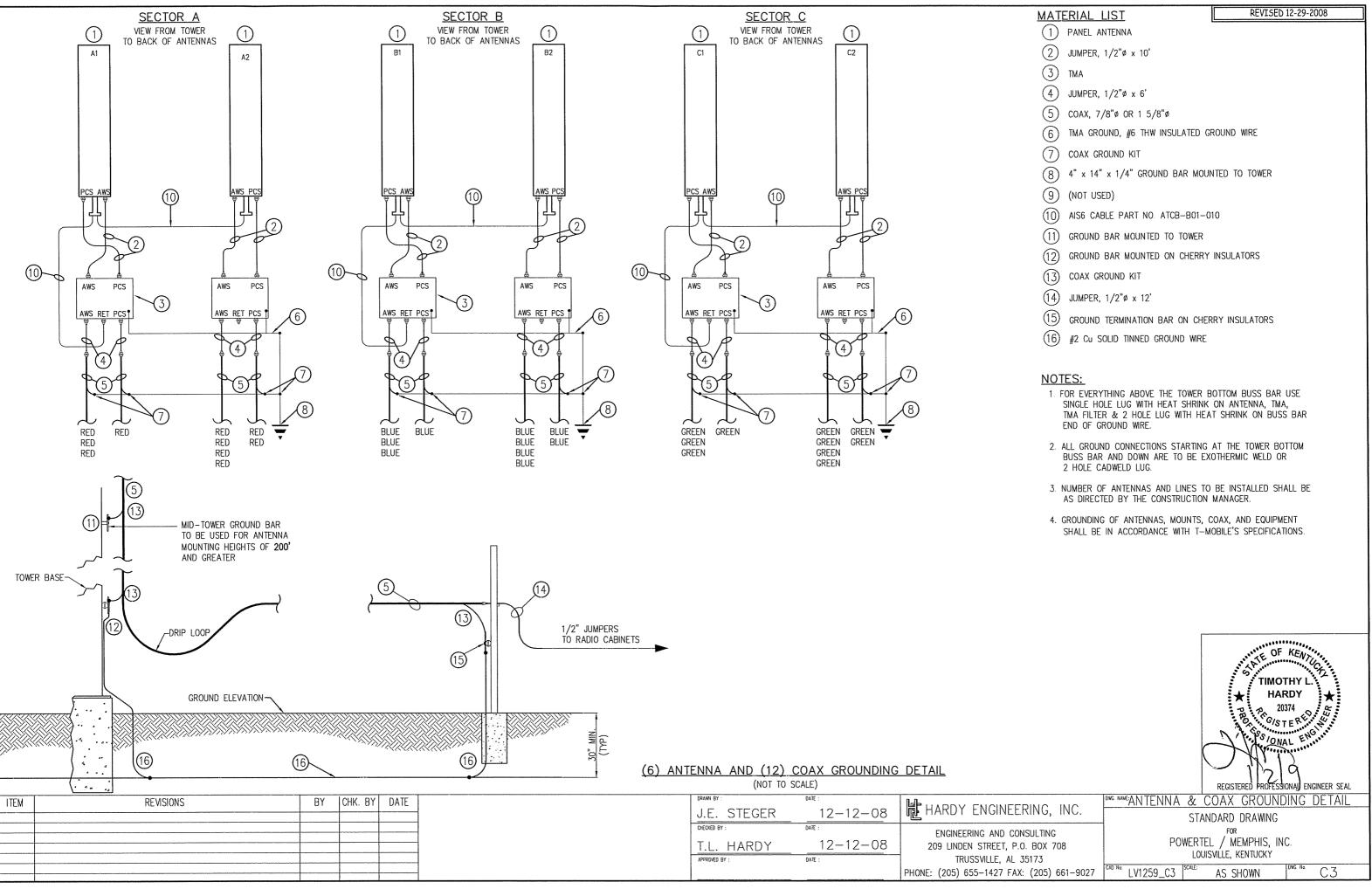
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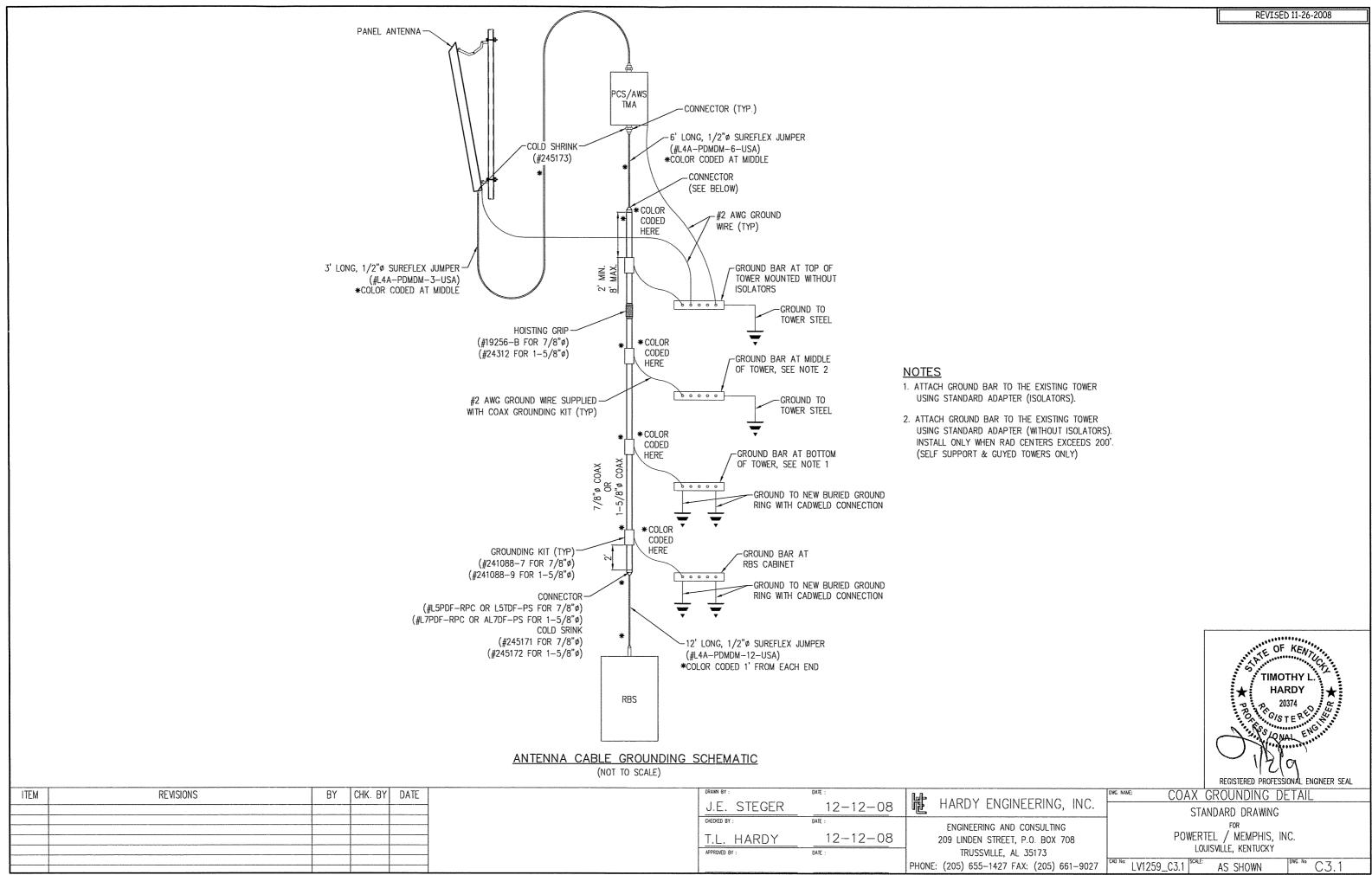
	TIMOTHY L. + HARDY 20374 B 20374 C/S T E RENOWNAL REGISTERED PROFESSIONAL ENGINEER SEAL				
EEDING INC	DWG. NAME: DETAILED SITE LAYOUT				
EERING, INC.	9LV1259A SITE: POLKSVILLE NORTH				
CONSULTING	OWNGSVILLE, KENTUCKY				
, P.O. BOX 708	POWERTEL / MEMPHIS, INC.				
AL 35173	LOUISVILLE, KENTUCKY				
FAX: (205) 661-9027	CAD NO. LV1259_C1.5 SCALE: AS SHOWN DWG. NO. C1.5				

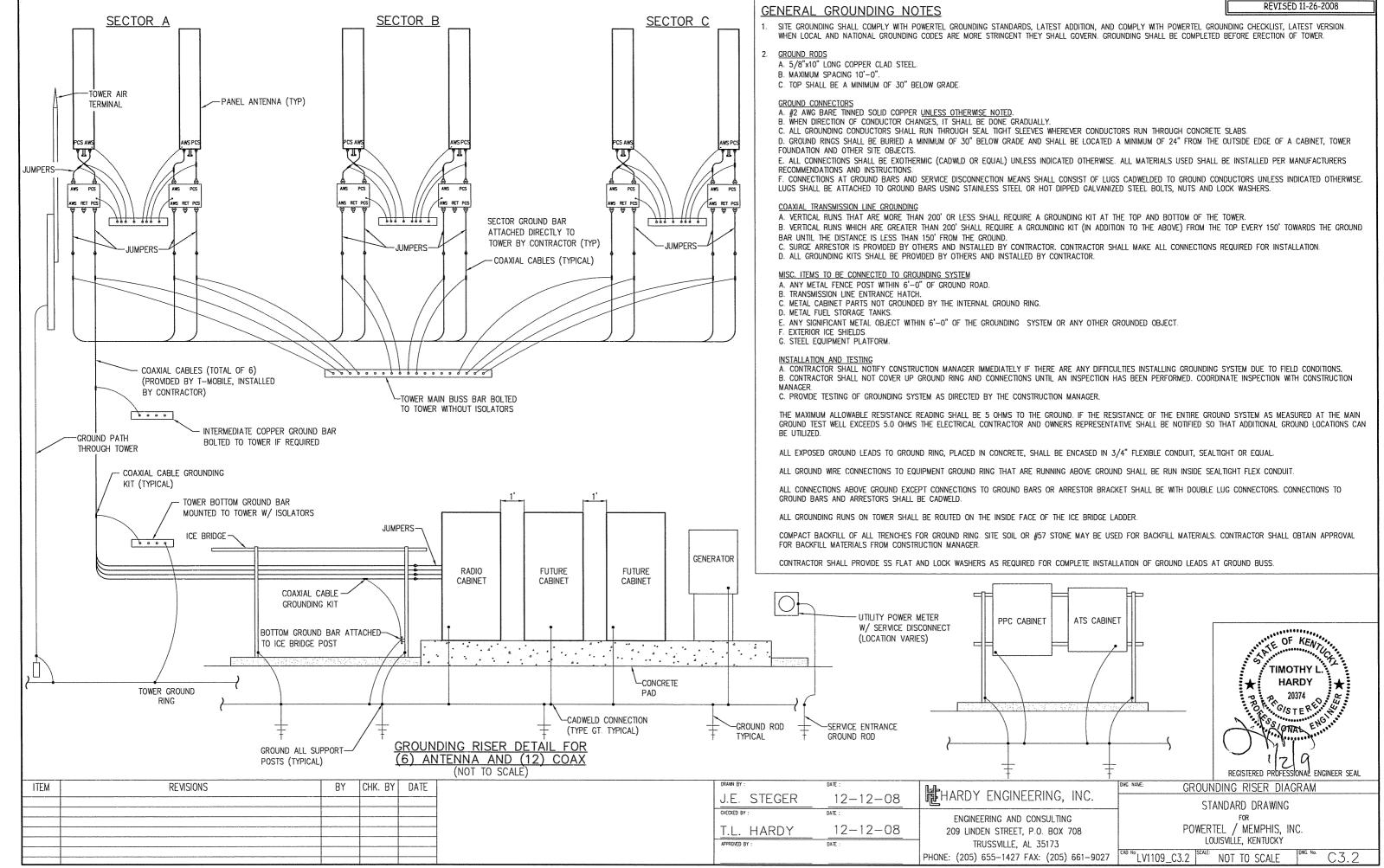


SCHEDULE				
AX	COAX	MECHANICAL (2)	ELECTRICAL	RADIATION
CODE	CABLE SIZE	DOWN TILT 🕑	DOWN TILT	CENTER
-RED		0.	2*	250'
-RED-RED	(4) 1 5/8"ø	0.	2'	250'
JE-BLUE		0.	2*	250'
JE-BLUE-BLUE JE	(4) 1 5/8"ø	0.	2.	250'
REEN-GREEN		0.	2'	250'
REEN-GREEN-GREEN REEN	(4) 1 5/8"ø	0.	2*	250'



(1)	PANEL ANTENNA
2	JUMPER, 1/2"ø x 10'
3	ТМА
4	JUMPER, 1/2"ø x 6'
(5)	COAX, 7/8"ø OR 1 5/8"ø
6	TMA GROUND, #6 THW INSULATED GROUND WIRE
$\overline{7}$	COAX GROUND KIT
8	4" x 14" x 1/4" GROUND BAR MOUNTED TO TOWER
9	(NOT USED)
10	AIS6 CABLE PART NO. ATCB-B01-010
(11)	GROUND BAR MOUNTED TO TOWER
(12)	GROUND BAR MOUNTED ON CHERRY INSULATORS
(13)	COAX GROUND KIT
(14)	JUMPER, 1/2"ø x 12'
(15)	GROUND TERMINATION BAR ON CHERRY INSULATORS
(16)	#2 Cu SOLID TINNED GROUND WIRE





