



## Affidavit for Communication and Data Transfer

### RE: CyrusOne Communication Tower 2905 Diehl Road, Aurora, Illinois

On behalf of our client, CyrusOne, we would like to submit this affidavit with responses to the following requirements.

**1. A description of compliance with subsections 19-68(f)—(n), and all applicable federal, state or local laws.**

(f) Aesthetics. All such communication facilities shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. Poles shall be of a design consistent with any existing adjacent poles.

Final tower aesthetic is pending determination and approval from the zoning process. The tower will maintain a galvanized steel finish, will adhere to any applicable standard of the FAA and/or be painted so as to reduce visual obtrusiveness and shall be have a design consistent with any existing adjacent poles/towers as required by zoning approval.

2. Design of the accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. Where there is sufficient space, underground vaults may be utilized for equipment associated with communications facilities.

The design of any accessory building and related structural will match surroundings and landscaping.

3. Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible, unless a different color is needed for public safety or service reliability reasons.

Antennas and supporting electrical and mechanical equipment will be a neutral color compatible to the supporting structure.

- (g) Lighting. Towers, antenna and poles shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

Final tower design height and appearance is pending zoning approval. Upon approval the tower will be submitted for FAA determination and the only lighting on the tower will be per FAA requirements.



- (h) State or federal requirements. All communications facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate communications facilities. If such standards and regulations are changed, then the owners of the communications facilities governed by this article shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring communications facilities into compliance with such revised standards and regulations shall constitute grounds for their removal at the owner's expense as provided in section 19-76.

Tower will meet or exceed current standards and regulations of the FAA, the FCC and any other state or federal government with the authority to regulate communication facilities.

- (i) Building codes: safety standards. To ensure the structural integrity of communications facilities the owner shall ensure that they are maintained in compliance with standards contained in applicable state or local building codes and the applicable standards published in the National Electrical Code, as amended from time to time. If, upon inspection, the city concludes that any communications facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall have thirty (30) days to bring such structure into compliance with such code and/or standard. Failure to do so within said thirty (30) days shall constitute grounds for the removal of the communications facility at the owner's expense, as provided in section 19-76.

Tower will be designed to be in compliance with standards contained in applicable state or local building codes.

- (j) Public notice. For purposes of this article, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice and individual notice by the city at applicant's expense to all abutting property owners and within two hundred fifty (250) feet of the boundaries of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty (250) feet.

Public notice will be issued as required by code.

- (k) Signs. No signs shall be allowed on communication facilities, except warning or notification signs required by federal law or regulations, identification and location markings, or as otherwise required by this article. Antenna shall not have signs installed thereon.

No signage other than what is required by federal law will be installed.

- (l) Buildings and support equipment. Buildings and support equipment associated with communications facilities shall comply with the requirements of section 19-72.

Any new buildings or support equipment will comply with section 19-72.

- (m) Multiple communications facilities plan. The city encourages the owners of all communications facilities to submit a single application for approval of multiple sites. Applications for approval of multiple sites shall be given priority in the review process.

A single application will be submitted.





(n) Availability of suitable existing towers, other structures, or alternative technology. For a new tower, or pole with antenna(s) the applicant shall demonstrate to the reasonable satisfaction of the zoning administrator, FoxWalk Overlay District Design Review Committee, the planning commission, or city council, as the case may be, that no existing tower, pole, structure or alternative technology which does not require the use of towers or additional structures can accommodate the applicant's proposed pole or antenna. Evidence submitted to demonstrate that no existing tower, pole, structure or alternative technology which does not require the use of towers or structures can accommodate the applicant's proposed pole or antenna may consist of any of the following:

1. No existing towers, poles or structures are located within the geographic area which meet applicant's engineering requirements.
2. Existing towers, poles or structures are not of sufficient height to meet applicant's engineering requirements and cannot be enlarged sufficiently to meet their needs.
3. Existing towers, poles or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed pole or antenna would cause electromagnetic interference with antenna on existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower, pole or structure or to adapt an existing tower, pole or structure for sharing are unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers, pole and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers, pole or structures, such as a microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

*This tower will not provide cellular communication services and instead will be utilized for data transfer and communication. Due to the nature of this communication the tower will need to be in close proximity to the main building.*

2. **Current radio frequency coverage prediction in the area served both prior to and after construction of the proposed communications facility and technical performance goals for the desired signal strength.**

*RF study to be performed to verify desired signal strength.*

3. **Drive test results which confirm or refute the areas shown on coverage maps used in planning the system used by the communications provider.**

*This tower will not provide cellular communication services and will be utilized to provide point to point data communication, so a drive test would not yield any results.*

4. **The suitability or unsuitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new communication facility, including information regarding the number of calls dropped and failed hand-offs between existing call sights within two (2) miles of the city.**

*This tower will provide point to point data communication that will be utilized by the existing server building. It would not be feasible to use any existing off site towers.*



5. A written statement from an engineer(s) that the construction and placement of the communications facility, tower or antenna will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and nonresidential properties.

Studies will be completed to show that the tower will not interfere with public safety communications or other services enjoyed by adjacent residential and nonresidential properties.

Regards,  
W-T Communication Design Group, LLC

Jeff Gutowsky, P.E.  
Principal

State of Illinois  
County of Cook

The foregoing instrument was acknowledged before me this 1st day of May, 2024 by Jeff Gutowsky who is a Principal at The W-T Group, LLC.

  
Notary Public

My commission expires: 1/18/28

