

W. PATTON HAHN
Direct Dial: 205.250.8366
E-Mail Address: phahn@bakerdonelson.com

November 22, 2022

VIA FEDERAL EXPRESS

Mr. John J. Fumero
Nason, Yeager, Gerson, Harris & Fumero, P.A.
750 Park of Commerce Blvd., Suite 210
Boca Raton, Florida 33487

Re: City of Okeechobee, Florida Special Exception Petition No. 22-003-SE filed by
Ignite Wireless as authorized agent of CitySwitch II-A, LLC ("CitySwitch")

Dear John:

This letter follows our conversations, as well as the October 20, 2022 meeting of the City of Okeechobee, Florida (the "City") Board of Adjustment (the "BOA") regarding the above-referenced Special Exception application. As you are aware, at that meeting the BOA continued the hearing in this matter until the BOA's meeting scheduled for November 17, 2022 in order to more fully evaluate the opposition materials submitted on October 19, 2022 on behalf of SBA 2012 TC Assets, LLC, a subsidiary of SBA Communications Corporation (herein, collectively, "SBA"). The BOA subsequently continued hearing of this matter to its meeting scheduled for December 15, 2022. This letter and the attachments hereto are intended to serve as a response to SBA's opposition as well as a response to requests for additional information communicated by City Administrator Gary Ritter to Kyle Lotze of Ignite Wireless on October 27, 2022.

We trust you will disseminate this letter and its attachments to the members of the BOA, Mr. Ritter, and the City's planning consultant, Ben Smith. If you would prefer me to send this to them directly, please let me know and we will be happy to do so. We have provided a copy of the letter to Ms. Patty Burnette in her capacity as the City's General Services Coordinator.

Before responding to SBA's unfounded objections, and providing you and the members of the BOA with some insight into the true reason SBA has come forward, we would like to recap CitySwitch's application:

- July 13, 2022: CitySwitch submits its special exception application and request for approval of a new wireless communications tower (the "Application")

- July 15, 2022: Ms. Patty Burnette requests additional information from CitySwitch
- August 12, 2022: CitySwitch submits revisions to its Application materials and additional information in response to Ms. Burnette's requests
- August 15: Ms. Burnette acknowledges receipt of the additional information
- October 13: Director of Planning Ben Smith of Morris Depew issues reports to the BOA and City Technical Review Committee (the "TRC") recommending that the BOA and TRC approve the Application with certain conditions
- October 19: SBA sends opposition materials to the TRC and BOA
- October 20: After hearing the matter, the TRC approves the Application, with conditions that CitySwitch agreed to meet; at the BOA meeting that same night, the BOA continues the hearing to its November 17 meeting
- October 27: City Administrator Gary Ritter requests additional information from Ignite Wireless
- November 3: Ms. Burnette communicates that the Application is going to be continued to the December 15 BOA meeting.

The Application

CitySwitch is seeking approval to construct a new 150 foot wireless communications facility to be topped by a 10-foot lightning rod (the "Proposed Facility") located on property owned by CSX Transportation located at 1117 NW 9th Street, Okeechobee, Florida 34972 (the "CSX Site"). The Proposed Facility will be an unlit monopole design. The CSX Site is located within an industrial zoning district and is currently used for railroad purposes. CitySwitch plans to lease a 50-foot by 50-foot compound within the CSX Site within which the Proposed Facility will be located. CSX reserves the right to place its proprietary communications equipment on the Proposed Facility.

In his staff reports to both the BOA and TRC, Mr. Smith thoroughly analyzed the Application, compared it to the requirements of the City's ordinances (and, specifically, the requirements of the City's Land Development Code Sections 90-601 *et seq.* (governing requirements and standards for telecommunications facilities) and Section 70-373 (providing the requirements for granting a special exception application)), and recommended granting the Application with certain revisions and conditions. Those conditions and revisions were as follows:

1. Applicant must submit one consistent set of plans to be reviewed by the building official for conformance with applicable code. Should total structure height exceed 160' or a design other than monopole be proposed, plans may be subject to additional review by Board of Adjustment and/or Technical Review Committee.
2. Landscaping must be provided in conformance with LDC Section 90-603(g).
3. Submittal of FAA approval for proposed tower design/height.

4. The use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banner, or streamer is prohibited.

5. Per 90-603(p), if the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to:(1)Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or(2)Dismantle and remove the tower.

6. Per 90-603(r), certification of compliance with all current Federal Communication Commission standards, including (FCC) nonionizing electromagnetic radiation (NIER), shall be submitted prior to receiving final inspection by the building department.

CitySwitch indicated at the October 20 TRC and BOA meetings that it consented to each of these conditions. As to Item 1, CitySwitch submitted 10 sets of construction drawings showing that the total height of the Proposed Facility (including the lightning rod) was 160 feet tall. As to Item 3, CitySwitch provided the required FAA approval at the October 20 meetings.

As to Item 2, CitySwitch confirmed at the October 20 TRC meeting that, while the landscaping requirements of LDC Section 90-603(g) served no purpose on the CSX Site and could potentially interfere with CSX's operations, CitySwitch would comply with the landscaping requirements. Revised zoning drawings are included showing compliance with this requirement (see p. 10) are enclosed.

The SBA Opposition

Before responding substantively to the issues SBA purports to raise in its October 19, 2022 letter to the BOA (the "SBA Opposition"), we would ask that the BOA keep in mind their source and SBA's true motivation. SBA is a publicly-traded company that owns wireless towers and leases on the space on those towers to wireless carriers like AT&T; it is a competitor of CitySwitch. SBA's main source of revenue is rents paid by wireless carriers and it therefore has a tremendous economic incentive to force carriers like AT&T to remain on its towers, even when, as here, AT&T has economic and technological reasons for moving off of an SBA tower. In other words, SBA has not appeared before the City out of some sense of altruism to ensure the City's LDC is complied with, but instead solely to maintain its monopoly on wireless airspace in the vicinity of the SBA Tower.

SBA raises two main arguments in its October 19 letter to the BOA to argue that the BOA should deny the Application: (1) that the Application fails to comply with the LDC's landscaping requirements for wireless communications facilities and (2) that the Proposed Facility will "have an adverse effect on the interests of the citizens of the City by allowing the proliferation of an unnecessary new tower without any additional cell coverage or benefit, contrary to LDR Section 70-373(c)(3)." As noted above, the TRC mandated that CitySwitch install landscaping as part of the Proposed Site, CitySwitch has agreed to comply with this condition, and it will be submitting

revised drawings demonstrating its intent to comply with this condition. Accordingly, SBA's first argument is moot and not worthy of further discussion.

As to SBA's second argument, LDC Section 90-602(c)(2)(b) provides that applicants must show a "demonstrated need or demand" for a proposed new communication tower. CitySwitch's Application has demonstrated that the Proposed Facility is needed and that there is a demand for it.

First, CitySwitch submitted radio frequency ("RF") propagation maps as part of the application demonstrating that AT&T's wireless coverage would be improved in the area around downtown Okeechobee if the Proposed Facility is constructed. Copies of these propagation maps, which were prepared by AT&T's RF engineer, using AT&T's proprietary software designed to model the performance of AT&T's equipment, are attached. Mr. Smith's staff report to the TRC affirmed that CitySwitch's application met this requirement.

Second, CitySwitch has proved that there is a demand for the Proposed Facility through the submission of the Affidavit of Spencer Gambrell. As noted in his affidavit, AT&T desires to move its equipment from the SBA Tower to the Proposed Facility for cost reasons. As he states, if AT&T cannot move to the Proposed Facility, it estimates that it will incur an additional \$2 million in rent and other charges as a result of being located on the SBA Tower. These monies would mean that AT&T will have less capital to invest in technology upgrades for the area.

As an example, AT&T plans to deploy FirstNet on the Proposed Facility. FirstNet, the First Responder Network Authority, is a separate network specifically dedicated for use by first responders and other public safety personnel.

The City has already taken into account SBA's concerns that tower developers might, to use SBA's term, "overbuild" wireless facilities within the City. LDC Section 90-603(d)(3) requires that a new facility of more than 75 feet be at least 500 feet from any other such tower. The Proposed Facility meets this setback requirement, as noted by Mr. Smith in his staff report, and is 0.7 miles away from the SBA Tower.

Again, SBA has only one goal in this proceeding: remaining AT&T's landlord on the SBA Tower. AT&T has been attempting to resolve its issues with SBA specific to this site since October 2020 but SBA has refused to negotiate in good faith (AT&T's October 27, 2020 letter to SBA regarding this site is attached). Because of SBA's refusal to negotiate, AT&T was forced to seek alternative sites for its equipment, culminating in the Application currently pending before the BOA.

SBA is attempting to use the LDC to prevent a lower-cost tower operator, CitySwitch, from constructing the tower to preserve its monopoly on the ability to provide wireless services in the area. The City should reject this transparent attempt to misuse its ordinances in such a way. The Kentucky Public Service Commission was faces with this exact same argument from SBA in a matter before it and saw right through it, writing:

SBA's only interest is to remain AT&T Mobility's landlord, whether by complicating the proceeding or by engaging in rent negotiations within the proceeding. As the Commission has noted in another case in which SBA sought intervention: "The Commission is under no illusion that SBA's request to intervene in this case is anything other than an attempt to protect its monopoly as the owner of the only tower in the area." Although SBA has advanced additional arguments since the Commission's decision in Case No. 2017-00345, SBA's interest remains the same: SBA is a competitor with an interest in keeping tower rents high by limiting the number of towers. This runs counter to one of the stated purposes of the Telecommunications Act of 1996, which is to promote competition, as well as KRS 278.546(4), which states that market-based competition benefits consumers. Unreasonable and excessive fees for rent on a tower have the potential to divert resources that could otherwise be used to invest in expanding wireless networks and conducting necessary network upgrades necessary to meet increased demand for wireless voice and broadband services.

The Commission has encouraged co-location as the preferred method in the provision of wireless service; however, the opportunity to co-locate must be "reasonably available." Unreasonably high rent or onerous conditions render such opportunities unreasonable.¹

CitySwitch's Application meets all of the requirements of the LDC for new telecommunications towers and for the issuance of a special exception permit, except for the landscaping requirement CitySwitch has agreed to meet. The City's Planning Director, Ben Smith, rigorously examined the Application and concluded this in both his reports to the TRC and the BOA. The Application is due to be granted.

¹ In the Matter of Electronic Application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility For Issuance Of A Certificate Of Public Convenience And Necessity To Construct A Wireless Communications Facility In The Commonwealth Of Kentucky In The County Of Pulaski, Kentucky Public Service Commission Case No. 2020-00310, at 3-4 (copy attached).

Mr. John J. Fumero
November 22, 2022
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Please do not hesitate to contact me if you have any questions or need additional information.

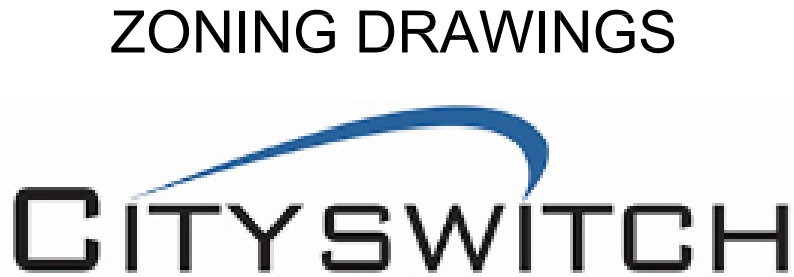
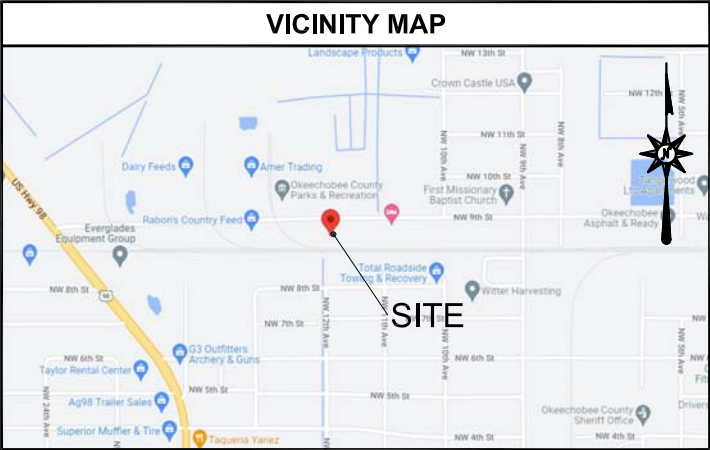
Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

A handwritten signature in black ink, appearing to be 'W. Patton Hahn', with a stylized, cursive script.

W. Patton Hahn

Enclosures



CITYSWITCH

1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345



FDH INFRASTRUCTURE SERVICES, LLC
6521 MERIDIEN DRIVE RALEIGH, NC 27616
PHONE: 919-755-1012 FAX: 919-755-1031

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SUBMITTALS

REV	DATE	DESCRIPTION	BY	CHK'D
A	4/5/2022	PRELIMINARY	MTS	JRB
B	6/1/2022	PRELIMINARY	MTS	JRB
0	7/7/2022	CONSTRUCTION	MTS	JRB
1	8/10/2022	CONSTRUCTION	AEV	JRB
2	11/14/2022	CONSTRUCTION	ZK	JRB



8/10/2022

DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:
PR-006900

SITE ID:
FLC034

SITE NAME:
OKEECHOBEE

FA LOCATION:
10126641

ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

SITE SUMMARY

SITE TYPE:	NEW SITE DESIGN
TOWER TYPE:	MONOPOLE
TOWER HEIGHT:	150'-0"
APPURTENANCE HEIGHT:	160'-0"
GROUND ELEVATION:	29.3' ±
WIND SPEED:	145 MPH
TYPE OF OCCUPANCY:	TELECOMMUNICATIONS
TOWER LATITUDE:	27° 15' 07.7"N (27.252140°)
TOWER LONGITUDE:	80° 50' 41.3"W (-80.844796°)
ZONING JURISDICTION:	CITY OF OKEECHOBEE
COUNTY:	OKEECHOBEE
APN #:	3-16-37-35-0160-00110-0010
ZONING:	INDUSTRIAL
PARCEL SIZE:	226,076± SQ. FT. (5.19 ACRES)
LEASE AREA SIZE:	2,500 SQ.FT (0.06± ACRES)
POWER COMPANY:	TBD
TELEPHONE COMPANY:	TBD

PROJECT DIRECTORY

LAND OWNER:	CSX TRANSPORTATION, INC. C/O TAX DEPT. J910 500 WATER STREET, SUITE 1208 JACKSONVILLE, FL 32202 CONTACT: THOMAS PAULY PHONE: (904) 279-3837 EMAIL: THOMAS_PAULY@CSX.COM
APPLICANT:	CSX TRANSPORTATION, INC. C/O TAX DEPT. J910 500 WATER STREET, SUITE 1208 JACKSONVILLE, FL 32202 CONTACT: THOMAS PAULY PHONE: (904) 279-3837 EMAIL: THOMAS_PAULY@CSX.COM
SITE DESIGN/ENGINEER:	FDH INFRASTRUCTURE SERVICES 6521 MERIDIEN DRIVE RALEIGH, NC 27616 CONTACT: JAMES R. BILLUPS, PE, CFM PHONE: (919) 755-1012
SURVEYOR:	SMW ENGINEERING GROUP, INC 158 BUSINESS CENTER DRIVE BIRMINGHAM, AL 35244 CONTACT: PHONE: (205) 252-6985

CITY SWITCH SITE ID:
FLC034
CITY SWITCH SITE NAME:
OKEECHOBEE
SITE ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

NOTE: ANY CHANGES TO THE APPROVED PLANS MUST BE APPROVED BY THE PROPERTY OWNER.