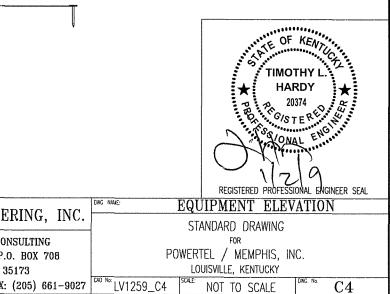
SELF SUPPORTING SHOWN	COAX GROUND KIT A A A A A A A A A A A A A A A A A A A	BS 1 POSED 1/2" PROPOSED CROUND
REVISIONS		INNET       DATE :         .E. STEGER       12-12-08         ICKED BY :       DATE :         .L. HARDY       12-12-08         RROVED BY :       DATE :         RROVED BY :       DATE :

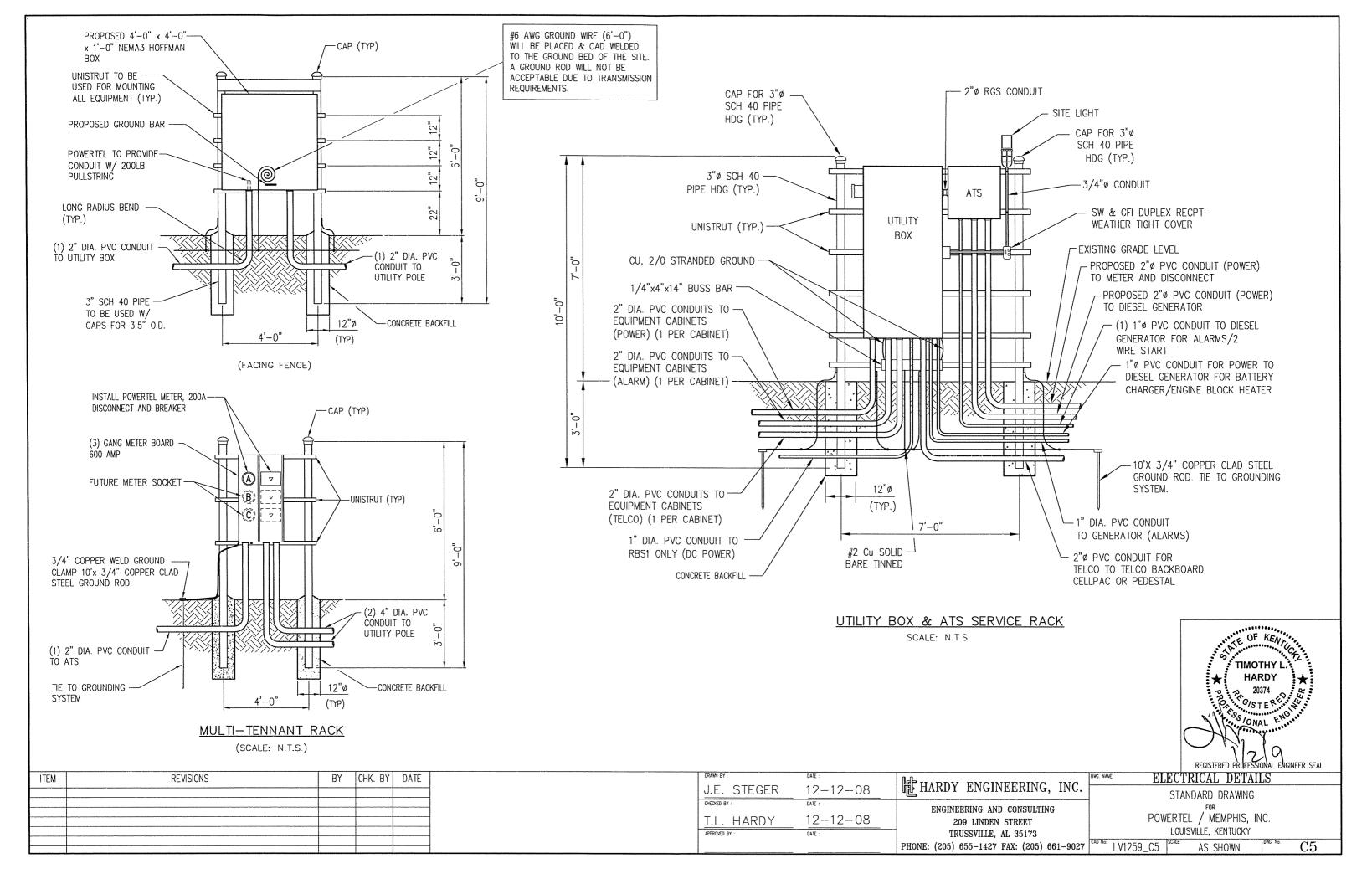
# NOTES

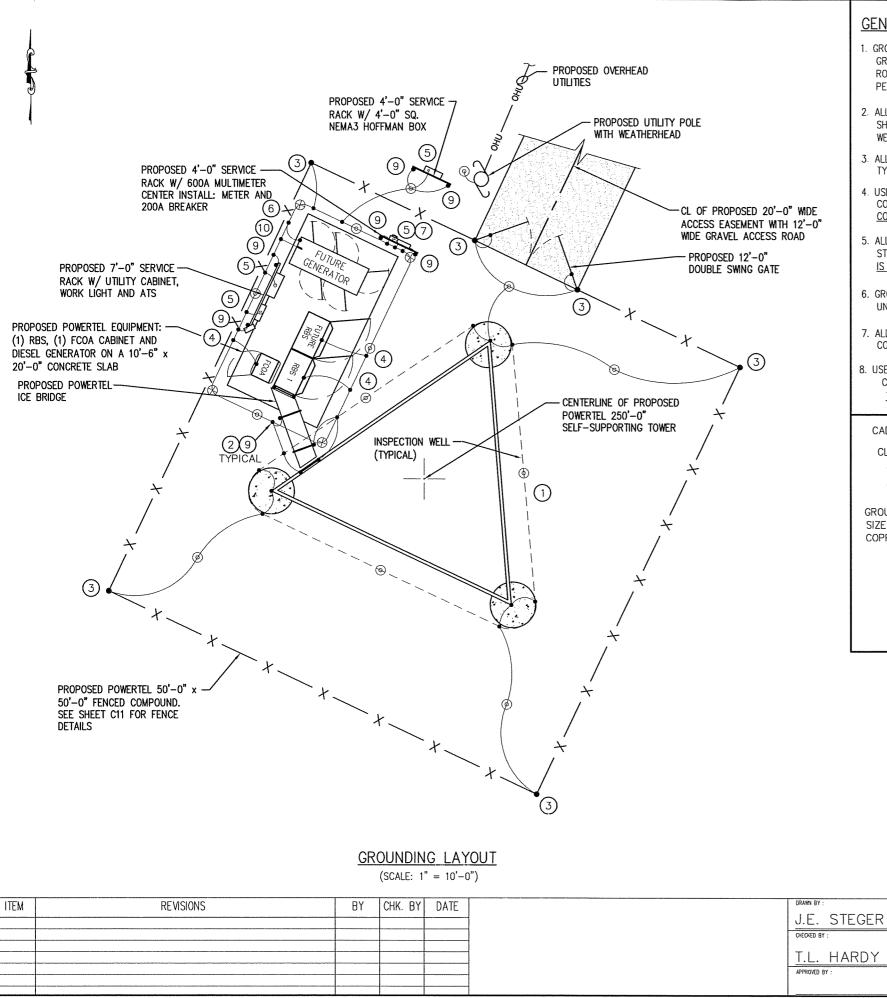
- 1. ALL CONDUIT SHALL BE PVC CONDUIT UNLESS OTHERWISE NOTED.
- 2. ALL CONDUIT PENETRATING EQUIPMENT PANELS SHALL BE SECURED WITH A GROUNDING BUSHING AND GROUNDED TO EQUIPMENT GROUND BUSS WITH A GROUND LUG.
- 3. ALL CONDUITS TO BE SECURED WITH CONDUIT BEAM CLAMP <u>0-Z</u> / <u>GEDNEY</u> TYPE "J".
- 4. PROVIDE A SMOOTH TRANSITION AND DRIP LOOP.
- 5. ANTENNA END OF 1 5/8"Ø COAX SHALL BE SUPPORTED NO MORE THAN 1 FOOT FROM END OF CONNECTOR.
- 1/2"Ø COAX SHALL BE SUPPORTED EVERY 2'-0" TO 2'-6" WITH ANGLE ADAPTORS WITH CLAMP OR EQUIVALENT.





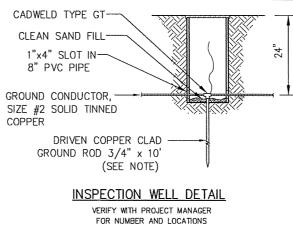






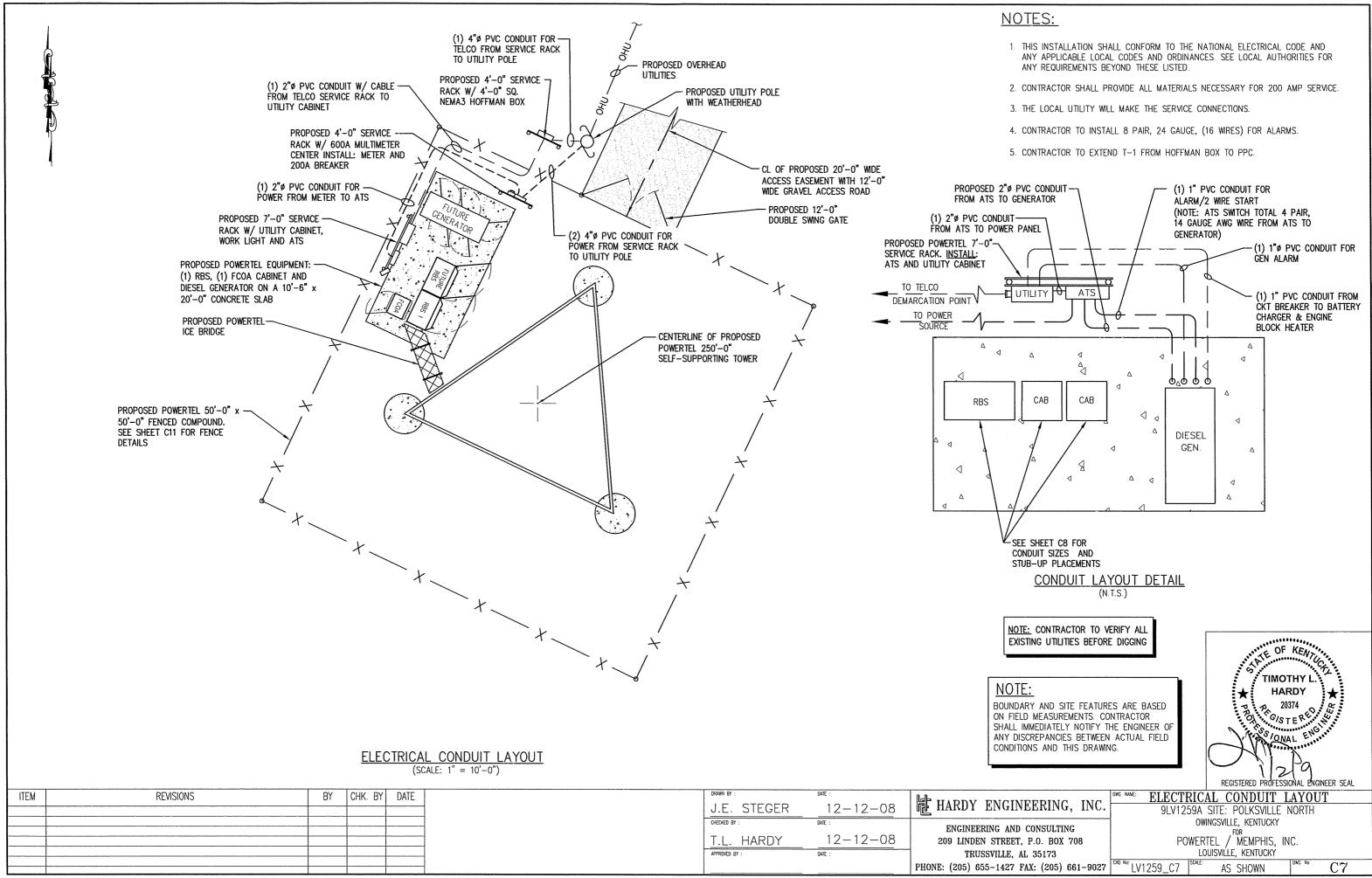
# **GENERAL NOTES:**

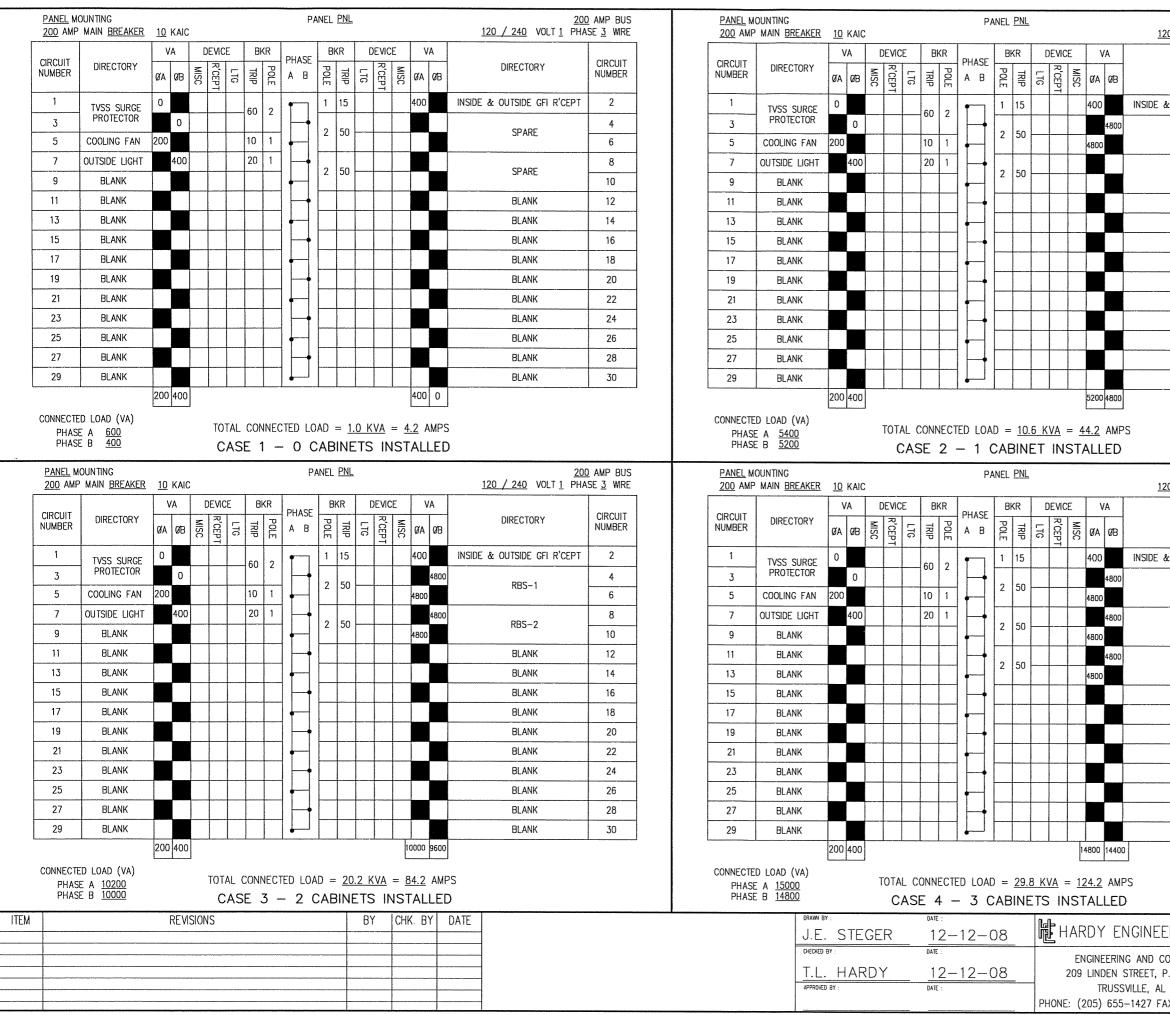
- 1. GROUND RING TO EARTH SHALL BE 5 OHMS OR LESS. ADDITIO GROUND RODS MAY HAVE TO BE ADDED TO THE INITIAL 3/4" RODS. USE TEMPORARY BOLTED CONNECTION TO ROD AND PERFORM GROUND RESISTANCE TEST.
- 2. ALL GROUNDING CONDUCTOR SWEEPS SHALL BE SMOOTH WITH SHARP BENDS (8" MIN. BEND RADIUS). SWEEPS SHALL BE CAU WELDED TO GROUND RING WITH PARALLEL CADWELD.
- 3. ALL CADWELDS TO BURIED GROUND RING SHALL BE OF PARAL TYPE. NO "TEE" CONNECTIONS TO BE USED.
- 4. USE DE-OX OR NOALOX COMPOUND BETWEEN ALL GROUNDING CONNECTIONS. DO NOT COVER LUGS OR HARDWARE WITH COMPOUND.
- 5. ALL MOUNTING & CONNECTING HARDWARE FOR GROUNDING TO STAINLESS STEEL ONLY, NO PLATED OR GALVANIZED HARDWA IS TO BE USED.
- 6. GROUNDING CONDUCTORS TO BE BURIED A MINIMUM OF 30" D UNLESS OTHERWISE SPECIFIED BY LOCAL CODE.
- 7. ALL GROUNDING CONDUCTORS TO BE BARE STRANDED, SOFT COPPER UNLESS OTHERWISE SPECIFIED.
- 8. USE ONLY 2-HOLE CADWELD LUGS ON ENDS OF GROUNDING CONDUCTORS. DO NOT USE COMPRESSION OR MECHANICAL TYPE LUGS.



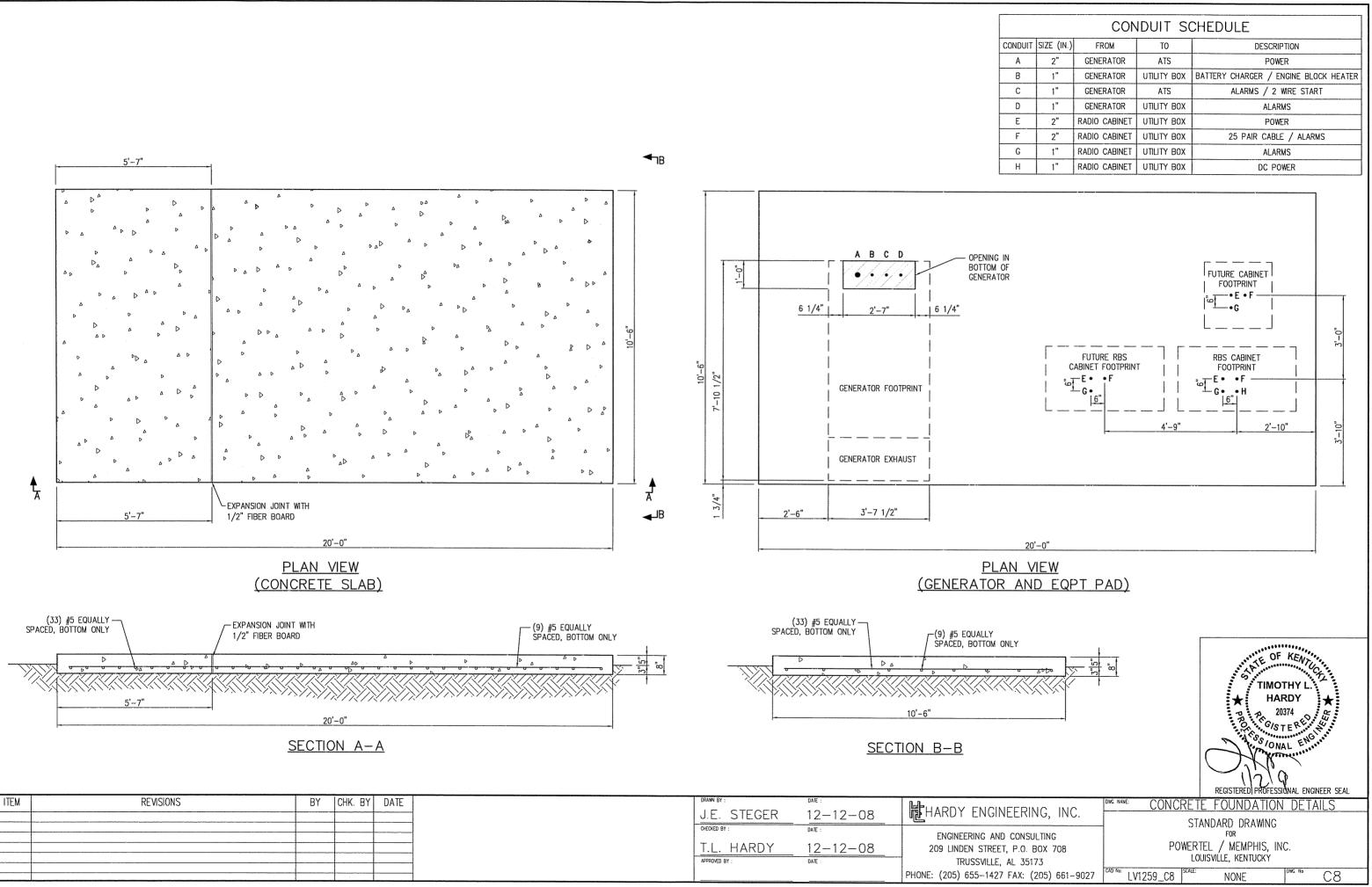
DRAWN BY :	DATE :	
J.E. STEGER	12-12-08	HARDY ENGINEERING, IN
CHECKED BY :	DATE :	ENGINEERING AND CONSULTING
T.L. HARDY	12-12-08	209 LINDEN STREET
APPROVED BY :	DATE :	TRUSSVILLE, AL 35173
		PHONE: (205) 655-1427 FAX: (205) 661-

NAL	CALL-OUT NOTES:
'x10'	1 PROPOSED TOWER STRUCTURE GROUND RING.
I NO	2 CONNECT PROPOSED TOWER RING GROUND TO EQUIPMENT RING GROUND ON BOTH SIDES. KEEP INTERCONNECTING WIRING OF EQUAL LENGTH AND TYPE.
4U-	3 FENCE GROUND
LLEL G LUG	(4) RBS GROUND, TYP. 2 PLACES, MAIN RBS AND FUTURE. INSTALL: CONTRACTOR TO SUPPLY AND INSTALL LUG IN RBS (2102) AND ATTACH TO #2 STRAND COPPER TYPE THHN (GREEN) WIRE TO CONNECT RBS TO EXTERNAL GROUND RING. REMOVE INSULATION BELOW GRADE.
	5 ELECTRICAL AND TELCO EQUIPMENT BUSS BARS
) be <u>\re</u>	6 REMOVE PAINT FROM SURFACE OF GENERATOR FRAME BEFORE ATTACHING GROUND CONNECTION. USE DE-OX COMPOUND BETWEEN FRAME AND LUG. AFTER TIGHTENING CONNECTION COVER AREA WITH SPRAY ZINC OR COLD GALVANIZING COMPOUND.
DEEP	7 NEUTRAL - GROUND BOND AT SERVICE DISCONNECT.
DRAWN	8 MINIMUM SPACING OF EQUIPMENT GROUNDING FROM EQUIPMENT FOUNDATION, 24 INCHES MIN.
	9 ICE BRIDGE & SERVICE BOARD POST GROUND, EACH POST TYP.
	10) FUEL TANK GROUND
_	LEGEND
	EXISTING TOWER GROUND RING
	#2 SOLID TINNED COPPER GROUND CONDUCTOR UNLESS OTHERWISE SPECIFIED.
-	EXOTHERMIC WELD CONNECTION
	⊙ 3/4" × 10' COPPER CLAD STEEL GROUND ROD UNLESS OTHERWISE SPECIFIED.
	#2 SOLID TINNED COPPER FROM EQUIPMENT OR STEEL TO GROUND RING UNLESS OTHERWISE SPECIFIED
	PORTIONS OF SITE LAYOUT HAVE BEEN REMOVED FOR CLARITY. REFER TO SHEET C1 FOR COMPLETE SITE LAYOUT
	NOTE: CONTRACTOR TO VERIFY ALL PROPOSED UTILITIES BEFORE DIGGING REGISTERED PROFESSIONAL ENGINEER SEAL
VEER	ING, INC. GROUNDING LAYOUT 9LV1259A SITE: POLKSVILLE NORTH OWINGSVILLE, KENTUCKY
CONSU STREET AL 3517	ILTING FOR POWERTEL / MEMPHIS, INC. 23 LOUISVILLE, KENTUCKY THE
FAX: (2	205) 661-9027 CAD NO: LV1259_C6 SCALE: AS SHOWN DWG. ND. C6

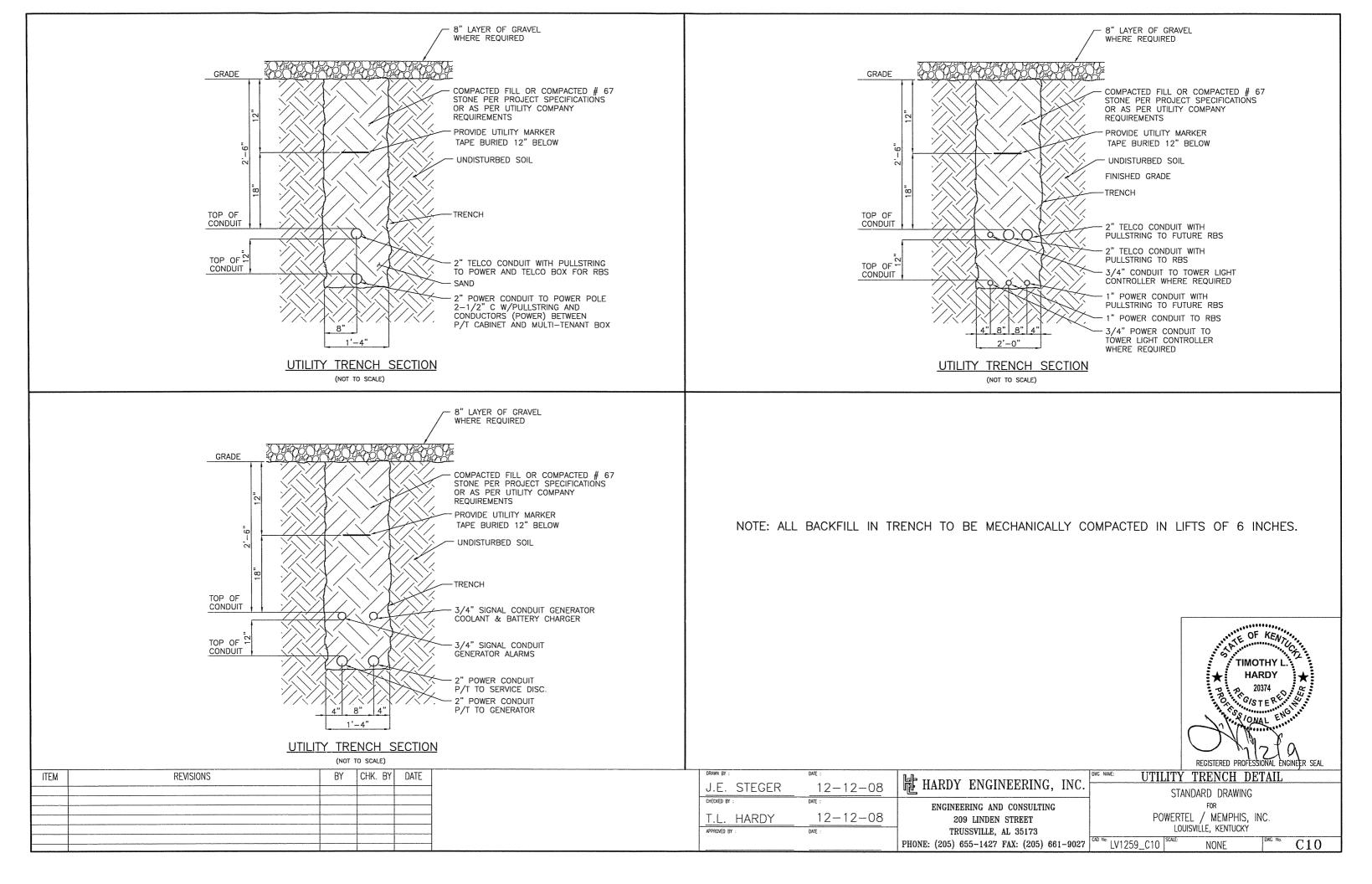


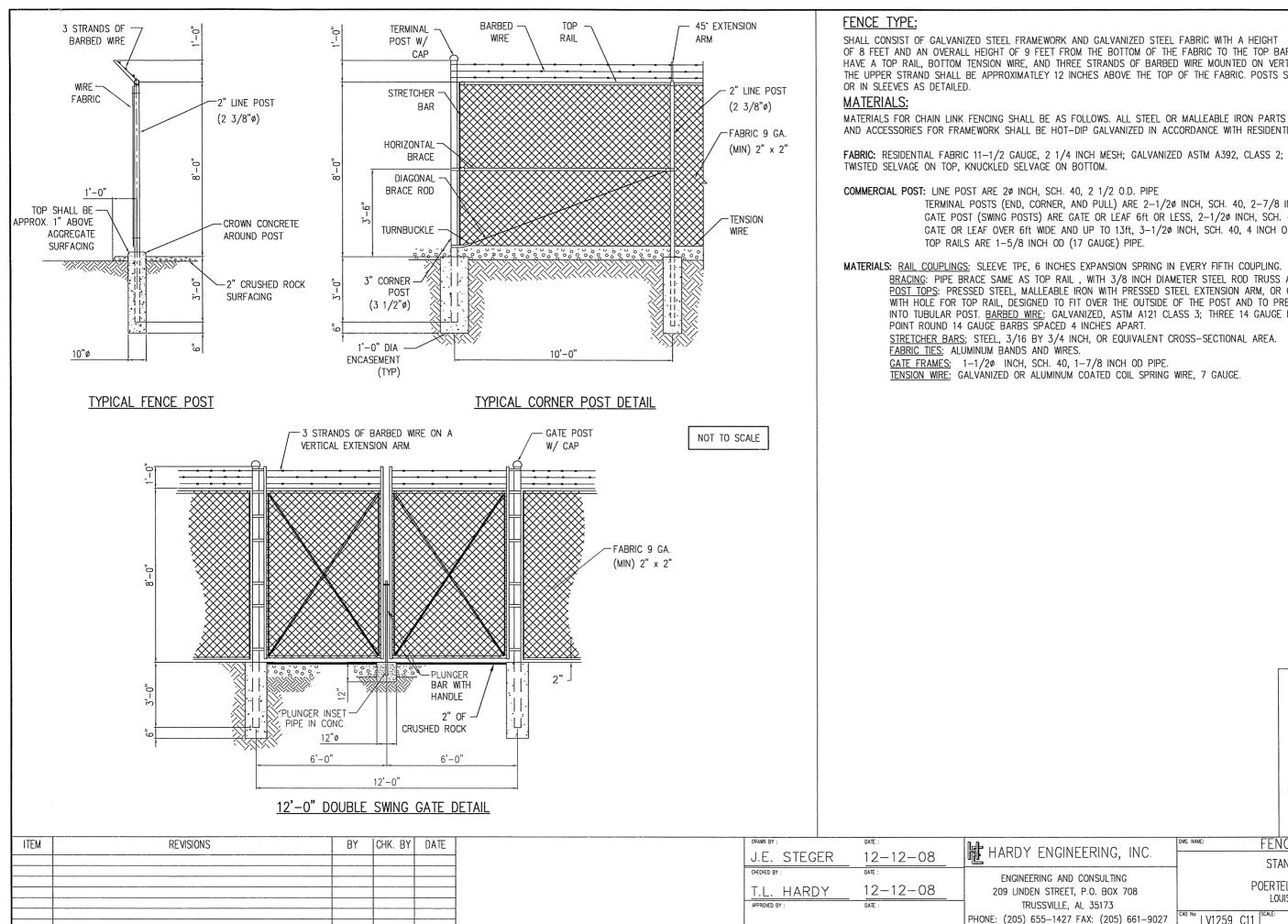


200 120 / 240 VOLT <u>1</u> PHA	AMP BUS SE <u>3</u> WIRE				
DIRECTORY	CIRCUIT NUMBER				
& OUTSIDE GFI R'CEPT	2				
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	6				
SPARE	8				
	10				
BLANK BLANK	12				
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	AMP BUS				
<u>20 / 240</u> VOLT <u>1</u> PHA	SE <u>3</u> WIRE				
DIRECTORY	CIRCUIT NUMBER				
& OUTSIDE GFI R'CEPT	2				
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FRING INC	DWG. NANE: PA	ANEL	BOAF		
ERING, INC.	-		STAN[	ARD DRAWING	
CONSULTING		ים		FOR / MEMDHIS IN	
P.O. BOX 708 L 35173			LOUIS	. / MEMPHIS, II /ILLE, KENTUCKY	¥U.
AX: (205) 661-9027	CAD No: LV1259	_C7.1	SCALE:	AS SHOWN	DWG. No. C7.1
			·		



