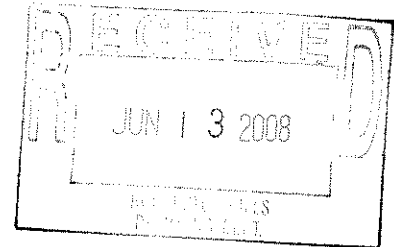


**T-MOBILE CENTRAL, LLC  
REQUEST FOR PLANNING COMMISSION APPROVAL**

**120' FLAGPOLE TOWER WIRELESS FACILITY  
PROJECT SUMMARY**

Parcel #70-15-31-301-034  
American House  
3741 S. Adams Road  
Property Owner: American House Bloomfield Limited Partnership  
Applicant: T-Mobile Central, LLC, by Haley Law Firm, PLC



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T-Mobile Central LLC (“applicant”) is requested approval to under Section 138-1075, the wireless telecommunication facilities portion of the Zoning Ordinance for a project to construct a 120’ flagpole type wireless facility on special use zoned property at 3741 S. Adams Road. .

T-Mobile is improving its network quality to provide the best possible coverage and service to its customers. Coverage areas and network capacity must be expanded to handle the growing number of calls and wireless data usage. This means new wireless facilities are needed to ensure reliable service.

- There are over 250 million cell phones in use in the United States today
- Today, sixty percent of all wireless calls are made from the home
- In Michigan, in 2006, the number of wireless phones exceeded the number of land lines for the first time.
- Mobile phone usage in the home consisted of 6% in 1999 and in 2006 it was 27%
- 30% of 18-34 yr olds use the wireless phone as their only phone.
- More than 72% of the US population owns a mobile phone

What these statistics mean is that the wireless network of just five years ago is not adequate to handle the amount of calls made today. Wireless facilities need to be located where people use their wireless phones. As customers increasingly use their wireless phones at home, T-Mobile must add additional capacity and coverage to its network to handle the increasing call and data volume in residential areas.

The need for a new site is driven by customer demand for reliable service. The Radio Frequency Engineer conducts a thorough analysis of the existing network for signal strength. This includes monitoring the amount of signal traffic at the existing wireless facilities for dropped and blocked calls. When the existing network is overburdened or existing sites are too far apart, the call will drop or not connect. Exhibit A are propagation maps generated by T-Mobile’s RF engineer; one with existing coverage and one with the addition of the proposed site. You will see on the existing coverage map that there is a large yellow area east of Squirrel, north of South Blvd. and south of Auburn. This yellow area lacks adequate residential coverage and is the search area that T-Mobile is targeting for service. T-Mobile’s existing sites are also shown on the maps. The objective is to fill in the yellow hole between the existing sites.

T-Mobile gives priority to collocating on existing facilities or tall structures. Using existing facilities is always the most desired option because it results in the lowest impact on surrounding neighborhoods and is much less costly. T-Mobile's site acquisition agent drove the search ring area and concluded that there are no collocating possibilities in or near the search area.

T-Mobile next looks to place a facility in the industrial district. There are no industrial districts near the search area. Next, the areas zoned commercial, business and public lands are considered. The proposed site is zoned special use and is located in the search ring.

T-Mobile's site acquisition agent conducted a thorough analysis of the search area. The Boulevard Hills Assisted Living and Nursing Home was considered and rejected because it is too far east to cover the western portion of the search ring area. Locating a wireless facility on the American House property is ideal for many reasons:

- It is in the RF Engineer's search ring and will fulfill the objective of covering the area, as shown on Exhibit A(2).
- With the addition of the proposed facility, T-Mobile's network will now be connected with its other sites to provide uninterrupted coverage to the city's residents in the area.
- The parcel is large and will comply with the zoning setback requirements and has adequate space to accommodate a wireless facility;
- The facility will provide enhanced E9-1-1 service to the area;
- Using the alternative design of a flagpole, is a suitable match and will be inconspicuous, and;
- Exhibit B is an Affidavit from T-Mobile's RF Engineer explaining the need for this facility at this location.

Placing wireless facilities in residential districts is difficult but necessary as people are using their wireless phones in their homes. There are no existing towers in the area that will provide adequate coverage to the residential search ring area. The proposed facility is needed at this location as it will provide coverage to the search ring area and will be harmonious with the surrounding area. It is situated between two buildings and set back over 590' from Adams Road.

The proposed facility is necessary to handle the additional capacity of increased in home use and to connect T-Mobile's network so that a signal can pass from one antenna site to another without being dropped. Wireless phones are integral to public safety. There are over 250,000 emergency calls made from wireless phones each day in the United States. Under new federal mandates, wireless carriers must upgrade their E911 service. These mandates will allow callers to (1) successfully make calls to 911, (2) stay connected with the emergency dispatcher and (3) identify the caller's mobile phone number and identify the location of the call via the nearest wireless facility.

T-Mobile cannot adequately serve its southwest Rochester Hills customers by modifications to its existing network. Sites are too far apart and too overburdened with present capacity. The propagation maps show a lack of coverage in the area. A new wireless facility is required to provide residential coverage.

T-Mobile is aware that alternative designs are desired in residential areas. In an effort to work with the community, this proposed project is for a flagpole design. Exhibit B is a photo simulation of the proposed project. All antennas are contained within the pole. A wireless facility at this location will comply with the City's Zoning Ordinance.

Without this site, T-Mobile's customer service level will be inadequate which may ultimately cause a loss of customers and market share.

Respectfully submitted,

Wallace R. Haley, Esq.  
HALEY LAW FIRM, PLC

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8065 Grand River  
Brighton, MI 48114  
(810) 220-0360  
fax (810) 844-0888

Development Application  
Per Section 138-1075

Applicant: T-Mobile Central LLC

Property: American House  
3741 Adams Road

Parcel: 70-15-31-301-034  
Zoning District: Special Purpose/Business Improved

Project: Construct a 120' flagpole type wireless communication facility

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City of Rochester Hills  
Oakland County, Michigan

**Sec. 138-1075. Wireless telecommunication facilities.**

Wireless telecommunication facilities shall conform and be subject to the following.

(1) It is the city's policy to minimize the proliferation of new wireless telecommunication facility support structures in favor of collocation of such facilities on existing structures. No new wireless telecommunication facility support structures shall be constructed unless the applicant for the new structure demonstrates, and the planning commission finds, that collocation on an existing structure is not adequate or is not reasonably feasible.

**RESPONSE: There are no collocation possibilities in the search ring area. Exhibit A shows the existing sites that T-Mobile is operating in the area. There are no tall structures in the search ring area.**

(2) All wireless telecommunication facility support structures, unless otherwise provided, shall have a monopole, unipole or similar non-lattice, single vertical structure design and shall be further designed to accommodate at least two wireless telecommunication arrays of antennas or panels. The applicant shall submit an affidavit by a design engineer registered in the state attesting that the support structure can support at least two wireless telecommunication arrays of antennas or panels. The site plan for any new support structure shall expressly state that the support structure shall be erected and available for collocation, and shall also show the proposed location of the applicant's and collocators' equipment shelters and related facilities.

**RESPONSE: Exhibit C is a photo simulation of the proposed project, which is a flagpole type facility. Once zoning is approved and the exact location confirmed, the flagpole will be site specific designed for collocation. Exhibit D, page C-2 of the site plan shows ground**

**space for a future carrier. Attached As Exhibit E is an Affidavit stating that collocation will be offered to other wireless carriers.**

(3) Wireless telecommunication facilities shall not exceed 165 feet in height, as measured from the average grade at the base of the support structure to the top of the antenna or panel. Wireless telecommunication facilities which support three or more arrays of antennas or panels may be increased to 185 feet in height. In no case shall the height exceed any applicable height limitation established by county, state or federal regulations.

**RESPONSE: The proposed facility will be 120'.**

(4) Except in the I-1 or I-2 zoning district, not more than one wireless telecommunication support structure may be located on a single lot.

**RESPONSE: This is the only wireless facility on the lot.**

(5) If located on the same lot as another permitted use, a wireless telecommunication facility shall not be located in a front yard or side yard abutting a street, except that the planning commission may approve a support structure utilizing camouflage or stealth design for location in a front or side yard abutting a street if the planning commission determines that location will better facilitate a satisfactory and harmonious relationship with existing and prospective development of contiguous land and adjacent neighborhood.

**RESPONSE: The wireless facility will not be in the front or side yard of the parcel as shown on the site plans.**

(6) Wireless telecommunication facilities shall be set back from the lot line a distance not less than one-half of its height or 65 feet, whichever is greater. However, when wireless telecommunication facilities are located on premises which abut a lot that is residentially zoned, the minimum setback from the lot line abutting the residentially zoned lot shall be equal to the height of the facility. All setbacks shall be measured from the edge of the facility.

**RESPONSE: The 120' facility will be setback 132' from the north property line, 134' from the south line, 592' from west line and 735' from east line.**

(7) Wireless telecommunication facilities shall be installed and maintained in accordance with manufacturers' specifications and the building code. Upon discontinuance or cessation of use, the facility shall be removed by the owner thereof.

**RESPONSE: Exhibit E provides for removal of the facility once it has exceeded its usefulness. The facility will be engineered and constructed in accordance with the manufacturers' specifications and building code.**

(8) No sign shall be attached to or displayed on a wireless telecommunication facility. No signals or lights or other means of illumination shall be permitted on a facility unless required by state or federal law or regulation. The facility shall have a neutral color intended to blend with the surroundings.

**RESPONSE: The proposed tower 120' and therefore no lighting is planned for the top of the tower. There will be lights on the ground pointing up to illuminate the flag. The lights will be on a photo cell type timer. The only sign on the facility is a 24 hour emergency contact number and the FCC registration number. This sign will hang on the gate of the compound.**

(9) If the wireless telecommunication facility is located on a site which is already improved with another building or structure, and an equipment shelter is proposed, the equipment shelter shall be constructed with exterior facade materials similar to the principal building or structure on the site.

**RESPONSE: T-Mobile uses outdoor cabinets in lieu of a shelter. The ground equipment will be concealed by the 8' tall brick wall surrounding the compound.**

(10) Wireless telecommunication antennas or panels may be installed on existing buildings or structures provided such antennas or panels, and their supporting structure, do not exceed the height limitation set forth in subsection (3) of this section.

**RESPONSE: Not applicable**

(11) Any wireless telecommunication antenna or panel mounted on an existing building or structure which does not increase the height of the building or structure shall be exempt from the setback requirements of subsection (6) of this section.

**RESPONSE: Not applicable**

(12) Wireless telecommunication facilities located in one-family residential zones shall meet one of the following requirements:

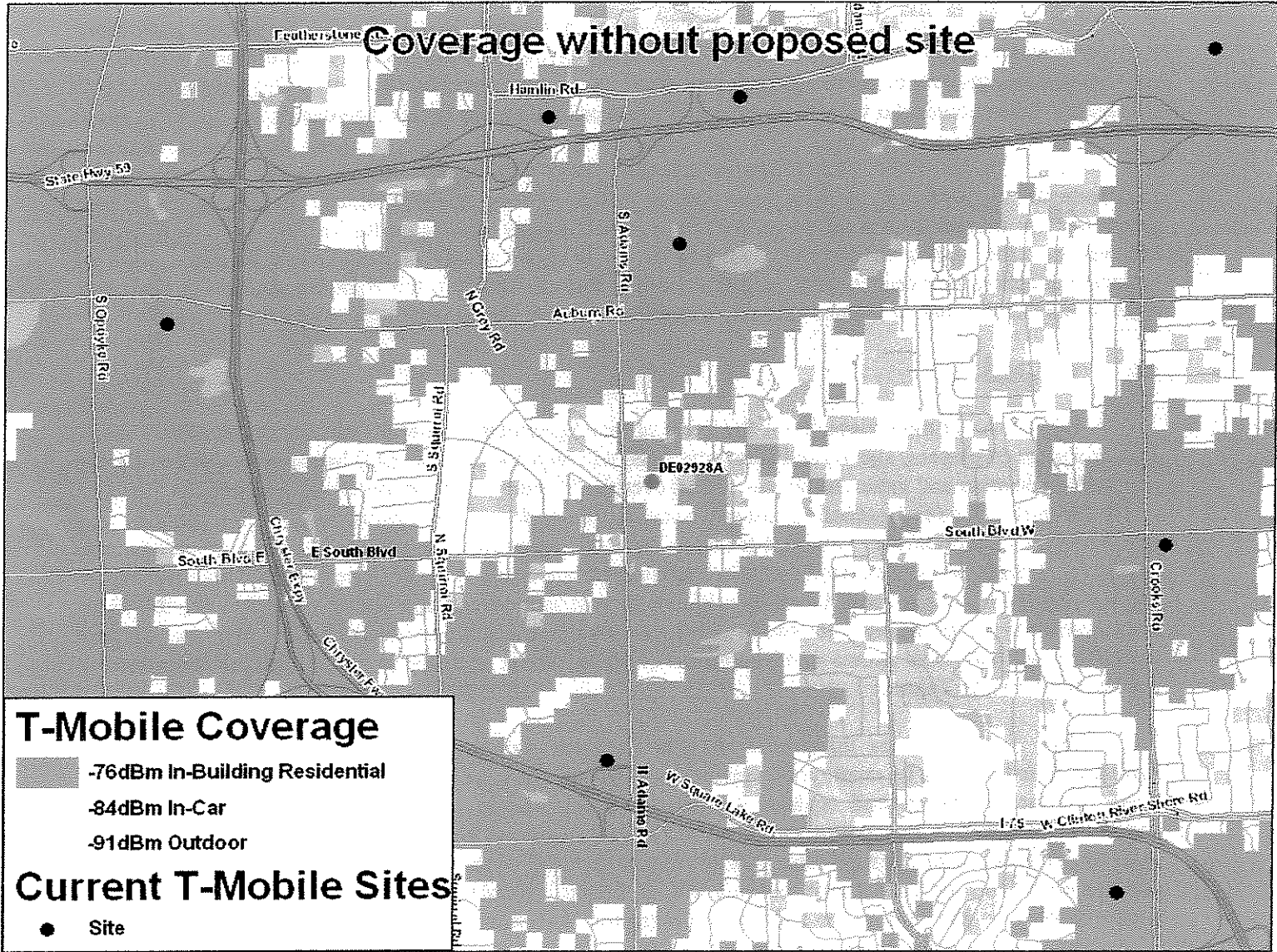
**RESPONSE: On the City's zoning map, the parcel is classified as special purpose. The parcel's property class is business improved.**

a. The wireless telecommunication facility shall be mounted directly onto an existing, non-residential building in a manner that does not increase the height of the building. The facility shall consist of material or color which is compatible with the exterior treatment of the building;

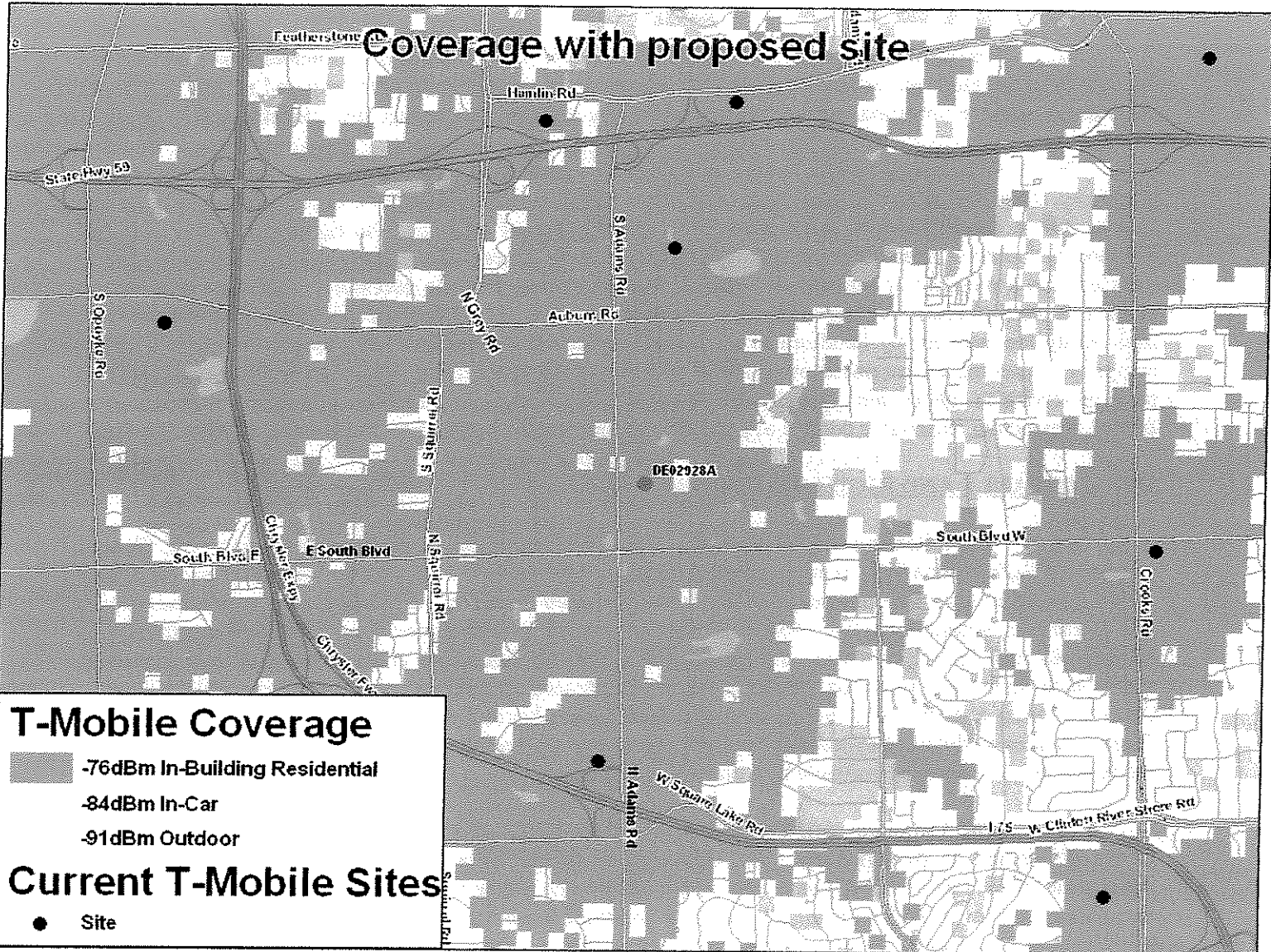
b. The wireless telecommunication facility shall be located on an existing, non-residential support structure, pole or tower such as a public or private utility tower, pole or structure, but not on a building. Such facility shall consist of a material or color which is compatible with the tower, pole or structure. Antennas or panels may extend above the top of the tower, pole or structure not more than 30 feet; however, the height to the top of the antenna or panel may not exceed 165 feet;  
or

c. The wireless telecommunication facility shall be located on a new support structure situated on public property. Any facility located on public property which is used for passive recreation shall be designed to minimize the conspicuousness of the facility (e.g., utilizing camouflaged or stealth designed poles or existing environmental features as screening). All such facilities located on public property shall meet the setback requirements of subsections (6) and (11) of this section. (Ord. No. 200-66, § 13(21.22); Ord. No. 200-97, § 12; Ord. No. 129, § 1, 4-24-2002)

