

RESOLUTION NO. 2018-02

**A RESOLUTION AUTHORIZING THE ISSUANCE
OF CONDITIONAL USE PERMIT #CU2018-01 TO APAC-KANSAS, INC. ALLOWING
A TEMPORARY ASPHALT PLANT TO BE LOCATED ON PROPERTY LEASED
FROM WESLEY D. CARLILE IN SECTION 35, TOWNSHIP 33S, RANGE 32W,
LIBERAL, KANSAS**

BEFORE the Board of County Commissioners of Seward County, Kansas:

WHEREAS, the Kansas Department of Transportation (KDOT) has projects scheduled to improve Highway 54 and Highway 83 in Seward County, Kansas; and

WHEREAS, APAC-Kansas, Inc. has been selected as a contractor to complete KDOT projects U083-088 KA 4678-01 and U054-088 KA 4699-01; and

WHEREAS, improvement of Highway 54 and Highway 83 in Seward County is beneficial to residents of Seward County and will improve safety of all travelers on said Highways; and

WHEREAS, as part of this project, a temporary asphalt plant will be required; and

WHEREAS, APAC-Kansas, Inc. has leased a site for this purpose located in the Northeast Quarter of Section 35, Township 33S, Range 32W of the 6th P.M. more specifically described as:

That portion of the Northeast Quarter (NE/4) of Section 35, Township 33 S, Range 32 W of the 6th P.M., Seward County, Kansas lying North and West of the Chicago, Rock Island and Pacific Railroad right-of-way, less a 5.0050-acre tract described in a deed recorded with the Seward County Register of deeds in book 580, page 602 with a corrective deed filed in book 584, page 995; and

WHEREAS, as part of these development efforts, an application was filed with the Zoning Administrator for a conditional use permit for the property described above; and

WHEREAS, the Seward County Zoning Regulations Article 27-104 (31) lists "Quarrying, mining and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants" as a conditional use that may be approved by the Governing Body; and

WHEREAS, the Planning Commission held a Public Hearing on February 26, 2018, reviewed the criteria for granting Conditional Use Permits as listed in the Seward County Zoning Regulations Article 32-105 (2), and by a 4-2 vote recommends denial of the application; and

WHEREAS, the Board of County Commissioners has reviewed the application, staff report and public hearing summary on this matter and finds that approval of the request will not be detrimental to the health, safety and general welfare of the community;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seward County, Kansas that:

The Seward County Board of Commissioners hereby overrides the Seward County/City of Kismet Planning Commission's recommendation to deny the application and hereby **authorizes issuance** of Conditional Use Permit #CU2018-01 to APAC-Kansas, Inc. for a temporary asphalt plant at the above described property **with the following conditions**:

1. Arkalon Park Road from Highway 54 north approximately one mile to the location of the temporary asphalt plant shall be assess by Seward County Road and Bridge within the next week, and then again at the conclusion of this project. Any repair of this portion of Arkalon Park Road that is necessary or deemed required by Seward County Road & Bridge or the Seward County Board of Commissioners shall be the financial responsibility of the applicant.

This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED this 5th day of March, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF SEWARD COUNTY, KANSAS**

By: _____

Nathan McCaffrey, Chair

ATTEST:


Stacia Long, Clerk

