

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved and to* 3-25-82

~~B.C.C./B.C.C.~~ *Approved subject to* 4-21-82
conditions.

Closed

CU-253 - Dick Morris, et al request Conditional Use Permit to Erect a 470 Foot Tower for Two-way Radio Antennas on Property zoned "E" Light Industrial District.
Generally located on the west side

Map No. 5543B
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 253
Filed 3-2-82

ASSOCIATED CASE: _____

APPLICATION DATA: From _____ to _____

1. Applicant: Dick Morris, et al
Address 224 W. Ash, El Dorado, Ks. 67042 Phone 1-321-2260
2. Agent: Bill Gettle, et al
Address 1900 N. Amidon, 67203 Phone 832-0121
3. General Location: West side of Hydraulic, in an area between 45th & 53rd Streets North.
4. Proposed Use: Conditional Use Permit to Erect a 470 Ft. Tower for Two-way Radio Antennas in "E" Light Industrial District.

AREA DATA:

1. Acres: 6.5 9.4 (529 ft. by 787 ft.)
2. Adjoining Zoning: E "R-1" S "P" W "P" N "P"
3. Land Use: East _____ South _____
West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PROCEDURE DATA:

1. Zoning Committee _____ by _____
2. MAPC Meeting: _____

Date	Action
<u>3-25-82</u>	<u>Approved sub to condition</u>

3. Governing Body (~~Bd. City Commissioners~~ - Bd. County Commissioners)

Date	Action	Resolution
<u>4-22-82</u>	<u>Approved subject to condition</u>	<u>5-4-82</u>

NOTES:

LOS ANGELES-CINCINNATI, OH
MEMPHIS, TN
NEW YORK, NY
PHOENIX, AZ
SAN ANTONIO, TX
ST. LOUIS, MO
TAMPA, FL
WASHINGTON, DC
WICHITA, KS
WYOMING, WY
U.S.A.

Shirley
No. 2153C

5553 B
Map No. 55435
Sec. _____
Twp. _____
Range _____

DATA SHEET
(ZONING & CONDITIONAL USE)

Z- _____
SCZ- _____
CU- 253
Filed 3-2-82

ASSOCIATED CASE: _____

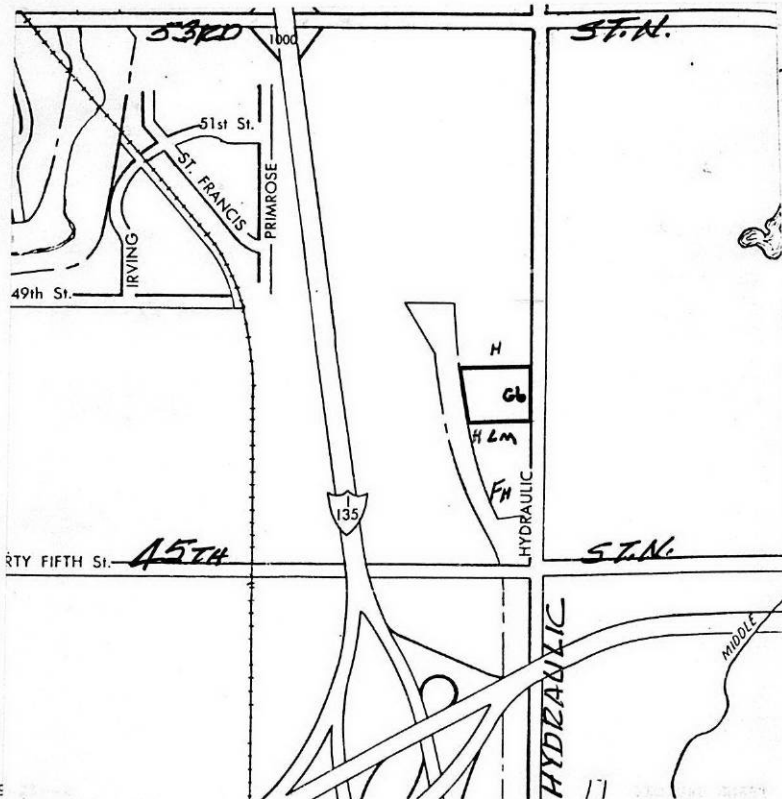
APPLICATION DATA: From _____ to _____

1. Applicant: Dick Morris, et al
Address 224 W. Ash, El Dorado, Ks. 67042 Phone 1-321-2260
2. Agent: Bill Gettle, et al
Address 1200 N. Amidon, 67203 Phone 832-0121
3. General Location: West side of Hydraulic, in an area between 45th & 53rd Streets North
4. Proposed Use: Conditional Use Permit to Erect a 470 Ft. Tower for Two-way Radio Antennas in "E" Light Industrial District.

AREA DATA:

1. Acres: 6.594 (529 ft. by 787 ft.)
2. Adjoining Zoning: E "R-1" S "RP" W "RP" N "RP"
3. Land Use: East UNDEVELOPED South Updatatory Shop
West 7th and Central Ditch North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: Sanitation Business
6. Area (is) (is not) platted. _____

PHOTO DATA: (P) Date 3-12-82 Time 2:10
Taken by _____



R# 115-1982

MAPD
88

() Published in The Wichita Eagle-Beacon on 5-14-82, 1982

R E S O L U T I O N

CASE NO. CU-253

A RESOLUTION PERMITTING CONSTRUCTION OF A 470-FOOT TOWER FOR TWO-WAY ANTENNAS IN THE "E" LIGHT INDUSTRIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 9.A.5.b AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 9.A.5.b and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow construction of a 470-foot tower for two-way antennas in the "E" Light Industrial District is hereby approved on the lands legally described as follows:

Lot 1, Block A, OLSEN ADDITION, Sedgwick County, Kansas. Generally located on the west side of Hydraulic, in an area between 45th and 53rd Streets North.

SUBJECT TO THE FOLLOWING:

- a. Subject tower shall not exceed the height of 470 feet and the tower and supporting guy s shall not be placed in the platted 35-foot building setback line adjacent to Hydraulic or encroach into the 10-foot utility easement on the south property line.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners
at Wichita, Kansas, this 21st day of July, 1942.

Jack Spratt, Chairman
Jack Spratt

Tom Scott, Commissioner
Tom Scott

Donald E. Gragg, Commissioner
Donald E. Gragg



Dorothy K. White, ex Judy Smith, Deputy
Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin
William D. Rustin, County Counselor

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE PERMIT

CASE NO. CU-253

CONSIDERED BY MAPC: 3-25-82

REQUEST FOR: Conditional Use Permit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

"To construct a 470 foot tower for two-way antennas
in "E" Light Industrial zoning."

GENERAL LOCATION: West side of Hydraulic in an area approximately
1700 feet north of 45th Street North.

LEGAL DESCRIPTION:

(See excerpt from Planning Commission minutes of
March 25, 1982)

APPLICANT: Dick Morris, et al, 224 W. Ash, El Dorado, Kansas.

AGENT FOR APPLICANT: Bill Gettle, Motorola Communications & Electronic,
Inc., 1900 N. Amidon, Suite 216.

PROTESTORS (LIST AGENT) IF ANY: None

SURROUNDING ZONING: North, South and West, "E"; East, "R-1".

LAND USE: Existing, Sanitation business; North and East, Undeveloped;
South, Upholstery Shop; West, Flood Control Diversion Ditch.

PLANNING COMMISSION RECOMMENDATION:

That this application be approved subject to the conditions as shown
in the excerpt from Planning Commission minutes of March 25, 1982.
Bayouth moved, Cazal seconded and it carried unanimously. Goebel
and Martens were absent.

ACTION: 1. Concur with the findings of fact of the Metropolitan Area
Planning Commission, approve the application subject to the recommended
conditions and adopt a resolution establishing the conditional use; or
2. Take such action as the County Commission deems appropriate.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 25, 1982

7. Case No. CU-253 - Dick Morris, et al request Conditional Use Permit for Lot 1, Block A, OLSEN ADDITION, Sedgwick County, Kansas. Generally located on the west side of Hydraulic, in an area between 45th and 53rd Streets North.

GALBRAITH pointed out land use, zoning, and showed slides of the general area. He reviewed the following staff report:

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a radio transmitting facility as a conditional use in the "E" Light Industrial District.

Subject property is located on the west side of Hydraulic in an area approximately 1700' north of 45th Street North on property being leased from the owner of the platted lot who operates a sanitation business on the front portion of the tract.

A letter from FAA dated January 29, 1982, has been submitted with the application which indicates construction of the 470 foot tower at this location should not present a problem as related to air traffic in the area.

2. If it is determined by the Planning Commission that the use proposed is proper for the area, it is recommended that it be approved subject to the following:
- a. Subject tower shall not exceed the height of 470' and the tower and supporting guys shall not be placed in the platted 35' building setback line adjacent to Hydraulic or encroach into the 10' utility easement on the south property line.
 - b. All conditions of approval by the Federal Aviation Administration shall be complied with.

GALBRAITH stated that the staff received from this applicant when he filed the application, an FAA review approving this tower height at this location. FAA has said that it would not adversely affect air space.

There was no one present in opposition to the application.

BAYOUTH asked who was the applicant.

