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September 25, 2013

Delivery Via Electronic Mail and Federal Express

Jonda K. Joseph, City Clerk  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Re: Crown Castle Distributed Right of Way Permit Applications

Dear City Clerk,

Crown Castle NG East Inc. ("Crown Castle") is in receipt of the City's letter (attached) dated August 26, 2013, informing Crown Castle that all 12 permit applications for placement of its communications services facilities in the City's right of way had been denied. According to Paragraph 4, Nodes 60-2, 60-3, 61-1, 62-2, 62-4, 63-1, 63-2 were denied because the City may, at some point in the future, place sidewalks where Crown Castle is seeking to place communications facilities. In its entirety, paragraph number 4 reads,

"4. A number of the proposed cabinet locations are near the rights-of-way in areas where sidewalk does not exist. The City has adopted policies and goals that support the installation of sidewalks on public streets to promote walkability, utilization of multi-modal transportation systems and connectivity. For that reason we have to anticipate that sidewalks will be installed at these locations at some point in the future. The proposed locations of Nodes 60-2, 60-3, 61-1, 62-2, 62-4, 63-1, 63-2 pose a conflict since they are located in proximity to the right-of-way where the future sidewalks would be installed. We request that alternative locations be investigated."

On September 13, 2013, Crown Castle sent Assistant City Attorney Robert Duncel an email asking for documentation showing the City's plans for placement of sidewalks at the particular locations Crown Castle would like to place 7 of its communications facilities. In the email (attached), Crown Castle asks the City to provide a capital improvements plan or something concrete demonstrating the City's timeframe for placing sidewalks in the locations where our permit applications have been denied. The City, to date, has not been forthcoming with such documentation. Frankly, a denial of permit applications because the City's Comprehensive Plan "supports multi modal transportation and walkability" is vague and enforceable without some further documentation to support such assertions that sidewalks are indeed slated to be placed in these locations in the near future.

Further, even if the city does plan to install sidewalks, this should not be grounds for the denial of an application to place communications facilities in the City's right of way. Typically such issues are dealt with by either requiring in the right of way permit or by a separate agreement that Crown Castle acknowledges the City's plans to install sidewalks in the vicinity and that when the City moves forward with those plans, Crown

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Castle will cooperate with the City in the placement of such facilities. For instance, our permits with the Florida Department of Transportation contain such a clause.

Therefore, at this time, Crown Castle feels that it has no option left but to appeal the denials of permits for nodes 60-2, 60-3, 61-1, 62-2, 62-4, 63-1, 63-2 as set forth in paragraph 4 of the City's August 26, 2013, letter. Pursuant to Section 25-100.2, Fort Lauderdale Code of Ordinances, Crown Castle hereby notifies the City of its intention to appeal the denial of the above referenced applications to place communications facilities in the City's right of way.

Very Truly Yours,



Melissa P. Anderson  
Government Relations Counsel  
Southeast Region

Attachment: Power Point

Cc: Robert Dunckel, Assistant City Attorney  
Lee Feldman, City Manager  
Dennis Girsigen, City Engineer  
Armando Hernandez, Crown Castle  
Wayne Waldron, Crown Castle