

BZA 46-88 - Quik Trip Corporation
requests an exception to permit off-
street parking on property zoned "A"
Two-Family Dwelling District, generally
located at the NW corner of Madison &

Filed 9-28-88
KX

10/18/88
1018
Garnett & Quirk
City & County
View 04/25/88

ACTION

BZA ~~46-88~~ 4-0-1 10/25/88
DATE

DATA SHEET

MAP NO.: 5247B

CASE NO. BZA 46-88

(CPO 4A, 10/20/88)

REQUEST: Exception to permit the establishment of off-street parking.

EXISTING ZONING: "A" Two-Family Dwelling District

GENERAL LOCATION: Northwest corner of Meridian and Douglas (119 N. Meridian).

APPLICANT: Quik Trip Corporation *(Contract purchase)*
 ADDRESS: 901 N. Mingo
 Tulsa, OK 74106
 PHONE: 918/836-8551

AGENT: David Grooms
 ADDRESS: Same as above
 PHONE: Same as above

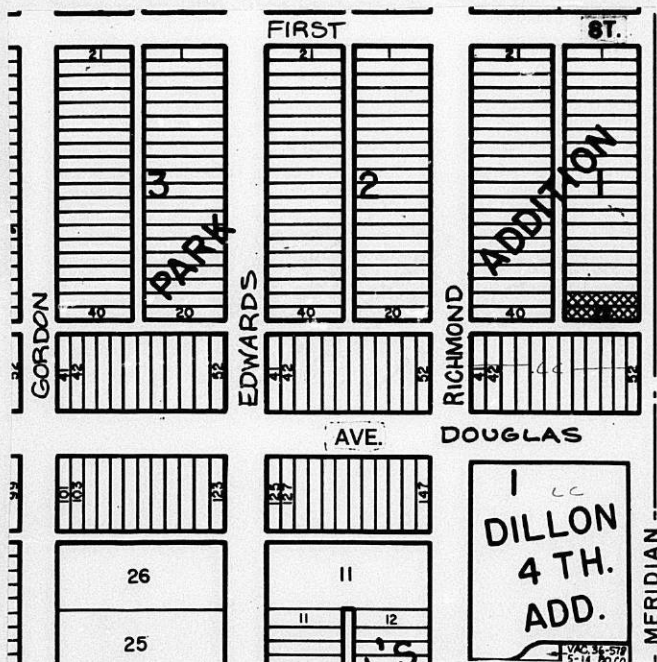
APPLICANT: MARK D. & MARGARET A. CASSELL *(owner)*
 ADDRESS: 119 N. MERIDIAN 67203

AREA DATA

Acres: 50 ft. by 140 ft.

Adjacent zoning and Land Use:

| | | |
|-------|------------|----------------------------|
| North | "A" | <i>One-family dwelling</i> |
| South | "LC" & "A" | <i>Quik-Trip</i> |
| East | "A" | <i>One-family dwelling</i> |
| West | "A" | |



LOS ANGELES, CHICAGO, COLUMBIAN, OHIO, HOUSTON, MEMPHIS, MIAMI, NEW YORK, PHOENIX, SAN ANTONIO, TAMPA, WASHINGTON, D.C., WICHITA, WYOMING, U.S.A.

Shred
 No. 2-153C

BZA INSPECTION SHEET

MAP NO.: 5247B

CASE NO. BZA 46-88

REQUEST: Exception to permit the establishment of off-street parking.

EXISTING ZONING: "A" Two-Family Dwelling District

GENERAL LOCATION: Northwest corner of Meridian and Douglas (119 N. Meridian)

APPLICANT: Quik Trip Corporation
ADDRESS: 901 N. Hingo
Tulsa, OK 74106

PHONE: 918-836-8551

AGENT: David Grooms
ADDRESS: Same as above

PHONE: Same as above

HEARING DATE: 10/25/88

BZA ACTION:

Deny

FOLLOW-UP DATES:

N.A.

RESPONSE BY MAPD:

RESPONSE BY CID:

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 258-4561

October 31, 1988

David Grooms
Quik Trip Corporation
901 N. Mingo
Tulsa, OK 74106

Re: BZA 46-88 - Exception to permit the establishment of
off-street parking (119 N. Meridian).

Dear Mr. Grooms:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on October 25, 1988. This
resolution reflects the official action of the Board to deny your
request. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be
removed from the property. If you have any questions concerning
this matter, please contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Mark D. & Margaret A. Cassell, 119 N. Meridian, Wichita, KS,
67203
Dale Cooper, 310 W. Central, Wichita, KS, 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 46-88

WHEREAS, Quik Trip Corporation, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 19 and Lot 20, Block 1, Academy Park Addition
to the City of Wichita, Sedgwick County, Kansas.
Generally located on the west side of Meridian in
an area north of Douglas (119 N. Meridian).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

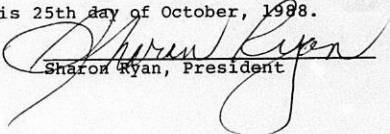
WHEREAS, the Board of Zoning Appeals did, at the meeting of October 25, 1988, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

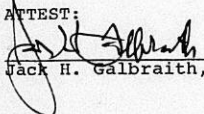
WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED that after consideration of all facts presented, the Board of Zoning Appeals of the City of Wichita denies this application for an exception to permit the establishment of off-street parking for an adjacent Quik Trip on property zoned the "A" Two-Family Dwelling District.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

Attorney
Dale Cooper
Law Office
Shannon

trip

An application has been filed by Quick Corporation requesting an exception pursuant to Section 2.12.590.C, Code of the City of Wichita, (the applicant is requesting an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 19 and Lot 20, Block 1, Academy Park Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian in an area north of Douglas (119 N. Meridian).

This application has been assigned Case No. BZA 46-88. It will be considered by the Board of Zoning Appeals on Tuesday, October 25, 1988, at 1:30 pm in the Board Room, First Floor of City Hall, 455 N. Main, Wichita, Ks.

We the undersigned agree we do not need to have this Quick Trip expansion into the residential area for these reasons:

1. A convenience store doesn't need a lot of parking.
2. There is nothing unique about this property. They have plenty of parking for a convenience store.
3. The noise will be brought right up to my property line. It will cause me great undue stress to have this right up to my fence, also 20' from my house.
4. This store has operated at this level of parking for years. There will be no hardship if they are not granted this variance.
5. Traffic is already a problem on Meridian. This will create more of a problem and will be hazardous to children going to school and decrease the value of our property.
6. The zoning ordinance for "A" is for residential. This encroachment will violate the intent and the spirit of the zoning ordinance.

Presented to BZA
10-25-88

(49)

Marguerite Mitchell - 1237 N. Meridian
 Fern A. Morgan 122 N. Meridian
 Bessie Dunn 133 N. Meridian
 Merida Henry 147 N. Meridian
 Velma Standley 151 N. Meridian
 Richard Wallace 155 N. Meridian
 Ann M. Super 176 N. Meridian
 Jackie L. Connet 132 N. Meridian

| | |
|--------------------|-------------------------|
| Kay Mast | 118 N. Meridian |
| Annice Mast | 118 N Meridian |
| Ronda Buford | 146 W. Meridian |
| Laura Repass | 126 N Meridian |
| Chas. L. Grass | 126 N Meridian |
| Marle G. Hoynes | 118 N. Meridian (Owner) |
| W. J. Schwarz | 127 N Richmond (owner) |
| Dorothy C. Schwarz | 124 W. Richmond (owner) |
| L. R. Soupeyoff | 2514 W. Douglas |
| Leonard R. Weibert | 143 N. Meridian |
| Mrs Mary Weibert | 143 N. Meridian |
| Jois L. Lane | 201 N. Meridian (owner) |
| Elsie Line | 2521 W 1st |
| Keith Humble | 158 N Richmond |
| Wanda Spere | 154 N. Richmond |
| And. Spere | 154 N RICHMOND |
| Rari J. Stange | 150 N. Richmond |
| Walter L. Ewen | 144 N. Richmond |
| Mildred Rich | 136 N. Richmond |
| Norma L. Trent | 120 N. Richmond |
| Indra L. Reynolds | 104 N. Richmond |
| David P. Smith | 122 N. Richmond |
| Kendra J. Decker | 2522 W. Douglas |
| Anthony Venegas | 142 N Meridian |