BILL GETTLE, agent, explained that he was with Motorola Communications in Wichita and that they were the supplier of the hardware for the tower. He said that Glen Olsen was the owner of the property where the tower would be located. There were two individuals that are purchasing the hardware and leasing ground for the tower from Glen Olsen. He said that it would be used for radio transmitter equipment.

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the existing light industrial zoning of the property to the north,

south and west; the commercial and industrial character of the area, and the recommendation of approval by staff; I move that we recommend to the County Commission that this application be approved subject to the following conditions:

- a. Subject tower shall not exceed the height of 470 feet and the tower and supporting guys shall not be placed in the platted 35-foot building setback line adjacent to Hydraulic or encroach into the 10-foot utility easement on the south property line.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

Bayouth moved, Cazal seconded and it carried unanimously. Goebel and Martens were absent.

() Published in The Wichita Eagle-Beacon on _____, 1982

R E S O L U T I O N

CASE NO. CU-253

A RESOLUTION PERMITTING CONSTRUCTION OF A 470-FOOT TOWER FOR TWO-WAY ANTENNAS IN THE "E" LIGHT INDUSTRIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF EITHER THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 9.A.5.b AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERETO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That after receiving a recommendation from Wichita-Sedgwick County Metropolitan Area Planning Commission and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 9.A.5.b and Section 11.E of the Zoning Resolution as amended, a Conditional Use Permit to allow construction of a 470-foot tower for two-way antennas in the "E" Light Industrial District is hereby approved on the lands legally described as follows:

Lot 1, Block A, OLSEN ADDITION, Sedgwick County, Kansas. Generally located on the west side of Hydraulic, in an area between 45th and 53rd Streets North.

SUBJECT TO THE FOLLOWING:

- a. Subject tower shall not exceed the height of 470 feet and the tower and supporting guy s shall not be placed in the platted 35-foot building setback line adjacent to Hydraulic or encroach into the 10-foot utility easement on the south property line.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the Official Zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the Official County Paper.

PASSED AND ADOPTED by the Board of County Commissioners
at Wichita, Kansas, this ____ day of _____, 19____.

_____, Chairman
Jack Spratt

_____, Commissioner
Tom Scott

_____, Commissioner
Donald E. Gragg

ATTEST:

Dorothy K. White, County Clerk

(SEAL)

Approved as to form by County Counselor

William D. Rustin, County Counselor

March 26, 1982

Mr. Bill Gettle, Zone Sales Manager
Motorola Communications & Electronics Inc.
1900 North Amidon, Suite 216
Wichita, Kansas 67203

Re: CU-253 - To erect a 470' tower
for 2-way radio antennas in "E"
Zoning District - West side of
Hydraulic, in an area between
45th St. North & 53rd St. North

Dear Mr. Gettle:

At its regular meeting of March 25, 1982, the Metropolitan Area Planning Commission considered the above-captioned request for a Conditional Use Permit to erect a 470' tower for 2-way radio antennas in "E" zoning district. The action of the Planning Commission was to recommend that this application be approved subject to the following conditions:

- a. Subject tower shall not exceed the height of 470' and the tower and supporting guys shall not be placed in the platted 35' building setback line adjacent to Hydraulic or encroach into the 10' utility easement on the south property line.
- b. All conditions of approval by the Federal Aviation Administration shall be complied with.

This matter will be forwarded to the Board of County Commissioners for their consideration at 9:00 a.m., on Wednesday, April 21, 1982, in Room 320, Sedgwick County Courthouse.

If you have any questions concerning this matter, please contact our office.

Sincerely yours,

Jack H. Galbraith
Chief Planner

JHG:sad

cc: Dick Morris, 224 West Ash, Eldorado, Ks. 67042
Harold Olsen, R.R.1, Eldorado, Ks. 67042
M. L. Slaughter, 1900 North Amidon, Suite 216, Motorola, Wichita 67203
Glen Olsen, 4821 North Hydraulic, Wichita 67219
Ron Worley, County Zoning Officer

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

MAPC HEARING DATE: 3-25-82

Case No. CU-253 Request: Conditional Use Permit to
construct a 470' tower
for two-way antennas in "E"
zoning

Location: West side of Hydraulic in an area approximately 1700'
north of 45th Street North.

Acres: 9.4 Size: 529' x 787'

	<u>Land Use</u>	<u>Zoning</u>
Existing	Sanitation business	"E"
North	Undeveloped	"E"
East	Undeveloped	"R-1"
South	Upholstery shop	"E"
West	Flood Control Diversion ditch	"E"

Street right-of-way is adequate

Platted: Yes

History: None

COMMENTS:

1. The following items should be considered by the Planning Commission in making findings of fact:

The Board of County Commissioners may, by special permit and subject to such restrictions as it deems necessary, permit a radio transmitting facility as a conditional use in the "E" Light Industrial District.

Subject property is located on the west side of Hydraulic in an area approximately 1700' north of 45th Street North on property being leased from the owner of the platted lot who operates a sanitation business on the front portion of the tract.

A letter from FAA dated January 29, 1982, has been submitted with the application which indicates construction of the 470 foot tower at this location should not present a problem as related to air traffic in the area.

2. If it is determined by the Planning Commission that the use proposed is proper for the area, it is recommended that it be approved subject to the following:
 - a. Subject tower shall not exceed the height of 470' and the tower and supporting guys shall not be placed in the platted 35' building setback line adjacent to Hydraulic or encroach into the 10' utility easement on the south property line.
 - b. All conditions of approval by the Federal Aviation Administration shall be complied with.

CU-253 - 13 - "Notice to Adjoining Property Owners" mailed 3-11-82 for
the MAPC meeting for 3-25-82

1 to Ron Worley, County Dept. of Public Works

14 TOTAL

sent notices on 3-16-82 to:

1 *H. Jay Setler, Director of aviation*

1 *Jim Beckett, Plant Eng., Beech Aircraft Corp
9709 E. Central, 67206*

16 *Total*

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY HALL, TENTH FLOOR, 455 North Main Street
Wichita, Kansas 67202

NOTICE TO ADJOINING PROPERTY OWNERS:

March 11, 1982

Conditional Use

This is a notice of a request for a zoning change in your area. As an area property owner, you have the right to appear before the Metropolitan Area Planning Commission (MAPC) meeting in support or in opposition to this request for a zoning change. The MAPC will consider the following case in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at its meeting on March 25, 1982, which will commence at 1:30 p.m. You may appear either in person or by agent or attorney if you so desire.

CASE NO. CU-253

Conditional Use Permit to Erect a 470 Foot Tower
for Two-way Radio Antennas on
Property Zoned "E" Light Industrial District

Lot 1, Block A, OLSEN ADDITION, Sedgwick
County, Kansas. Generally located on the
west side of Hydraulic, in an area between
45th and 53rd Streets North.

Additional information concerning this case and official protest procedures may be obtained from the Planning Department, 10th Floor, City Hall, or by calling 268-4421.

Robert A. Lakin
Secretary

Summary Description of County Zoning Districts

- "R" - Rural Residential District
Permits one single-family dwelling for each lot of two acres.
- "R-1" - Suburban Residential District
Permits one single-family dwelling for each lot of 20,000 square feet of land area if served by a public water supply, or 40,000 square feet if served by a private domestic water supply source.
- "AA" - One-Family Dwelling District
One-family dwellings require a minimum of 6,500 square feet.
- "BB" - Office District
Permits agriculture, one-family dwellings and all business and professional offices. All commercial activities are prohibited.
- "LC" - Light Commercial District
Permits one-family dwellings and any retail commercial uses conducted within an enclosed building.
- "C" - General Commercial District
Permits all commercial activities; outdoor displays and sales; selected light manufacturing and light commercial uses.
- "E" - Light Industrial District
Permits most manufacturing uses and uses permitted in "C". Mobile home parks and trailer camps are not permitted.
- "F" - Heavy Industrial District
Permits any use except those objectionable uses such as slaughter houses, salvage yards and fertilizer plants which require special permits. Mobile home parks and trailer camps are not permitted.
- "CU" - Conditional Use in any of the above districts
Allows certain uses listed in the County Zoning Resolution by special permit rather than as a use by right.
- NOTE: - The above list is not intended to be all inclusive. For complete regulations see the Sedgwick County Zoning Resolution.



MOTOROLA
Communications and Electronics Inc.

Mike Slaughter

Radio Communications Representative
1900 N. Amidon, Suite 216, Wichita, Kansas 67203
(316) 832-0121



MOTOROLA Communications and Electronics Inc.

Bill Gettle

Zone Sales Manager
1900 N. Amidon, Suite 216, Wichita, Kansas 67203
(316) 832-0121

5543 B

N-E
S-E
E-R-1
W-E

APPLICATION FOR APPROVAL OF CONDITIONAL USE PERMIT
FOR PROPERTY LOCATED WITHIN THE JURISDICTION
OF THE BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

CU-253

This is an application for a Conditional Use Permit. The form must be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 North Main Street, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants and/or their agent or agents. All owners of all property requested to be considered in this application must be listed in this item.

A. APPLICANT DICK MORRIS
ADDRESS 224 W. ASH EL DORADO, Ks. 67044 PHONE 1-321-2260
AGENT BILL WITTE suite 216-% Motorola
ADDRESS 1900 N. AMIDON WICHITA, Ks 67203 PHONE 832-0121

B. APPLICANT HAROLD OLSEN
ADDRESS RR 1 EL DORADO, Ks. 67044 PHONE 1-321-5230
AGENT M.L. SLAUGHTER suite 216-% Motorola
ADDRESS X900 N. AMIDON WICHITA, Ks 67203 PHONE 832-0121

Returned +
to % Motorola
Suite 216
per phone.

APPLICANT GLENN OLSEN
ADDRESS 4821 N. HYDRAULIC WICHITA, Ks 67209 PHONE 838-4134
AGENT M.L. SLAUGHTER suite 216-% Motorola
ADDRESS X900 N. AMIDON WICHITA, Ks. 67203 PHONE 83

(Use separate sheet if necessary for names of additional applicants).

2. a. The applicant proposes to establish a _____ (use)
_____ on property legally described as Lot(s) "1" (ONE)
_____, Block(s) "A"
of the OLSEN Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet).

Use legal from
ownership list

2. b. There are 9.4 acres (round to nearest tenth) in the above described property.

3. THIS PROPERTY IS LOCATED AT (ADDRESS) 4821 N. HYDRAULIC

THE GENERAL LOCATION IS (USE APPROPRIATE SECTION)

A. AT THE _____ CORNER OF _____ AND _____

_____, OR
B. ON THE WEST SIDE OF HYDRAULIC (AVE.) ^{in an area} STREET BETWEEN

~~ST~~ 45th No. STREET AND 53RD No. (AVE.) STREET.

4. THE PROPERTY INCLUDED IN THIS APPLICATION IS ZONED Industrial (ZONING DISTRICT CLASSIFICATION).

5. I REQUEST THIS CONDITIONAL USE PERMIT FOR THE FOLLOWING REASONS:

*To erect a 470 foot tower for
Two-way radio antennas*

6. I (WE), THE APPLICANT(S), ACKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE THAT THIS APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETELY FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATE AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AT IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

BY _____ AUTHORIZED AGENT (IF ANY) * Dick Morris
BY _____ AUTHORIZED AGENT (IF ANY)

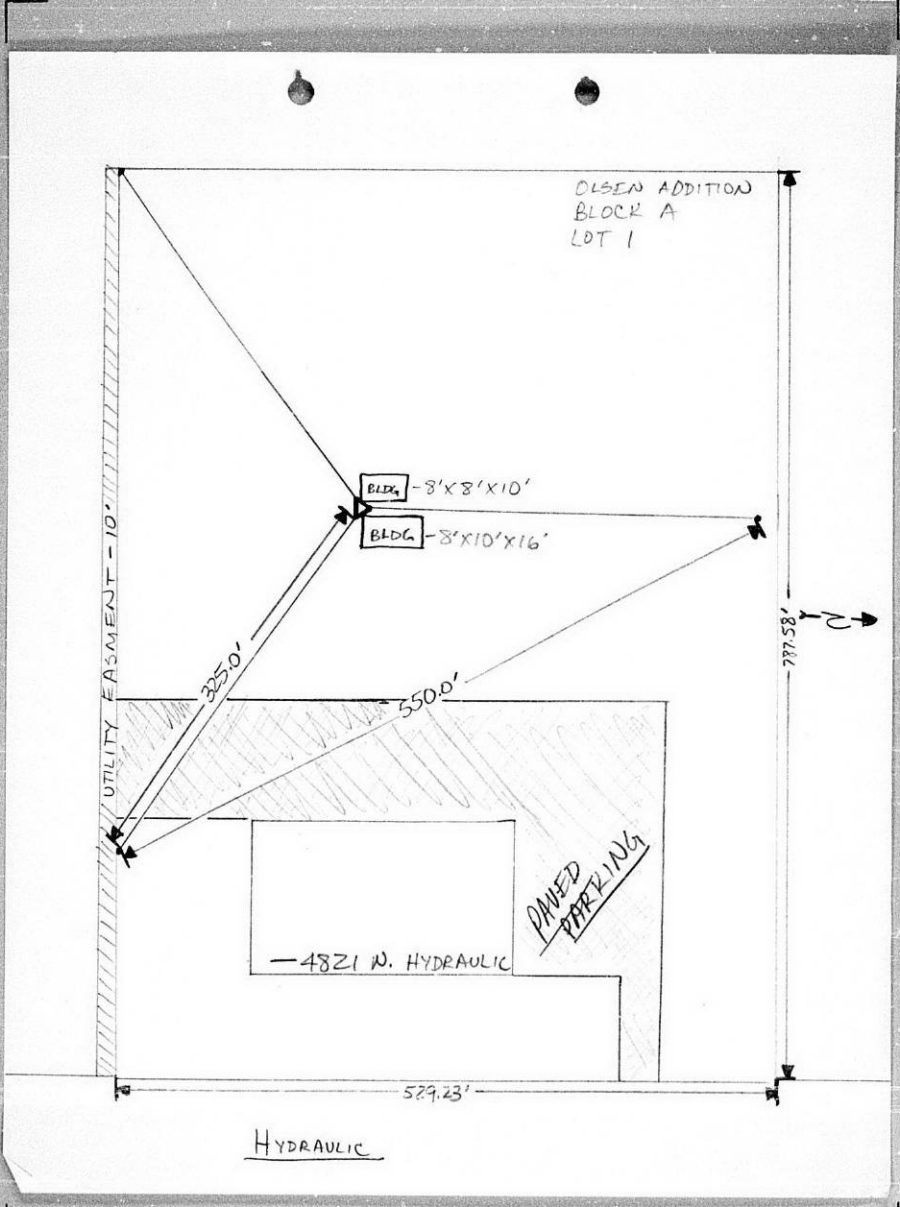
BY _____ AUTHORIZED AGENT (IF ANY) * Harold Olsen
BY _____ AUTHORIZED AGENT (IF ANY)

BY _____ AUTHORIZED AGENT (IF ANY) * Glen Olsen
BY _____ AUTHORIZED AGENT (IF ANY)

7. OFFICE USE ONLY

This application was received at the Planning Department at 4:40
(AM, PM) on March 2, 1982 (day, month, year). It has been checked and found to be complete and accompanied by required documents and the appropriate fee of \$ 600⁰⁰.

G. Lynn Shirkley Name
Jr. Planner Title



OLSEN ADDITION
BLOCK A
LOT 1

BLDG. - 8'x8'x10'

BLDG. - 8'x10'x16'

UTILITY EASEMENT - 10'

325.0'

550.0'

787.58'



4821 N. HYDRAULIC

PAVED
PARKING

529.23'

HYDRAULIC



DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Mike Slaughter

IN REPLY REFER TO
AERONAUTICAL STUDY
NO. 02-ACF-030-05

CENTRAL REGION
110 EAST 20TH STREET
ATLANTA, GEORGIA 30330

ACKNOWLEDGMENT OF NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

SPONSOR	TRIST COY. INCORPORATED, INC. 110 SOUTH AVENUE ATLANTA, GEORGIA 30330		CONSTRUCTION LOCATION	
	CONSTRUCTION PROPOSED		PLACE NAME	ATLANTA, GEORGIA
DESCRIPTION		LATITUDE	LONGITUDE	
		37 46' 19"	97 19' 10"	
		HEIGHT (IN FEET)		
		ABOVE GROUND	ABOVE M.S.L.	
		470	1830	

The Federal Aviation Administration hereby acknowledges receipt of notice dated _____ proposed construction or alteration described above. _____ concerning the

A study has been conducted under the provisions of Part 77 of the Federal Aviation Regulations to determine whether the proposed construction would be an obstruction to air navigation, whether it should be marked and lighted to enhance safety in air navigation, and whether supplemental notice of start and completion of construction is required to permit timely charting and notification to airmen. The findings of that study are as follows:

- () The proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation. However, the following applies to the construction proposed:
 - () The structure should be obstruction marked and lighted per FAA Advisory Circular AC 70/7460-1, "Obstruction Marking and Lighting."
 - () Supplemental notice is required at least 48 hours before the start of construction (use the enclosed FAA form).
 - () Supplemental notice is required within five days after construction reaches its greatest height (use the enclosed FAA form).
- () The proposed construction would exceed FAA obstruction standards and further aeronautical study is necessary to determine whether it would be a hazard to air navigation. Pending completion of any further study, it is presumed the construction would be a hazard to air navigation. Further study:
 - () Has been initiated by the FAA. () May be requested by the sponsor within 30 days of date of this acknowledgement.
- () If the proposed structure were reduced in height to not exceed _____ ft. above ground level (_____ ft. above sea level), it would not exceed Part 77 obstruction standards.

If the structure is subject to the licensing authority of the Federal Communications Commission, a copy of this acknowledgment will be sent to that Agency.

Notice is required anytime the project is abandoned or the proposal is modified. (Use the enclosed FAA form.)

THIS DETERMINATION EXPIRES SEP 10 1982
UNLESS APPLICATION IS MADE TO THE FCC FOR A
CONSTRUCTION PERMIT BEFORE THAT DATE, OR IT
IS OTHERWISE EXTENDED, REVISED OR TERMINATED

PLEASE ADVISE DATE OF APPLICATION TO THE FCC.

SIGNED: _____ TITLE: _____

ISSUED IN _____ ON _____

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this _____ day
of February, 1982, by and between:

GLENN OLSEN
hereinafter called

" LESSORS "

-and- EAGLE COMMUNICATIONS INC./
DICK MORRIS AND HAROLD OLSEN
hereinafter called:

" LESSEE "

W I T N E S S E T H :

For and in consideration of the covenants and agreements herein
set fourth and the rent to be paid as herein provided, the Lessors
hereby lease and let unto the Lessee, as a site for a radio broad-
casting tower and equipment building, the following described prop-
erty situated in Sedgwick County, Kansas, to-wit:

Specifically latitude 37° 46' 19" longitude 97° 19' 10"

This lease is made on the following terms and conditions:

1. The term of this lease shall be ninety-nine years (99)
commencing on the 28th day of February, 1982.

2. Lessee agrees to provide Lessors as rent for the use of
said site, two (2) antenna positions at the top level of the tower
for 800 MHz trunking line use only. These spaces may be subleased
with the written consent of the Lessee. Lessors shall provide their
own building at the site.

3. Lessee agrees to indemnify the Lessor and save him harmless
from and against all liability, penalties, damage, expenses and
judgements arising from injury to persons or property of any nature
occurring in or on said leased premises, or arising from materials
and supplies which Lessee uses or maintains thereon,

McKAY, McKAY
&
HARGROVE
ATTORNEYS AT LAW
PETROLEUM BUILDING
4 WEST CENTRAL AVENUE
P.O. BOX 49
DORADO, KANSAS 67042
TELEPHONE 316-321-9290

or arising out of Lessee's operation of a radio tower, and to this end Lessee agrees to carry insurance of not less than One Hundred Thousand Dollars (\$100,000.00) per person, Three Hundred Thousand Dollars (\$300,000.00) per incident, and One Hundred Fifty Thousand Dollars (\$150,000.00) for property damage to protect Lessor from bodily injury and property damage, and Lessee further agrees to furnish to the Lessors a copy of said insurance policy or a certificate from the insurance company issuing such policy showing said insurance is in force and effect.

4. The premises leased by the Lessors to the Lessee shall be utilized by the Lessee for the installation, operation and maintenance of radio transmission and receiving equipment Lessee shall have the exclusive radio frequency rights to said tower and may sublet or license others to use the tower for such purposes, other than the ~~one~~^{two} ~~one~~^{use} positions as mentioned in paragraph #2. Lessee, its licensees, and his authorized service personnel shall have the right to enter or leave the leased premises at all reasonable times. A key to perimeter fence shall be provided to Lessee by Lessors.

5. The radio tower to be erected by Lessee shall be a steel radio tower and shall be a Rhon 80 Tower and shall be no more than Four Hundred Seventy Feet (470') in height. The equipment building which Lessee may construct on the leased premises, will be, a sound structure and shall have inside dimensions of no less than eight feet (8') in length by ten feet (10') in width by eight feet (8') in height and will meet all local building codes.

6. Lessee shall be responsible for all tower and building maintenance which includes, but is not limited to, painting the tower, installing and maintaining warning lights and maintaining a daily log of the lighting condition of the tower. Maintenance includes but is not limited to, all FCC checks of automatic equipment and logging the same in a Tower Log Book. Lessee will furnish all necessary electrical power and electrical outlets for operation of Lessee's transmitters. Lessor's responsibility shall apply only to Lessor's real estate,

and Lessors are in no way responsible for maintenance or for damage of any kind to the property of Lessee as may herein be constructed upon the leased premises.

7. Lessors agree to provide, if necessary, a roadway easement no more than thirty (30) feet wide for the purpose of Lessee's ingress and egress to the tower site and the equipment building. The exact location of such roadway, if necessary, is to be designated by Lessors after determination of the tower site and the maintenance building. If the road construction is required, all costs of installation and maintenance of said roadway shall be paid by Lessee.

8. All of the ground in the above-described tract of real estate around and under said tower and maintenance building which is not actually occupied by building improvements, guy wire anchors, or the tower itself, shall be available for the Lessors' use for other business purposes.

9. Lessee shall indemnify Lessor against any liability for loss of or damage to property and death of or injury to Lessors' officers, employees, agents, invitees, tenants, or representatives, employees of Lessee, or third persons, which results directly or indirectly from the fault or negligence of Lessee or its employees attributable to the installation, operation, maintenance, or removal of any of Lessee's property kept and maintained upon the leased premises.

10. In the use of the tower, Lessee will comply with all federal, state and municipal regulations, including, but not limited to, those of the Federal Communications Commission.

