RESOLUTION NO. 8616

CONDITIONAL USE PERMIT

A RESOLUTION introduced by Jim Colson, City Manager in accordance with Section 18.70.030(c)(4) of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to establish a communications tower, telecommunication equipment and accessory facilities on property currently zoned “R-1” Single Family Dwelling District and located on property at 3107 SW 21st Street, of which the 2,500 sq. ft. lease area is approximately 3,000 ft. southwest of the intersection of SW 21st Street and SW Randolph Avenue in the City of Topeka, Kansas. (CU14/1) (Council District No. 6)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.70.030(c)(4), approving a Conditional Use Permit to establish a communications tower, telecommunication equipment and accessory facilities on property currently zoned “R-1” Single Family Dwelling District and located on property at 3107 SW 21st Street, of which the 2,500 sq. ft. lease area is approximately 3,000 ft. southwest of the intersection of SW 21st Street and SW Randolph Avenue in the City of Topeka, Kansas, and legally described as

A 50 foot by 50 foot Land Space, a 20 foot wide Non-Exclusive Access/Utility Easement, and a 15 foot wide Non-Exclusive Utility Easement, situated in Section 11, Township 12 South, Range 15 East, in Shawnee County, Kansas, more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 11 (Found 5/8" Iron Bar), said corner bears South 87°39'15" West, a distance of 241.32 feet from a Found 5/8" Bar with B&W Cap); thence North 85°54'11" West, a distance of 35.19 feet to the POINT OF BEGINNING of said Land Space; thence South 00°00'00" East, a distance of 50.00 feet; thence North 90°00'00" West, a distance of 50.00 feet; thence North 00°00'00" East, a distance of 50.00 feet; thence North 90°00'00" East, a distance of 50.00 feet to the POINT OF BEGINNING. Containing 2,500 square feet.

A 20 foot wide Non-Exclusive Access/Utility Easement, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Center Quarter Corner of said Section 11 (Found 5/8" Iron Bar), said corner bears South 87°39'15" West, a distance of 241.32 feet from a Found 5/8" Bar with B&W Cap); thence North 85°54'11" West, a distance of 35.19 feet; thence North 90°00'00" West, a distance of 50.00 feet; thence South 00°00'00" East, a distance of 50.00 feet; thence South 00°00'00" East, a distance of 60.00 feet to the POINT OF BEGINNING of said centerline; thence North 90°00'00" East, a distance of 85.84 feet; thence North 14°20'48" East, a distance of 27.79 feet; thence North 31°16'15" East, a distance of 27.34 feet; thence North 49°46'10" East, a distance of 21.76 feet; thence North 55°55'51" East, a distance of 69.48 feet; thence North 50°21'56" East, a distance of 42.88 feet; thence North 40°18'56" East, a distance of
42.88 feet; thence North 45°43'37" East, a distance of 44.98 feet; thence North 59°24'45" East, a distance of 44.98 feet; thence North 75°48'32" East, a distance of 44.63 feet; thence North 87°06'49" East, a distance of 44.63 feet; thence North 89°03'53" East, a distance of 88.47 feet; thence North 88°07'11" East, a distance of 27.24 feet; thence North 80°03'43" East, a distance of 27.24 feet; thence North 70°46'06" East, a distance of 93.27 feet; thence North 63°16'53" East, a distance of 118.05 feet; thence North 58°44'35" East, a distance of 81.05 feet; thence North 58°56'20" East, a distance of 85.06 feet; thence North 55°06'21" East, a distance of 35.91 feet; thence North 45°48'24" East, a distance of 44.82 feet; thence North 29°52'40" East, a distance of 44.82 feet; thence North 14°17'25" East, a distance of 43.77 feet; thence North 01°52'23" East, a distance of 43.77 feet; thence North 01°59'32" East, a distance of 323.24 feet; thence North 88°27'41" East, a distance of 374.33 feet to the West Right of Way line of SW RANDOLPH AVE (Public Right of Way) as it presently exists and the POINT OF TERMINATION.

AND a 15 foot wide Non-Exclusive Utility Easement, lying 7.50 feet on each side of the following described centerline:

COMMENCING at the Center Quarter Corner of said Section 11 (Found 5/8" Iron Bar), said corner bears South 87°39'15" West, a distance of 241.32 feet from a Found 5/8" Bar with B&W Cap); thence North 85°54'11" West, a distance of 35.19 feet; thence North 90°00'00" West, a distance of 28.70 feet to the POINT OF BEGINNING of said centerline; thence North 26°04'29" East, a distance of 244.36 feet to the POINT OF TERMINATION.

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

1. Use and development of the site in accordance with the approved Conditional Use Permit site plan and Statement of Use.

2. Landscape plan being approved administratively by the Planning Department that provides evergreen landscaping to screen fence.

ADOPTED AND APPROVED by the Governing Body of the City of Topeka, May 13, 2014.

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk