

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

RESOLUTION NO. 11-09

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1101-1042 (RURAL WATER DISTRICT #4) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 140 FOOT WATER TOWER IN AN "A-1" AGRICULTURE ZONING DISTRICT

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 January 28th, 2011 that a public hearing would be held to consider Special Use Permit application #1101-1042 (Rural Water District #4) as required by K.S.A. 12-757 and Article 18, Section 18-3 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on February 17th, 2011 hold a public hearing for the consideration of Special Use Permit Application #1101-1042 for the construction and operation of a 140 foot water tower in an "A-1" (Agriculture) Zone; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous vote of those present, approved 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 #1101-1042 (Rural Water District #4) to permit the construction and operation of a 140 foot water tower in an "A-1" Agriculture Zone as follows:

Section 1: Special Use Permit #1101-1042 (Rural Water District #4) is granted for the following described property:

EASEMENT DESCRIPTION: Commencing at a limestone with a 4"x4" top at the Northeast Corner of the Northwest Quarter of Section 22, Township 17 South, Range 19 East of the Sixth Principal Meridian, in Franklin County Kansas; THENCE along the north line of said Northwest Quarter South 87 degrees 53 minutes 26 seconds West for a distance of 5.00 feet where set a 5/8" rebar with cap stamped PEC LS 65 and being the Point of Beginning; THENCE perpendicular to the north line of said Northwest Quarter South 02 degrees 04 minutes 34 seconds East for a distance of 250.00 feet where set a 5/8" rebar with cap stamped PEC LS 65; THENCE parallel with said north line South 87 degrees 53 minutes 26 seconds West for a distance of 250.00 feet where set a 5/8" rebar with cap stamped PEC LS 65; THENCE perpendicular to said North line North 02 degrees 04 minutes 34 seconds West for a distance of 200.00 feet where set a 5/8" rebar with cap stamped PEC LS 65; THENCE parallel with said North line South 87 degrees 53 minutes 26 seconds West for a distance of 189.40 feet to a point on the easterly right-of-way of Old Highway 50 where set a 5/8" rebar with cap stamped PEC LS 65; THENCE along a curve to the right along said easterly right-of-way with a radius of 2415.70 feet where set a 5/8" rebar with cap stamped PEC LS 65 on the north line of said Northwest Quarter; THENCE along said north line North 87 degrees 53 minutes 26 seconds East for a distance of 365.48 feet to the Point of Beginning. Said property contains 1.61 acres, more or less.

Section 2: The real property described above shall be authorized to construct and operate a 140 foot water tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. 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.

2. That the enclosed area shall be locked at all times, except when being used by company employees.

3. That the access easement be kept free of noxious weeds, litter and debris.

4. That the Special Use Permit shall be null and void by operation of law if the Special Use 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 9th day of March 2011. This action shall become effective upon publication in the official county newspaper.

/s/ John E Taylor
John E. Taylor
Chairman

Received and recorded this the 9th day of March 2011.
Shari Perry

/s/ Shari Perry

County Clerk