PUTNAM COUNTY BOARD OF ZONING APPEALS MINUTES

February 8, 2021

The Putnam County Board of Zoning Appeals met for its regular monthly meeting on February 8, 2021 at 7:00 p.m. in the Putnam County Courthouse, 1 West Washington Street, 1st Floor, Greencastle, IN 46135. Raymond McCloud called the meeting to order at 7:00 p.m. A roll call was taken to determine a quorum. The following members were present: Raymond McCloud, Kevin Scobee, Randy Bee, Ron Sutherlin, and Lora Scott. Also present was Jim Ensley, attorney; and Lisa Zeiner, Plan Director. Audience present see attached sign in sheet.

REVIEW OF MINUTES

Raymond McCloud asked if there were any corrections or additions to the January 11, 2021 meeting minutes.

Lora Scott stated that on the first page in the 8th paragraph "purse" should be "pursue"; on the second page in the first sentence of the first paragraph "but" should be "buy"; and on the third page the fourteenth paragraph "Amy Green" should be "Amber Green". Mrs. Scott made a motion to approve the January 11, 2021 minutes contingent on corrections being made.

Mr. McCloud seconded the motion. The January 11, 2021 minutes were approved with said corrections with all in favor.

OLD BUSINESS:

<u>2020-SE-11-01: VERIZON</u> – Special Exception to replace an existing cell tower with a new cell tower located at 1431 E US 40; Zoned A2 in Warren Township 11/13N/4W.

Jim Ensley stated that the public hearing portion of this meeting had taken place at the December 14, 2020 meeting. Mr. Ensley explained that the case was tabled in December until the January 11th meeting, however the petitioner had requested a continuance at the January meeting until tonight.

Mr. Russell Brown, attorney for Verizon, approached the board. Mr. Brown explained that the existing tower was constructed in 1991 and per the zoning ordinance is a legal nonconforming use. Mr. Brown stated that the proposed replacement tower would be reduced in height from the existing tower. Mr. Brown explained that it would not be expanding on the non-conforming use. Mr. Brown stated that per Federal Statue 47 USCS 1455 the proposed tower does not substantially change the physical dimensions of such tower or base station. Mr. Brown explained that he was asking for the boards approval to up grade the existing tower to bring it into compliance with landscaping and current state and federal regulations.

Mr. Ensley explained that the State Law makes it clear that if a tower already exists, they can exist. The federal code states that a modification of an existing tower cannot be denied. Mr. Ensley stated that the state and federal codes came after the County's wireless communication ordinance.

Mr. McCloud stated that local government many not deny and shall approve any eligible facilities request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

Mr. Ensley stated that this case is similar to the pipeline transfer station in that a higher authority allows it.

Mrs. Scott asked under what conditions of modifications would exceed local control.

Mr. Brown explained that if an existing tower was increasing in height or if there was a dramatic change in the footprint, that would be a substantial change. Mr. Brown stated that the existing tower is 30 years old and changes in the equipment going up brings structural issues with the tower because of the weight of the new equipment.

Randy Bee stated that at the last meeting there was a concern with drainage issues.

Mr. Brown stated that if an issue exists the drainage issue will be added to the configuration of the new tower. Mr. Brown explained that engineers were looking at the issue as it relates to the new area.

Rhonda McHugh asked if she could approach the board as the daughter of the property owner who brought up the drainage concerns.

Mr. McCloud allowed Mrs. McHugh to speak on the issue.

Mrs. McHugh asked who they needed to contact to discuss the drainage concerns.

Mr. Brown stated that he would leave his card with her and get her contact information to give to the engineers.

Mrs. McHugh stated that per the statues and codes no substantial changes can be approved. Mrs. McHugh further stated that the changes to the tower are substantial to the surrounding property owners.

Mr. Ensley explained that in 1991 when the tower was constructed there was no zoning in the County. Zoning began in the county in 1992, which makes this tower a legal non-conforming use. Mr. Ensley stated that under the statues and codes it is allowed to continue to exist. Mr. Ensley stated that in the 1992 Zoning Ordinance wireless communication was not address. Mr. Ensley explained that in 2012 or so the county passed a wireless communication.

Mrs. McHugh stated that the base of the tower is changing from 10 ½ feet to 22 ½ feet on each side, that is more than a substantial difference.

Mr. Ensley stated that based on his interpretation of the state law, if it meets the criteria it should be approved.

Mrs. McHugh stated that the area is residential, and the tower will hurt property values. Mrs. McHugh further stated that when the original tower when up the surrounding property owners didn't have a say, now they still do not have a say.

Mr. McCloud stated that based on the State law the County's hands were tied.

Mrs. McHugh stated that Verizon was doing a disservice to the area and encouraged Verizon to sell the land so that they could buy another plot away from the residential area.

Mrs. Scott stated that it appeared from the documents submitted that the existing tower had been evaluated by engineers and the design and capacity was exceeded. Mrs. Scott asked if Verizon was building the new tower not just to build the business but because of the safety issues.

Mr. Brown stated that the existing structure was in failure structurally as well as not having the capacity for new upgraded equipment. Mr. Brown explained that the Federal standards required the towers to meet a certain wind stability as well as ice stability. Mr. Brown stated that the current tower does not meet the current standards, which is why they are asking permission to build the replacement tower.

Mrs. Scott stated that the objective is to make the tower safer.

Mrs. McHugh asked if someone wanted to purchase the land the tower was on what the price would be.

Mr. Brown stated that he did not have the authority to address that question. Mr. Brown explained that the property was not for sale.

Mrs. McHugh stated that at the December meeting it was mentioned that there was no plan to place 5G on the tower. Mrs. McHugh explained that according to a Superbowl commercial 5G was coming.

