

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

RESOLUTION NO. 13- 12

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1212-1181 (AT&T MOBILITY) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 250 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 December 26th, 2012 that a public hearing would be held to consider Special Use Permit application #1212-1181 (AT&T Mobility) as required by K.S.A. 12-757 and Article 19, Section 19-3.04 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on January 17th, 2013 hold a public hearing for the consideration of Special Use Permit Application #1212-1181 for construction and operation of a 250 foot high four (4) carrier lattice antenna supported communication tower in an “A-1” (Agriculture) Zone; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 19, Section 19-1 through 19-5 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
6. That, as conditioned, the Special Use Permit will comply with all other County Codes and Regulations
7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #1212-1181 (AT&T Mobility) to permit the construction and operation of a 250 foot high four (4) carrier lattice antennae supported communication tower in an "A-1" (Agriculture) Zone as follows:

Section 1: Special Use Permit #1212-1181 (AT&T Mobility) is granted for the following described property:

The West Half of the Northwest Quarter of Section 36, also the West Half of the Southwest Quarter of Section 36 and the West Quarter of the North Half of the Northeast Quarter of the Southwest Quarter of Section 36, all in Township 17 South, Range 18 East containing 165 acres, more or less, except Beginning 1210.1 feet East of the Northwest Corner of said Section 36, THENCE South 1 degrees and 59 minutes East 20 feet; THENCE South 71 degrees and 19 minutes West 104.4 feet; THENCE South 83 degrees and 35 minutes West 188 feet; THENCE South 58 degrees and 3 minutes West 374.7 feet; THENCE South 21 degrees and 43 minutes West 570 feet; THENCE East 250 feet; THENCE South 495 feet; THENCE East 660 feet; THENCE North 1320 feet; THENCE West 110 feet to the Place of Beginning containing 21 acres, more or less, and EXCEPT Beginning at a point that is North 1 degrees 39 minutes West and 934.08 feet from the Southwest Corner of said Section 36; THENCE North 1 degrees 39 minutes West with the West line of said Section a distance of 653.40 feet to a point; THENCE North 88 degrees 21 minutes East a distance of 660 feet to a point; THENCE South 1 degrees 39 minutes East a distance of 653.40 feet to a point; THENCE South 88 degrees 21 minutes West a distance of 600 feet to Point of Beginning containing 9 acres, more or less, and containing, after deducting the exceptions noted, 120 acres, more or less,

Franklin County Kansas.

Section 2: The real property described above shall be authorized to construct and operate a 250-foot high communication tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the 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.
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 20 of the County Zoning Regulations.
8. That the applicant agrees to provide space 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.
9. 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 February, 2013. This action shall become effective upon publication in the official county newspaper.

BOARD OF COUNTY COMMISSIONERS

/s/ Steven W. Harris

Steven W. Harris
Chairman

Received and recorded this the 16th day of January 2013.

/s/Janet Paddock
Janet Paddock
County Clerk