DIRECTIONS

FROM PALM BEACH INTERNATIONAL AIRPORT, PALM BEACH, FL:

HEAD EAST ON WELLINGTON RD TOWARD N FLORIDA MANGO RD. IN 367 FT, TURN RIGHT ONTO N FLORIDA MANGO RD. IN 249 FT, TURN LEFT ONTO WORTHINGTON RD. IN 0.2 MI, TURN LEFT ONTO S AUSTRALIAN AVE. IN 1.0 MI, TURN LEFT ONTO THE OKEECHOBEE BOULEVARD W RAMP. IN 0.2 MI, MERGE ONTO OKEECHOBEE BLVD. IN 0.3 MI, USE THE RIGHT 2 LANES TO MERGE ONTO I-95 N VIA THE RAMP TO DAYTONA BCH. IN 5.7 MI, TAKE EXIT 76 FOR FL-708/BLUE HERON BLVD. IN 0.3 MI, USE THE LEFT 3 LANES TO TURN LEFT ONTO FL-708 W/W BLUE HERON BLVD (SIGNS FOR VA MEDICAL CNTR). IN 1.0 MI, SLIGHT RIGHT ONTO FL-710 W. IN 53.2 MI, USE ANY LANE TO TURN LEFT ONTO FL-70 W/NE PARK ST. IN 2.4 MI, TURN RIGHT AFTER ADVANCE AUTO PARTS (ON THE LEFT). IN 0.6 MI, TURN LEFT ONTO NW 9TH ST. DESTINATION WILL BE ON THE LEFT.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:

1. FLORIDA BUILDING CODE 2020
2. ANSI/TIA-222-H
3. NATIONAL ELECTRIC CODE 2017
4. LOCAL BUILDING CODE
5. CITY/COUNTY ORDINANCES
6. 2020 FLORIDA FIRE PREVENTION CODE

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, THEREFORE HANDICAP ACCESS IS NOT REQUIRED. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

UNDERGROUND SERVICE ALERT

UTILITIES PROTECTION CENTER, INC.

811

48 HOURS BEFORE YOU DIG

LEGAL DESCRIPTION

REFER TO TOPOGRAPHICAL SURVEY AND SITE PLAN FOR LEGAL DESCRIPTION OF PARENT PARCEL AND LEASE AREA.



William H. Sommerville, III

William H. Sommerville, III
Florida License No. 0006141



LAND OWNER/CLIENT
CSX
500 WATER STREET
JACKSONVILLE, FL 32202

TOWER INFO

LATITUDE: 27°15'07.705" NORTH
LONGITUDE: 80°50'41.267" WEST
(NAD 83)
GROUND ELEVATION: 29.3'
ABOVE MEAN SEA LEVEL (NAVD88)

VICINITY MAP

NW 9TH ST

★ SITE

FLORIDA WESTERN &
NORTHERN SEABOARD RAILROAD



NW 12TH AVE

NW 8TH ST

NW 7TH ST

NW 11TH AVE

NOT TO SCALE

FLORIDA EAST

GRID NORTH

GRID TO TRUE NORTH
CONVERGENCE
0°04'15.8483"

TRUE NORTH TO MAGNETIC
DECLINATION
6°47' W

COMBINED SCALE FACTOR
0.999944091

LEGEND

- = 5/8" REBAR SET
- = FOUND PROPERTY MARKER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- POE = POINT OF ENDING
- ▲ = CALCULATED POINT
- (M) = MEASURED
- ⊗ = POWER POLE
- ⊞ = POWER BOX
- ⊠ = TELEPHONE PEDESTAL
- ⊙ = TEMPORARY BENCHMARK
PK NAIL SET
ELEVATION = 30.93'

--- = RIGHT-OF-WAY
- - - - - = OVERHEAD POWER

FLOOD NOTE

By graphic plotting only, the subject property appears to lie in Zone 'X' of the Flood Insurance Rate Map Community Panel No. 12093C0415C, which bears an effective date of July 16, 2015 and IS NOT in a special flood hazard area.
Zone 'X': Area of minimal flood hazard.

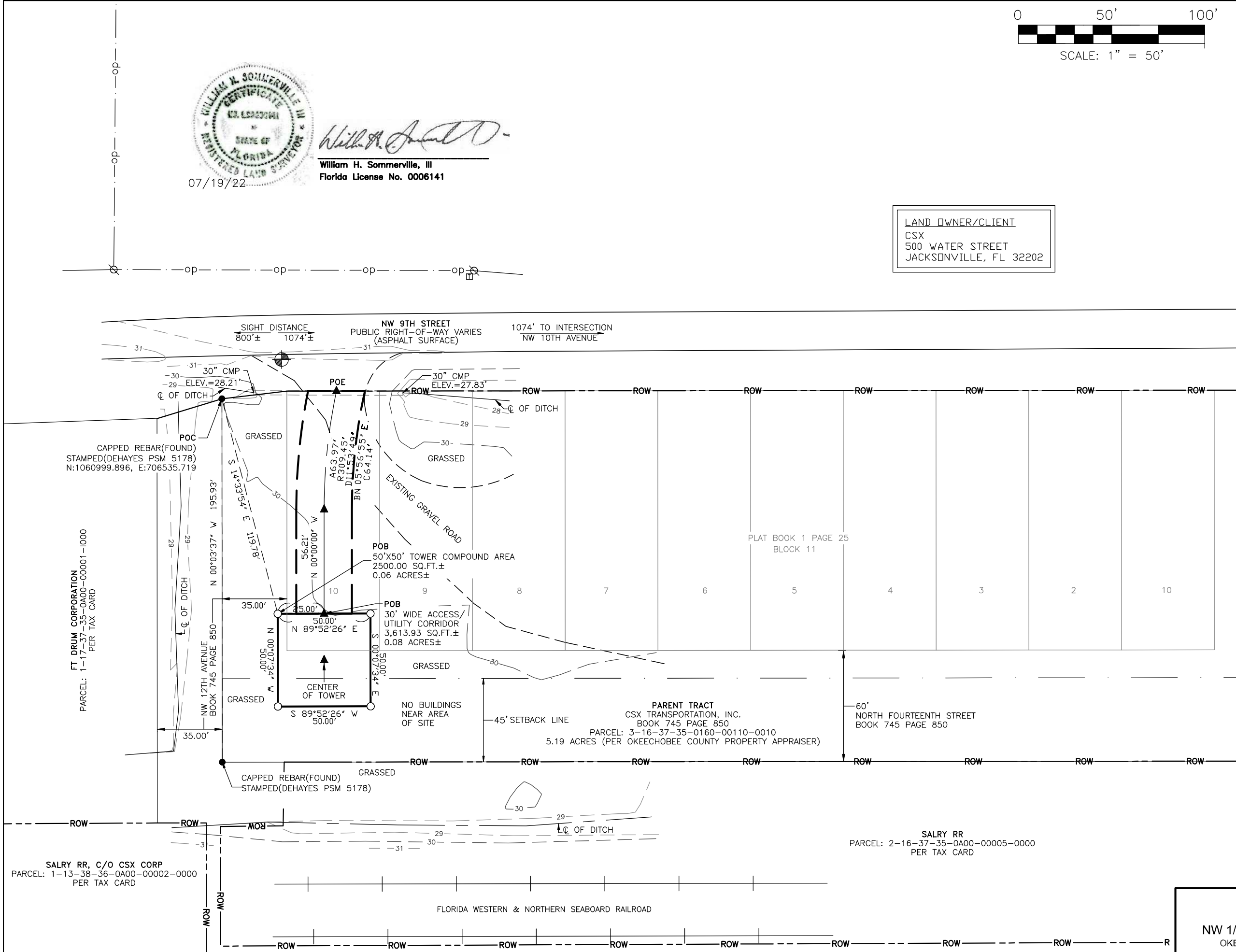
OKEECHOBEE
FLC034

NW 1/4, SEC. 16, T-37-S, R-35-E
OKEECHOBEE COUNTY, FLORIDA

SITE SPECIFIC PURPOSE SURVEY

CITY SWITCH II-A, LLC
1900 CENTURY PLACE NE, SUITE 320
ATLANTA, GEORGIA

SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph: 205-252-6985
www.smweng.com



SURVEYOR’S NOTES

1. This is a Site Specific Purpose Survey, made on the ground under the supervision of a Florida Registered Land Surveyor. Date of field survey is September 14, 2021.
2. The following surveying instruments were used at time of field visit: Topcon GM-55 and Topcon Hiper SR G.P.S. receiver, (R.T.K. network capable).
3. Bearings are based on Florida East State Plane Coordinates NAD 83 by GPS observation.
4. No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
5. Benchmark used is a GPS Continuously Operating Reference Station, PID DE9138. Onsite benchmark is as shown hereon. Elevations shown are in feet and refer to NAVD 88.
6. This survey was conducted for the purpose of a Site Specific Purpose Survey only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
7. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled data.
8. This Survey was conducted with the benefit of an Abstract Title search.
9. Surveyor hereby states the Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 20 feet horizontally and to within +/- 3 feet vertically (FAA Accuracy Code 1A).
10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "A" Survey.
11. Field data upon which this map or plat is based has a closure precision of not less than one-foot in 15,000 feet (1':15,000") and an angular error that does not exceed 10 seconds times the square root of the number of angles turned. Field traverse was not adjusted.
12. This survey is not valid without the original signature and the original seal of a state licensed surveyor.
13. This is a Site Specific Purpose Survey and does not include the entire parent parcel.
14. Zoning: (as supplied by client)
Zoning Jurisdiction: City
Zoning Land Use: A – Active

1. **PARENT TRACT**
CSX TRANSPORTATION, INC.
BOOK 745 PAGE 850
PARCEL: 3-16-37-35-0160-00110-0010
PER TAX CARD
2. **SALRY RR**
PARCEL: 2-16-37-35-0A00-00005-0000
PER TAX CARD
3. **FT DRUM CORPORATION**
PARCEL: 1-17-37-35-0A00-00001-I000
PER TAX CARD
4. **ERVIN LEVERN**
PARCEL: 1-15-37-35-0010-00430-0120
PER TAX CARD

PARENT TRACT (BOOK 745 PAGE 850)
A parcel of land lying in Section 16, Township 37 South, Range 35 East, Okeechobee County, Florida, and lying in and containing a portion of that certain parcel of Land as recorded in Official Records Book 379, Page 1216 of the Public Records of Okeechobee County, Florida, and being more particularly described as follows:
All of Block 11 and 12; all of N.W. 11th Avenue (70 feet in width) lying between said Blocks 11 and 12; all of N.W. 12th Avenue (35 feet in width) lying West of and contiguous with said Block 11; all of North Fourteenth Street (Name per Plat)(60 feet in width) lying South of and contiguous with the above described property; all lying in the North West Addition to Okeechobee, Fla. according to the Plat thereof as recorded in Plat Book 1, Page 25 of the Public Records of Okeechobee County, Florida.
Okeechobee County Parcel No.: 3-16-37-35-0160-00110-0010
5.19 Acres (per Okeechobee County Property Appraiser)

50' x 50' TOWER COMPOUND AREA (AS-SURVEYED)
A portion of the CSX Transportation, Inc. tract described in Book 745, Page 850 as recorded in the Office of Clerk of Circuit Court for Okeechobee County, Florida, lying in the Northwest 1/4, Section 16, Township 37 South, Range 35 East, said Okeechobee County, Florida and being more particularly described as follows:

Commencing at a capped rebar, stamped DEHAYES PSM 5178, found marking the Northwest corner of said tract, having Florida East State Plane coordinates: N:1060999.896, E:706535.719; thence run S 14°33'54" E for a distance of 119.78 feet to a set 5/8" rebar and the Point of Beginning; thence run N 89°52'26" E for a distance of 50.00 feet to a point; thence run S 00°07'34" E for a distance of 50.00 feet to a point; thence run S 89°52'26" W for a distance of 50.00 feet to a point; thence run N 00°07'34" W for a distance of 50.00 feet to the Point of Beginning. Said tower compound area contains 2,500.00 square feet or 0.06 acres, more or less.

30' WIDE ACCESS & UTILITY CORRIDOR (AS-SURVEYED)
A portion of the CSX Transportation, Inc. tract described in Book 745, Page 850 as recorded in the Office of Clerk of Circuit Court for Okeechobee County, Florida, lying in the Northwest 1/4, Section 16, Township 37 South, Range 35 East, said Okeechobee County, Florida and being more particularly described as follows:

Commencing at a capped rebar, stamped DEHAYES PSM 5178, found marking the Northwest corner of said tract, having Florida East State Plane coordinates: N:1060999.896, E:706535.719; thence run S 14°33'54" E for a distance of 119.78 feet to a set 5/8" rebar; thence run N 89°52'26" E for a distance of 25.00 feet to the Point of Beginning; of an Access & Utility Corridor being 30 feet in width and lying 15 feet each side of the following described centerline; thence run N 00°00'00" W for a distance of 56.21 feet to a point; the beginning of an arc turning to the right having a radius of 309.45 feet, having a chord bearing and distance of N 05°56'55" E for a distance of 64.14 feet; thence run along said arc for 64.26 feet to a point on the Southerly right-of-way of NW 9th Street, a variable public right-of-way and the Point of Ending. Said easement contains 3,613.93 square feet or 0.08 acres, more or less.

PLOTTABLE EXCEPTIONS
Fidelity National Title Insurance Company
Commitment for Title Insurance Order No. 10373162
Date April 14, 2022 @ 8:00 am
Schedule B, Section II

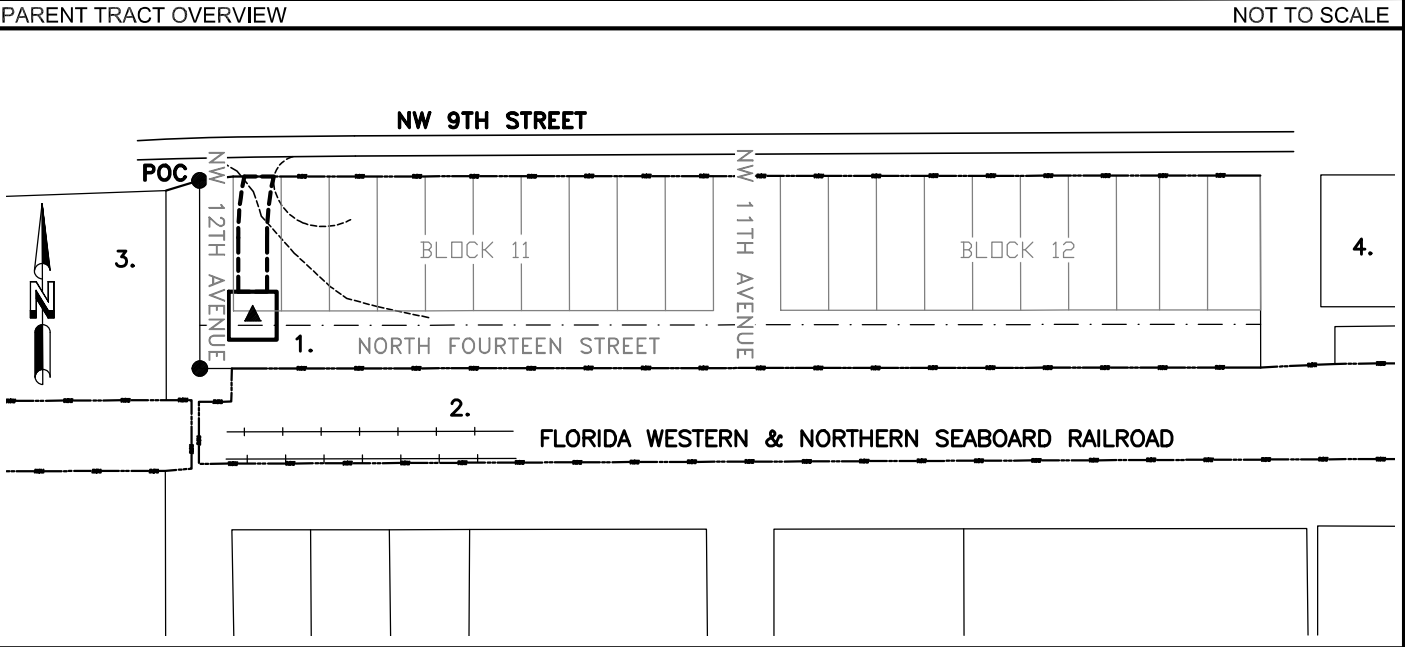
Exception No.	Instrument	Comment
1-5,7-8		Standard exceptions. Contain no survey matters.
⑥	Book 731, Page 1040 Book 737, Page 1215	Document Affects Parent Tract but contains insufficient information to plot, show, or determine affects on subject Lease Area or Ingress/Egress & Utility Easement.

SURVEYOR’S CERTIFICATION

I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Florida to the best of my knowledge, information, and belief.



William H. Sommerville, III
William H. Sommerville, III
Florida License No. 0006141



OKEECHOBEE
FLC034
NW 1/4, SEC. 16, T-37-S, R-35-E
OKEECHOBEE COUNTY, FLORIDA

BY	DATE	REVISION	NO.	PROJECT NO.	DRAWN BY: KM CHECKED BY: PKW FIELD CREW: BB APPROVED BY: WHS DATE: 09/28/21 SCALE: N.T.S.	SHEET 2 OF 2
06/02/22	07/19/22		1	21-5500		

SITE SPECIFIC PURPOSE SURVEY

FOR: **CITY SWITCH II-A, LLC**
1900 CENTURY PLACE NE, SUITE 320
ATLANTA, GEORGIA

SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph: 205-252-6985
www.smweng.com

ENGINEERING GROUP, INC.

GENERAL NOTES:

1. EVERY EFFORT HAS BEEN MADE IN THE CONSTRUCTION DOCUMENTS TO PROVIDE A COMPLETE SCOPE OF WORK. MINOR DISCREPANCIES IN THE DRAWINGS AND/OR SPECIFICATIONS SHALL NOT EXCUSE CONTRACTORS FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS.
2. BIDDING REQUIREMENTS

a. PRIOR TO THE SUBMISSION OF BIDS, VISIT THE JOB SITE TO BECOME FAMILIAR WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT. VISIT THE SITE WITH THE CONSTRUCTION DOCUMENTS TO VERIFY FIELD DIMENSIONS AND CONDITIONS TO CONFIRM THAT THE PROJECT WILL BE ACCOMPLISHED AS SHOWN.

b. PROVIDE NOTIFICATION TO OWNER'S REPRESENTATIVE IN WRITING OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO SUBMISSION OF PRICE PROPOSAL. IN THE EVENT OF DISCREPANCIES, PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED OTHERWISE.

c. WHEN TOWER IS OWNED BY A THIRD PARTY, CONTACT TOWER OWNER REPRESENTATIVE FOR PARTICIPATION IN BID WALK.

d. WHERE ANCHORING TO A CONCRETE ROOF SLAB, CONFIRM (PRIOR TO SUBMITTING BID) THE PRESENCE OF POST TENSION TENDONS. INCLUDE PROVISIONS FOR X-RAY PROCEDURES TO LOCATE THE TENDONS PRIOR TO CONSTRUCTION.
3. DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS TAKE PRECEDENCE. CONSTRUCTION DOCUMENTS ARE INTENDED FOR DIAGRAMMATIC PURPOSES ONLY, UNO.
4. FURNISH ALL MATERIALS, EQUIPMENT, LABOR, AND ANY REQUIREMENTS NECESSARY TO COMPLETE PROJECT AS DESCRIBED IN THE CONSTRUCTION DOCUMENTS.
5. SUPERVISE AND DIRECT THE PROJECT DESCRIBED IN THE CONSTRUCTION DOCUMENTS. PROVIDE ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
6. ALL WORK PERFORMED ON THE PROJECT AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES APPLICABLE TO THE WORK.
7. CONSTRUCTION COORDINATION REQUIREMENTS

a. NOTIFY OWNER’S REPRESENTATIVE OF ANY DISCREPANCIES PRIOR TO START OF WORK.

b. OBTAIN ALL PERMITS. SCHEDULE AND COORDINATE ALL INSPECTIONS.

c. PROVIDE, AT THE PROJECT SITE, A FULL, CURRENT SET OF CONSTRUCTION DOCUMENTS FOR USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.

d. RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DOCUMENTS.

e. PERFORM WORK DURING OWNER’S PREFERRED HOURS TO AVOID DISTURBING NORMAL BUSINESS.

f. PROVIDE FALL PROTECTION IN ACCORDANCE WITH FEDERAL, STATE, LOCAL, AND OWNER REQUIREMENTS.

g. IF FAA LIGHTING AND MARKING IS PRESENT ON SITE AND IS POWERED BY ELECTRICAL SERVICE THAT IS TO BE INTERRUPTED, MAINTAIN THE NECESSARY LIGHTS DURING CONSTRUCTION AND NOTIFY THE PROPER AUTHORITIES IN THE EVENT OF A DISRUPTION.

h. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2–A OR 2–A10BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF PROJECT AREA DURING CONSTRUCTION.

i. STRUCTURAL COMPONENTS OF ADJACENT FACILITIES SHALL NOT BE ALTERED BY THIS CONSTRUCTION PROJECT, UNO. ENSURE THAT EXCAVATION DOES NOT AFFECT ADJACENT STRUCTURES.

j. SEAL ALL PENETRATIONS THROUGH FIRE–RATED AREAS WITH U.L. LISTED OR FIRE MARSHALL–APPROVED MATERIALS, IF APPLICABLE.

k. BURIED UTILITIES MAY EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY NOT BE COMPLETE. CONTACT THE UTILITY LOCATE SERVICE A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.

l. COORDINATE ALL POWER INSTALLATION WITH POWER COMPANY AS REQUIRED. REPORT POWER INSTALLATION COORDINATION SOLUTION(S) TO OWNER’S REPRESENTATIVE.

m. PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY.

n. KEEP GENERAL WORK AREA CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH. REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OR PREMISES. SITE SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.

o. MAINTAIN THE INTEGRITY OF THE BUILDING ENVELOPE AND CONSTRUCT BARRIERS IN THE AREA OF WORK TO PREVENT DAMAGE FROM WEATHER AS WELL AS FROM CONSTRUCTION DUST AND DEBRIS.
8. INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER’S SPECIFICATIONS, UNO, OR WHERE LOCAL CODES OR ORDINANCES DIRECT OTHERWISE.

9. ANY SUBSTITUTIONS OF MATERIALS AND/OR EQUIPMENT, MUST BE APPROVED BY OWNER’S REPRESENTATIVE.
10. DOCUMENT ALL CHANGES MADE IN THE FIELD BY MARKING UP THE APPROVED CONSTRUCTION DRAWINGS AND SUBMITTING THE REDLINED SET TO OWNER’S REPRESENTATIVE UPON COMPLETION. DOCUMENT ALL WORK PERFORMED WITH PHOTOGRAPHS TO BE SUBMITTED WITH REDLINED CONSTRUCTION DRAWINGS.
11. PROVIDE SUPPORTS FOR CABLES TO THE ELEVATION OF ALL INITIAL AND FUTURE ANTENNAS IN ACCORDANCE WITH ALL MANUFACTURER’S REQUIREMENTS.
12. A STRUCTURAL ANALYSIS AND A MOUNT ANALYSIS (IF REQUIRED) TO DETERMINE THE STRUCTURAL CAPACITY TO SUPPORT THIS PROPOSED EQUIPMENT WAS PERFORMED OUTSIDE THE SCOPE OF THIS PROJECT.
13. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS, MOUNT ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED AS REQUIRED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.

SPECIAL INSPECTIONS:

1. WHEN REQUIRED, PROVIDE SPECIAL INSPECTIONS PERFORMED BY AN INDEPENDENT INSPECTOR, APPROVED BY OWNER’S REPRESENTATIVE AND THE LOCAL JURISDICTION.
2. THE SPECIAL INSPECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER’S REPRESENTATIVE, STRUCTURAL ENGINEER, CONTRACTOR, AND BUILDING OFFICIAL.

A/C	AIR CONDITIONING
AFF	ABOVE FINISHED FLOOR
AGL	ABOVE GROUND LEVEL, ABOVE GRADE LEVEL
AWS	ADVANCED WIRELESS SERVICE
BBU	BATTERY BACKUP UNIT
BLDG	BUILDING
BLK	BLOCKING
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONT	CONTINUOUS
D	DEPTH
DBL	DOUBLE
DEG	DEGREE
Ø, DIA	DIAMETER
DIAG	DIAGONAL
DN	DOWN
DET	DETAIL
DWG	DRAWING
E	EXISTING
EA	EACH
ELEV, EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EQUIP	EQUIPMENT
EXT	EXTERIOR
FIF	FIBER INTERFACE FRAME, FACILITY INTERFACE FRAME
FIN	FINISH
FLUOR	FLUORESCENT
FLR	FLOOR
FT	FOOT, FEET
GA	GAUGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GRND	GROUND
GSM	GLOBAL SYSTEM MOBILE
GYP	GYPSUM BOARD
HORZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
ID	INSIDE DIAMETER
IN	INCH, INCHES
INSUL	INSULATION
INT	INTERIOR
L	LENGTH

ABBREVIATIONS

LBS	POUNDS
LTE	LONG TERM EVOLUTION
MAX	MAXIMUM
MECH	MECHANICAL
MTL	METAL
MFR	MANUFACTURE
MGR	MANAGER
MIN	MINIMUM
MISC	MISCELLANEOUS
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO	NUMBER
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
PCS	PERSONAL COMMUNICATION SERVICE
PDU	POWER DISTRIBUTION UNIT
PROJ	PROJECT
PROP	PROPERTY
PT	PRESSURE TREATED
PVC	POLYVINYL CHLORIDE
REQ	REQUIRED
RF	RADIO FREQUENCY
RM	ROOM
RO	ROUGH OPENING
RRH	REMOTE RADIO HEAD
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SF	SQUARE FOOT
SS	STAINLESS STEEL
STL	STEEL
SUSP	SUSPENDED
TMA	TOWER MOUNTED AMPLIFIER
TND	TINNED
TYP	TYPICAL
UMTS	UNIVERSAL MOBILE TELECOMMUNICATION SERVICE
UNO	UNLESS NOTED OTHERWISE
VERT	VERTICAL
W/	WITH
W/O	WITHOUT
WCS	WIRELESS COMMUNICATION SERVICE
WP	WATER PROOF



1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345



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2	11/14/2022	CONSTRUCTION	ZK	JRB



8/10/2022
DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER: PR-006900
SITE ID: FLC034
SITE NAME: OKEECHOBEE
FA LOCATION: 10126641
ADDRESS: 1117 NW 9TH ST OKEECHOBEE, FL 34972
SHEET TITLE: GENERAL NOTES
SHEET NUMBER: GN-1

SITE NOTES:

1. CLEAR AND GRUB SITE OF ALL VEGETATION, PAVING, GRAVEL BASE AND OTHER DEBRIS NOT TO REMAIN. SUBGRADES ARE TO BE SET PRIOR TO LANDSCAPE INSTALLATION.
2. PROVIDE ELEVATION OF SUBGRADE WITHIN 0.10 FOOT OF ELEVATIONS SHOWN ON PLAN MINUS DEPTH OF TOPSOIL, FILL, AND MULCH.
3. ROUGH GRADE ALL AREAS WITHIN 1 FOOT OF ELEVATIONS INDICATED BEFORE PLANTING. PROVIDE POSITIVE DRAINAGE AWAY FROM EQUIPMENT SLABS, BUILDINGS AND THROUGH ALL PLANTER AREAS TO AVOID LOW SPOTS AND STANDING WATER.
4. REWORK (DRY, SCARIFY, ETC.) ALL MATERIAL NOT SUITABLE FOR SUB GRADE IN ITS PRESENT STATE. AFTER REWORKING, IF THE MATERIAL REMAINS UNSUITABLE, UNDERCUT AND REPLACE WITH SUITABLE MATERIAL AT CONTRACTOR’S EXPENSE. ALL SUB GRADES AND AGGREGATE BASE COURSES SHALL BE PROOF ROLLED WITH A FULLY LOADED TANDEM DUMP TRUCK, AND ANY SOFT SPOTS SHALL BE REWORKED OR REPLACED UNTIL PASSING PROOF ROLL.
5. BLEND NEW GRADES NATURALLY INTO EXISTING GRADES.
6. MAINTAIN POSITIVE DRAINAGE ON THE SITE AT ALL TIMES, INCLUDING KEEPING ALL EXISTING AND NEW DITCHES, PIPES AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION. ANY DAMAGE RESULTING FROM FAILURE TO COMPLY SHALL BE REMEDIED BY CONTRACTOR
7. IF REQUIRED, MAINTAIN CONTINUOUS EROSION CONTROL ON THE DOWNSTREAM SIDE OF THE SITE.
8. IN LANDSCAPE AREAS, FINISH GRADES ARE TO FOLLOW THE GRADES AND EDGE DETAILS INDICATED AND BE MOUNDED 6 INCHES IN THE CENTER OF THE BED ABOVE THE EDGE OF THE LANDSCAPE AREA.
9. DO NOT PLACE FILL OR EMBANKMENT MATERIAL ON FROZEN GROUND. DO NOT PLACE FROZEN MATERIALS, SNOW OR ICE IN ANY FILL OR EMBANKMENT.
10. NOTIFY OWNER’S REPRESENTATIVE IF MODIFICATIONS TO THE PROPOSED GRADING SEEM NECESSARY AND OBTAIN APPROVAL PRIOR TO START OF WORK.
11. FOOTINGS SHALL BEAR ON FIRM, NATURAL, UNDISTURBED SOIL, OR ON ENGINEERED FILL (COMPACTED TO 95% ASTM D698). ENSURE THAT EXCAVATIONS ARE FREE OF ORGANIC MATERIAL, DEBRIS, OR OTHER FOREIGN MATERIAL. NOTIFY OWNER’S REPRESENTATIVE IF ANY UNUSUAL CONDITIONS ARE ENCOUNTERED.
12. FILL AND SLAB BASE MATERIAL SHALL BE 3/4” MINUS CRUSHED ROCK PLACED IN 8” (MAXIMUM) LOOSE LIFTS AND COMPACTED TO 98% ASTM D698.

CONCRETE NOTES:

1. CONCRETE AND REINFORCING SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

CONCRETE CONSTRUCTION

ACI 318

CEMENT

ASTM C150, PORTLAND CEMENT TYPE II, UNO

REINFORCING STEEL

ASTM A615 (INCLUDING SUPPLEMENT S1), GRADE 60, fy=60 Ksi, UNO

WELDED WIRE FABRIC

ASTM A185

SPIRAL REINFORCEMENT

ASTM A615, GRADE 60, fy=60 KSI

ANCHOR BOLTS

ASTM A307

GRADE 60 REBAR WELDING

ASTM A706

NOTES: ANY BARS SO NOTED ON THE DRAWINGS SHALL BE GRADE 60, fy=60 KSI. REINFORCING COMPLYING WITH ASTM A615(S1) MAY BE WELDED ONLY IF MATERIAL PROPERTY REPORTS INDICATING CONFORMANCE WITH WELDING PROCEDURES SPECIFIED IN A.W.S. D14 ARE SUBMITTED.
2. CONCRETE PROTECTION (COVER) FOR REINFORCING STEEL SHALL BE AS FOLLOWS:

FOOTINGS AND OTHER UNFORMED SURFACES, EARTH FACE

3”

FORMED SURFACES EXPOSED TO EARTH OR WEATHER (≥ #6 BARS)

2”

FORMED SURFACES EXPOSED TO EARTH OR WEATHER (≤ #5 BARS)

1–1/2”

SLABS AND WALLS (INTERIOR FACE)

3/4”
3. AIR ENTRAIN ALL CONCRETE WITH SURFACES EXPOSED TO WEATHER WITH AN AIR–ENTRAINING AGENT CONFORMING TO ASTM C260, C494, C618, C989 AND C1017. AIR ENTRAIN CONCRETE EXPOSED TO FREEZING AND THAWING WHILE MOIST IN ACCORDANCE WITH ACI 318, SECTION 4.4.1.
4. DETAIL REINFORCING STEEL (INCLUDING HOOKS AND BENDS) IN ACCORDANCE WITH ACI 315 AND 318. LAP ALL CONTINUOUS REINFORCEMENT AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2’–0”. PROVIDE CORNER BARS AT ALL WALL AND FOOTING INTERSECTIONS. LAP CORNER BARS AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2’–0”. LAP ADJACENT MATS OF WELDED WIRE FABRIC A MINIMUM OF 8” AT SIDES AND ENDS.
5. PERFORM WELDING OF GRADE 60 REINFORCING BARS (IF REQUIRED) USING LOW HYDROGEN ELECTRODES. PERFORM WELDING OF GRADE 40 REINFORCING BARS (IF REQUIRED) USING E70 XX ELECTRODES. DO NOT WELD WITHIN 4” OF COLD BENDS IN REINFORCING STEEL.
6. DO NOT FIELD BEND REINFORCING PARTIALLY EMBEDDED IN CONCRETE UNLESS SPECIFICALLY SO DETAILED OR APPROVED BY THE ENGINEER.
7. SUPPORT BARS ON CHAIRS OR DOBIE BRICKS.
8. FURNISH NON–SHRINK GROUT BY AN APPROVED MANUFACTURER. MIX AND PLACE IN STRICT ACCORDANCE WITH THE MANUFACTURER’S PUBLISHED RECOMMENDATIONS. GROUT STRENGTH SHALL BE AT LEAST EQUAL TO THE MATERIAL ON WHICH IT IS PLACED (3 KSI, MINIMUM).
9. ALL EXPANSION ANCHORS TO BE HILTI BRAND, UNO. TEST ADHESIVE ANCHORS TO CONFIRM CAPACITY UNLESS WAIVED BY ENGINEER AND LOCAL JURISDICTION.

STRUCTURAL STEEL NOTES:

1. STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

WIDE FLANGE SHAPES

ASTM A992, GRADE 50

SHAPES, PLATES, ANGLES, & RODS

ASTM A36, Fy 36 KSI

SPECIAL SHAPES AND PLATES

ASTM A572, Fy 50 KSI

PIPE COLUMNS

ASTM A53, Fy 35 KSI

STRUCTURAL TUBING

ASTM A500, Fy 46KSI

ANCHOR BOLTS

ASTM A307

CONNECTION BOLTS

ASTM A325 TWIST–OFF
2. BASE STRUCTURAL STEEL DESIGN, FABRICATION AND ERECTION (INCLUDING FIELD WELDING, HIGH STRENGTH FIELD BOLTING, EXPANSION BOLTS, AND THREADED EXPANSION ANCHORS) ON THE AISC "SPECIFICATION FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS" LATEST EDITION.
3. HOT DIP GALVANIZE AFTER FABRICATION PER A123/A123M–00 ALL STEEL EXPOSED TO WEATHER AND WHERE NOTED.
4. CONFORM TO ALL AISC AND AWS STANDARDS FOR WELDING. PERFORM WELDING BY ANSI/AWS D1.1 CERTIFIED WELDERS USING E70 XX ELECTRODES. USE ONLY PRE–QUALIFIED WELDS AS DEFINED BY AWS.
5. PROVIDE COLD–FORMED STEEL FRAMING MEMBERS OF THE SHAPE, SIZE, AND GAGE SHOWN ON THE PLANS. PROVIDE MINIMUM SECTION PROPERTIES INDICATED. ALL COLD–FORMED STEEL FRAMING SHALL CONFORM TO THE AISI "SPECIFICATION FOR THE DESIGN OF COLD–FORMED STEEL STRUCTURAL MEMBERS."
6. FOR BOLTED CONNECTIONS, USE 3/4” DIA., BEARING–TYPE, A325 BOLTS WITH A MINIMUM OF TWO BOLTS, UNO.
7. FOR NON–STRUCTURAL CONNECTIONS FOR STEEL GRATING, USE 5/8” DIA. A307 BOLTS, UNO.
8. PREPARE AND PAINT IN ACCORDANCE WITH THE PAINT MANUFACTURERS WRITTEN INSTRUCTIONS, UNO.
9. TOUCH UP ALL FIELD DRILLING, WELDING AND CUT SURFACES WITH 2 COATS OF GALVACON (ZINC RICH PAINT) OR APPROVED EQUAL.

SITE SPECIFIC SOIL MANAGEMENT PLAN:

1. SOIL MATERIALS EXCAVATED BY THE CONTRACTOR FROM WITHIN RAIL RIGHT–OF–WAY (ROW) SHALL BE RE–USED AS BACKFILL AT THE POINT OF ORIGIN OR SHALL BE RE–DISTRIBUTED ON THE ROW IN THE NEAR VICINITY OF THE POINT OF ORIGIN.



1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345

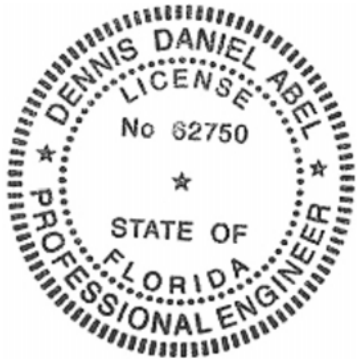


FDH INFRASTRUCTURE SERVICES, LLC
6621 MERIDIAN DRIVE RALEIGH, NC 27616
PHONE: 919-756-1012 FAX: 919-756-1031

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8/10/2022

DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:

PR-006900

SITE ID:

FLC034

SITE NAME:

OKEECHOBEE

FA LOCATION:

10126641

ADDRESS:

1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:

GENERAL NOTES

SHEET NUMBER:

GN-2

- NOTES:
1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 2. PLANTING AREAS SHALL BE PROTECTED FROM DAMAGE BY VEHICLES, LUBRICANTS, OR FUELS.
 3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION, THERE IS NO HANDICAP ACCESS REQUIRED.
 4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
 5. UTILITIES TO BE CONFIRMED DURING SITE VISIT.
 6. SITE PLAN AND PROPERTY LINES DEVELOPED FROM SURVEY COMPLETED BY SMW ENGINEERING GROUP, INC, DATED 9/28/2021. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 7. PROPOSED SITE IS LOCATED IN EXISTING FLOOD ZONE X ACCORDING TO FEMA PANEL # 12093C0415C DATED JULY 16, 2015.
 8. CONTRACTOR WILL NOT START CONSTRUCTION UNTIL AFTER THEY HAVE RECEIVED THE PRE-CON PACKAGE AND HAVE A PRE-CON WALK WITH THE PROJECT MANAGER.
 9. CONTRACTOR TO HIRE PUBLIC (811) AND PRIVATE LOCATING SERVICE IN ORDER TO LOCATE AND PROTECT ALL SUB-SURFACE UTILITES. DO NOT SCAL OFF THESE PLANS FOR ANY BELOW GRADE UTILITIES.
 10. CONTRACTOR SHALL VERIFY ALL EXISTING BURIED AND OVERHEAD UTILITES PIOR TO EXCAVATION. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT HIS OWN COST AND COORDINATE ANY REPAIRS WITH RESPECTIVE UTILITY COMPANY.
 11. CONTRACTOR TO VERIFY ALL HEIGHTS AND AZIMUTHS IN FIELD PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY CARRIER AND ENGINEERING FIRM OF ANY DISCREPANCIES BEFORE PROCEEDING.
 12. CONTRACTOR SHALL RESTORE AND REPAIR ANY DAMAGED AREAS CAUSED BY CONSTRUCTION.