Mr. Brown stated that there was no plan for 5G. Mr. Brown explained that the Federal Government states that as long as the 5G antenna is placed higher than 30 feet off the ground there is no safety concerns. Mr. Brown explained that 5G was not supported in rural areas. Mr. Brown stated that for 5G to be efficient it would require a tower to be placed every 1,000 feet.

Mr. Scobee asked about the drainage issues.

Mr. Brown stated that he would get with the owner and exchange contact information.

Mrs. Scott made a motion to approve the Special Exception for the communication tower as presented based on the recommendations from the Plan Director.

Mr. McCloud seconded the motion.

The special exception was approved with all in favor.

<u>2021-BZA-2: ASHLEY & AARON DAYHUFF:</u> Development Standards Variance to allow the building setback line to be changed from 50 feet to 30 feet along County Road 100 N for Lot 14 of Madison Hills Subdivision

Lisa Zeiner, Plan Director, stated that she received a letter from the Madison Hills Homeowners Association stating that the side setbacks were 30 feet and therefore the Dayhuff's did not need to get permission from the board for a reduction in setbacks.

<u>2021-BZA-3: CURTIS PREFERRED AUTO:</u> Special Exception to allow auto storage in an A1 zoned district for property located at 6420 E CR 600 N

Hollie Curtis, owner of the property, approached the board. Mrs. Curtis stated that there is an existing 60 foot by 80 foot pole barn on the property that they are wanting to use to repair vehicles before sending them to an auction.

Mr. McCloud asked how many cars would be at the property.

Mrs. Curtis stated there would be five to seven.

Mr. McCloud asked if all the vehicles would be inside the barn.

Mrs. Curtis stated that they would be stored only in the barn. Mrs. Curtis explained that it would not be opened to the public.

Mrs. Scott asked how the vehicles are brought to the property.

Mrs. Curtis stated that the vehicles are brought in on a flatbed.

Mr. McCloud asked how many days the business would be in operation.

Mrs. Curtis stated that only three days per week. Mrs. Curtis explained that they have a dealer's license through the state. Mrs. Curtis stated that they work on the vehicles on the weekends and Monday to get them ready for the auction.

Mrs. Scott asked if they sell to a specific dealer.

Mrs. Curtis stated that they take the vehicles to a dealership auction. Mrs. Curtis explained that Indiana no longer had a wholesaler's license. Therefore, they must have a dealer's license and that one of the requirements of this license is to have proper zoning approval.

Mr. Sutherlin asked if there were plans for expansion.

Mrs. Curtis stated that she hoped not.

Mr. Sutherlin asked what type of repairs were done on the vehicles.

Mrs. Curtis stated that they do what is needed, transmission repair, engine repair, exhaust, etc.

Mr. Scobee asked how many employees they had.

Mrs. Curtis stated that it was just her, her husband and their 18-year-old son, no other employees.

Mr. Sutherlin asked what was done with the fluids.

Mrs. Curtis stated that the fluids are collected so that a company can recycle them.

Mr. McCloud asked if the business would be open to the public.

Mrs. Curtis said no.

Mr. Scobee asked about a sign.

Mrs. Curtis stated that currently a sign has not been placed. Mrs. Curtis explained that per the State of Indiana a sign with the name of the business, the hours and phone number was required.

Mr. Scobee asked why a sign was proposed when they would not have customers.

Mrs. Curtis stated that the State requires them to have a dealers license and the sign is also required by State law.

Mr. McCloud aske if they were acting as a car broker and not advertising.

Mrs. Curtis stated that the sign would be on the building and not at the road so it would not be advertising the business. Mrs. Curtis explained that they did not want people coming in for repairs.

Mr. Ensley stated that the sign could not exceed ten square feet.

Mrs. Scott made a motion to approve the Special Exception under Contractor Storage Yard which is allowed in an A1 district with the following stipulations:

- 1. No business activities done outside the existing pole barn
- 2. No outside storage of vehicles except those licensed and plated to the owners (Robert Curtis, Jr. & Hollie Curtis)
- 3. The Special Exception is only for the current owner (Robert Curtis, Jr. and Hollie Curtis)
- 4. The Special Exception is revoked once the property is sold
- 5. The sign must be attached to the existing pole barn
- 6. The sign cannot exceed 10 ft²

Mr. Sutherlin seconded the motion.

The Special Exception to allow a Contractor Storage Yard in an A1 zoned district for the property located at 6420 E CR 600 N Bainbridge was approved with all in favor.

NEW BUSINESS

<u>2021-BZA-4: MICHAEL CLAPRODT:</u> Development Standards Variance to allow the reduction of the side setback from 30 feet to 5 feet in an A1 Zoned District for the property located at 4480 E CR 650 N Bainbridge, Floyd Township 8/15N/3W on 5.09 acres

Michael Claprodt, owner of property, approached the board. Mr. Claprodt stated that he had a 1100 square foot log cabin with a loft and no storage space. Mr. Claprodt explained that he wanted to build a barn for storage to keep items out of the weather. Mr. Claprodt stated that he would like to place the barn five (5) feet from the property line to move it back from the driveway. Mr. Claprodt explained that the required 30-foot setback would put the barn in a ravine. Mr. Claprodt showed the board the aerial of the property, the proposed location of the barn, and the ravines. Mr. Claprodt stated that a ten (10) foot setback would work, but a five (5) setback would be better, the thirty (30) foot setback would mean that the barn could not be built.

Mr. Sutherlin asked if the south property line was wooded and if a ten-foot setback would be acceptable.

Mr. Claprodt stated that the south line was wooded, and he could live with a ten-foot setback.

Mr. McCloud made a motion to approve the development standards variance with a minimum ten (10) foot setback at the south property line.

Mr. Scobee seconded the motion.

The Development standards variance with a minimum ten (10) foot setback was approved with all in favor.

2021-BZA-5: CATHERINE BURDINE: Development Standards Variance to allow the reduction of the side setback from 30 feet to 1 foot in an A1 zoned district of the property located at 13689 N CR 50 W Roachdale, Franklin Township 4/16N/4W on 0.99 acres

Mrs. Scott stated that she would be recusing herself from the vote on this petition.

Catherine Burdine, owner of the property, approached the board. Mrs. Burdine stated that they are wanting to build a barn for their llamas on the north side of their property.

Mr. Sutherlin asked why requesting a reduction to one (1) foot for the side setback.

Mrs. Burdine stated that her dad was not willing to sell any part of his adjoining property and place the barn at the required thirty (30) foot setback would have the barn on top of the dwelling. Mrs. Burdine explained that there was no other place for the barn to go as the septic system for the dwelling was in the front yard and the septic tank was approximately eight (8) feet from the dwelling. Mrs. Burdine showed the board the proposed plot plan and discussed where the septic was in relation to the proposed barn.

Mr. McCloud asked how far from the house the barn would be located.

Mrs. Burdine explained that if the tree was removed, they could place the barn five (5) from the dwelling. Mrs. Burdine stated that the proposed location would be twenty (20) feet from the dwelling. Mrs. Burdine explained that the property was landlocked around her parents' parcel. Mrs. Burdine discussed the existing structures on the property being the dwelling and a detached garage.

Mr. Sutherlin explained that there appears to be several issues with the property, one being that it was split off in 1994 and did not conform to the Zoning Ordinance that was in place at the time. Mr. Sutherlin stated that the split should not have been allowed. Mr. Sutherlin explained that with the dwelling and existing barn, adding another barn makes it tight.

Mr. Scobee asked how this .99 acres could have been split in 1994. Mr. Scobee also asked about the existing barn.

Mrs. Zeiner stated that minutes from 1992 through 1994 did not exist. Mrs. Zeiner explained that she was not sure if the split came before any board at the time it was done. Mrs. Zeiner stated that per the Putnam County GIS property card information, the existing barn appears to have been built in 2017.

James Burdine, property owner, stated that the barn was built by Joe Fischer. Mr. Burdine explained that they redid the walls and roof, but the barn was there when it was purchased the property in 2013.

Mr. McCloud asked the board their thoughts on moving the barn so that it was at least ten (10) feet from the property line.

Mr. Bee stated that ten (10) feet would be better.

Mr. McCloud made a motion to approve the development standards variance with the following stipulations:

- 1. The barn must be at least ten (10) feet from the east and north property lines
- 2. No other buildings would be allowed to be built on this property
- 3. The proposed barn could not exceed 60 feet by 30 feet

Mr. Ensley stated that commitments would have to be recorded in case the property was sold.

Mr. Scobee seconded the motion.

The Development Standards Variance for 13689 N CR 50 W with the above stated stipulations was approved with three in favor (Mr. Scobee, Mr. McCloud, and Mr. Bee), one abstaining (Mrs. Scot) and one opposed (Mr. Sutherlin).

COMMUNICATION REPORTS:

Mr. McCloud made a motion to accept the Monthly Report as submitted.

Mr. Bee seconded the motion. The January 2021 monthly report was accepted as presented with all in favor.

Mr. McCloud made a motion to adjourn the meeting.

Mr. Bee seconded the motion.

Meeting adjourned at 8:19 p.m.

Minutes approved on the day of March

Raymond McCloud, President

PUTNAM COUNTY BOARD OF ZONING APPEALS 1 Courthouse Square Room 46 GREENCASTLE, IN 46135 (765) 301-9108

DATE: FEBRUARY 8, 2021

TIME: 7:00 P.M.

PLACE: 1 W. WASHINGTON ST., 1ST FLOOR, GREENCASTLE

NEXT MEETING DATE: MARCH 8, 2021

AGENDA

- 1) CALL TO ORDER
- 2) ROLL CALL DETERMINATION OF QUORUM
- 3) REVIEW OF MINUTES January 11, 2020 Meeting
- 4) OLD BUSINESS
 - a. 2020-SE-11-01: VERIZON Special Exception to replace an existing cell tower with a new cell tower located at 1431 E US 40; Zone A2 in Warren Township 11/13N/4W
 - b. 2021-BZA-2: ASHLEY & AARON DAYHUFF Development Standards Variance to allow the building setback to be changed from 50 feet to 30 feet along County Road 100 N. Property located at the northeast corner of CR 390 W and CR 100 N, being Lot 14 of Madison Hills Subdivision.
 - c. 2021-BZA-3: CURTIS PREFERRED AUTO Special Exception to allow auto storage in an A1 Zoned district. Property located at 6420 E CR 600 N om Floyd Township 15/15N/3W.