# Coverage without proposed site



# Coverage with proposed site



DE02928A

State Hwy 59

Featherstone

Hamlin Rd

S Atkins Rd

Auburn Rd

N Coe Rd

S Sturges Rd

N Saurin Rd

Clinton E

E South Blvd

SIDNEY Fwy

South Blvd E

South Blvd W

Crockett Rd

Il Adams Rd

W Square Lake Rd

I-75 W Clinton River Shore Rd

South Blvd





T-Mobile COMMUNICATIONS  
12170 Merriman Road, Livonia MI 48150  
(734) 367-7200 Fax: (734) 367-7242

June 11, 2008

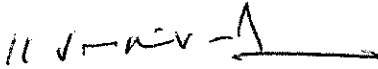
To whom it may concern:

In accordance with the information requested for your zoning approval, I am providing the following information:

1. T-Mobile is an international PCS carrier; it has provided PCS service to many countries in the world as well as in United States. T-Mobile has been issued the C band spectrum by FCC for Detroit BTA; it is T-Mobile's obligation to provide PCS service to the area.
2. The RF propagation plot 1 shows the existing T-Mobile in-building residential coverage for the targeted Rochester Hills area; a portion of this area does not have adequate in-building residential coverage. T-Mobile intends to enhance the in-building residential coverage by adding the new site DE02928A to serve this uncovered area.
3. Our coverage objective for this site is to improve in-building coverage in the area generally bounded by Crooks Road to the east, Squirrel Road to the west, Auburn Road to the north, and South Blvd. to the south (Please see included coverage maps that will reflect this). RF propagation plot 2 shows the in-building residential coverage after the addition of site DE02928A. You can see that by adding this site, the in-building coverage improves significantly in this deficient area.
4. When T-Mobile builds new sites in its networks, the design engineers will first consider all collocation possibilities. Any high structures, such as towers, buildings, signs, etc. are the first consideration targets and we will build our new sites on these whenever the opportunity presents itself. By doing this, it will speed up our network building and save money.
5. Our site acquisition agents have tried very hard to find any collocation opportunities in the design area, but unfortunately there are no existing structures which will meet our coverage objectives. The design height for this site is 120 ft; at this height, the antennas will be above most of the trees in the area. Trees, especially in the summer, can significantly reduce the coverage radius of a site due to the leaves absorbing a portion of the energy transmitted by the antennas.
6. This site will comply with all Federal and State standards regarding the regulation of radio frequency emissions.
7. T-Mobile was issued the Broadband PCS C Block (1975 to 1990MHz) license for the Detroit BTA by the Federal Communications Commission. This allocation is exclusive to PCS and is not shared with television, AM/FM broadcast or mobile radio (such as those used for Police and Fire communications.) Therefore, this facility will not interfere with users of these other services.

If you need further information, please contact me at 734-578-1003. I would happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Srinivas Kovuru", with a long horizontal line extending to the right.

Srinivas Kovuru  
RF Engineer  
T-Mobile Wireless  
12170 Merriman Rd.  
Livonia, MI 48150  
PCS: 734-620-7661  
Fax: 734-367-7242  
E-mail: [Srinivas.Kovuru@T-mobile.com](mailto:Srinivas.Kovuru@T-mobile.com)

PROPOSED APPEARANCE



DE02928A

**CO-LOCATION AND REMOVAL AFFIDAVIT  
T-MOBILE CENTRAL LLC  
WIRELESS TELECOMMUNICATIONS FACILITY  
CITY OF ROCHESTER HILLS  
Parcel 70-15-31-301-034  
OAKLAND COUNTY, MICHIGAN**

STATE OF MICHIGAN            )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

I, Tami Nystrom, Director of Engineering & Operations for T-Mobile Central LLC (hereinafter the "Company"), whose address is 12170 Merriman Road, Livonia, Michigan 48150, being duly sworn, states the following:

1. I have the authority to speak of and commit to the actions set forth in this Affidavit on behalf of the Company.
2. The Company has entered into an agreement to lease a portion of land owned by American House Bloomfield Limited Partnership located at 3741 Adams Road, City of Rochester Hills, Oakland County, Michigan for the provision of personal communications service.
3. Additional information regarding this lease between the Company and American House can be obtained from Property Manager, T-Mobile Central LLC, 12170 Merriman Road, Livonia, Michigan 48150.
4. The Company has sought approval from City of Rochester Hills to construct a communication facility consisting of a 120' flagpole antenna structure and electronic equipment cabinets.
5. The Company agrees to permit other companies in need of tower space for the purposes of installing antennas to locate on the proposed Company tower, where feasible, based on engineering and legal standards, and subject to reasonable fees and conditions.

6. The Company agrees that once the tower has exceeded its usefulness for communication purposes, the Company will bear the sole expense of removing the tower, antenna, equipment building and accessory improvements within one hundred eighty (180) days.

Further Deponent sayeth not.

**T-Mobile Central LLC**

\_\_\_\_\_  
By: Tami Nystrom  
Its: Director of Engineering & Operations

STATE OF MICHIGAN    )  
                                  ) SS  
COUNTY OF \_\_\_\_\_  )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008 before me personally appeared Tami Nystrom, Director of Engineering and Operations of T-Mobile Central LLC to me known to be the person described above and who executed the foregoing instrument, and acknowledged that it was executed as said person's free act and deed.

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

Print Name: \_\_\_\_\_

\_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires:

This document has been drafted by  
and after recording return to:  
T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> St.  
Bellevue, WA 98006

---

CITY OF ROCHESTER HILLS

DATE: June 11, 2008

**F**ire  
**Department**  
William Cooke, Fire Inspector

TO: Planning Department

RE: American House T-Mobile

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FILE NO: 99-007.5 REVIEW NO: 1

APPROVED  X

DISAPPROVED \_\_\_\_\_

CITY OF ROCHESTER HILLS

**P**ublic  
Services

Paul M. Davis, P.E.  
City Engineer

*PMD*

DATE: June 12, 2008

TO: Ed Anzek, Director of Planning and  
Development

RE: Proposed Flagepole and T-Mobile  
Antenna at American House

Engineering Services has completed a review of the proposed plan to construct a 120-foot flagpole with hidden interior communication antenna accommodations by T-Mobile USA, Inc. The plans also include the installation of communications equipment on a concrete slab within an enclosed 8-foot tall brick wall with a 10-foot wide wooden access gate. A latest revision date of April 24, 2008 is indicated on the plan set.

The proposed location of the flagpole tower does not conflict with any existing underground utilities of public water main, sanitary sewer or private storm sewer. However, the following comments are provided for you consideration:

- 1) The plan set provided to engineering does not bear a professional seal and signature by the engineer responsible for the drawings. Sealed and signed drawings of the final approved plan should be provided to the City.
- 2) The location proposed for the work may not be an aesthetic compliment to the site given that a 8-foot brick wall and 10-foot wide wooden access gate will be directly across from the main entrance to the existing building to the east. Although the flagpole location may often be located just outside a building entrance, the accompanying communication equipment and brick wall for screening may detract from the flagpole enhancement.
- 3) It is my understanding that flagpoles do not need to be lighted now. It does not appear that the proposed flagpole will be lighted from within the walled area.
- 4) A structural review of the flagpole foundation was not reviewed other than noting that the 3,000 psi concrete foundation is proposed to extend from the finish grade down to 42-inches below ground.
- 5) The 12-inch thick slab of reinforced concrete installed over a 12-inch thick layer of compacted clean fill appears more than adequate for supporting the communication equipment.
- 6) Although travel speeds can be expected to be low, the 8-foot brick wall will pose a site distance impediment to the entrance loop and parking lot aisle. A less prominent location on the site for the proposed work would eliminate this visual disadvantage.
- 7) It appears that the existing island currently serves the easterly building for a landscaping amenity and also a pedestrian crosswalk linked to the westerly building. Changing the use of the island will affect the direct pedestrian link causing users to follow a more indirect route in the traffic aisles.

Engineering Services recommends approval of the proposed flagpole communication tower because of the lack of any underground utility conflicts. Please note that a land improvement permit from engineering will not be required by engineering services for this proposed work.

# SITE LEASE WITH OPTION

THIS SITE LEASE WITH OPTION (this "Lease") is by and between American House Bloomfield Limited Partnership, a(n) a Michigan limited partnership ("Landlord") and T-Mobile Central LLC, a Delaware limited liability company ("Tenant").

## 1. Option to Lease.

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

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

(c) If Tenant exercises the Option, then Landlord hereby leases to Tenant that portion of the Property sufficient for placement of the Antenna Facilities (as defined below), together with all necessary space and easements for access and utilities, as generally described and depicted in the attached Exhibit B (collectively referred to hereinafter as the "Premises"). The Premises, located at 3741 Adams Road, Rochester Hills, Oakland County, MI 48309, comprises approximately 2,500 square feet.

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

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

## 4. Rent.

(a) From and after the Commencement Date, Tenant shall pay Landlord or designee, as rent, \_\_\_\_\_ (Rent"). The first payment of Rent shall be due within twenty (20) days following the Commencement Date and shall be prorated based on the days remaining in the month following the Commencement Date, and thereafter Rent will be payable monthly in advance by the fifth day of each month to Landlord at the address specified in Section 12 below. If this Lease is terminated for any reason (other than a default by Tenant) at a time other than on the last day of a month, Rent shall be prorated as of the date of termination and all prepaid Rent shall be immediately refunded to Tenant.

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

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

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



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

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

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

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

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

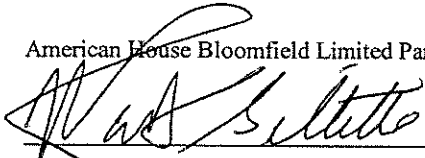
(j) All Exhibits referred to herein and any Addenda are incorporated herein for all purposes. The parties understand and acknowledge that Exhibits A and B may be attached to this Lease and the Memorandum of Lease, in preliminary form. Accordingly, the parties agree that upon the preparation of final,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

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

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

LANDLORD: American House Bloomfield Limited Partnership

By:

  
\_\_\_\_\_

Printed Name: J. Robert Gillette

Title: Partner

Date: \_\_\_\_\_

TENANT: T-Mobile Central LLC

By: \_\_\_\_\_

Printed Name: Tami Nystrom

Title: Director of Engineering and Operations

Date: \_\_\_\_\_

\_\_\_\_\_  
T-Mobile Legal Approval

T-Mobile Central LLC  
#DE02928A American House  
3741 Adams Road  
Parcel #70-15-31-301-034

Project to construct a 120' flagpole type wireless facility

## ENVIRONMENTAL IMPACT STATEMENT

### Past and Present Status of the Land

- A. What are the characteristics of the land, waters, plant and animal life present?

The parent parcel is a 7.87 acre commercial improved property owned by American House Bloomfield Limited Partnership. It is zoned special purpose. The current use is a senior housing facility. The land is relatively flat with no wetlands, plant or animal life near the planned project.

- B. Is there any historical or cultural value to the land?

No.

- C. Are there any man-made structures on the parcels?

Yes. There are two buildings on the parcel.

- D. Are there important scenic features?

No.

- E. What access to the property is available at this time?

The property is accessed via two paved driveways off of Adams Road.

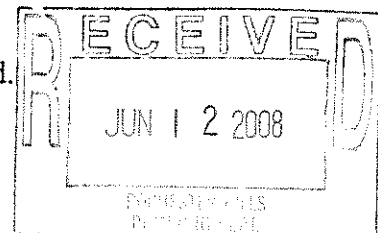
- F. What utilities are available?

Utilities come from Adams Road overhead electric and telephone run along the south side of the property.

### THE PLAN – COMMERCIAL

- A. Description of the Project

1. Number of employees by establishment and shift, unless leased.



T-Mobile is leasing approximately 681' of land for the project site. The facility will be unmanned.

2. Operating hours

24/7

3. Types of traffic generated by the project

A van type vehicle will visit the facility approximately once a month for maintenance.

- B. Trade Area Definition

Not applicable

### IMPACT FACTORS

- A. What are the natural and urban characteristics of the plan?

1. Total number of acres of undisturbed land.

The parent parcel is 7.87 acres, improved with two building and parking.

2. Number of acres of wetland or water existing.

None

3. Number of acres of water to be added

None

4. Number of acres of private open space

Not applicable

5. Number of acres of public open space

Not applicable

6. Extent of off-site drainage

Not applicable

7. List of any community facilities included in plan

Not applicable

8. How will utilities be provided.

Existing overhead lines run along the southerly portion of the parcel. Utilities to the project site will be underground.

B. What is the current planning status?

Project has gone through concept plan and comes before the Planning Commission on June 17, 2008.

C. Projected timetable for proposed project?

Once zoning is approved and building permit issued tower and foundation designs will be done. Project will be put out for bid and once approved, construction will commence.

D. Describe or map the plan's special adaptation to the geography.

Not applicable

E. Relation to surrounding development or areas

Flagpole type tower will blend in to the surrounding area

F. Has the project regional impact? Or what extent and nature?

Not applicable

G. Describe anticipated adverse effects during construction and what measures will be taken to maintain the impact.

No adverse effects to general public. Project is on private property. Ground in immediate area will be temporarily disturbed to dig a foundation and bury utilities.

H. List any possible pollutants.

None

I. What adverse or beneficial changes must inevitably result from the proposed developments?

1. Physical.

a. Air quality

None

b. Water effects

None

c. Wildlife habitat, where applicable

Not applicable

- d. Vegetative cover  
Not applicable
- e. Noise  
Ground equipment will be outdoor cabinets. No shelter with air conditioning is proposed
- f. Night-light  
Ground lights will be positioned upward to shine on flag. A photo cell type timer will turn the lights on at dusk and off at dawn.

2. Social.

- a. Visual  
The 120' flagpole type tower will be setback from the front yard over 592'; side yards 134' and 132' and rear 735'. Because the tower will be a stealth design of a flagpole, there will be no adverse visual impact.
- b. Traffic  
the facility will be unmanned.
- c. Modes of transportation  
Not applicable
- d. Accessibility of residents to:  
Not applicable

3. Economic

- a. Influence on surrounding land values.  
Because the tower is a stealth design of a flagpole, land values will not decrease. The surrounding residents will benefit from enhanced cell phone coverage.
- b. Growth inducement potential  
Not applicable
- c. Off-site costs of public improvements  
Not applicable
- d. Proposed tax revenues  
The facility will be assigned a personal property tax number
- e. Availability or provisions for utilities  
Utilities will come to facility underground from existing utilities on Adams Road

J. Additional Factors

- 1. In relation to land immediately surrounding the proposed development, what has been done to avoid disrupting existing uses and intended future uses as shown on the Master Plan?

No disruption

2. What specific steps are planned to revitalize the disturbed or replace the removed vegetative cover

No vegetation present at project site.

3. What beautification steps are built into the development?

Tower will be galvanized steel and ground equipment will be enclosed by an 8' brick wall.

4. What alternative plans are offered?

None.

## THE SUMMARY

T-Mobile is improving its network quality to provide the best possible coverage and service to its customers. As customers increasingly use their wireless phones at home, T-Mobile must add additional capacity and coverage to its network to handle the increasing call and data volume in residential areas. This proposed project is for a flagpole design. All antennas are contained within the pole. There will be no noise, smoke, fumes, glare, vibration or odor emitted or emanating from the tower or compound. With the addition of this facility the residents in the area will benefit from uninterrupted cell phone coverage. The facility will not be a threat to public safety in fact just the opposite is true. It will provide enhanced E911 service to the area which will ensure people get the help they need when making an emergency call on their cell phone. Because the tower will be between two buildings, over 590' from Adams Road it will not adversely impact the area. The tower will be setback more than its height from any property line. It will be enclosed by an 8' brick wall.

Once zoning is approved geotech testing including soil borings will be conducted which will be utilized when designing the tower and foundation. All FCC, FAA and NEPA (National Environmental Protection Act) will be met prior to construction. SHPO (State Historic Preservation Office) and THPO (Tribal Historic Preservation Office) will be consulted prior to installation of the site. MAC (Michigan Aeronautics Commission) requirements will be met prior to construction. T-Mobile complies with all state and federal regulations regarding environmental effects. The site will be submitted for review and approval by the FCC. Construction will not commence until the FCC issues a finding of no significant impact ("FONSI").

**DEVELOPMENT APPLICATION**

City of Rochester Hills

Applicant T-Mobile Central LLC, by Haley Law Firm, PLC

Address 8065 Grand River, Brighton, MI 48114

Telephone 810-220-0360 Fax 810-844-0888 Email dthompson@haleylawfirm.com

Applicant's Legal Interest in Property lessee

Property Owner(s) American House Bloomfield Limited Partnership

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Project Name DE02928A American House Present Zoning business improved

Project Location 3741 S. Adams Road

Existing Use senior living facility Proposed Use wireless facility

Required number of hydrants 0 Required average spacing of hydrants 0

Land area (acres) 681' Floor area of proposed structure 8'

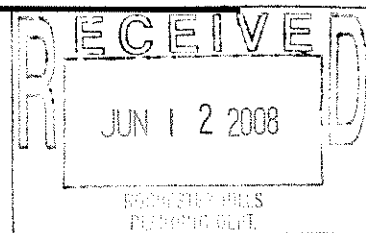
Sidwell No. 70-15-31-301-034 MBC construction type \_\_\_\_\_

**Type of Development:**

- |  |   |
|--|---|
| <input type="checkbox"/> Multiple Family   | <input checked="" type="checkbox"/> Special Land Use                                  |
| <input checked="" type="checkbox"/> Commercial   | <input type="checkbox"/> One-Family Detached Condominium                              |
| <input type="checkbox"/> Industrial  | <input type="checkbox"/> Preliminary <input type="checkbox"/> Final                   |
| <input type="checkbox"/> Institutional or Public   | <input type="checkbox"/> Subdivision  |
| <input type="checkbox"/> Composting Facility License   | <input type="checkbox"/> Tent. Preliminary <input type="checkbox"/> Final Preliminary |
| <input type="checkbox"/> Planned Unit Development (PUD)  | <input type="checkbox"/> Final Plat   |
| <input type="checkbox"/> Concept <input type="checkbox"/> Preliminary <input type="checkbox"/> Final |   |

**Wetlands Use Permit:**

- |  |  |
|--|--|
| <input type="checkbox"/> Boundary Determination needed                     | <input type="checkbox"/> There are City regulated wetlands on the property                 |
| <input type="checkbox"/> There are MDEQ regulated wetlands on the property | <input checked="" type="checkbox"/> There are <u>NO</u> regulated wetlands on the property |



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**Tree Removal Permit:**

- There are regulated trees on the property       There are NO regulated trees on the property
- 

**Check List:**

The following items must be provided with the Application to start the review process:

- 22 copies (folded & sealed) of Site Plans or Plat (including detailed landscape/screening plan sheets) on 24" x 36" sheets
  - 12 copies (folded & sealed) of Floor Plans and Elevations (if applicable)
  - Information per Tree Preservation Ordinance  
**OR**    "No Affected Trees Affidavit"
  - Review Fee
  - 2 copies of Environmental Impact Statement (EIS)
  - Copy of Purchase or Lease Agreement
  - Wetland Boundary Request (if applicable)
- 

I hereby authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the above referenced property.

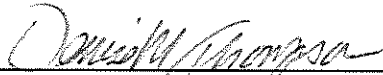
see attached signed lease

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(Signature of Property Owner)

(Date)

I certify that all the above statements and those contained in the documents submitted herewith are true and accurate.

  
(Signature of Applicant)

6-11-08  
(Date)

For Official Use Only: File No. _____ Escrow No. _____ Date: _____
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