

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE granting a conditional use permit (CUP) in District AG (Agricultural) to construct a 180-foot wireless communication tower, subject to specified conditions, as to a 5 ± acre tract.

ORDINANCE NO. 4874, August 22, 2016

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted to construct a 180-foot wireless communication tower, as to an approximate 5 ± acre tract of land commonly known as 35202 E. AA Highway, Oak Grove, and specifically described as follows:

Description: That part of the Northeast ¼ Section 36, Township 49, Range 30, in Jackson County, Missouri, described as follows: Beginning at the point on the East line of said Quarter section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to the Northeast corner of the tract of land conveyed to Lloyd R. Hale and Margaret B. Hale, husband and wife, by the deed recorded in Book 1511, Page 755, filed May 16, 1961 as Recorder's Document No. 768232 in said Recorder's Office; thence South on the East line of said tract conveyed to hale by said deed to the Northerly line of the right of way of the Gulf, Mobil & Ohio Railroad Company granted to the Kansas City, St. Louis and Chicago Railroad Company by the deed filed June 25, 1878 recorded in Book 116, Page 414 as now established; thence Southeasterly along the Northerly line of said railroad right of way to the North line of the right of way of Old U.S. Highway No. 40 as established by the deed recorded in Book 434, Page 127, filed April 10, 1923 as Recorder's Document No. 17052, in said Recorder's Office; thence Easterly along the Northerly line of said of Old U.S. Highway No. 40, as established by said deed recorded in Book 434, Page 127, to the East line of said Quarter Section; thence North along the East line of said Quarter Section to the Place of Beginning, Except the following described property: that part of the Northeast Quarter of Section 36, Township 49, Range 30, in Jackson County, Missouri described as follows: Beginning at the point on the East line of said Quarter Section where the South line of Interstate Route No. 70, formerly new U.S. Highway 40, as established by the deed recorded in Book 792, Page 167, filed January 29, 1947 as Recorder's Document No. 525111, in the Office of the Recorder of Deeds for Jackson County, Missouri, intersects said East line; and running thence Westerly along the South line of said Interstate Route No. 70 to a point where said South line of Interstate No. 70 intersects the East line of Leftholtz Road; thence Southwesterly along the East line of Leftholtz Road to the point where said East line of Leftholtz Road intersects the North line of Old U.S. Highway No. 40; thence Easterly along the North line of Old U.S. No. 40 to the point where said North line of Old

U.S. Highway 40 intersects the East line of said Quarter Section; thence North along East line of said Quarter Section to the Point of Beginning, Except that part in road.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 180 feet as measured from ground level.
2. The lattice tower and appurtenance shall be installed according to manufacturer's specifications using sound engineering and safety practices.
3. The lattice tower shall be structurally designed so that at least four (4) other wireless co-locators would be allowed space on the tower.
4. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
5. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
6. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna/tower or property owner shall remove the antenna or tower within 90 days.

Section 3. The Legislature, pursuant to the application of Verizon Wireless c/o Selective Sites, LLC (CU-2016-219), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommend APPROVAL of this application in a public hearing on July 21, 2016, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4874 introduced on August 22, 2016, was duly passed on September 19, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

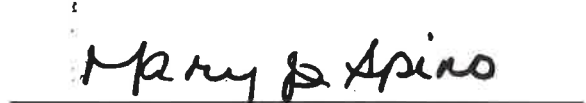
Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

September 19, 2016
Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4874.

9/22/2016
Date



Frank White, Jr., County Executive