

RESOLUTION

7376

CONDITIONAL USE PERMIT

A RESOLUTION introduced by Mayor Harry Felker in accordance with Section 48-16.02(c)(6) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a telecommunications tower on property currently zoned "R-1" Single Family Dwelling District and located on the east side of NW Vail Avenue, the centerline of which is approximately 820-feet north of NW Lower Silver Lake Road in the City of Topeka, Kansas. (CU03/11)
(Council District No. 2)

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application of City of Topeka under the provisions of Section 48-16.02(c)(6) of the Code of the City of Topeka, Kansas, for a Conditional Use Permit to establish a telecommunications tower on property currently zoned "R-1" Single Family Dwelling District and located on the east side of NW Vail Avenue, the centerline of which is approximately 820-feet north of NW Lower Silver Lake Road in the City of Topeka, Kansas, and legally described as follows:

A 50 foot by 50 foot Lease Area along with an access and utility easement of varying widths situated in the north ½ of the NW ¼, Kansas Half Breed Reserve No. 3, Shawnee County, Kansas described as follows:

COMMENCING at the SW corner of the north ½ of the NW ¼ of said Kansas Half Breed Reserve No. 3; thence north 01 degrees 35 minutes 48 seconds west along the west line of said north ½, a distance of 795.83 feet; thence south 90 degrees 0 minutes 0 seconds east, a distance of 89.35 feet to the POINT OF BEGINNING; thence north 0 degrees 0 minutes 0 seconds west, a distance of 25.00 feet to a point hereafter referred to as Point "A"; thence continuing north 0 degrees 0 minutes 0 seconds west, a distance of 25.00 feet; thence north 90 degrees 0 minutes 0 seconds east, a distance of 50.00 feet; thence south 0 degrees 0 minutes 0 seconds, east, a distance of 50.00 feet; thence south 90 degrees 0 minutes 0 seconds west, a distance of 50.00 feet to the POINT OF BEGINNING. Said tract containing 2,500 square feet, more or less.

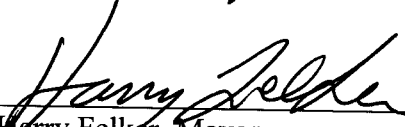
Together with an Access and Utility Easement of varying widths described as follows:

Beginning at Point "A"; thence south 90 degrees 0 minutes 0 seconds west, a distance of 10.00 feet to a point hereafter referred to as Point "B"; thence continuing south 90degrees 0 minutes 0 seconds west, a distance of 55.04 feet to a point on the east right of way line of NW Vail Avenue, as it presently exists, said point of being a POINT OF TERMINATION; thence beginning at aforesaid Point "B"; thence north 0 degrees 0 minutes 0 seconds east, a distance of 25.00 feet to a POINT OF TERMINATION; thence beginning at aforesaid Point "B"; thence south 0 degrees 0 minutes 0 seconds west, a distance of 25.00 feet to a POINT OF TERMINATION.

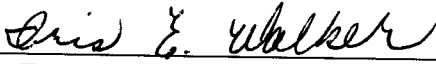
be, and the same is hereby approved, **subject to:**

1. **Use and development of the site in accordance with the site development plan approved by the Zoning and Platting Committee and City Council.**
2. **Compliance with the provisions of the accompanying report titled *Application for Conditional Use permit Telecommunication Tower Site T-Mobile A5J0021 NW Topeka.***

ADOPTED AND APPROVED by the Council of the City of Topeka, August 12, 2003.


Harry Felker, Mayor

ATTEST:


Iris E. Walker, City Clerk

