

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, MARION COUNTY, ss:

Melvin Honeyfield, being first duly sworn, deposes and says: That he is the production manager of the Marion County Record, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Marion County, Kansas, with a general paid circulation on a weekly basis in Marion County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly newspaper published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Marion in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the

12th day of September, 2012

with subsequent publications being made on the following dates:

Melvin Honeyfield

Subscribed and sworn to before me this

12th day of September, 2012

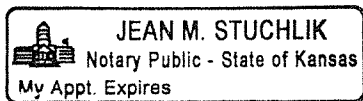
Jean M. Stuchlik
Notary Public, Marion County, Kansas

My appointment expires: 11-20-12

PUBLICATION FEE: \$156.00

Affidavit Fee 5.00

(Seal)



(First published in the Marion County Record, Marion, Kansas, September 12, 2012) It RESOLUTION NUMBER 12-17 Permit #: PC-12-01 A RESOLUTION APPROVING A CONDITIONAL USE FOR A WIRELESS COMMUNICATIONS FACILITY ON PROPERTY LOCATED AT 3250 HIGHWAY K-15 IN THE SW/4 OF SECTION 28 TOWNSHIP 17S, RANGE 2E OWNED BY KENNETH KROUPA.

WHEREAS, a public notice of above said proposed conditional use was properly given including publication in the official County newspaper of a public hearing on July 4, 2012; and

WHEREAS, on the 10th day of September, 2012, the Marion County Planning Commission held a public hearing to consider the above said proposed amended conditional use; and

WHEREAS, the Marion County Planning Commission has recommended approval of the conditional use permit to construct a three hundred (300) foot self supported tower in the "A" Agricultural district; and

WHEREAS, the Marion County Planning Commission has determined that the conditions include:

- 1) The location of the tower must be such that it is at least an equal distance from all property lines as it is in height;
- 2) The tower must be designed to provide co-location with a minimum of forty-eight (48) antennas and their attendant cables;
- 3) All lighting must comply with Federal Aviation Administration (FAA) lighting requirements and shall consist of dual lighting structures with daytime strobe lights on medium intensity and nighttime red lights only. No high intensity strobes or nighttime

strokes shall be permitted; further, tower lighting shall provide battery backup, or other alternative power source, to assure lighting operations during times of power outages; 4) If the tower is unused for a period of twelve (12) months, or more, it shall be declared abandoned and the company shall be notified of the necessity of removing the tower and appurtenances, and reclaiming the lands; 5) It is recommended that all state and federal permits be obtained and maintained. It is recommended that all antennae and support structures meet or exceed current standards and regulations of the FAA and the Federal Communications Commission (FCC), and should such standards or regulations be amended, then devices and structures shall be brought into compliance as mandated by the controlling agency.

NOW THEREFORE BE IT RESOLVED that an amended conditional use is hereby approved for construction of a 300 foot self supported telecommunications tower; which is: LOCATED AT 3250 HIGHWAY K-15 IN THE SW/4 OF SECTION 28 TOWNSHIP 17S, RANGE 2E, Marion County, Kansas.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 10th day of September, 2012.

Dan Holub,
Chairman, District 2
Randy Dallke,
Commissioner, District 3
Roger K. Fleming,
Commissioner, District 1

Attest:
Carol Maggard, County Clerk