11. Upon termination of this lease for any reason, Lessee shall properly remove the radio tower and installation, and all other property located within the equipment building, and shall otherwise restore the premises for Lessors business uses. If not removed within sixty (60) days after termination, then the tower and equipment shall become the property of Lessors, or, at Lessors' option, Lessors may have the same removed at the cost of Lessee. In the events that a radio tower and installation

are damaged for any reason and said damages are covered by a policy of insurance, then, and in that event, if the radio tower and installation are not repaired the Lessor shall have an interest as the beneficiary of said insurance policy to the extent necessary to pay the cost of removing the radio tower and installation from the premises.

In the event the Lessee shall lose his license to broadcast issued by the Federal Communication Commission for any reason, then, and in that event, this lease may be terminated at the option of either the Lessee or the Lessor on thirty (30) days notice to the Lessors. Provided, however, that upon such termination the Lessee's duties and obligations regarding the removal of the radio tower and other equipment as set forth in the paragraph immediately above would remain in full force and effect.

12. Any notice or demand required or permitted to be given or made hereunder shall be sufficiently given or made by certified mail in a sealed envelope, postage prepaid, addressed as follows:

To Lessee: Eagle Communications/Dick Morris
and Harold Olsen
321 S. Denver
El Dorado, Kansas 67042

To Lessors: Glenn Olsen
10459 N. Meridian
Valley Center, Kansas 67147

Any such notice or demand shall be deemed to have been given or made at the time it is deposited in the United States Post Office. Lessee or Lessors may from time to time designate any other address for this purpose by written notice to the other party.

13. This lease agreement is made contingent upon the Lessee receiving a permit from the Federal Aviation Agency for the operation of a radio tower on the leased premises not later than May 1, 1982, and upon a conditional use zoning approval being received by Lessee from the area planning commissions and county commissioners.

14. This agreement constitutes a full and complete settlement of all issues, and shall be binding upon the parties hereto, their heirs, successors, trustees, and assigns.

WHEREUPON, this agreement is entered into the day and year first above written.



Glen Olsen

"LESSOR"

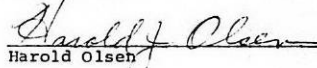
Eagle Communications Inc./





Dick Morris





Harold Olsen

"LESSEES"

STATE OF KANSAS)
) ss:
SEDGWICK)

Before me, the undersigned, a Notary Public, within and for said county and state, on this ~~30th~~ day of February, 1982, personally appeared Glen Olsen as "Lessor" and Eagle Communications Inc/ Dick Morris and Harold Olsen as "Lessees", to me personally known to be the identical persons who executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

OFFICIAL SEAL - STATE NOTARY PUBLIC
BETTY M. CARLSON, BUTLER COUNTY, KANSAS
MY APPOINTMENT EXPIRES Aug 13, 1982

Betty M. Carlson

My appointment Expires on:

August 13, 1982

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
 SEDGWICK COUNTY) SS

CU-253

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

use for legal

Record Owners within 1200 feet of:
 Lot 1, Block A, OLSEN ADDITION,
 Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1, Block A,	OLSEN	✓ Glen & Jean Olsen 10459 North Meridian Valley Center, Kansas 67147
Lot 2, Block A,	OLSEN	✓ D Glen & Jean Olsen 10459 North Meridian Valley Center, Kansas 67147
Lot 1, Block A,	MATZ	✓ Paul E. & Marie Matz 4815 North Hydraulic Wichita, Kansas 67219

South Half of the Northeast Quarter, except the South 375 feet of the East 580.9 feet and except beginning 660 feet North of the Southeast Corner of the Northeast Quarter; thence North 300 feet; thence West 580 feet; thence South 300 feet; thence East to beginning and except the West 170 feet of the East 680.8 feet of the North 230 feet of the South 605 feet and except that part taken for I-35 Highway, Section 21, Township 26 South, Range 1 East,

✓ Ignace M. Jones
308 North Broadview
Wichita, Kansas 67208



-3-

Dated in Wichita, Kansas, this 1st day of March, 1982 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Dwight A. Schuck*
Vice President

Tracer No. 57835



CU-253

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Edie



GET 00 251204N1 03/12/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

This is the agent

BILL GETTLE
1900 N-AMIDON
WICHITA KS 67203

*Suite 216
% Motorola*

no other address

Important! Notice of Meeting Enclosed

CU-253

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Edie



SLA 00 251204N1 03/12/82

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

This is an agent

M L SLAUGHTER
1900 N AMIDON
WICHITA KS 67203

Rec'd 3-17-82

Called their office & was instructed to add: Motorola - Suite 216

Important! Notice of Meeting Enclosed

FORM 29-0

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____