

RESOLUTION 2011-027

JEFFERSON COUNTY, KANSAS

Board of County Commissioners

APPROVAL OF TRANSFER OF CONDITIONAL USE PERMIT

Pursuant to Conditional Use Permit CU2008/4, the Board of Jefferson County Commissioners authorized for use of a Wireless Telecommunication Tower as applied for by MW Towers, LLC on the following described property:

A 100 foot by 100 foot Lease Area and access/utility easements situated in the Northwest Quarter of Section 13, Township 11 South, Range 16 East of the Sixth P.M., Jefferson County, Kansas, and more particularly described as follows:

LEASE AREA

Commencing at the Northwest corner of said Northwest Quarter the West line of said Quarter having a Grid bearing of South 00 degrees 58 minutes 40 seconds East; thence South 07 degrees 03 minutes 11 seconds East a distance of 1181.16 feet to the Point of Beginning; thence North 89 degrees 01 minutes 20 seconds East a distance of 100.00 feet; thence South 00 degrees 58 minutes 40 seconds East a distance of 100.00 feet; thence South 89 degrees 01 minutes 20 seconds West a distance of 100.00 feet; thence North 00 degrees 58 minutes 40 seconds West a distance of 100.00 feet to the Point of Beginning.

REVISED ACCESS AND UTILITY EASEMENT `A`

A tract of land in the Northwest Quarter of Section 13, Township 11 South, Range 16 East of the 6th P.M., Jefferson County, Kansas. More particularly described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence on a Grid bearing of South 00 degrees 58 minutes 40 seconds East along the West line of said Quarter a distance of 1,034.14 feet; thence North 89 degrees 01 minutes 20 seconds East a distance of 25.00 feet to the Point of Beginning; thence North 89 degrees 01 minutes 20 seconds East a distance of 87.96 feet; thence South 30 degrees 26 minutes 31 seconds East a distance of 126.13 feet; thence South 00 degrees 58 minutes 40 seconds East a distance of 30.57 feet; thence South 89 degrees 01 minutes 20 seconds West a distance of 50.00 feet; thence South 00 degrees 58 minutes 40 seconds East a distance of 10.00 feet; thence South 89 degrees 01 minutes 20 seconds West a distance of 100.01 feet; thence North 00 degrees 58 minutes 40 seconds West a distance of 150.39 feet to the to the Point of Beginning.

ACCESS EASEMENT 'B'

A tract of land in the Northwest Quarter of Section 13, Township 11 South, Range 16 East of the 6th P.M., Jefferson County, Kansas. More particularly described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence on a Grid bearing of North 88 degrees 51 minutes 16 seconds East along the North line of said Quarter a distance of 368.18 feet; thence South 01 degree 08 minutes 44 seconds East a distance of 20.00 feet to the Point of Beginning; thence continuing South 01 degree 08 minutes 44 seconds East a distance of 18.48 feet; thence South 84 degrees 19 minutes 40 seconds West a distance of 301.88 feet; thence South 03 degrees 49 minutes 40 seconds West a distance of 160.98 feet; thence South 00 degrees 27 minutes 40 seconds West a distance of 355.78 feet; thence South 00 degrees 58 minutes 40 seconds East a distance of 477.71 feet; thence South 89 degrees 01 minutes 20 seconds West a distance of 20.00 feet to the Easterly Right of Way line of highway K-4; thence North 00 degrees 58 minutes 40 seconds West along said Right of Way a distance of 477.95 feet; thence North 00 degrees 27 minutes 40 seconds East along said Right of Way a distance of 356.62 feet; thence North 03 degrees 49 minutes 40 seconds East along said Right of Way a distance of 178.50 feet; thence North 84 degrees 19 minutes 40 seconds East along said Right of Way a distance of 300.33 feet; thence North 88 degrees 51 minutes 16 seconds East a distance of 20.00 feet to the Point of Beginning.

Conditions of Approval of the Conditional Use Permit

1. Require a performance bond to ensure completion of construction as well as removal after 18 months of non-use and that the bond is issued in the name of the County in an amount equal to the construction cost of the tower.
2. Build the tower to the maximum height of 130'.
3. Require that service be provided for up to four providers at the prevailing rate.
4. Provide space on the tower for Jefferson County Emergency Services in accordance with MW Towers, LLC policy.
5. Provide KDOT documentation that any required access improvements have been completed before building permit for the tower can be issued.
6. That the State Historical Society review be received in conformance with Statutes regarding property registered on the list of Kansas Historical Places.

Additional Conditions of Approval of the Conditional Use Permit Transfer

1. Require a yearly notice of continuance of the performance bond as well as a yearly notice of the current operators lease by December 31, of each year.
2. Require a notice of transfer from K2 Towers, LLC when or if they decided to sell the tower in order to review their Conditional Use Permit.

Recipient of Transfer of Conditional Use Permit

NOW THEREFORE, BE IT RESOLVED, that on this 5th day of December, 2011, that upon the issuance of a new performance bond, that Conditional Use Permit CU2008/4 be transferred to K2 Towers, LLC.

BOARD OF COUNTY COMMISSIONERS

/S/ Richard Malm, Chairman
/S/ Lynn Luck, Vice-Chairman
/S/ Roy Dunnaway, Member

Attest: /S/ Linda M. Buttron, Jefferson County Clerk

(seal)