5) NEW BUSINESS

- a. 2021-BZA-4: MICHAEL CLAPRODT Development Standards Variance to allow the reduction of the side setback from 30 feet to 5 feet in an A1 zoned district for the property located at 4480 E CR 650 N Bainbridge, Floyd Township 8/15N/3W on 5.09 acres.
- b. 2021-BZA-5: CATHERINE BURDINE Development Standards Variance to allow the reduction of the side setback from 30 feet to 1 foot in an A1 zoned district for the property located at 13809 N CR 50 W Roachdale, Franklin Township 4/16N/4W on 0.99 acres.
- 6) COMMUNICATION REPORT
 - a. Monthly Report
- 7) ADJOURNMENT

Putnam County Board of Zoning Appeals Sign in Sheet

February 8, 2021

1. Bran-M. dland Bergs	2. Ryan Lapie
3. Hollie Cursis	4. Michael Chapract
5. fm b	6. Anda Matuge
7	8
9	10
11	12
13	14
15	16
17	18
19	20

2020-SE-11-01 Exh:bit 'A' 2/8/2021 meeting

Verizon Wireless

Requests for Special Exception

1431 E. US 40, Cloverdale Putnam County, Indiana

2020-SE-1101

Putnam County Board of Zoning Appeals
January 8, 2021

Prepared by CLARK, QUINN, MOSES, SCOTT & GRAHN

TAB 1.....AERIAL TAB 2.....EVIDENCE OF 1991 **CONSTRUCTION OF TOWER** TAB 3.....EVIDENCE OF VERIZON OWNERSHIP 2019 & 1991 TAB 4.....DOCUMENTATION OF STRUCTURAL TOWER FAILURE TAB 5.....FAA DETERMINATION OF NO HAZARD TAB 6.....COVERAGE MAPS **BEFORE AND AFTER**







Antenna Structure Registration

FCC > WTB > ASR > Online Systems > ASR Search

FCC Site Map

ASR Registration Search

Registration 1029295

? HELP

New Search Printable Page Reference Copy 💠 Map Registration

Registration Detail

Reg Number

1029295

Status

Constructed

File Number

A1130216

Constructed

10/31/1991

EMI

No

Dismantled

NEPA

No

Antenna Structure

TOWER - Free standing or Guyed Structure used for Commu Structure Type

Location (in NAD83 Coordinates - Convert to NAD27)

Lat/Long

39-35-00.0 N 086-49-32.0 W

Address

2.5 MI WSW INT RTS 40 & 231

City, State

GREENCASTLE, IN

Zip

County

PUTNAM

Center of

AM Array

Position of Tower

in Array

Heights (meters)

Elevation of Site Above Mean Sea Level

46120

Overall Height Above Ground (AGL)

249.9

94.5

Overall Height Above Mean Sea Level

Overall Height Above Ground w/o Appurtenances

344.4

91.4

Painting and Lighting Specifications

FAA Chapters 4, 8, 13

Paint and Light in Accordance with FAA Circular Number 70/7460-1H

FAA Notification

FAA Study

91-AGL-0951-OE

FAA Issue Date

10/04/1991

Owner & Contact Information

FRN

0003290673

Owner Entity

General Partnership

Type

Assignor FRN

0004372322

Assignor ID

L00127162

Owner

Cellco Partnership

P: (770)797-1070

5055 North Point Pkwy

Attention To: Network Regulatory

NP2NE Network Engineering

Alpharetta, GA 30022

E: Network.Regulatory@verizonwireless.com

Contact

Manager, Regulatory

P: (770)797-1070

Attention To: Network Regulatory

F:

ASR Registration 1029295

5055 North Point Pkwy NP2NE Network Engineering Alpharetta , GA 30022

E: Network.Regulatory@verizonwireless.com

Last Action Status

Status

Constructed

Received

02/13/2019

Purpose

Change Owner

Entered

02/13/2019

Mode

Interactive

Related Applications

02/13/2019

A1130216 - Change Owner (OC)

03/28/2002

A0253015 - Change Owner (OC)

09/10/1997

A0034749 - New (NE)

Comments

Comments

None

History

Date

Event

02/14/2019

Registration Printed

02/14/2019

Change of Ownership Letter Sent

02/13/2019

Change of Ownership Received

All History (6)

Automated Letters

02/14/2019

Authorization, Reference

02/14/2019

Ownership Change, Reference 1032300

03/29/2002

Ownership Change, Reference 207232

All letters (4)

ASR Help

<u>ASR License Glossary</u> - <u>FAQ</u> - <u>Online Help</u> - <u>Documentation</u> - <u>Technical Support</u>

ASR Online Systems TOWAIR - CORES - ASR Online Filing - Application Search - Registration Search

About ASR

Privacy Statement - About ASR - ASR Home

Registration Search By Registration Number >

(SUBMIT)

FCC | Wireless | ULS | CORES

Federal Communications Commission 45 L Street NE Washington, DC 20554

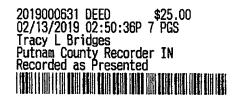
Help | Tech Support

Phone: 1-877-480-3201 TTY: 1-717-338-2824 Submit Help Request



FEB 1 3 2019





SPECIAL WARRANTY DEED

Parcel No(s). 67-12-11-200-005.001-017

THIS INDENTURE WITNESSETH, That INDIANA RSA NO. 5 LIMITED PARTNERSHIP, an Indiana limited partnership ("Grantor") Conveys and Warrants to CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, a Delaware general partnership ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Putnam County, State of Indiana (the "Property"):

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN.

Together with all hereditaments and appurtenances belonging thereto, to have and to hold forever.

Property Address: US Highway 40, Cloverdale, Putnam County, Indiana

Subject to current real property taxes not yet due and payable and the matters set forth on **EXHIBIT B** attached hereto and made a part hereof.

And Grantor does hereby covenant with Grantee that Grantor will warrant and forever defend title to the Property against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.

