

RESOLUTION 7200

CONDITIONAL USE PERMIT

A RESOLUTION introduced by Mayor Harry Felker in accordance with Section 48-25.01 of the Code of the City of Topeka, approving a City of Topeka Conditional Use Permit to establish a demolition landfill on property currently zoned "R-1" Single Family Dwelling District and on property located adjacent to the west side of the Kansas Turnpike and US Highway 75 and situated between SW 45th Street, extended, and SW 49th Street in the City of Topeka, Kansas. **(CU01/14) (Council District No. 5)**

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application of Dave and Marsha Herrman under the provisions of Section 48-4.02(c)(17) of the Code of the City of Topeka, Kansas, for a Conditional Use Permit to establish a demolition landfill on property currently zoned "R-1" Single Family Dwelling District and located adjacent to the west side of the Kansas Turnpike and US Highway 75 and situated between SW 45th Street, extended, and SW 49th Street in the City of Topeka, Kansas, and legally described as follows:

A tract of land situated in the Southeast Quarter of Section 23, Northeast Quarter of Section 26, Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, all in Township 12 South, Range 15 East of the 6th PM, Shawnee County, Kansas, described as follows: Commencing at the Southeast corner of said Northwest Quarter of Section 25; thence on an assumed bearing of South 87 degrees 53 minutes 39 seconds West, a distance of 636.71 feet along the South line of said Northwest Quarter; thence North 02 degrees 06 minutes 21 seconds West, a distance of 20.00 feet to the Northerly right of way line of SW 49th Street and the Point of Beginning; thence South 87 degrees 53 minutes 39 seconds West, a distance of 361.87 feet along said Northerly right of way line; thence North 34 degrees 54 minutes 24 seconds East, a distance of 519.61 feet; thence North 44 degrees 02 minutes 17 seconds West, a distance of 339.57 feet; thence North 14 degrees 00 minutes 52 seconds East, a distance of 432.52 feet; thence North 24 degrees 42 minutes 59 seconds East, a distance of 503.26 feet; thence North 20 degrees 05 minutes 56 seconds East, a distance of 439.62 feet; thence North 47 degrees 16 minutes 23 seconds East, a distance of 227.58 feet; thence North 05 degrees 52 minutes 10 seconds East, a distance of 811.45 feet; thence North 88 degrees 08 minutes 42 seconds East, a distance of 155.24 feet; thence South 01 degrees 32 minutes 50 seconds East, a distance of 253.45 feet to the

common corner of said Quarter Sections; thence North 88 degrees 21 minutes 26 seconds East, a distance of 629.70 feet to the Westerly right of way line of US 75 Highway; thence South 08 degrees 37 minutes 02 seconds East, a distance of 506.39 feet along said Westerly right of way line of US 75 Highway; thence South 16 degrees 30 minutes 06 seconds East, a distance of 103.08 feet along said Westerly right of way line of the US 75 Highway; thence South 02 degrees 27 minutes 38 seconds East, a distance of 226.72 feet along said Westerly right of way line of US 75 Highway to the Westerly right of way line to the Kansas Turnpike; thence South 40 degrees 24 minutes 00 seconds West, a distance of 922.40 feet along said Westerly right of way line of the Kansas Turnpike to a point of curve to the left having a radius of 4,733.66 feet and a central angle of 14 degrees 54 minutes 55 seconds; thence Southwesterly along the arc, a distance of 1,232.27 feet along said Westerly right of way line of the Kansas Turnpike; thence South 25 degrees 29 minutes 05 seconds West, a distance of 130.98 feet along said Westerly right of way line of the Kansas Turnpike to the Point of Beginning. Said tract contains 2,169.04 square feet or 49.80 acres, more or less, and is subject to all easements, restrictions, reservations and covenants, if any.

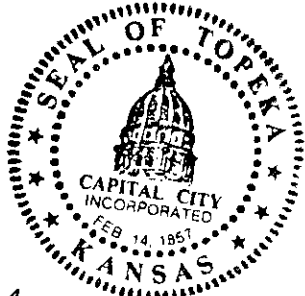
be, and the same is hereby approved, subject to:

1. **Submission of a revised site development plan identifying locations where specific erosion and sedimentation control measures would be used.**
2. **Use and development of the site in compliance with a revised site development plan.**
3. **The Conditional Use Permit shall be limited to 10-years from the date of approval. Two years after approval and every two (2) years thereafter, the applicant shall submit an updated site plan showing the extent of landfill operation to the Planning Department. The Planning Department shall transmit same to applicable reviewing agencies for review and comment and determination of compliance with provisions of the Conditional Use Permit. If the landfill continues to operate in compliance with the approved Conditional Use Permit, the Planning Department shall note same and the landfill may continue. If any aspect of the landfill is in non-compliance, the applicant will be instructed to correct such non-compliance. If the subject of non-compliance cannot be resolved, the Conditional Use Permit shall be transmitted to the Zoning and Platting Committee for recommendation.**
4. **Completion of a plat of subdivision.**
5. **No portion of the site shall be used for the storage of equipment, materials or supplies except for the equipment used on-site in association with the landfill operation.**

6. Completion of the earthen berm as shown on the site development plan.
7. At the completion of landfill activity, the applicant shall notify the City of Topeka Public Works Department to review and approve the site's closure and reclamation plan. Upon review and approval of the site's reclamation by the Public Works Department, the Conditional Use Permit shall expire.

ADOPTED AND APPROVED by the Council of the City of Topeka NOV 13 2001,

2001



ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

Mary Felker
Mary Felker, Mayor