		T.L. HARDY	12-12-
 	 	APPROVED BY :	DATE





OF 8 FEET AND AN OVERALL HEIGHT OF 9 FEET FROM THE BOTTOM OF THE FABRIC TO THE TOP BARBED WIRE. THE FENCE SHALL HAVE A TOP RAIL, BOTTOM TENSION WIRE, AND THREE STRANDS OF BARBED WIRE MOUNTED ON VERTICAL EXTENSION ARMS. THE UPPER STRAND SHALL BE APPROXIMATLEY 12 INCHES ABOVE THE TOP OF THE FABRIC. POSTS SALL BE SET IN CONCRETE

AND ACCESSORIES FOR FRAMEWORK SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH RESIDENTIAL STANDARDS:

TERMINAL POSTS (END, CORNER, AND PULL) ARE 2-1/20 INCH, SCH. 40, 2-7/8 INCH O.D. PIPE GATE POST (SWING POSTS) ARE GATE OR LEAF 6ft OR LESS, 2-1/20 INCH, SCH. 40, 2-7/8 INCH O.D. PIPE GATE OR LEAF OVER 6ft WIDE AND UP TO 13ft, 3-1/20 INCH, SCH. 40, 4 INCH O.D. PIPE.

BRACINC: PIPE BRACE SAME AS TOP RAIL, WITH 3/8 INCH DIAMETER STEEL ROD TRUSS AND TIGHTENER POST TOPS: PRESSED STEEL, MALLEABLE IRON WITH PRESSED STEEL EXTENSION ARM, OR ONE-PIECE ALUMINUM CASTING; WITH HOLE FOR TOP RAIL, DESIGNED TO FIT OVER THE OUTSIDE OF THE POST AND TO PREVENT ENTRY OF MOISTURE INTO TUBULAR POST. BARBED WIRE: GALVANIZED, ASTM A121 CLASS 3; THREE 14 GAUGE MINIMUM STEEL WIRES WITH 4

	TIMOTHY L. HARDY B 20374 C/S T E RE V A CONAL ENGINEER SEAL			
	DWG. NAME: FENCE DETAILS			
EERING, INC.	STANDARD DRAWING			
Consulting P.O. Box 708 Al 35173	POERTEL / MEMPHIS, INC. LOUISVILLE, KENTUCKY			
FAX: (205) 661-9027	CAD NOT LV1259_C11 SCALE: AS SHOWN DHG. No C11			

# **INSTALLATION:**

- 1. THE FENCE SHOULD BE PLACED ACROSS THE SLOPE ALONG A LINE OF UNIFORM ELEVATION (PERPENDICULAR TO THE DIRECTION OF THE FLOW). THE FENCE SHOULD BE LOCATED AT LEAST 10'-0" FROM THE TOE OF STEEP SLOPES TO PROVIDE SEDIMENT STORAGE AND ACCESS FOR MAINTENANCE AND CLEANOUT.
- 2. A FLAT-BOTTOM TRENCH APPROXIMATELY 4" WIDE AND 8" DEEP, OR A V-SHAPED TRENCH 8" DEEP SHOULD BE EXCAVATED. ON THE DOWN SLOPE SIDE OF THE TRENCH, DRIVE THE 2" x 2" WOOD POSTS AT LEAST 18" INTO THE GROUND. SPACING THEM NO FURTHER THAN 6'-0" APART.
- 3. POSTS SHOULD BE INSTALLED, WITH 1" TO 2" OF THE POST PROTRUDING ABOVE THE TOP OF THE FABRIC AND NO MORE THAN 3'-O" OF THE POST SHOULD PROTRUDE ABOVE THE GROUND. THE MINIMUM FENCE HEIGHT (HEIGHT OF FILTER FABRIC ABOVE GRADE) SHALL BE 18". THE MAXIMUM FENCE HEIGHT (HEIGHT OF FILTER FABRIC ABOVE GRADE) SHALL BE 24 INCHES.
- 4. THE FILTER FABRIC SHOULD BE PURCHASED IN A CONTINUOUS ROLL AND CUT TO LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHOULD BE WRAPPED TOGETHER ONLY AT A SUPPORT POST WITH BOTH ENDS SECURELY FASTENED TO THE POST, WITH A MINIMUM 6" OVERLAP
- 5. EXTRA-STRENGTH FILTER CLOTH (50 POUNDS / LINEAR INCH MINIMUM TENSILE STRENGTH) SHOULD BE USED. A 2" WIDE LATHE SHALL BE STAPLED OVER THE FILTER FABRIC TO SECURELY FASTEN IT TO THE UPSLOPE SIDE OF THE POSTS. THE STAPLES USED SHOULD BE 1.5" HEAVY-DUTY WIRE STAPLES SPACED A MAXIMUM OF 8" APART.
- 6. PLACE THE BOTTOM 12" OF THE FILTER FABRIC INTO THE 8" DEEP TRENCH, EXTENDING THE REMAINING 4" TOWARDS THE UPSIDE OF THE TRENCH AND BACK FILL THE TRENCH WITH SOIL OR GRAVEL AND COMPACTED.

## **INSPECTION AND MAINTENANCE:**

- 1. INSPECT SILT FENCE EVERY SEVEN (7) CALENDAR DAYS AND WITHIN 24-HOURS AFTER EACH RAINFALL EVENT THAT PRODUCES 1/2" OR MORE OF PRECIPITATION CHECK FOR AREAS WHERE RUNOFF HAS ERODED A CHANNEL BENEATH THE FENCE, OR WHERE THE FENCE WAS CAUSED TO SAG OR COLLAPSE BY RUNOFF OVER TOPPING THE FENCE.
- 2. IF THE FENCE FABRIC TEARS, BEGINS TO DECOMPOSE, OR IN ANY OTHER WAY BECOMES INEFFECTIVE, REPLACE THE AFFECTED SECTION OF FENCE IMMEDIATELY.
- 3. SEDIMENT MUST BE REMOVED WHEN IT REACHES APPROXIMATELY 1/3 THE HEIGHT OF THE FENCE, ESPECIALLY IF HEAVY RAINS ARE EXPECTED.
- 4. SILT FENCE SHOULD BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER TEMPORARY BMPs ARE NO LONGER NEEDED. TRAPPED SEDIMENT SHOULD BE REMOVED OR STABILIZED ON SITE. DISTURBED AREAS RESULTING FROM FENCE REMOVAL SHALL BE PERMANENTLY STABILIZED.

