RESOLUTION NO. 9096

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for a “Communications Tower” on property zoned “R-1” Single Family Dwelling District and located at 2446 SE 29th Street in the City of Topeka, Shawnee County, Kansas.

(CU19/04) (Council District #4)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.60.010, approving a Conditional Use Permit to allow for a “Communications Tower” on property zoned “R-1” Single Family Dwelling District and located at 2446 SE 29th Street, adjacent to Dornwood Park, and more specifically legally described as:

PARENT PARCEL DESCRIPTION:
Part of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the 6th P.M. Shawnee County, Kansas, described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North on Az 01 degrees 10 minutes 44 seconds, 50.01 feet coincident with the West line of said Quarter to the point of beginning; thence on Az 01 degrees 10 minutes 44 seconds 430.12 fee coincident with the West line of said Southeast Quarter to the Northeast corner of Lot 3, Block C, Park Valley Subdivision; thence on Az 90 degrees 00 minutes 28 seconds, 388.34 feet; thence on Az 181 degrees 10 minutes 44 seconds; 220.12 feet; thence on Az 270 degrees 00 minutes 28 seconds, 168.36 feet; thence on Az 181 degrees 10 minutes 44 seconds, 210.00 feet to the North right of way line of SE 29th Street; thence on Az 270 degrees 00 minutes 28 seconds, 219.99 feet to the point of beginning.

LEASE AREA DESCRIPTION:
That part of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas and being more particularly described as follows:

Referring to the South Quarter corner of said Section 9, a Brass cap found for thence; thence northerly, on a Grid bearing of North 01°28'01" East, 49.98 feet, to a #5 rebar found on the northerly right-of-way line of Southeast 29th Street, also being the Southwest corner of the above described Parent Parcel; thence northerly North 01°26'00" East, on the West line of the Parent Parcel, 334.64 feet; thence departing said West line easterly South 89°42'20" East, 290.37 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: North 00°17'40" East, 60.00 feet; thence South 89°42'20" East, 60.00 feet; thence South 00°17'40" West, 60.00 feet; thence North 89°42'20" West, 60.00 feet, to the Point of Beginning.
Containing a total calculated area of 3,600 square feet or 0.083 acres, more or less.

ACCESS/UTILITY EASEMENT DESCRIPTION:

An Access/Utility Easement, 20 feet in width, located in that part of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas and the centerline being more particularly described as follows:

Referring to the South Quarter corner of said Section 9, a Brass cap found for thence; thence northerly, on a Grid bearing of North 01°28’01” East, 49.98 feet, to a #5 rebar found on the northerly right-of-way line of Southeast 29th Street, also being the Southwest corner of the above described Parent Parcel; thence northerly North 01°26’00” East, on the West line of the Parent Parcel, 334.64 feet; thence departing said West line easterly South 89°42’20” East, 290.37 feet, to the Southwest corner of the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: North 00°17’40” East, 60.00 feet; thence South 89°42’20” East, 30.00 feet, to the Point of Beginning for the centerline of the described Access/Utility Easement; thence following the centerline of the easement on the following bearings and distances: North 00°17’40” East, 25.50 feet; thence North 89°42’20” West, 195.83 feet; thence South 01°35’44” East, 420.22 feet, to a point of intersection on the northerly right-of-way line of Southeast 29th Street, also being the Point of Termination for the centerline of the described Access/Utility Easement.

Containing a total calculated area of 12,831 square feet or 0.295 acres, more or less.

Parallel lines described from the centerline are intended to lengthen or shorten to intersect the lines described.

be, and the same is hereby approved, subject to:

1. Use and development of the site shall be in accordance with the approved “Conditional Use Permit Site Plans and related plans as referenced in Planning Department case file #CU19/04 for AT&T (Dornwood Park Site – 2446 SE 29th Street cell tower).

ADOPTED AND APPROVED by the Governing Body of the City of Topeka, April 2, 2019.

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk