AN ORDINANCE RELATING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY, UNDER THE AUTHORITY GRANTED BY THE WESTWOOD, KANSAS ZONING ORDINANCE.

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

SECTION ONE: That having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held on November 4, 2013 and December 10, 2013 as provided by law and under the authority of and subject to the provisions of the Westwood, Kansas Zoning Ordinance, a Special Use Permit is issued on lands legally described as follows:

TRACT 1: A parcel of land in the Southeast ¼ of the Northeast ¼ of Section 3, Township 12 South, Range 25 East of the Sixth Principal Meridian, being the City of Westwood, Johnson County, Kansas described as follows: Beginning at a point 172 feet North of the southwest corner of said Southeast ¼ of the Northeast ¼ of said Section 3, running thence North 492.2 feet; thence East 575 feet; thence South 492.2 feet; thence West 575 feet to the place of beginning, subject to that part in road.

TRACT 2: Lots 11, 12, 13, 14 and 15, SWATZELL VIEW, BLOCK 3, a subdivision of land in the City of Westwood, Johnson County, Kansas

SPECIAL USE PERMIT NO. 2013-03

Entercom Kansas City renewal of special use permit for use of two existing radio broadcasting towers on property located at 4935 Belinder Ave. for a five-year period of time subject to the following stipulations:

1. The property owner must provide maintenance and inspection reports for towers and all supporting structures, guys, and attachments. Such reports shall follow the guideline and checklist set forth in TIA-EIA-222-F, Annex E. Applicant will provide updated reports in 2014, and again prior to the renewal of the next Special Use Permit request.

2. Maintain at all times during the term of the Special Use Permit either (a) a property maintenance and upkeep contract; or (b) reasonably demonstrate adequate staffing, to keep the property in good repair and free from debris and to keep the fencing, grounds, trees and shrubs in reasonable condition. This requirement shall not in any manner restrict the right of the applicant to terminate a property maintenance and upkeep contract for cause or because it has determined that it has adequate staffing at the time of termination.

3. Install and maintain exterior and interior lighting and timers, as appropriate, to provide, to the extent reasonably possible, some appearance of regular use and occupancy of the building; provided, however, so long as applicant takes reasonable efforts to comply with this stipulation after notice from the City of Westwood of any non-compliance, applicant shall not be deemed in violation of this stipulation.
4. The property owner shall maintain $1,000,000/$2,000,000 aggregate Commercial General Liability insurance on each tower or in the alternative the applicant shall maintain $2,000,000/$4,000,000 aggregate Commercial General Liability insurance for any casualty occurring with respect to either tower.

5. The property owner shall provide a Certificate of Insurance, with a 30-day notice in the event of cancellation, to the City Clerk, evidencing that it has obtained the requisite liability insurance.

6. Provide the City of Westwood’s Codes Enforcement Officer with an Entercom point of contact for addressing property repair or conditions reported to the City.

7. The applicant agrees to indemnify and hold harmless the City of Westwood from all claims or losses that may occur from the operations approved herein, within the City of Westwood.

8. The applicant waives its rights of subrogation against the City of Westwood with regard to the operations approved herein, within the City of Westwood.

SECTION TWO: That upon taking effect of this Ordinance, the above special use permit shall be incorporated as part of the Zoning Ordinance as amended.

SECTION THREE: This Ordinance shall take effect and be in force for five years from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED on this 10th day of April, 2014

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John M. Yé, Mayor

ATTEST:

_________________________________
Frederick L. Sherman, City Clerk

APPROVED AS TO FORM:

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Ryan B. Denk, City Attorney