

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 05-51

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0504-483 (FRANKLIN COUNTY) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 180 FOOT HIGH COMMUNICATION TOWER IN AN "A-1" AGRICULTURE ZONE

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Planning Commission did publish notice on April 25, 2005 that public hearing would be held to consider Special Use Permit application #0504-483 (Franklin County) as required by K.S.A. 12-757 and Article 17, Section 17-3.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on May 19th, 2005 hold a public hearing for the consideration of Special Use Permit application #0504-483 to permit the construction and operation of a 180 foot high communication tower; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a majority vote of those present, approve said Special Use Permit based on certain findings and subject to certain conditions; and

WHEREAS, the Board of County Commissioners of Franklin County, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Special Use Permit finds:

1. That the Special Use Permit is consistent with the County Zoning Regulations.
2. That the Special Use Permit is in conformance with and would further enhance the County Comprehensive Plan.
3. That as conditioned, the Special Use Permit will not overburden the county roads and other public services.
4. That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.
5. That as conditioned, the Special Use Permit will not impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #0504-483 (Franklin County) to permit the construction and operation of a 180 foot high communication tower in an "A-1" Agriculture Zone as follows:

Section 1: Special Use Permit #0504-483 (Franklin County) is granted for the following described property:

EASEMENT DESCRIPTION: Commencing at a limestone 10"x6"x4", 3' deep with a ½" rebar on top at the Northwest Corner of the Northeast Quarter of Section 16, Township 18 South, Range 18 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE North 87 degrees 52 minutes 55 seconds East for a distance of 500.89 feet along the North line of said Northeast Quarter to the POINT OF BEGINNING; THENCE North 87 degrees 52 minutes 55 seconds East for a distance of 320.00 feet along said North line, said point being 1838.33 feet West of the Northeast Quarter of said Northeast Quarter; THENCE South 02 degrees 07 minutes 05 seconds East for a distance of 353.00 feet; THENCE South 87 degrees 52 minutes 55 seconds West for a distance of 320.00 feet parallel with said North line; THENCE North 02 degrees 07 minutes 05 seconds West for a distance of 353.00 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restriction of record. Said property contains 2.59 acres more or less, Franklin County, Kansas, as shown on survey Taylor Design Group, P.A. dated March, 2005.

Section 2: The real property described above shall be authorized to construct and operate a 180-foot high communication tower pursuant to the Franklin County Zoning Regulations and the following conditions:

That the guy anchors and the tower base be enclosed with a 6' high cattle fence. Access to the enclosed area shall be locked at all times except when being used by company employees.

That the base of the tower be encased in sheet metal to a height of at least 10' to prevent trespasser from climbing the tower.

3. That lighting on the tower, if required, shall be in compliance with Federal Aviation Administration lighting standards.

4. That the communication facilities comply with all requirements of the Federal Communication Commission.

That a sign be placed on the security fence around the tower base to include a telephone number of a responsible party in the event of an emergency.

That the tower base, guy anchor areas and access easement be kept free of noxious weeds, litter and debris.

That the Special Use Permit shall be null and void by operation of law if said permit has not been initiated and utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of June 2005. This action shall become effective upon publication in the official county newspaper.

/s/ John E Taylor

Donald E. Waymire John E. Taylor Commissioner District 1 Commissioner District 2

/s/ Roy C Dunn; /s/ Donald C Hay

Roy C. Dunn Donald C. Hay
Commissioner District 3#9; Commissioner District 4

/s/ Donald R Stottlemire

Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 8th day of June, 2005.

/s/ Shari Perry

Shari Perry
County Clerk