

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NE COLORADO CELLULAR, Inc.,)
a Colorado corporation,)

Plaintiff,)

V.)

VILLAGE OF DONIPHAN,)
NEBRASKA,)

Defendant.)

4:10CV3059

JUDGMENT

Pursuant to the memorandum and order entered this date, judgment is entered in favor of Plaintiff, and against Defendant, providing that:

1. The March 8, 2010 decision of the Doniphan Board of Trustees denying Plaintiff's application for a Conditional Use Permit is vacated;
2. Defendant shall issue such permits, licenses and orders as are needed to construct Plaintiff's telecommunications tower (and related structures) at the subject property, which is located in the 200/300 block of North First Street, Doniphan, Nebraska, legally described as Pt. W1/2 SE1/4 5-9-9 & Pt. Lot 1, 3-D Ammunition Sub. Pt. Lot 2, Doniphan Railroad 3rd Sub.;
3. Defendant is hereby directed to issue the Conditional Use Permit sought by Plaintiff without further delay or obstacle to Plaintiff and, in any event, no later than fourteen (14) days of judgment in this action;
4. This court shall retain jurisdiction of this action for the limited purpose

of enforcing its judgment and only until such permits, licenses and orders as are needed to construct Plaintiff's telecommunications tower have been issued.

December 22, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge