

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

RESOLUTION NO. 05-64

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0505-487 (FAULK & FOSTER) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 300 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 May 23, 2005 that public hearing would be held to consider Special Use Permit application #0505-487 (Faulk & Foster) 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 June 16th, 2005 hold a public hearing for the consideration of Special Use Permit application #0505-487 to permit the construction and operation of a 300 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 #0505-487 (Faulk & Foster) to permit the construction and operation of a 300 foot high communication tower in an "A-1" Agriculture Zone as follows:

Section 1: Special Use Permit #0505-487 (Faulk & Foster) is granted for the following described property:

**LEGAL DESCRIPTION PARENT PARCEL:** The South Half (S ½) of the Southeast Quarter (SE ¼) of Section 6, and the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 6, all in Township 16 South, Range 20 East and containing in all 147.67 acres, more or less, Franklin County, Kansas, as recorded in deed record 205 at page 576, Franklin County Register of Deeds, Kansas.

**LEGAL DESCRIPTION LEASE SITE:** A tract of land located in the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 6, Township 19 South, Range 20 East, Franklin County,

Kansas, being more particularly described as follows: Commencing at the Southwest Corner (SW) of Section 6; THENCE North 89 degrees 37 minutes 21 seconds East along the South line of said Section 6, distance of 324.52 feet; THENCE North 00 degrees 22 minutes 39 seconds West a distance of 105.64 feet to the Point of Beginning; THENCE North 00 degrees 00 minutes 00 seconds West a distance of 467.65 feet; THENCE South 60 degrees 00 minutes 00 seconds East a distance of 467.65 feet; THENCE South 60 degrees 00 minutes 00 seconds West a distance of 467.65 feet to the Point of Beginning. Containing 2.17 acres, 94.700 square miles, more or less.

**LEGAL DESCRIPTION ACCESS EASEMENT:** An access easement over and across the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 6, Township 19 South Range 20 East, said easement being twelve (12) feet in width, six (6) feet either side of the line described as follows: Commencing at the Southeast corner (SE) of the proposed compound; THENCE North 90 degrees 00 minutes 00 seconds West a distance of 25.00 feet to the Point of Beginning; THENCE South 00 degrees 22 minutes 39 seconds East a distance of 308.58 feet to the Point of Termination.

Section 2: The real property described above shall be authorized to construct and operate a 300-foot high communication tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the guy anchors and tower base be enclosed with a 6' high chain link fence with security barbed wire. Access to the enclosed area shall be locked at all times except when being used by company employees.
2. That lighting on the tower shall be in compliance with Federal Aviation Administration lighting standards.
3. That the communication facilities comply with all requirements of the Federal Communication Commission.
4. 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 tower and related facilities comply with the County Building Codes and Permits

That the applicant agrees to provide space on the tower at 150' elevation or higher for County emergency and safety users, at no cost to the County, in the event that such services are deemed necessary to provide service to Franklin County.

That the applicant agrees to remove the tower when it is no longer required.

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 6th day of July, 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire #9; /s/ John E. Taylor

Donald E. Waymire John E. Taylor Commissioner District 1

Commissioner District 2

/s/ Roy C. Dunn9; /s/ Donald C. Hay

Roy C. DunnDonald C. Hay

Commissioner District 3#9; Commissioner District 4

/s/ Donald R. Stottlemire

Donald R. Stottlemire

Commissioner District 5

Received and recorded this the 6th day of July, 2005.

/s/ Shari Perry

Shari Perry  
County Clerk