| | |
|-------------------|------------------------------|
| + Lucille Jacobs | 135 No. Richmond 67203. |
| + Elsie Rogers | 133 W Richmond 67 |
| + Paul L. McElynn | 129 N. Richmond. |
| Cordelia Schaffer | 122 N Richmond. |
| Richard Sell | 2620 W. Douglas |
| + Marie Spencer | 149 No Richmond |
| Hayden E Dunbar | 202 N Edwards |
| + Loretta Brown | 158 N. Edwards |
| Jerry J. Bolling | 163 N Edwards |
| Karen Wells | 162 n. Richmond |
| Allen Wells | 162 n Richmond. |
| Marie Moore | 140 N. Meridian |
| Art Weach | 159 N. Meridian |
| Leonora McGary | 155 N Richmond |
| Ben Jero | 153 N Richmond |
| Mary King | 137 N. Richmond |
| Royce J. Jernst | 119 N Richmond - |
| Phil Cunningham | 2526 W. POWELL ST. |
| Dwayne F. Chin | Owner Prop. 129 N. Meridian |

THE CITY OF WICHITA

TO: Louise Olivarez, Principal Planner

DATE: October 24, 1988

FROM: Stanley J. Scott, CP Coordinator *SJS*

SUBJECT: BZA 46-88: West Side of Meridian,
north of Douglas (119 N. Douglas)

On Thursday, October 20, 1988, CPO West River Neighborhood Council 4A considered the captioned case, a request for a zoning exception to permit the establishment of off-street parking on property zoned "A" Two-Family Dwelling District. Following discussion, the Council voted 6-0 to recommend denial of the requested exception.

David Grooms, Quick Trip Corporation, was present to describe the request and respond to questions from the Council and area residents. Mr. Grooms presented a site plan illustrating plans to construct eight parking spaces on the application site, including landscaping and screening. Mr. Grooms indicated that Quick Trip would be willing to comply with the eight conditions recommended by MAPD staff necessary for granting the zoning exception.

Eight area residents appeared before the Council to express their opposition to the requested zoning exception. Residents presented the Council a petition signed by virtually all area residents, who are opposed to the parking lot. Among the concerns expressed by area residents in their opposition to the request were:

- 1) Granting the zoning exception will result in increased traffic, noise, and trash;
- 2) Removal of the existing residential structure and construction of the parking lot will result in reduced property values of area residential properties; and
- 3) Area residents observe that additional parking is not needed.

In voting to recommend denial of the request, the Council concurred with the concerns described by area residents and sited the petition signed by area residents.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 46-88 is considered on Tuesday, October 25, 1988.

SJS

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 3

October 25, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 46-88

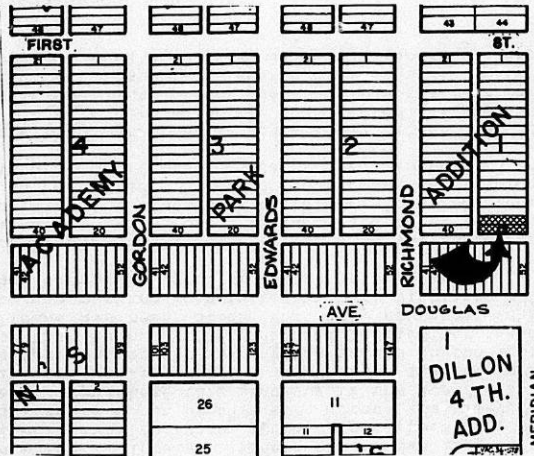
OWNER/APPLICANT/AGENT: Margaret A. Cassell (owner)
Quik Trip Corporation (applicant)
David Grooms of Quik Trip (agent)

REQUEST: Exception to permit the establishment of
off-street parking.

