



# CITY OF FORT WAYNE

TOM HENRY, MAYOR

## Cell Tower Construction Disclaimer – Section 106 (36 C.F.R. Part 800)

Date: 5/26/2023

This disclaimer serves as a notice for any applicant that applies for the installation of Small Cell Towers within Allen County, IN, that Section 106 Reviews are required if the construction/installation of such tower shall impact Historically Registered or Contributing property/properties. A complete a full Section 106 Review ([36 C.F.R. Part 800](#)) must be completed prior to submitting a request for a Pole Line or Excavation permit through the City of Fort Wayne - Right of Way Department.

Any failure to fully complete a Section 106 Review for small cell towers that affect a participating or eligible property/ properties that contribute(s) to an Historic District shall fall entirely onto the applicant's responsibility. The City of Fort Wayne is not responsible for completing or confirming that the process was fulfilled to the expectations of the Indiana State Historic Preservation Officer (SHPO) or the DNR Division of Historic Preservation and Archaeology (DHPA). If requests by these, or other related federal agencies, are made to alter or remove a small cell tower that affects any eligible/participating locations within an Historic District, the applicant shall be responsible for making the appropriate alterations. The applicant shall notify the City of Fort Wayne – Right of Way Department if such requests are made known.

The applicant is encouraged to include any relevant Section 106 documents to the pole line permit for the City's records. The approval or denial of a pole line permit will be related to accuracy of plans that were pre-approved and that all other guidelines / requirements are met, outside of the Section 106 Review process.

Further information regarding Section 106 Review requirements can be found on the Indiana Department of Natural Resources' website (<https://www.in.gov/dnr/>).

A handwritten signature in blue ink, appearing to read "Nick Jarrell".

5/30/2023

Nick Jarrell, Right of Way – Director



FW PUBLIC WORKS

**Right of Way**

*In Your Neighborhood*

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