

BOARD OF COUNTY COMMISSIONERS

TIME 3:25 P.M.

OF

FRANKLIN COUNTY, KANSAS *Miss*OCT 07 2020 }
}RESOLUTION NO. 20- 28Book 296 Page 167 Fee —*Shirley A. McCarry*
REGISTER OF DEEDS, FRANKLIN CO., KSINSTRUMENT # 3819

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2007-1775 (UNITI TOWERS, LLC) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 287-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 July 28, 2020 that public hearing would be held to consider Special Use Permit application #2007-1775 (Uniti Towers, LLC) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on August 20, 2020 hold a public hearing for the consideration of Special Use Permit application #2007-1775 to permit the construction and operation of a 287-foot high communication tower; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 setting out the procedures and basis for review in considering a Special Use Permit including the following criteria:

- a. Whether the use is in compliance with, and would further enhance the implementation of, the adopted Comprehensive Plan;
- b. Whether the use complies with the purpose and intent of the adopted Zoning Regulations;
- c. Whether the use complies with other adopted standards of the County;
- d. Whether the use fits the character of the neighborhood
- e. Whether the use would be unduly detrimental to surrounding properties and uses;
- f. The suitability of the subject property for the proposed use;
- g. Approval of mitigation measures to minimize impacts to surrounding properties or services; 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 the surrounding properties

NOW, THEREFORE, Be It Resolved, that the Franklin County Planning Commission does hereby approve Special Use Permit Application #2007-1775 (Uniti Towers, LLC) as follows:

Section 1: Special Use Permit #2007-1775 (Uniti Towers, LLC) is granted for the following described property:

LEASE AREA DESCRIPTION:

That part of the Northwest Quarter of Section 5, Township 16 South, Range 21 East of the 6th P.M., Franklin County, Kansas and being more particularly described as follows:

Referring to the North Quarter corner of said Section 5, a cotton spindle found; thence westerly, on a Grid bearing of South 88°11'39" West, on the North line of the Northwest Quarter of Section 5, 251.23 feet; thence departing the North line of said Section 5 southerly South 01°48'21" East, 550.03 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the described Lease Area on the following bearings and distances; thence South 00°00'00" West, 100.00 feet; thence South 90°00'00" West 100.00 feet; thence North 00°00'00" East, 100.00 feet; thence North 90°00'00" East, 100.00 feet, to the Point of Beginning for the described Lease Area.

Containing a total calculated area of 10,000 square feet or 0.230 acres, more or less.

ACCESS/UTILITY EASEMENT DESCRIPTION:

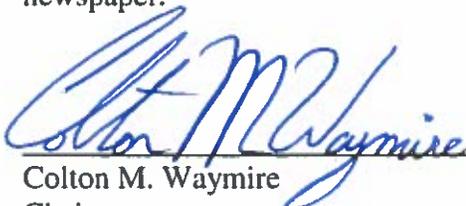
An Access/Utility Easement, 30 feet in width, located in that part of the Northwest Quarter of Section 5, Township 16 South, Range 21 East of the 6th P.M., Franklin County, Kansas and the centerline being more particularly described as follows:

Referring to the North Quarter corner of said Section 5, a cotton spindle found; thence westerly, on a Grid bearing of South 88°11'39" West, on the North line of the Northwest Quarter of Section 5, 251.23 feet; thence departing the North line of said Section 5 southerly South 01°48'21" East, 550.03 feet, to the Northeast corner of the described Lease Area; thence following the perimeter of the described Lease Area on the following bearings and distances; thence South 00°00'00" West, 100.00 feet; thence South 90°00'00" West, 100.00 feet; thence North 00°00'00" East, 100.00 feet, to the Northwest corner of said Lease Area; thence departing the described Lease Area northerly North 00°00'00" East, 15.00 feet, to the Point of Beginning for the centerline of the described Access/Utility Easement; thence easterly North 90°00'00" East, 289.16 feet; thence northerly North 01°35'01" East, 324.18 feet; thence northerly North 07°58'54" East, 185.08 feet, to a point of intersection on the southerly right-of-way line of Shawnee Road, also being the Point of Termination for the centerline of the described Access/Utility Easement. Containing a total calculated area of 23,912 square feet or 0.549 acres, more or less. Parallel lines from the centerline of the described easement, are intended to lengthen or shorten, to intersect the lines described.

Section 2: The Special Use Permit for the real property described above shall be subject to the following conditions:

1. That the tower base be enclosed with a 6'6" 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.
5. That the tower base and access easement be kept free of noxious weeds, litter and debris.
6. That the tower and related facilities comply with the County Building Codes and Permits.
7. Two (2) on-site parking spaces shall be provided and maintained on an all-weather surfaced area in accordance with the standards set forth in Article 21 of the County Zoning Regulations.
8. 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 7th day of October, 2020. This action shall become effective upon publication in the official county newspaper.



Colton M. Waymire
Chairman

Received and recorded this the 7th day of October, 2020.





Janet Paddock
County Clerk