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 50 ft x 140 ft.

LOCATION: West side of Meridian in an area north of
Douglas.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception, provided the conditions set out in Section 28.04.145 can be complied with.

BACKGROUND: Subject property consists of a 7,000 sq. ft. residential tract on which is located a single-family dwelling which has been for sale for well over one year. Quik Trip Corporation, which owns and operates a store south of this site across the alley, has entered into a contract to purchase this property if the Board will approve its use for additional parking for the Quik Trip. The site plan submitted with the application shows 8 parking stalls on the application site, with 2 of them being 34 feet deep and labeled for "vendor parking". The applicant has been advised that only passenger vehicles are permitted to use parking lots in residential districts which are approved under the "exception" provisions of the ordinance.

There are single-family homes existing to the north, west and east of the application area. Staff is concerned about the detrimental effect that a parking lot might have on this residential area. Car headlights can be shielded by solid fencing and landscaping, but the noise of car motors, car doors, and car stereos is hard to control.

Since Quik Trips are open 24 hours a day, it can be expected that this parking lot will be used during that period, extending adverse effects to the next dwelling. Staff questions why the west portion of the application area is not designated for off-street parking. It should be pointed out that a dumpster cannot be located on the application area.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|------------|---------------------|
| NORTH | "A" | One-family dwelling |
| SOUTH | "LC" & "A" | Quik Trip |
| EAST | "A" | One-family dwelling |
| WEST | "A" | One-family dwelling |

RECOMMENDATION: Should the Board determine that a parking lot is appropriate at this location, the following are recommended conditions of approval:

1. A revised plan shall be submitted which shows passenger parking spaces only with no paving within the north 20 feet.
2. The parking area shall be used for passenger vehicles only and not for vendor trucks, and in no case shall it be used for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials or supplies.
3. The parking spaces and back-out aisles shall be surfaced with concrete, asphalt or asphaltic concrete, marked in accordance with the approved plan, and maintained in good condition.

4. A 6-foot tall solid screen of wood or masonry shall be erected along the north property line from the alley to the 25-foot front yard setback line and along the north 40 feet of the west property line. A 3- to 4-foot tall solid screen of wood or masonry shall be erected along the north 40 feet of the east 25-foot building setback line. The fence or wall shall be maintained in good repair at all times.
5. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling district.
6. Only such signs as are necessary for the operation of the parking lot shall be permitted and shall not exceed the size set forth in 28.04.139.C.1 of the Zoning Ordinance.
7. Within 90 days following approval of this exception, and prior to release of the resolution, the applicant shall submit to the Secretary for review and approval a landscape plan prepared by a landscape architect which provides for a minimum of 5 trees and a groundcover within the fenced portion of the site and provides shrubs, groundcovers and possibly trees within the 25-foot front yard along Meridian. The plan shall state how water will be provided to the plants.
8. Prior to use of this property as a parking lot, and in no case later than 12 months after approval by the Board, all conditions of this resolution and of Section 28.04.145 of the Zoning Ordinance shall be complied with, or the resolution shall become null and void.

(_____) Published in The Daily Reporter, September 30, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 25th day of October, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 45-88 - Robert Maxwell, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 12 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 4, Block A, J. H. Jarrett Addition, Sedgwick County, Kansas. Generally located at the northeast corner of 15th St. North and McComas (3740 W. 15th).

2. Case No. BZA 46-88 - Quik Trip Corporation, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 19 and Lot 20, Block 1, Academy Park Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian in an area north of Douglas (119 N. Meridian).

3. Case No. BZA 47-88 - Elliott Werbin, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the sale of used motor vehicles and motorcycles in conjunction with the business of a pawn shop on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, except the north 314.81 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee.

4. Case No. BZA 48-88 - Larry & Cynthia Williams, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the front yard setback from 26.5 ft. to 18 ft. on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Official Notice
Page 2

Lots 10 and 12, Dayton Ave., Glendale
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of
Dayton, in an area east of Seneca (1033 W.
Dayton).

5. Case No. BZA 49-88 - Kevin Daves and Greg Johnson, d/b/a The Core Group, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the 25,000 sq. ft. minimum lot size requirement to 21,838 sq. ft. for a motel (bed and breakfast establishment) on property zoned the "BB" Office District and legally described as follows:

The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

6. Case No. BZA 50-88 - Kevin Daves and Greg Johnson, d/b/a The Core Group, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of a 6.5 ft. tall closed wood screen, rather than a solid masonry wall, as screening for a bed and breakfast establishment on property zoned the "BB" Office District and legally described as follows:

The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 30th day of September, 1988.

Jack Galbraith, Secretary
Board of Zoning Appeals

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

September 30, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 46-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Quik Trip Corporation, requesting an exception.

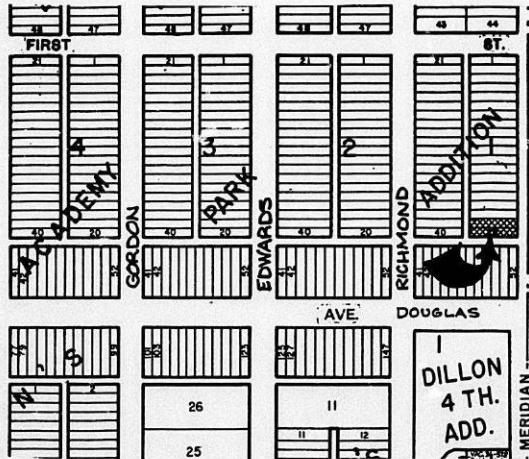
Pursuant to Section 2.12.590.C, Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of off-street parking on property zoned the "A" Two-Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 19 and Lot 20, Block 1, Academy Park Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian in an area north of Douglas (119 N. Meridian).

This application has been assigned Case No. BZA 46-88. It will be considered by the Board of Zoning Appeals on Tuesday, October 25, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO West River Neighborhood Council "4A" will consider this case at their meeting to be held on Thursday, October 20, 1988, at 7:00 p.m. at the Stanley/Aley Community Center, 1749 South Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



BZA CASE NO. 46-88

- 15 LEGAL ADVERTISEMENTS SENT TO MAPC & BZA
- 2 NOTICES SENT TO APPLICANT/AGENT
- 21 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 9-30-88

- 1 NOTICE SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 5 NOTICES TO MAPD STAFF -

Jack Galbraith
Louise Olivarez
Bob Young
Forrest Nagley
Karen Crook

APPLICATION FOR EXCEPTION

I. Applicant QuikTrip Corporation
Address 901 N. Mingo, Tulsa, OK Zip Code 74106 Phone 918-836-8551
Agent David Grooms
Address Same as above Zip Code Phone
Relationship of applicant to property is that of Buyer
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception to permit the establishment of
Off street parking

on property zoned duplex "A" which is
50 ft by 140 ft (or 0.16 acres) in size, legally described as:
Lot 19 and Lot 20, Block 1, Academy Park Addition, to the City of Wichita,
Sedgwick County, Kansas

and located 119 N. Meridian NORTHWEST CORNER OF MERIDIAN AND
DOUGLAS
in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.

Applicant QuikTrip Corporation

Authorized Agent David Grooms
918-836-8551 Ext. 252

OFFICE USE ONLY:

Map No. 5247B Zoning: (N) A (S) LC±A (E) A (W) A CPO 4A

Received in Office of Secretary, Board of Zoning Appeals, 2:00 (a.m./p.m.),
Sept 21, 1988, together with appropriate fee of \$300.00.

Signed Torrey Napley

CONTRACT TO PURCHASE REAL ESTATE

THIS CONTRACT is entered into between MARGARET A. CASSELL AND AFTON L. WILKINSON ("Seller") and QUIKTRIP CORPORATION ("Buyer").

Upon approval of this Contract by both Seller and Buyer, evidenced by their signatures hereto, a valid and binding contract of sale shall exist, the terms and conditions of which are as follows:

1. SALE: Seller agrees to sell and convey to Buyer by warranty deed and Buyer agrees to purchase the following described real estate (the "Property"), located in Sedgwick County, Kansas:

Lots 19 and 20, Block 1, Academy Park Addition, City of Wichita, Sedgwick County, Kansas, also known as 119 North Meridian,

together with all improvements thereon, if any, in their present condition, ordinary wear and tear excepted, and including the following personal property: None.

2. PURCHASE PRICE: The total purchase price is \$32,500.00, payable by Buyer as follows: \$300.00 on execution of this Contract, receipt of which is acknowledged by Seller, as earnest money and part payment of the purchase price; and the balance of the purchase price in full upon delivery of the deed at the Closing, unless otherwise provided herein. The earnest money shall be held in trust by Security Abstract & Title Co., Inc.

3. TITLE: Buyer, within 30 days after execution of this Contract, shall obtain a commitment for a standard Owners Title Insurance Policy (ALTA Form B-1970) insuring the Buyer in the amount of the purchase price as of the date of the recording of the deed, subject only to reasonable utility easements and building restrictions of record, if any, which do not hinder the Buyer's intended plans for the Property. Buyer shall have 15 days after receipt in which to have the commitment examined and furnish Seller notice in writing of any objections. In case of valid objections to the title, Seller shall have 15 days or such additional time as may be agreed to in writing by Seller and Buyer to satisfy such objections. If such valid objections cannot be satisfied within the time specified in this paragraph, the earnest money shall be returned to the Buyer, Buyer shall return the commitment to Seller, and this Contract shall be of no further force and effect. The cost of title insurance shall be payable one-half by Seller and one-half by Buyer.

4. TAXES AND PRORATIONS:

(A) The Seller shall pay in full:

- (i) all special assessments against the Property upon the date of Closing, whether or not payable in installments;
- (ii) all taxes, other than general ad valorem taxes for the current calendar year, which are a lien on the Property upon the date of Closing; and
- (iii) the cost of any item of workmanship or material furnished on or prior to the date of Closing which is or may become a lien on the Property.

(B) The following items shall be prorated between the Seller and Buyer as of the date of Closing:

- (i) rents, if any; and
- (ii) general ad valorem taxes for the current calendar year, provided that, if the amount of such taxes has not then been fixed, the proration shall be based upon the rate of levy for the previous calendar year.

5. CONDITION OF PROPERTY:

(A) Until Closing or transfer of possession, whichever occurs last, risk of loss to the Property, ordinary wear and tear excepted, shall be upon Seller; after Closing or transfer of possession, whichever occurs last, such risk shall be upon Buyer.

(B) Unless otherwise agreed upon in writing, Buyer by taking possession of the Property shall be deemed to have accepted the Property in its then condition, including fixtures, equipment and ~~improvements~~ ²⁰ No warranties, express or implied, by Seller, or Seller's agents, with reference to the condition of the Property or any fixtures, equipment or appliances shall be deemed to survive the Closing.

6. SOIL TESTS, CORE CUTS, LICENSES AND PERMITS: Buyer shall have the right, within 30 days from the date of this Contract, to enter upon the Property and to make such soil tests as it determines are necessary as to hydrocarbon or hazardous chemical content. In the event that the soil contains levels of hydrocarbons or hazardous chemicals above levels acceptable to Buyer, in its sole discretion, Buyer shall notify Seller and terminate this Contract. Seller shall immediately return to Buyer its earnest money and this Contract shall be of no further force and effect.

Such permits or Board of Adjustment approval shall be received by November 29, 1988, or this Contract shall be null and void and any earnest money returned to Buyer, unless at this date application for permits are filed and pending, then the date shall be extended for determination of same.

7. SURVEY: Buyer shall order and pay for a topographical survey showing the location of all improvements and utility easements. At the Closing, the cost of such survey shall be payable one-half by Seller and one-half by Buyer, AND SELLERS ONE-HALF SHALL NOT EXCEED \$100. ^{MC} ^{WJ} ^{MC}

8. UTILITIES: Seller agrees that all utilities available to the Property will remain in place after closing.

9. CLOSING: The closing shall take place within thirty (30) days after whichever of the following dates occurs last: (a) approval of title by Buyer upon receipt of a title commitment showing good and merchantable title in Seller; (b) approval of the survey and soil tests required by Buyer; and (c) issuance to Buyer of all such permits, curb cuts, licenses and approvals required for Buyer's use of premises unless Buyer elects to close the purchase without first obtaining all such permits, curb cuts, licenses and approvals and so notifies Seller. The parties acknowledge that by reason of causes beyond their control delays may occur in securing the items mentioned in (a), (b) and (c) above, so that as a consequence it may be necessary to postpone Closing for whatever period of time is required for the completion of such matters. At the Closing, the Seller shall deliver to the Buyer a duly executed and acknowledged warranty deed, with any necessary documentary stamps attached, conveying the property to the Buyer upon payment of the purchase price less any costs of Seller to be charged at Closing, unless otherwise agreed in writing, possession shall be transferred at Closing.

10. BREACH OR FAILURE TO CLOSE: If, after the Seller has performed Seller's obligations under this Contract, and if within five (5) days after the date specified for Closing under paragraph 9, the Buyer fails to make the payments under this Contract, without reasonable cause or extension, then all sums theretofore paid on the purchase price shall be retained as such or as liquidated damages for the breach of this Contract by the Buyer. The Seller and Buyer agree that such amount is a reasonable amount for liquidated damages and that it would be impractical and extremely difficult to determine actual damages. If the Buyer shall perform all of the obligations of Buyer hereunder and Seller shall breach this Contract or fail to perform any of Seller's obligations hereunder, then Buyer shall be entitled to either cancel and terminate this Contract and receive a refund of the earnest money or pursue any other legal remedy. Both Buyer and Seller may mutually agree, in writing, to terminate this Contract. If so, Buyer shall receive a full refund of its earnest money.

11. ESCROW FEES: Seller and Buyer agree to share (50/50) the costs of any escrow fees charged to this transaction.

12. SPECIAL CONDITIONS:

(A) This contract is subject to Buyer obtaining the Board of Adjustment approval to use the property for extra parking to Quiktrip Store #371, 2510 West Douglas, Wichita, Kansas.

Any contingencies set out in this paragraph shall be satisfied by November 29, 1988, or this Contract shall be null and void and any earnest money shall be returned to Buyer.

13. BROKER: If a real estate agent or broker is involved in this transaction, the fee shall be ~~six~~ ^{SEVEN MC (7%)} percent ~~and~~ ^{MC} be paid by Seller. The broker or agent is Coldwell Banker Dinning-Beard Realtors.

14. EFFECT: This Contract shall be executed and returned in quadruplicate and, when executed by both Seller and Buyer, shall be binding upon and inure to the benefit of Seller and Buyer, their heirs, legal representatives, successors and assigns. This Contract sets forth the complete understanding of Seller and Buyer and supersedes all previous negotiations, representations and agreements between them and their agents. This Contract can only be amended or modified by a written agreement signed by Seller and Buyer. This Contract shall be null and void unless signed by Seller and delivered to Buyer before August 30, 1988. The effective date shall be the date Seller signs this agreement and delivers same to Buyer.

APPROVED BY BUYER: This 22nd day of August, 1988.

QUIKTRIP CORPORATION
By *Alvin Houston*
Executive Vice President

APPROVED BY SELLER: This 29 day of August, 1988.

