

*Published 2-16-2012
structures over 100 ft*

RESOLUTION NO. 2012-R-04

(A Resolution Amending Existing County Resolution 08-R-04)

NOW UPON THIS 13th day of February, 2012, the Board of County Commissioners of Ellsworth County, Kansas, is met in regular session with a quorum present, and

WHEREAS the Board is cognizant of the continuing erection of radio towers, microwave towers, telecommunication towers, and wind towers in Ellsworth County, of significant height, and

WHEREAS Ellsworth County is not zoned, and

WHEREAS the County has a legitimate government interest in ensuring that travel on county right-of-ways will not be impeded or made subject to hazard by construction of a tower above-referenced,

NOW, THEREFORE, BE IT RESOLVED:

1) TELECOMMUNICATION TOWERS AND/OR RADIO TOWERS AND/OR WIRELESS PHONE TOWERS AND/OR WIND TOWERS EXCEEDING ONE HUNDRED FEET (100') IN HEIGHT AND WHICH ARE WITHIN ONE HUNDRED TWENTY FEET (120') OF A COUNTY RIGHT-OF-WAY MUST BE APPROVED BY A PERMIT OF THE BOARD OF COUNTY COMMISSIONERS OF ELLSWORTH COUNTY;

2) PERMITS WILL BE GRANTED UPON APPLICATION DULY MADE TO THE BOARD OF COUNTY COMMISSIONERS PRIOR TO COMMENCEMENT OF CONSTRUCTION, WITH APPLICATION TO BE MADE THROUGH THE OFFICE OF THE ELLSWORTH COUNTY CLERK;

SUCH PERMIT WILL INCLUDE DETAILED DRAWINGS TO SCALE OF THE TOWER TO BE RAISED, AS WELL AS A PROPOSED PLAN OF AGREEMENT FOR RECTIFYING ANY DAMAGE TO THE COUNTY ROADWAY AND/OR RIGHT OF WAY AND/OR ANY INTERRUPTION IN THE FLOW OF TRAFFIC ON SUCH RIGHT-OF-WAY;

3) ISSUANCE OF SUCH PERMIT SHALL BE IN THE DISCRETION OF THE BOARD OF ELLSWORTH COUNTY COMMISSIONERS SUBJECT TO JUDICIAL REVIEW AS PROVIDED BY LAW; AND

4) EXISTING RESOLUTION 08-R-04 IS HEREWITH RESCINDED AND OF NO FURTHER EFFECT.

FURTHER, BE IT RESOLVED THAT THIS RESOLUTION SHALL TAKE EFFECT UPON PUBLICATION IN THE OFFICIAL COUNTY NEWSPAPER.

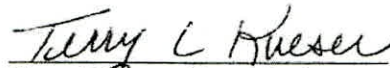
FURTHER, THIS RESOLUTION SHALL BE POSTED PROMINENTLY ON THE OFFICIAL COUNTY WEBSITE, COUNTY BULLETIN BOARD, AND IN THE OFFICE OF THE ELLSWORTH COUNTY REGISTER OF DEEDS.

BE IT SO RESOLVED.

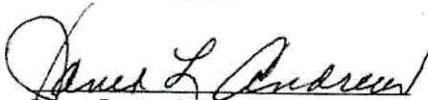
WITNESS OUR HANDS BELOW SET FORTH THIS 13TH DAY OF FEBRUARY,
2012.


Albert Oller, Chairman


Kermit Rush, Commissioner


Terry Kueser, Commissioner




Janet L. Andrews
Ellsworth County Clerk