The undersigned person(s) executing this deed on behalf of Grantor represent and certify that he/she/they is/are duly elected officer(s) of Grantor and has/have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

SALES DISCLOSURE APPROVED

Site 398303 - Greencastle

4824-1038-6565v3 2928948-000018 PUTNAM COUNTY ASSESSOR

IN WITNESS WHI	EREOF, Grantor has executed this d	eed this 11th day of
February, 2019.	GRANTOR:	
	INDIANA RSA N PARTNERSHIP	O. 5 LIMITED
	By: Indiana RSA # General Partne	
	By: feld (f	William
	Title: Authorized Senior Vice President	Representative, and
	Telephone and Dat	
	ACKNOWLEDGMENT	
Before me, a Notary Public in an Authorized Representative and Telephone and Data Systems, I Limited Partnership, who acknowled	SS: d for said County and State, personally appear Senior Vice President - Acquisitions ar nc. of Indiana RSA #5, Inc., general part wledged the execution of the foregoing Dece ally sworn, stated that the representations therei	nd Corporate Development, ther of Indiana RSA No. 5 d for and on behalf of said
Witness my hand and Notarial Se	al this 7th day of February	, 2019.
My Commission expires:	Signature Classific Toles Resident of Cook State of Illiania	CHRISTOPHER J OLES Official Seal Notary Public – State of Illinois My Commission Expires May 24, 20
Grantee's Mailing Address: Cellco F Valley Road, Bedminster, NJ 07921	Partnership d/b/a Verizon Wireless, Attn: Network	Real Estate, 180 Washington
Send Tax Bills to: Cellco Partnershi Road, Bedminster, NJ 07921	p d/b/a Verizon Wireless, Attn: Network Real Est	ate, 180 Washington Valley
<u>Upon Recording Return To</u> : Fidelity Site 398303 - Greencastle	National Title, 135 North Pennsylvania, Suite 157	75A, Indianapolis, IN 46204
4824-1038-6565v2 2928948-000018		

P

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(#

Seller/Grantor Signature Page to Indiana Sales Disclosure Form Property No. 67-12-11-200-005.001-017 Greencastle Site

SELLER/GRANTOR:

Under penalties of perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by law, and is prepared in accordance with IC 6-1.1-5.5, "Real Property Sales Disclosure Act".

> INDIANA RSA NO. 5 LIMITED **PARTNERSHIP**

By: Indiana RSA #5, Inc., Gengfal Partner

Printed Name: Scott H. Williamson Title: Authorized Representative, and

Senior Vice President -

Acquisitions and Corporate Development,

Telephone and Data Systems, Inc.

February 11,2019

Buyer/Grantee Signature Page to Indiana Sales Disclosure Form Property No. 67-12-11-200-005.001-017 Greencastle Site

BUYER/GRANTEE:

Under penalties of perjury, I hereby certify that this Sales Disclosure, to the best of my knowledge and belief, is true, correct and complete as required by law, and is prepared in accordance with IC 6-1.1-5.5, "Real Property Sales Disclosure Act".

CELLCO PARTNERSHIP d/b/a Verizon Wireless

Printed Name: Steven R. Smith

Title: SVP Commercial Finance & Business

Development

Date: February 11,2019

<u>This instrument prepared by</u>: Richard L. Pensinger, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 211 Commerce Street, Suite 800, Nashville, Tennessee 37201

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Richard L. Pensinger

Site 398303 - Greencastle

4824-1038-6565v3 2928948-000018

EXHIBIT A

Property Description

SITUATE IN THE STATE OF INDIANA, COUNTY OF PUTNAM AND BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE SECOND PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED, TO-WIT: COMMENCING AT A CORNER POST MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 NORTH, RANGE 4 WEST; THENCE SOUTH 00 DEGREES 06 MINUTES WEST 2019.17 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 40; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE NORTH 78 DEGREES 33 MINUTES EAST 161.40 FEET; THENCE NORTHEASTERLY 116.19 FEET ON A CURVE TO THE LEFT HAVING A RADIUS OF 8549.37 FEET AND SUBTENDED BY A LONG CHORD BEARING NORTH 70 DEGREES 04 MINUTES EAST A DISTANCE OF 116.19 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING OF THE REAL ESTATE HEREIN DESCRIBED; THENCE NORTH 17 DEGREES 10 MINUTES WEST 43.15 FEET TO AN IRON PIN; THENCE NORTH 01 DEGREE 10 MINUTES WEST 417.34 FEET TO AN IRON PIN; THENCE NORTH 10 DEGREES 12 MINUTES EAST 124.10 FEET TO AN IRON PIN; THENCE NORTH 21 DEGREES 00 MINUTES EAST 96.14 FEET TO AN IRON PIN; THENCE NORTH 87 DEGREES 25 MINUTES EAST 314.65 FEET TO A T BAR ON THE WEST LINE OF A 5.14 ACRE TRACT; THENCE SOUTH 03 DEGREES 17 MINUTES EAST 534.22 FEET WITH THE WEST LINE OF SAID 5.14 ACRES TRACT TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 40; THENCE SOUTHWESTERLY 409.19 FEET WITH SAID NORTH RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 8549.37 FEET AND SUBTENDED BY A LONG CHORD BEARING SOUTH 68 DEGREES 19 MINUTES WEST A DISTANCE OF 409.15 FEET TO THE POINT OF BEGINNING, CONTAINING 5.24 ACRES, MORE OR LESS.

ALSO, THE RIGHT OF INGRESS AND EGRESS OVER A STRIP OF GROUND BEING 20.00 FEET WIDE WHEN MEASURED AT RIGHT ANGLES TO AND BOUNDED ON THE EAST BY THE FOLLOWING DESCRIBED LINE: BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 5.24 ACRES TRACT; THENCE NORTH 17 DEGREES 10 MINUTES WEST 43.15 FEET TO AN IRON PIN; THENCE NORTH 01 DEGREE 10 MINUTES WEST 417.34 FEET TO AN IRON PIN AND THE END OF SAID EASEMENT.

Site 398303 - Greencastle

4824-1038-6565v3 2928948-000018

EXHIBIT B

- 1. Right-of-way Easement and associated rights to Universal Gas Company, dated November 12, 1929 and recorded October 3, 1931 in Miscellaneous Record 13, page 249; assigned to Indiana Gas and Water Company, Inc., by instrument dated June 30, 1953 and recorded July 14, 1953 in Deed Record 118, page 304; release and quitclaim of certain easement rights from Indiana Gas Company, Inc. to Public Service Company of Indiana, Inc., dated May 6, 1987 and recorded June 23, 1987 in Miscellaneous Record 75, page 470, in the Recorder's Office of Putnam County, Indiana.
- 2. Right-of-way easement and associated rights to Postal Telegraph-Cable Company of America, dated April 27, 1937 and recorded May 5, 1937 in Miscellaneous Record 15, page 101 in the Putnam County Recorder's Office.
- 3. Right-of-way easement and associated rights to the State Highway Commission, dated June 4, 1936 and recorded April 11, 1962 in Miscellaneous Record 30, page 198.
- 4. Right-of-way easement for water lines and associated rights to South 43 Water Association, dated February 19, 1970 and recorded March 4, 1970 in Miscellaneous Record 36, page 273.
- 5. Reservations and terms thereof set forth in Warranty Deed to Indiana RSA No. 5 Limited Partnership, dated June 29, 1991 and recorded October 9, 1991 in Deed Record 200, page 140.

RECURED FOR RECORD PROPERTY. 9 day (Cct, 1991 and recorded in record number 1200 ___ page 12:10 o'clock

Ouly Enlored for Taxation Mystle Cabrell Mullior 7-15-91

Betty Mc Farland

WARRANTY DEED

PUINAM LOUNTY RECORDER
For consideration of one dollar (\$1.00) and other good and valuable consideration in hand paid, WILBUR D. CRAWLEY and JUDITH D. CRAWLEY, husband and wife, Grantors, hereby convey and warrant unto INDIANA RSA NO. 5 LIMITED PARTNERSHIP, an Indiana limited partnership, Grantee, the following described real property:

Myrela Cabrille

SITUATE IN THE STATE OF INDIANA, COUNTY OF PUTNAM AND BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE SECOND PRINCIPAL Cely Entered for Tarathen MERIDIAN, MORE PARTICULARLY DESCRIBED, TO-WIT: COMMENCING AT A CORNER POST MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 13 NORTH, RANGE 4 WEST; THENCE SOUTH 00 DEGREES 06 MINUTES WEST 2019.17 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 40; THENCE WITH SAID MORTH RIGHT-OF-WAY LINE NORTH 78 DEGREES 33 MINUTES EAST 161.40 FEET; THENCE NORTHEASTERLY 116.19 FEET ON A CURVE TO THE LEFT HAVING A RADIUS OF 8549.37 FEET AND SUBTENDED BY A LONG CHORD BEARING NORTH 70 DEGREES 04 MINUTES EAST A DISTANCE OF 116.19 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING OF THE REAL ESTATE HEREIN DESCRIBED; THENCE NORTH 17 DEGREES 10 MINUTES WEST 43.15 FEET TO AN IRON PIN; THENCE NORTH 01 DEGREE 10 MINUTES WEST 417.34 FEET TO AN IRON PIN; THENCE NORTH 10 DEGREES 12 MINUTES EAST 124.10 FEET TO AN IRON PIN; THENCE NORTH 21 DEGREES 00 MINUTES EAST 96.14 FEET TO AN IRON PIN; THENCE NORTH 87 DEGREES 25 MINUTES EAST 314.65 FEET TO A T BAR ON THE WEST LINE OF A 5.14 ACRE TRACT; THENCE SOUTH 03 DEGREES 17 MINUTES EAST 534.22 FEET WITH THE WEST LINE OF SAID 5.14 ACRES TRACT TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 40; THENCE SOUTHWESTERLY 409.19 FEET WITH SAID NORTH RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 8549.37 FEET AND SUBTENDED BY A LONG CHORD BEARING SOUTH 68 DEGREES 19 MINUTES WEST A DISTANCE OF 409.15 FEET TO THE POINT OF BEGINNING, CONTAINING 5.24 ACRES, MORE OR LESS.

ALSO, THE RIGHT OF INGRESS AND EGRESS OVER A STRIP OF GROUND BEING 20.00 FEET WIDE WHEN MEASURED AT RIGHT ANGLES TO AND BOUNDED ON THE EAST BY THE FOLLOWING DESCRIBED LINE: BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 5.24 ACRES TRACT; THENCE NORTH 17 DEGREES 10 MINUTES WEST 43.15 FEET TO AN IRON PIN; THENCE NORTH O1 DEGREE 10 MINUTES WEST

417.34 FEET TO AN IRON AND THE END OF SAID - EASEMENT.

· 医胸部 计图

Subject to the following reservation: Grantors hereby reserve unto themselves and their heirs and assigns the right to go upon all open, unfenced, and unimproved portions of the aforesaid Real Property for the purpose of engaging in agricultural activities, specifically the cultivation of growing crops and the grazing of livestock.

Together with all hereditaments and appurtenances belonging thereto, to have and to hold, forever.

WITNESS our signatures this 29th day of thre

Wilbur D. Crawley

Wilbur D. Crawley

Judith D. Crawley

STATE OF INDIANA)
COUNTY OF Putnam;

I, the undersigned, a notary public for the State and County aforesaid, do hereby certify that WILBUR D. CRAWLEY and JUDITH D. CRAWLEY, known to me to be the same persons who executed the foregoing Warranty Deed, appeared before me this day in person and severally acknowledged that they signed the said Warranty Deed as their free and voluntary act for the uses and purposes therein stated.

