

(Summary Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8138

AN ORDINANCE ALLOWING A SPECIAL USE FOR A 196' TALL COMMUNICATION TOWER AND RELATED GROUND EQUIPMENT IN AN R1-9 ZONING DISTRICT LOCATED AT 4320 HUGHES ROAD IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 13th day of July, 2020 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 17th day of June 2020; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for 196' tall communication tower and related ground equipment in a R1-9 zoning district located at 4320 Hughes Road, Leavenworth, Kansas.

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That a special use permit shall be issued for a 196' tall communication tower and related ground equipment on the following described property:

That part of Block 1, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Section 12; Township 9 South, Range 22 East of the 6th P.M.; Thence North 00° 03' West, 149.28 feet; Thence South 88° 52' 21" West 30 feet to the West right of way of Hughes Road and the point of beginning, said point being the Northeast corner of a tract of land conveyed to David M. Graham by deed recorded in Book 565, Page 180; Thence North 00° 03' 30" West, 180.40 feet along the West line of Hughes Road to the Northeast corner of Block 1; Thence South 88° 50' 30" West along the North line of Block 1, 391.12 feet; Thence South 00° 03' 31" East 165.00 feet to a point on the North line of Hessenflow Subdivision; Thence North 88° 52' 21" East along said North line 251.11 feet to the Northeast corner of Lot 6, Hessenflow Subdivision; Thence South 00° 03' 30" East along the East line of Lot 6, Hessenflow Subdivision, 15.72 feet to the Northwest corner of said Graham tract; Thence North 88° 52' 21" East along said North line of said Graham Tract, 140.00 feet to the point of beginning. AND That part of Block 1, in Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of Block 1, Pleasant Ridge Subdivision; Thence North 88° 50' 30" East

238.89 feet; Thence South 00° 03' 30" East 165.00 feet to the North line of Hessenflow Subdivision; Thence South 88° 52' 21" West along the North line of Hessenflow Subdivision, 238.89 feet to the West line of Block 1, Pleasant Ridge Subdivision; Thence North 00° 03' 31" West, 165.00 feet along said West line to the Northwest corner of said Block 1, Pleasant Ridge Subdivision the point of beginning. AND Tract A; That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning. Tract E: Block numbered Two (2), in Pleasant Ridge Subdivision of the Southwest Quarter of Section numbered Twelve (12), in Township numbered Nine (9), and Range numbered Twenty-two (22), according to the map or plat thereof on record in the Office of the Register of Deeds in and for said County. LESS the following described tract: Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. ALSO LESS the following described tract: Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

AND more commonly referred to as 4320 Hughes Road, Leavenworth, Kansas. LEASE AREA DESCRIPTION: that part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows: Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner; thence northerly, on a Grid bearing of North 01° 47' 31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet; thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87° 07' 38" West, 420.78 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: westerly South 88° 12' 30" West, 70.00 feet; thence northerly North 01° 47' 30" West, 70.00 feet; thence easterly North 88° 12' 30" East, 70.00 feet; thence southerly South 01° 47' 30" East, 70.00 feet, to the Point of Beginning. Containing a total calculated area of 4,900 square feet or 0.112 acres, more or less.

Section 2: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

/s/ Myron J. "Mike" Griswold
Myron J. "Mike" Griswold

{Seal}

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson, CMC, City Clerk