PARCEL INFORMATION:

OWNER: CSX TRANSPORTATION

JURISTITION: CITY OF OKEECHOBEE

ZONING: INDUSTRIAL

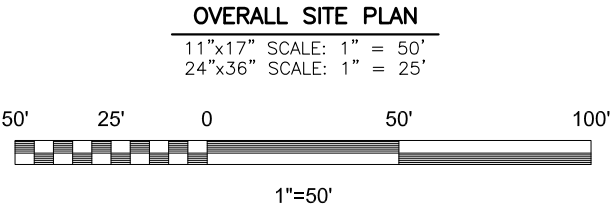
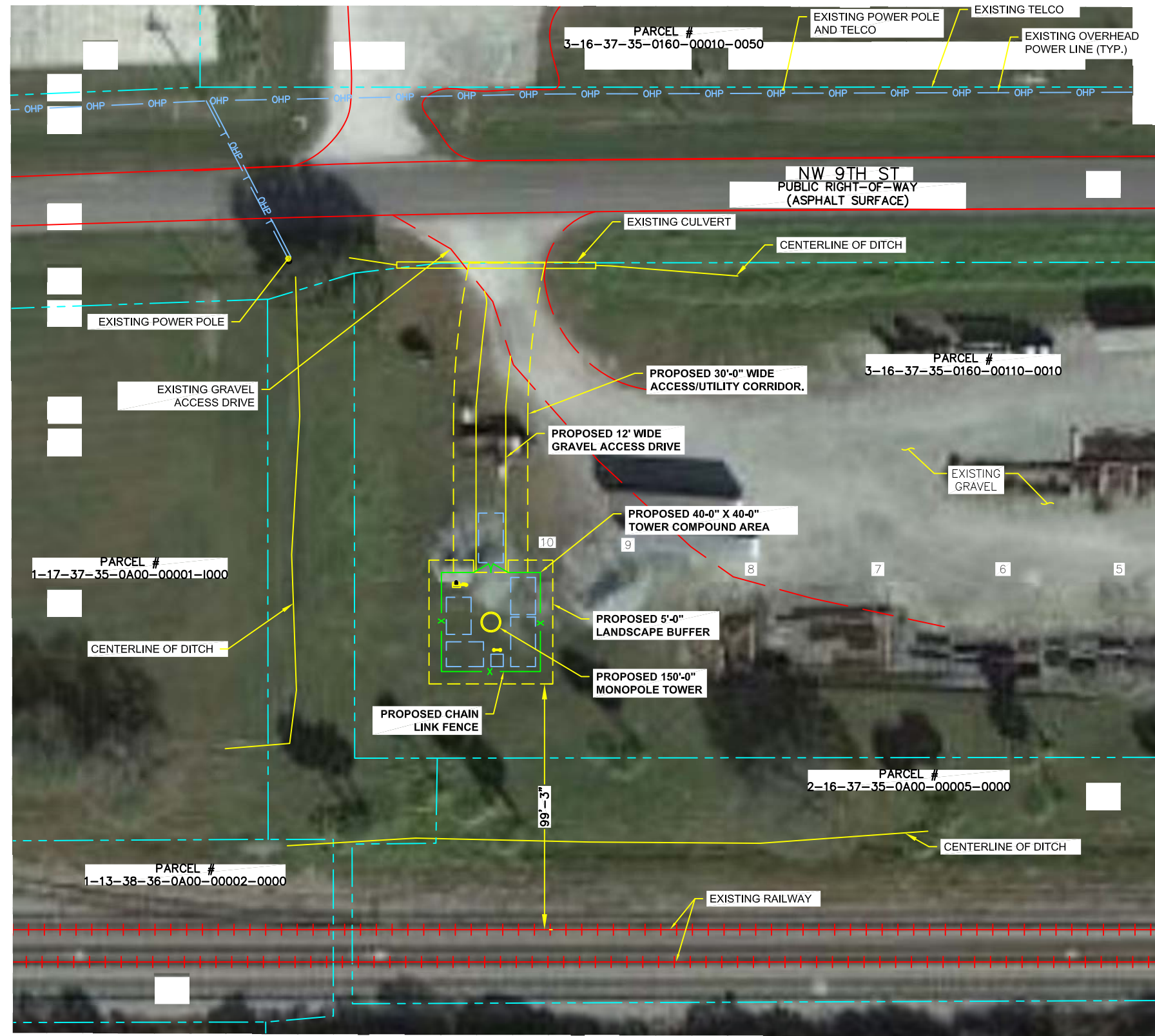
LAND USE: -

PARCEL NUMBER: 3-16-37-35-0160-00110-0010

LATITUDE: 27°15'07.7"N

LONGITUDE: 80°50'41.3"W

- LEGEND:**
- OHP — OVERHEAD POWER
 - x — x — PROPOSED CHAIN-LINK FENCE
 - x — x — EXISTING FENCE
 - — — — EXISTING EASEMENT
 - — — — PROPOSED EASEMENT
 - ROW — RIGHT-OF-WAY
 - — — — PROPOSED LEASE AREA
 - — — — EXISTING ROAD / TURNAROUND
 - — — — PROPERTY LINE



CITYSWITCH

1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345

[CSX.]

FDH INFRASTRUCTURE SERVICES

ENGINEERING INNOVATION

FDH INFRASTRUCTURE SERVICES, LLC
6621 MERIDIAN DRIVE RALEIGH, NC 27618
PHONE: 919-755-1012 FAX: 919-755-1031

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COA 28282
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PR-006900

SITE ID:
FLC034

SITE NAME:
OKEECHOBEE

FA LOCATION:
10126641

ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:
SATELLITE SITE PLAN

SHEET NUMBER:
C-1

- NOTES:
1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 2. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
 3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION, THERE IS NO HANDICAP ACCESS REQUIRED.
 4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
 5. UTILITIES TO BE CONFIRMED DURING SITE VISIT.
 6. SITE PLAN AND PROPERTY LINES DEVELOPED FROM SURVEY COMPLETED BY SMW ENGINEERING GROUP, INC, DATED 9/28/2021. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 7. PROPOSED SITE IS LOCATED IN EXISTING FLOOD ZONE X ACCORDING TO FEMA PANEL # 12093C0415C DATED JULY 16, 2015.

PARCEL INFORMATION:

OWNER: CSX TRANSPORTATION

JURISTIXION: CITY OF OKEECHOBEE

ZONING: INDUSTRIAL

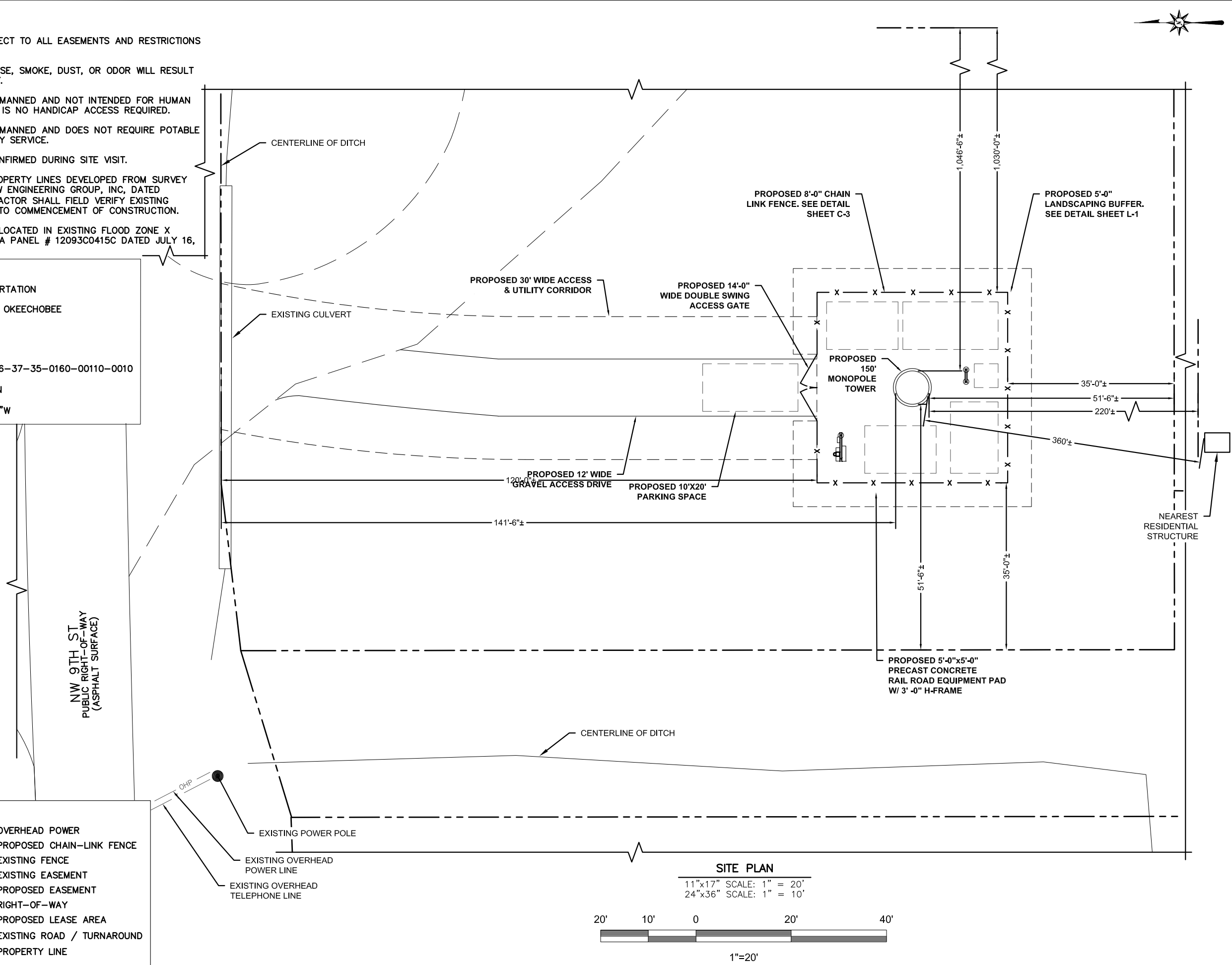
LAND USE: -

PARCEL NUMBER: 3-16-37-35-0160-00110-0010

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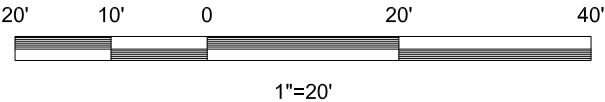
- LEGEND:**
- OHP — OVERHEAD POWER
 - x — x — PROPOSED CHAIN-LINK FENCE
 - x — x — EXISTING FENCE
 - - - - - EXISTING EASEMENT
 - - - - - PROPOSED EASEMENT
 - ROW — RIGHT-OF-WAY
 - - - - - PROPOSED LEASE AREA
 - EXISTING ROAD / TURNAROUND
 - - - - - PROPERTY LINE



SITE PLAN

11"x17" SCALE: 1" = 20'

24"x36" SCALE: 1" = 10'



CITYSWITCH

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PHONE: 919-755-1012 FAX: 919-755-1031

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SUBMITTALS				
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0	7/7/2022	CONSTRUCTION	MTS	JRB
1	8/10/2022	CONSTRUCTION	AEV	JRB
2	11/14/2022	CONSTRUCTION	ZK	JRB



8/10/2022

DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:
PR-006900

SITE ID:
FLC034

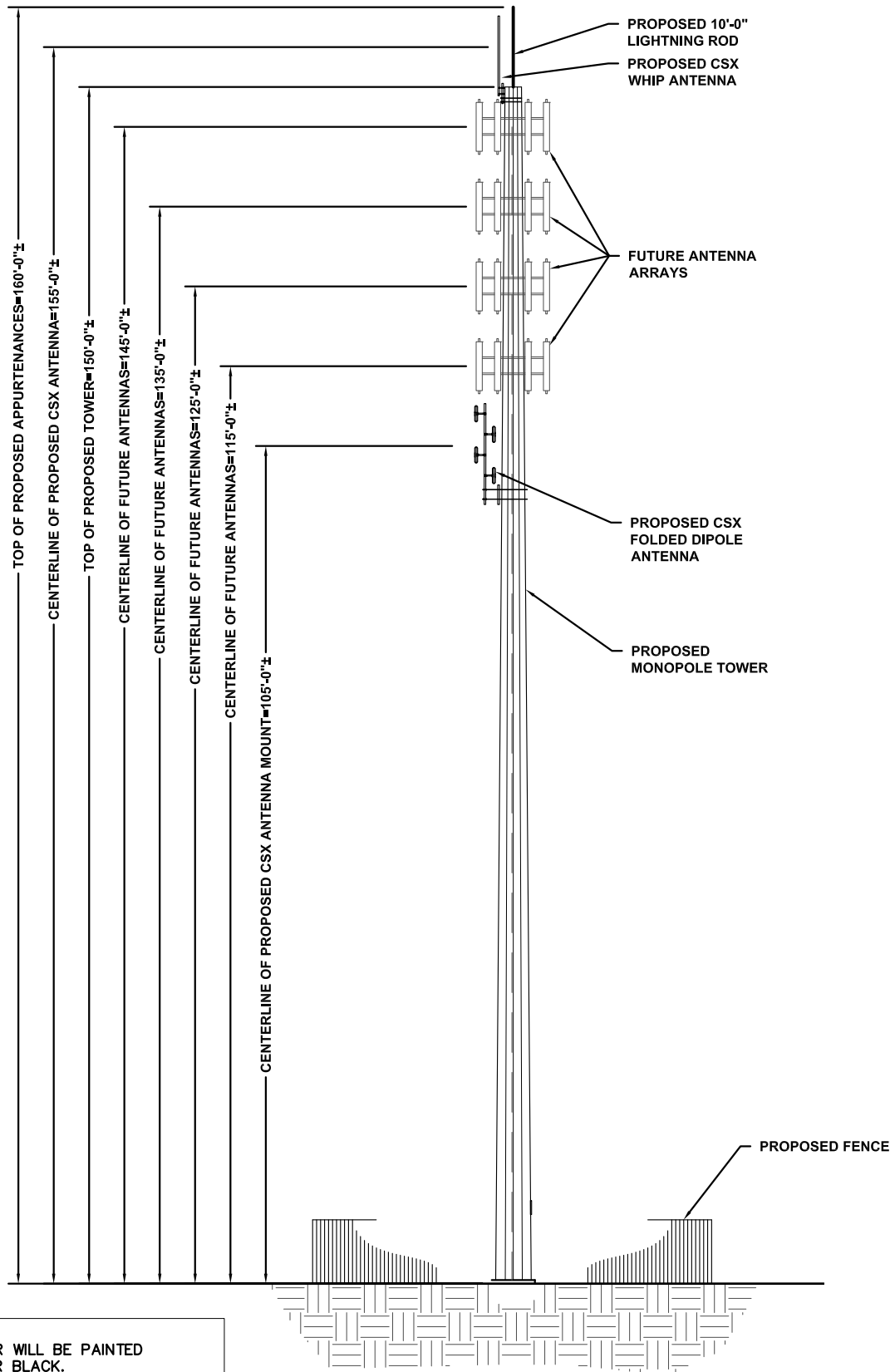
SITE NAME:
OKEECHOBEE

FA LOCATION:
10126641

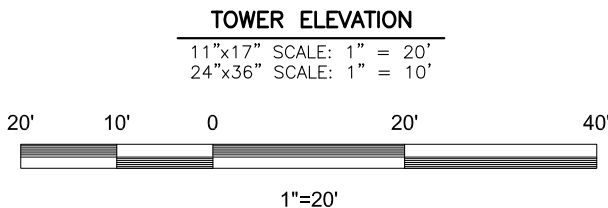
ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
C-1.1



NOTE:
1.) PROPOSED TOWER WILL BE PAINTED FLAT BLUE, GRAY OR BLACK.
2.) THE SCOPE OF WORK DOES NOT INCLUDE A STRUCTURAL EVALUATION OF THIS TOWER OR STRUCTURE. NEW ANTENNAS AND EQUIPMENT SHOWN ON THIS PLAN HAVE NOT BEEN EVALUATED TO VERIFY THE TOWER OR STRUCTURE HAS THE CAPACITY TO ADEQUATELY SUPPORT THESE ANTENNAS. PRIOR TO ANY ANTENNA OR EQUIPMENT INSTALLATION, A STRUCTURAL EVALUATION OF THE TOWER OR STRUCTURE, INCLUDING ALL ANTENNA MOUNTING SYSTEMS & HARDWARE SHALL BE PERFORMED.

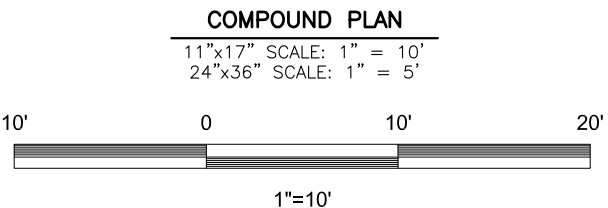
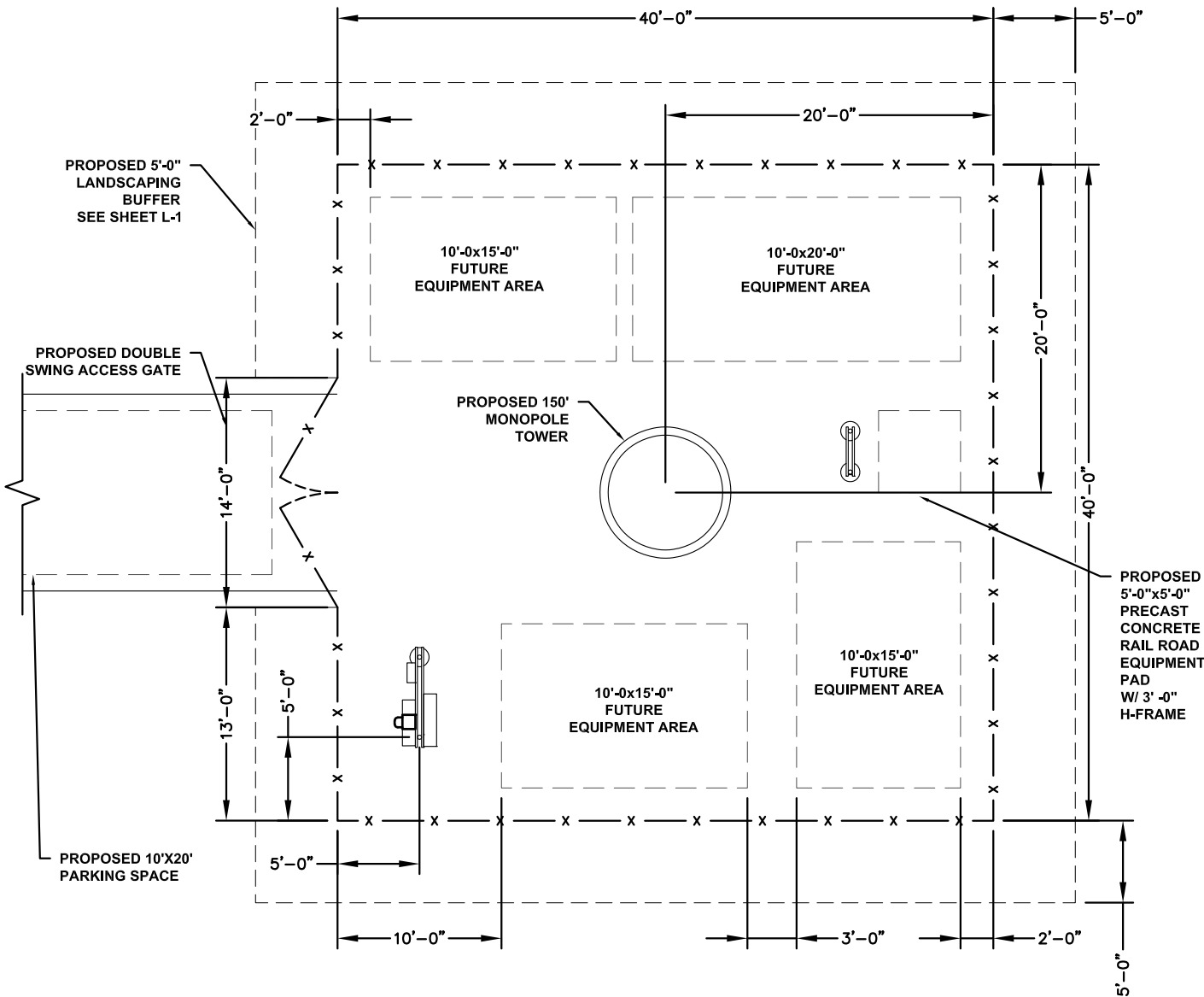


NOTES:

1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
2. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION, THERE IS NO HANDICAP ACCESS REQUIRED.
4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
5. UTILITIES TO BE CONFIRMED DURING SITE VISIT.
6. SITE PLAN AND PROPERTY LINES DEVELOPED FROM SURVEY COMPLETED BY SMW ENGINEERING GROUP, INC. DATED 9/28/2021. CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
7. PROPOSED SITE IS LOCATED IN EXISTING FLOOD ZONE X ACCORDING TO FEMA PANEL # 12093C0415C DATED JULY 16, 2015.

PARCEL INFORMATION:

OWNER: CSX TRANSPORTATION
JURISTITION: CITY OF OKEECHOBEE
ZONING: INDUSTRIAL
LAND USE: -
PARCEL NUMBER: 3-16-37-35-0160-00110-0010
LATITUDE: 27°15'07.7"N
LONGITUDE: 80°50'41.3"W



CITY SWITCH

1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345



FDH INFRASTRUCTURE SERVICES, LLC
6521 MERIDIAN DRIVE RALEIGH, NC 27618
PHONE: 919-755-1012 FAX: 919-755-1031

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DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:
PR-006900

SITE ID:
FLC034

SITE NAME:
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FA LOCATION:
10126641

ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

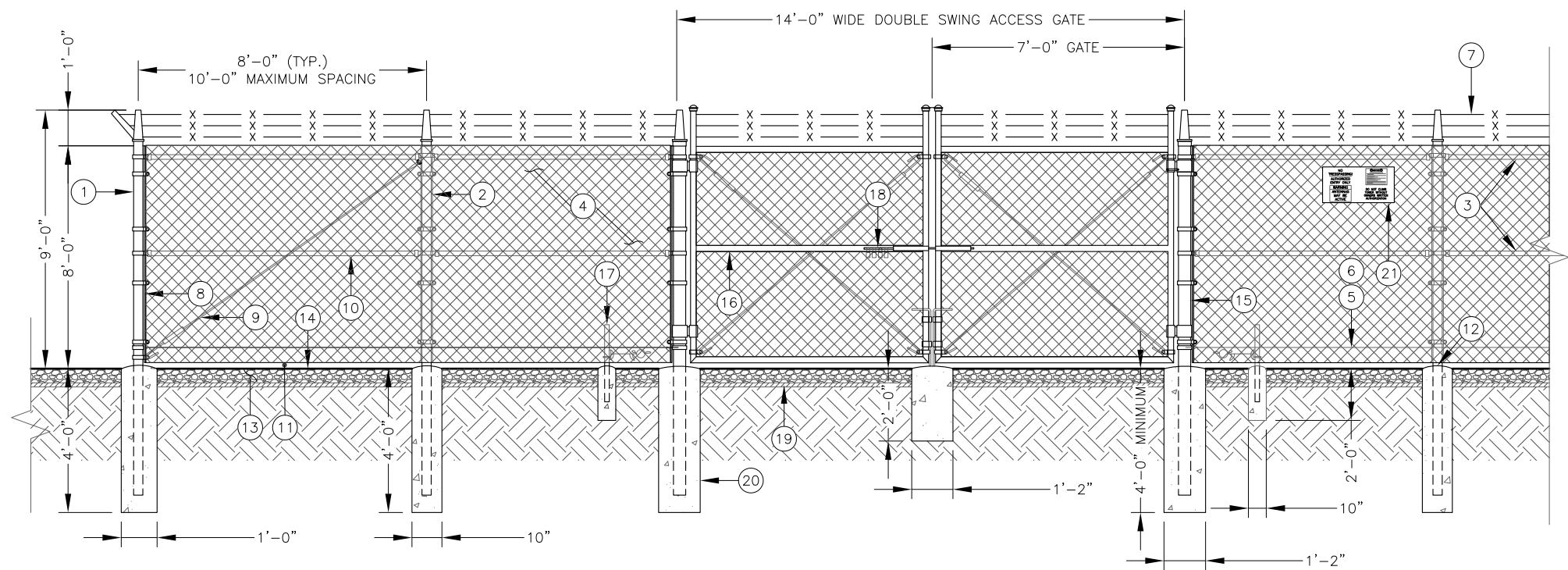
SHEET TITLE:
COMPOUND DETAILS

SHEET NUMBER:

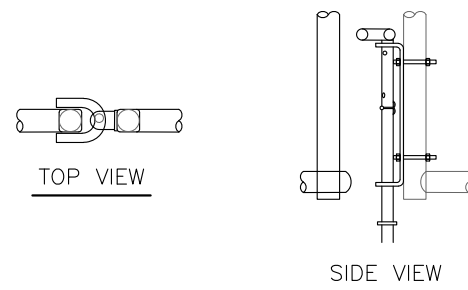
C-2

- (1) 3" O.D. GALVANIZED STEEL SCHEDULE 40 CORNER POSTS (PER ASTM-F1083).
- (2) 2-1/2" NOMINAL GALVANIZED STEEL, SCHEDULE 40 INTERMEDIARY LINE POSTS (PER ASTM-F1083). LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10' O.C.
- (3) 1-5/8" O.D. ROUND TOP RAIL & BRACE PIPE RAIL (PER ASTM-F1083).
- (4) 9 GAUGE FABRIC CORE WIRE WITH 2" MESH (TO CONFORM TO ASTM-A392).
- (5) 9 GAUGE ALUMINUM TIE WIRE. PROVIDE HOG RING FABRIC TIES SPACED 12" O.C. FOR POSTS AND GATES AND 24" O.C. FOR RAILS AND WIRE.
- (6) 9 GAUGE ALUMINUM TENSION WIRE.
- (7) 3 STRANDS 14 GAUGE BARBED WIRE WITH 4 POINT BARBS. SPACE BARBS APPROXIMATELY 5" O.C.
- (8) 3/16"x3/4" STRETCHER BAR; TO EXTEND FULL HEIGHT OF FENCE.
- (9) 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
- (10) 1-5/8" DIAMETER CORNER POST BRACE.
- (11) MAINTAIN A 1" MAXIMUM CLEARANCE FROM FINISHED GRADE.
- (12) PROVIDE CROWNED/PITCHED FINISH FOR FENCE POST PIER FOUNDATIONS; TO EXTEND 1" ABOVE GRADE.
- (13) 6" CRUSHED STONE (TYP.).
- (14) FINISHED GRADE SHALL BE UNIFORM AND LEVEL.
- (15) 4" O.D. GALVANIZED STEEL SCHEDULE 40 GATE POSTS (PER ASTM-F1083).
- (16) 1-1/2" NOMINAL PIPE FOR GATE FRAME BRACE RAIL (PER ASTM F-1083).
- (17) DUCK BILL OPEN GATE HOLDER. CONTRACTOR TO VERIFY EXACT LOCATION PRIOR TO INSTALLATION.
- (18) MULTI-TENTANT LOCKING DEVICE.
- (19) PROPOSED GEOTEXTILE FABRIC.
- (20) CONCRETE PIER FOUNDATION; TO ACHIEVE A MINIMUM STRENGTH OF 3000 PSI AT 28 DAYS. CONCRETE DEPTH TO BE A MINIMUM OF 6" BELOW FROST LINE (48" MINIMUM, TYP.).
- (21) 12"x24" NO TRESPASSING SIGN.

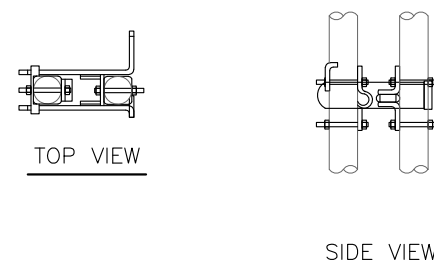
1. ALL FENCING TO BE INSTALLED PER ASTM F-567. ALL SWING GATES TO BE INSTALLED PER ASTM F-900.
2. BARBED WIRE PERMIT REQUIRED SHALL BE COMPLETED IF LOCAL ORDINANCE REQUIRES.
3. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALVANIZED (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDINGS SHALL BE COATED WITH (3) COATS OF GOLD GALV. (OR EQUAL). ALL OPEN POSTS SHALL HAVE END-CAPS.
4. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC USING GALVANIZED HOG-RING WIRE.
5. MUSHROOM ANCHOR AND PLUNGER REQUIRED FOR GATE. GENERAL CONTRACTOR RESPONSIBLE FOR GATE LOCK.



11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



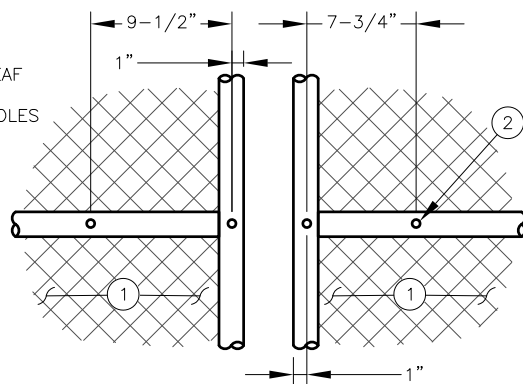
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

1. DRILL 3/8" HOLES IN THE GATE LEAF USING THE GATE DIMENSIONS PROVIDED.
2. SLIDE THE CARRIAGE BOLTS IN THE SLOTS ON THE BACK OF PART "B" AND PUSH THE BOLTS THROUGH THE HOLES DRILLED IN THE GATE FIGURE. PUT THE NUT AND THE LOCKNUT ON AND TIGHTEN AND CUT THE EXCESS BOLT OFF. DO THE SAME WITH PART "A".
3. ADD THE NUMBER OF SLEEVES NEEDED FOR THE NUMBER OF LOCKS AND SLIDE THE LOCKING BAR INTO PLACE THROUGH BOTH PART "A" AND PART "B". NOW INSTALL THE LOCKS.
4. IF THE GATE HAS NO CENTER BAR IN THE GATE LEAF YOU MAY WANT TO MOUNT THE STYMIELOCK VERTICALLY USING THE SAME DIMENSIONS GIVEN ON THE GATE FACE.
5. VERTICAL APPLICATION MAY ALSO BE USED ON SLIDING GATES WITH MULTIPLE LOCKS.

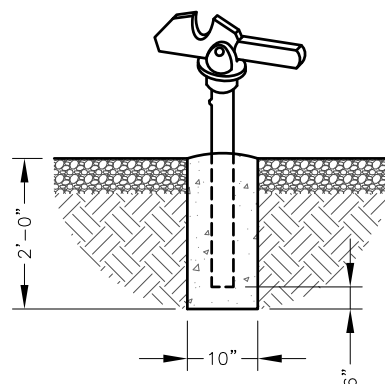
1. "STYMILOCK" MULTILOCKING DEVICE OR APPROVED EQUAL.

The diagram illustrates a mechanical locking assembly. It consists of two main rectangular components, labeled "PART 'A'" and "PART 'B'", which are connected by a horizontal "LOCKING BAR". Above each part is a "3/8\" CARRIAGE BOLT (TYP.)". To the left of Part A, there are four vertical "SLEEVES (TYP.)". Arrows point from the text labels to their corresponding parts in the diagram.

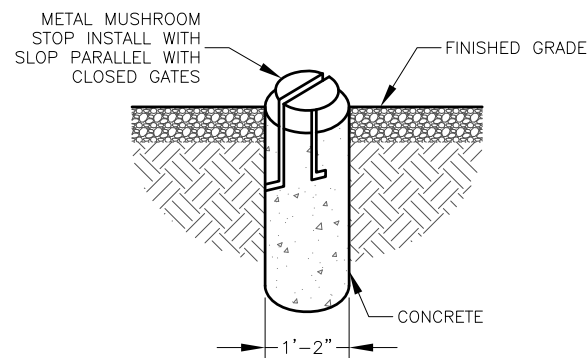
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



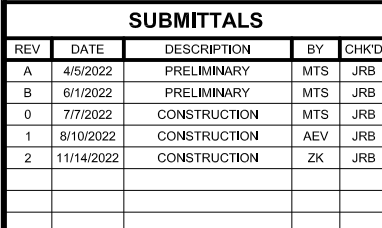
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



8/10/2
DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:
PR-006900

SITE ID:
FLC034

SITE NAME:
OKEECHOBEE

FA LOCATION:
10126641

ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:

FENCE DETAILS

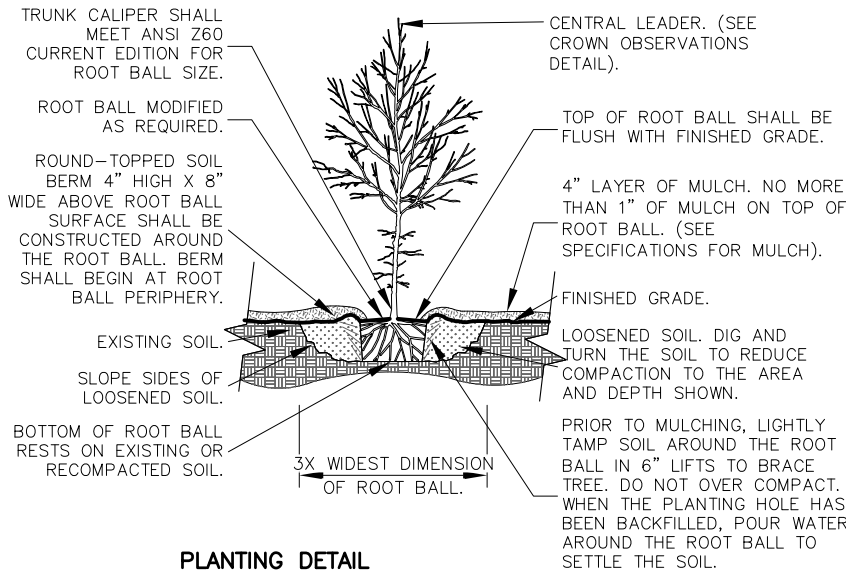
SHEET NUMBER:

C-3

LANDSCAPING NOTES:

1. CONTRACTOR TO MINIMIZE GRADING AND CLEARING TO MAXIMIZE THE USE OF EXISTING VEGETATION.
2. PLANTING AREAS SHALL BE PROTECTED FROM DAMAGE BY VEHICLES, LUBRICANTS, OR FUELS.
3. THE OWNER IS RESPONSIBLE FOR MAINTAINING ALL REQUIRED PLANT MATERIALS AND PLANTING AREAS IN GOOD HEALTH AND APPEARANCE. ALL DEAD, UNHEALTHY, OR MISSING PLANTS SHALL BE REPLACED WITHIN 180 DAYS WITH VEGETATION WHICH CONFORMS TO THE INITIAL PLANTING RATES AND STANDARDS.
4. CONSTRUCTION SITE ACTIVITIES SUCH AS PARKING, MATERIAL STORAGE, SOIL STOCKPILING AND CONCRETE WASHOUT SHALL NOT BE PERMITTED WITHIN TREE PROTECTION AREAS.
5. PROPOSED VEGETATION & PLANTING MATERIAL SHALL COMPLY WITH ALL LOCAL, STATE, FEDERAL REGULATIONS.
6. ALL PLANTINGS SHALL BE INSTALLED WITH A LAYER OF 3" SHREDDED HARDWOOD MULCH. ALL TREES AND SHRUBS SHALL BE PLANTED IN MULCH BEDS WITH SHOVELED EDGE.

- NOTES:
- 1- TREES SHALL BE OF QUALITY PRESCRIBED IN CROWN OBSERVATIONS AND ROOT OBSERVATIONS DETAILS AND SPECIFICATIONS.
- 2- SEE SPECIFICATIONS FOR FURTHER REQUIREMENTS RELATED TO THIS DETAIL.

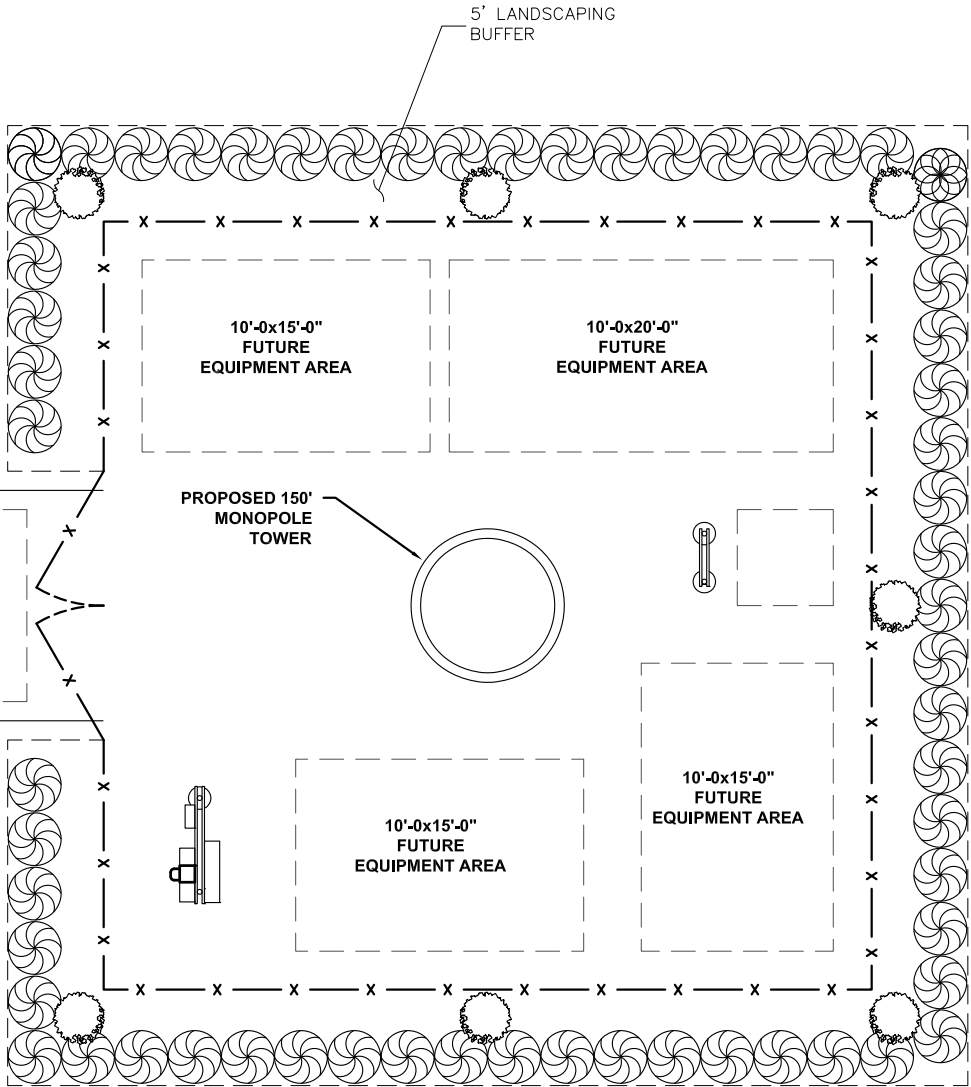


PLANTING DETAIL

11"x17" SCALE: N.T.S.
22"x34" SCALE: N.T.S.

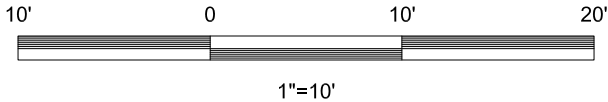
PROPOSED PLANT SCHEDULE								
TYPE	BOTANICAL NAME	COMMON NAME	SPECIFICATION					
			QUANTITY	HEIGHT	CALIPER	ROOT	SPACING	SYMBOL
CANOPY TREE	PINUS PALUSTRIS	LONGLEAF PINE	7	8'-0" (MIN.)	3"	32"	25' C/C	
SHRUB	RHODODENDRON SPP.	AZALEA	56	3'-0" (MIN)	3 GAL.	-	3' C/C	

NOTE:
1- BEDDING MATERIAL SHALL CONSIST OF WOOD CHIP MULCH AND 3" (MIN.) EVENLY SPREAD IN A 2-FT. RADIUS SURROUNDING PROPOSED PLANTS.



LANDSCAPING PLAN

11"x17" SCALE: 1" = 10'
24"x36" SCALE: 1" = 5'



CITY SWITCH

1900 CENTURY PLACE, SUITE 320
ATLANTA, GA 30345



FDH INFRASTRUCTURE SERVICES, LLC
6621 MERIDIAN DRIVE RALEIGH, NC 27618
PHONE: 919-756-1012 FAX: 919-756-1031

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2	11/14/2022	CONSTRUCTION	ZK	JRB



8/10/2022
DENNIS D. ABEL, PE
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE NO. 62750

FDH JOB NUMBER:
PR-006900

SITE ID:
FLC034

SITE NAME:
OKEECHOBEE

FA LOCATION:
10126641

ADDRESS:
1117 NW 9TH ST
OKEECHOBEE, FL 34972

SHEET TITLE:
LANDSCAPING
PLAN

SHEET NUMBER:
L-1



27271 Las Ramblas, Suite 300
Mission Viejo, CA 92691

October 27, 2020

SBA Corporation
Site Administration
8051 Congress Avenue
Boca Raton, FL 33487-1310

Re: AT&T Cell Site Lease – 2773 NORTHWEST 8TH STREET, OKEECHOBEE, FL | FA: 10126641 | Site Name: WEST OKEE

Dear Landlord,

AT&T is in a very competitive space and we need to ensure that our lease terms and conditions are supportive of our current and future needs. AT&T has the option to either extend or terminate the above referenced lease ("Lease") in approximately three years. AT&T is instituting a new program to evaluate terms and conditions of all leases coming up for renewal, explore advance renegotiation options and consider possible alternative site locations. Our first choice is to create a new agreement that serves both parties well. Conditions we desire to implement in all new "go forward" leases include:

- "Real Estate Rights": In its simplest form, a lease right to utilize the entire RAD center without any "per touch" rent upcharges.
- Rents reduced to competitive rates.
- Reduced or no annual escalators (depending on other terms of the overall new deal).
- "Fair" early termination rights.

As you know, it takes time to negotiate, plan and execute a site relocation. That is why the AT&T's review process is starting now. Please review the specifics of our Lease agreement and advise if you are willing to enter into discussions regarding a new, modified contract. For new terms consistent with the above, AT&T will in turn consider additional term extensions.

AT&T will appreciate a reply within 60 days of receipt of this letter. A "no" or non-response will trigger AT&T's review of alternate locations. A positive response will be appreciated, but satisfactory terms and conditions negotiations must conclude within 90 days or AT&T will continue to evaluate alternative site locations. Responses may be emailed, standard mail, or a call as designated below. Please reference FA number 10126641 in your response so that AT&T may ensure your response is documented accordingly.

AT&T values its association with you and looks forward to continuing this relationship for the long term.