Given under my hand and seal this 2911-day of

#3276 Real his tolk kelokis

15 day July 19-7/ and recorded in record number 199

7:57 o'clock P M

Beety Mc Farland.

FUTINAL COUNTY RECORDER

My commission expires:

my commission expi

Prepared by, and when recorded please return to:
 United States Cellular Corporation
 Real Estate Department
8410 W. Bryn Mawr Suite 700
 Chicago, IL 60631

SITE CANDIDATE SUMMARY:

Existing structure is failing extremely. The below information has been included in red from the A&E Firm that performed the latest Structural Analysis, Power of Design (POD). Said Structural Analysis is dated 10/17/19.

The tower and foundations are failing and require modification.

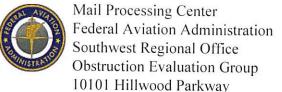
Results:

Tower Capacity: 137.9% Fail Foundation Capacity: 176.0% Fail

This site is another that was not designed to G Code. It was designed with 1/2" ice and G Code requires 1". We are recommending reinforcing the tower legs from 0'-160' and 240'-260'.

Estimated construction cost is \$350k-\$500k.

Due to the extremity of failure and urgency to alleviate the situation, Verizon Wireless requested Craig and Associates to research jurisdictional requirements and prepare a SCIP package for this tower relocation.



Fort Worth, TX 76177

Aeronautical Study No. 2020-AGL-8623-OE

Issued Date: 07/06/2020

Network Regulatory Cellco Partnership 5055 North Point Pkwy NP2NE Network Engineering Alpharetta, GA 30022

** 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 WS 40 231 II - A (16047587)

Location:

Cloverdale, IN

Latitude:

39-35-01.17N NAD 83

Longitude:

86-49-30.80W

Heights:

817 feet site elevation (SE)

275 feet above ground level (AGL)

1092 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

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

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

	At least 10 days prior to start of construction (7460-2, Part 1)
X	Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/06/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- 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 E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before August 05, 2020. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on August 15, 2020 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, 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 includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed

structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

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

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AGL-8623-OE.

Signature Control No: 437456366-444614700

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

Additional information for ASN 2020-AGL-8623-OE

AERONAUTICAL STUDY NO. 2020-AGL-8623-OE

Abbreviations

VFR - Visual Flight Rules AGL - Above Ground Level RWY - runway
IFR - Instrument Flight Rules MSL - Mean Sea Level nm - nautical mile

AMSL - above mean sea level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

1. LOCATION OF PROPOSED CONSTRUCTION

The proposed Antenna Tower at 275 feet AGL/1092 feet AMSL has been identified as an obstruction under Part 77 standards. The structure would be located 3.04 south of the Putnam County Regional Airport (GPC) airport reference point (ARP) in Greencastle, IN. GPC elevation is 842 feet MSL.

2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.17(a)(2) - A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport with its longest runway more than 3,200 feet in actual length. The structure would exceed by 50 feet.

3. EFFECTS ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: The VFR traffic pattern airspace (TPA) is not penetrated.

FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures. There is no penetration into the VFR traffic pattern airspace.

There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.

There are no effects on any airspace and routes used by the military.

The GPC Airport Master Record can be viewed or downloaded at; https://adip.faa.gov/agis/public/#/airportData/GPC. It states that there are sixteen (16) single engine, five (5) multi engine aircraft based there with 3,481 operations for the 12 months ending 12/31/2019 (latest information).

- b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows: Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival or en route IFR operations or procedures.
- c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.
- d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures is not considered to be significant.

4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circularized for public comment on May 29, 2020. No comments were received as a result of the circularization.

5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

6. BASIS FOR DECISION

Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. Just because a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case the proposal would exceed Section 77.17(a)(2) by 50 feet - a height that exceeds 1042 feet above mean seal level within 3.04 nautical miles of GPC; however, it would not conflict with airspace require to conduct normal VFR traffic patterns operations. There are no IFR impacts and the VFR traffic pattern airspace is not impacted. The incorporation of lighting would provide additional pilot conspicuity for IFR and VFR operations conducted in the vicinity of GPC airport.

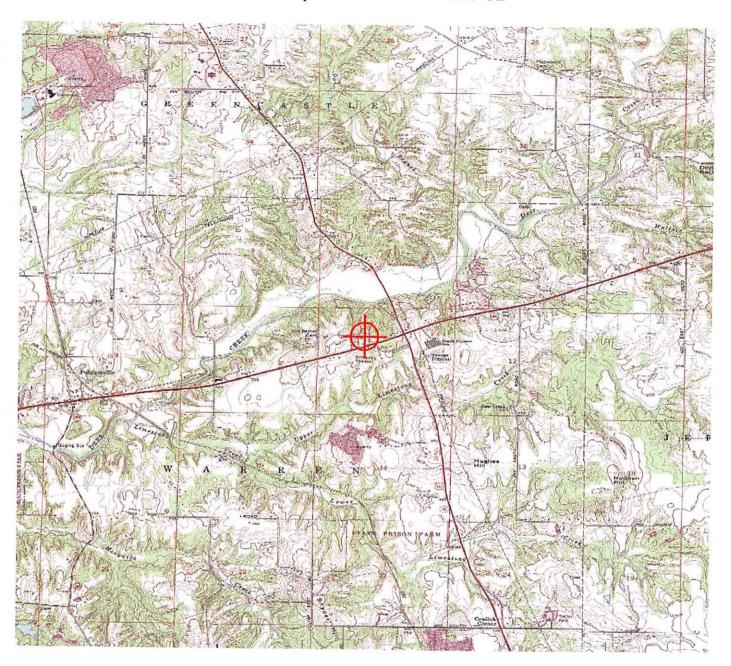
7. CONDITIONS

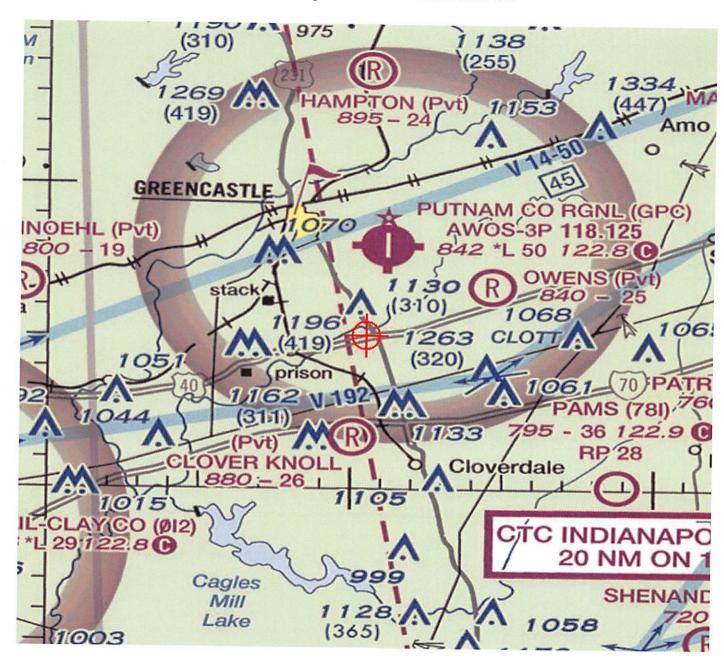
The structure shall be lighted as outlined in Chapters 4, 8(M-Dual) & 12 of the Advisory Circular AC 70/7460-1L Change 2. The advisory circular is available online at https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1030047

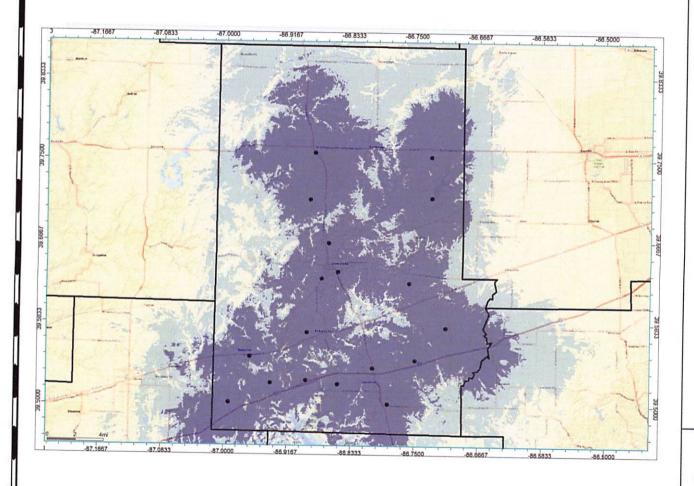
Within five days after the structure reaches its greatest height, the proponent is required to file on line the Supplemental Notice, FAA form 7460-2, with actual construction details, at the OE/AAA website (https://oeaaaa.faa.gov/oeaaa). Detailed instructions are available under the Instructions link. This Supplemental Notice notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.

Erequency Data for ASN 2020-AGL-8623-OE

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MBP	\$\$	ZHO	73.6	21.2
AR P	7 7	ZHM	869	†19
M	0007	ZHM	869	†19
M	1000	ZHM	908	869
M	200	zHM	854	908
M	200	ZHM	106	908
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M M	200	zHM	7 68	698
	200	zHM	106	968
M M	L	zHM	706	106
M M	3200	zHM	526	676
M	3200	zHM	186	086
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M	0491	zHM	0661	1820
M	0791	zHM	1910	1820
M	1640	zHM	0661	1930
M	005	zHM	2025	0661
M	005	zHM	2200	2110
M	7000	zHM	7360	2305
M	7000	zHM	7310	2305
M	2000	$_{\rm zHM}$	7360	2345
M	200	zHM	0697	9677
mab	SL	zHM	78320	27500
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These coverage maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

4G LTE Core Coverage Area: Access the 4G LTE network within the Coverage Area.

4G LTE Border Coverage Area: Access the 4G LTE network within the Border Coverage Area; certain conditions may cause your service to connect to 3G in this Area.

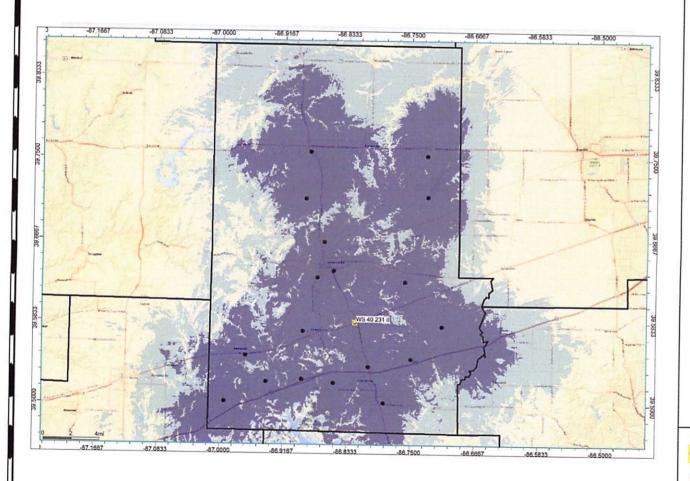
Zoning for Putnam County

Existing Verizon Wireless Coverage

On Air Site

Coverage

LTE Core Coverage



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Zoning for Putnam County

Proposed Verizon Wireless Coverage

- Proposed Site
- On Air Site

Coverage