Sincerely,

Gregory D. Ohmer
Director Network Planning

Email Responses to: g04000@att.com with a Subject line of **Partnership – FA 10126641**

Mail Responses to: AT&T Cell Site Partnership 2423
FA 10126641
Rm 3D22
1025 Lenox Park Blvd NE
Atlanta, GA 30319
Attn: Kevin Diehl
Telephone Number 866-354-5888



**SWORN STATEMENT OF SPENCER GAMRELL IN SUPPORT OF NEW TOWER
CONSTRUCTION**

BY CitySwitch II-A, LLC

PULASKI COUNTY)
) ss.
STATE OF ARKANSAS)

Spencer Gambrell, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Arkansas and serve as Director — Network Planning for AT&T Wireless ("**AT&T**").

2. I manage AT&T's high-rent relocation program, under which AT&T identifies high-cost or economically burdensome antenna site leases that accommodate AT&T's communications equipment and relocates its communications equipment onto lower-cost alternative antenna site lease locations to either improve or maintain wireless coverage.

3. I am familiar with the proposed tower to be constructed by CitySwitch II-A, LLC ("**CitySwitch**") at 1117 NW 9th St., Okeechobee, Florida 34972 (the "**CitySwitch Tower**"). I am also familiar with the existing communications tower (the "**SBA Tower**") owned by SBA 2012 TC Assets, LLC ("**SBA Communications**") which is located at 1678 Northwest Ninth Avenue, Okeechobee, FL 34972. Both the existing SBA Tower and the location of the proposed CitySwitch Tower are located in AT&T's coverage search ring for this part of the City of Okeechobee and Okeechobee County.

4. AT&T currently leases space on the SBA Tower, along with related ground space at the base of the SBA Tower, to locate its communications equipment (the "**Wireless Facilities**"). AT&T has located its Wireless Facilities on the SBA Tower since August 2014, but AT&T now desires to relocate its Wireless Facilities onto the CitySwitch Tower as the SBA Tower has become a high-cost antenna site structure for AT&T.

5. This sworn statement is made to attest that having its Wireless Facilities remain on the SBA Tower, which is the only existing communications support structure in AT&T's search ring, is economically burdensome for AT&T and would not result in the same cost-effective operation as compared to what AT&T could achieve if it relocated its Wireless Facilities to the CitySwitch Tower.

Co-Location on the SBA Tower is Economically Burdensome

6. AT&T maintains a co-location agreement with SBA for the SBA Tower. Under this agreement, SBA increases the rent, assesses other costs and poses other logistical issues when AT&T installs additional Wireless Facilities on the SBA Tower. AT&T anticipates future rent increases and costs from SBA if it remains co-located at the SBA Tower. Those rent increases and costs would result from, among other things, AT&T's equipment rights on the SBA Tower.

7. The current rent charged by SBA to co-locate on the SBA Tower is over two- & one-half times what CitySwitch will charge AT&T to co-locate on the CitySwitch Tower. Pursuant to the agreement between AT&T and CitySwitch, annual rent increases are less than the annual rent increases charged by SBA. At the current rate of rent increases, over the next twenty (20) years, the difference in rent paid by AT&T to remain on the SBA Tower versus relocating on the CitySwitch Tower is well over two million dollars.

8. Since AT&T located on the SBA Tower in August 2014, rent and escalators have become more competitive in the tower marketplace. New tower companies have entered the marketplace since August 2014, which has also led to more competitive economic terms in tower lease agreements. Considering these competitive economic terms from other tower companies, AT&T has requested tower rent reductions from SBA. Unlike other tower companies, SBA has resisted an economically sustainable cost structure with its existing AT&T co-location leases, such that many of these leases have become economically burdensome for AT&T.

9. Decommissioning an existing Wireless Facility in favor of moving to an alternate tower location is something AT&T will only do in limited circumstances. AT&T will bear a significant capital cost in decommissioning its Wireless Facilities installation on the SBA Tower and relocating to the CitySwitch Tower. Despite these relocation costs, the CitySwitch Tower remains a better co-location option for AT&T.

10. AT&T has made this determination because the current rents and other charges to co-locate on the SBA Tower have been categorized as high-cost as compared to other existing sites in AT&T's portfolio and the rents charged by other tower companies, such as CitySwitch.

11. AT&T has entered into nationwide development and master lease agreements with CitySwitch, which I am familiar with. Under these agreements, CitySwitch will construct at its own expense and own communications towers upon which AT&T will lease space to install its Wireless Facilities. AT&T does not bear any costs for the construction of a tower owned by CitySwitch.

12. Per these agreements and as is the case with the CitySwitch Tower, AT&T pays CitySwitch rent in return for 30,000 square inches of wind load surface area of loading and defined space on each tower and does not pay increased rent for additions to its Wireless Facilities provided said facilities remain within the predetermined space and loading limits. The agreed upon tower space and loading limits have taken into consideration the future additions and upgrades projected for AT&T's Wireless Facilities.

13. There are no other structures (other than the SBA Tower) located in AT&T's search ring capable of accommodating its Wireless Facilities.

14. The economic terms imposed upon AT&T by SBA to remain co-located on the SBA Tower are not cost-effective and are economically burdensome for AT&T especially when the nearby CitySwitch Tower presents a more competitive and flexible co-location option.

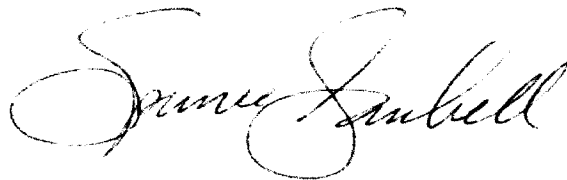
The CitySwitch Tower provides superior mobile service functionality.

15. Technological changes and market trends in the wireless communications industry require AT&T to continuously upgrade its Wireless Facilities. AT&T is also obligated to build out FirstNet, which is our country's first nationwide integrated data network for providers of emergency services.

AT&T's lease agreement for the SBA Tower does not include "set aside" capacity reserved for the future needs of AT&T's Wireless Facilities. Every time AT&T desires to improve the Wireless Facilities installed on the SBA Tower, it must apply to SBA which then triggers an application fee and a lengthy administrative review process, which typically includes a structural analysis of the tower and an amendment to

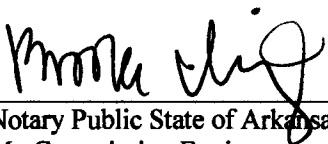
the existing lease agreement. This administrative process may take several months and results in unnecessary time delay and additional costs in the deployment of the upgraded Wireless Facilities.

16. Conversely, AT&T's master tower lease agreement with CitySwitch allows AT&T to rent 30,000 square inches of tower space and loading on a CitySwitch Tower. This space and loading capacity is reserved exclusively for AT&T and will accommodate the needs for AT&T's Wireless Facilities well into the future. This arrangement benefits AT&T because it increases the speed of deploying Wireless Facilities and gives AT&T greater flexibility to upgrade technologies and respond to the ever-changing coverage and capacity demands of its wireless network. Provided it does not exceed the reserved space and capacity limits in the co-location agreement, AT&T is free to upgrade its Wireless Facilities on the CitySwitch Tower with little to no delay.



Spencer Gambrell

Subscribed and sworn to before me
this 20 day of October, 2022.



Notary Public State of Arkansas
My Commission Expires



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW CINGULAR)	
WIRELESS PCS, LLC D/B/A AT&T MOBILITY FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO)	2020-00310
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF PULASKI)	

ORDER

On September 21, 2020, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (AT&T Mobility), and Uniti Towers LLC (jointly, Joint Applicants) filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 317 feet in height, with attached antennas, to be located at 240 Happy Ridge Road, Nancy, Pulaski County, Kentucky 42544. The coordinates for the proposed facility are North Latitude 37°06'00.76" by West Longitude 84°46'36.42".

The Joint Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Joint Applicants have filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807

KAR 5:063, the Joint Applicants have filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention.

The Joint Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

On October 29, 2020, SBA Communications Corporation (SBA) filed a motion for intervention in this matter. As grounds for the intervention, SBA avers that the proposed construction would not provide services to a currently unserved part of Kentucky and would be duplicative due to the proximity of SBA's existing tower in the area.¹ In addition, SBA argues that it has the ability to help develop facts that will assist the Commission in determining whether the Joint Applicants have met all of the requirements of 807 KAR 5:063.² On September 9, 2021, the Commission denied SBA's motion, finding that SBA's only interest in AT&T Mobility's rates and service is as a competitor, and thus does not have a special interest in the proceeding that is not otherwise adequately represented, and is not likely to present issues or develop facts that would assist the Commission in considering this matter without unduly complicating the proceeding.³

¹ SBA's Motion to Intervene (filed Oct. 29, 2020).

² *Id.*

³ Order (Ky. PSC Sept. 9, 2021) at 5–6.

SBA owns the tower on which AT&T Mobility currently has its antennae. AT&T Mobility plans to move its antennae from SBA's tower to the new tower once it is built.⁴ While SBA's motion to intervene was pending, SBA filed a total of three public interim comments into the record in support of its motion to intervene and seeking to prevent Joint Applicant's construction of the proposed tower.⁵ The Commission acknowledges that SBA indicates through public comment that it offered to lower the rent on its existing tower;⁶ however, the Commission affords this comment little weight, given the timing and circumstances under which it was filed. Assuming, *arguendo*, that the Commission afforded weight to the offer of lowered rental rates, leases are for a defined time and yet, given the probability this very issue would arise again upon expiration of the lease, evade the Commission's review because of another last-minute offer to lower rental rates. The Commission notes that this offer was made approximately seven months after the filing of the application, which only served to disrupt and delay the proceedings before the Commission.

SBA's only interest is to remain AT&T Mobility's landlord, whether by complicating the proceeding or by engaging in rent negotiations within the proceeding. As the Commission has noted in another case in which SBA sought intervention: "The Commission is under no illusion that SBA's request to intervene in this case is anything

⁴ The Commission approved construction of SBA's tower in Case No. 2001-00384, *Application of Third Kentucky Cellular Corporation DBA Wireless 2000 Telephone and Northstar Technology, LLC. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility In The Louisville-Lexington-Evansville Major Trading Area, Russell Springs, Pulaski County, Kentucky* [Nancy] (Ky. PSC Apr. 20, 2002).

⁵ This does not support SBA's argument that its participation would not unduly complicate the proceedings if it were to be granted intervention.

⁶ SBA's Interim Public Comment (filed Apr. 5, 2021).

other than an attempt to protect its monopoly as the owner of the only tower in the area.”⁷ Although SBA has advanced additional arguments since the Commission’s decision in Case No. 2017-00345, SBA’s interest remains the same: SBA is a competitor with an interest in keeping tower rents high by limiting the number of towers. This runs counter to one of the stated purposes of the Telecommunications Act of 1996, which is to promote competition,⁸ as well as KRS 278.546(4), which states that market-based competition benefits consumers. Unreasonable and excessive fees for rent on a tower have the potential to divert resources that could otherwise be used to invest in expanding wireless networks and conducting necessary network upgrades necessary to meet increased demand for wireless voice and broadband services.

The Commission has encouraged co-location as the preferred method in the provision of wireless service; however, the opportunity to co-locate must be “reasonably available.”⁹ Unreasonably high rent or onerous conditions render such opportunities unreasonable.

The Commission, in addition to state law, is bound by federal law when considering the construction of wireless facilities:

A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period

⁷ Case No. 2017-00435, *Application of Tillman Infrastructure LLC and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Marshall* (Ky. PSC Mar. 26, 2018), Order at 5.

⁸ *T-Mobile USA INC. v. City of Anacortes*, 572 F.3d 987, 991 (9th Cir. 2009).

⁹ 807 KAR 5:063(1)(s).

of time after the request is duly filed with such government or instrumentality.¹⁰

Based upon the foregoing, the Commission finds that Joint Applicants, because of the lack of reasonable opportunities to co-locate due to high rental rates, have established a need for the proposed tower.¹¹ The Joint Applicants' determination that based on available information it is economically feasible to construct a tower rather than remain on SBA's tower due to the lower costs, underscores the need for the tower. Furthermore, the Commission finds that while the proposed tower may result in duplication of facilities, it is not wasteful duplication under Kentucky law. Kentucky's highest court has determined that wasteful duplication is "an excessive investment in relation to productivity or efficiency, and an unnecessary multiplicity of physical properties, such as right of ways, poles and wires."¹² Building a new tower to avoid excessive rental rates is not an excessive investment; neither is an investment to avoid continual contentious rental rate negotiations that pose a significant risk of excess expense. Furthermore, should SBA's tower cease to host cellular antennae for a period longer than three months, SBA must

¹⁰ 47 U.S.C.A. § 332(c)(7)(B)(ii).

¹¹ The wireless market is competitive and, other than the placement of towers and interconnection with other telecommunications providers, the Commission has little jurisdiction over wireless providers, including no jurisdiction over the rates and earnings of a wireless provider. See KRS 278.54611. Thus, unlike traditionally regulated utilities, the Commission does not monitor wireless providers for unwise or unreasonable investments in utility plant.

¹² *Kentucky Utilities Co. v. Public Service Com'n*, 252 S.W.2d 885, 890 (Ky. 1952).

notify the Commission,¹³ at which point the Commission will determine the future of the tower, alleviating any concerns of “unnecessary multiplicity” of wireless tower.

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that the Joint Applicants have demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN to construct the proposed facility should be granted.

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

IT IS THEREFORE ORDERED that:

1. The Joint Applicants are granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 317 feet in height, with attached antennas, to be located at 240 Happy Ridge Road,

¹³ Case No. 2001-00384, *Application of Third Kentucky Cellular Corporation DBA Wireless 2000 Telephone and Northstar Technology, LLC. for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Louisville-Lexington-Evansville Major Trading Area, Russell Springs, Pulaski County, Kentucky [Nancy]* (Ky. PSC Apr. 20, 2002), Order at 3.

Nancy, Pulaski County, Kentucky. The coordinates for the proposed facility are North Latitude 37°06'00.76" by West Longitude 84°46'36.42".

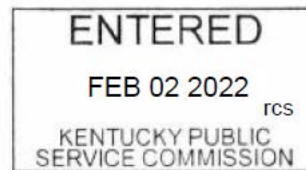
2. The Joint Applicants shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for three months in the manner authorized by this Order.

3. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the post-case correspondence file.

4. This case is closed and removed from the Commission's docket.

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By the Commission



ATTEST:


Executive Director

Case No. 2020-00310

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