Margaret A. Cassell
Alvin L. Wilson
Tom Williams

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688



BZA 46-88

RECEIVED

OCT 05 1988

METROPOLITAN PLANNING

ROUTE

J.R.J., Inc.
136 N. Richmond Ave.
Wichita, KS 67203

not at this address

att 303



OWNERSHIP LIST

| Lot | Block | Addition | Owner |
|--|-------|---|---|
| 11 & 12 | 1 | Academy Park Addition to Wichita, Kansas | William L. Meyers 135 N. Meridian Wichita, Kansas 67203 |
| 13 & 14 | 1 | " | Lewis E. Dunn Bessie Dunn 133 N. Meridian Wichita, Kansas 67203 |
| 15 & 16 | 1 | " | Dennis M. Chew Genevieve Chew Dwayne F. Chew Debra A. Chew 129 N. Meridian Wichita, Kansas 67203 |
| 17 & 18 | 1 | " | Marguerite A. Mitchell 123 N. Meridian Wichita, Kansas 67203 |
| 19 & 20 | 1 | " | <i>Actual Owner of Property</i> } Mark D. Cassell Margaret A. Cassell 119 N. Meridian Wichita, Kansas 67203 |
| 31 & 32 | 1 | " | |
| 33 & 34 | 1 | " | JRJ, Inc. 136 N. Richmond Ave. Wichita, Kansas 67203 |
| 35 & 36 | 1 | " | Steven L. Fox Teresa K. Fox 134 N. Richmond Ave. Wichita, Kansas 67203 |
| 37 & 38 | 1 | " | W.J. Schwarz Dorothy Schwarz 124 N. Richmond Wichita, Kansas 67203 |
| 39 & 40 | 1 | " | David L. Schaffer, Jr. Cordelia J. Schaffer 122 N. Richmond Wichita, Kansas 67203 |
| 41 & 42 except South 88.50 feet | 1 | " | Donald E. Trent Norma L. Trent 120 N. Richmond Wichita, Kansas 67203 |
| South 88.50 feet 41 & 42 | 1 | " | Sandra L. Reynolds 104 N. Richmond Wichita, Kansas 67203 |
| | | | Philip P. Coury Eva M. Coury 2526 W. Douglas Wichita, Kansas 67203 |

| <u>Lot</u> | <u>Block</u> | <u>Addition</u> | <u>Owner</u> |
|---|--------------|--|--|
| 43, 44, 45, 46, & 47 | 1 | Academy Park Addition to Wichita, Kansas | Harley S. Riggs (Dec'd) Mildred I. Riggs c/o Alberta L. Sampson, Trustee 616 W. Grand Haysville, Kansas 67060 |
| 48, 49, 50, 51 & 52 | 1 | " | First National Bank in Wichita Trustee of George & Lucile Keeler Trust c/o Quick Trip Corp. P.O. Box 3475 Tulsa, Oklahoma 74101 |
| South 2' of lot 13 & all of lot 14 | 1 | Meridian Park Addition to Wichita, Kansas | Kenneth R. Sueper Ann M. Sueper 136 N. Meridian Wichita, Kansas 67203 |
| 15 | 1 | " | Marvin B. Connet Jackie L. Connet 132 N. Meridian Wichita, Kansas 67203 |
| 16 | 1 | " | Carmen H. Pate, Jr. Norma Jean Pate c/o Christopher F. Repass 126 N. Meridian Wichita, Kansas 67203 |
| 17 | 1 | " | Fern A. Morgan 122 N. Meridian Wichita, Kansas 67203 |
| 18 | 1 | " | Merle E. Haynes Marcella J. Haynes 118 N. Meridian Wichita, Kansas 67203 |
| 19 | 1 | " | Philip T. Laham 1430 Stratford Wichita, Kansas 67203 |
| 20 | 1 | " | P. Donald Cole Winona M. Cole 2432 W. Douglas Wichita, Kansas 67203 |
| 21 | 1 | " | Philip T. Laham c/o Kent G. Linnebur & M. Lorraine Linnebur 2422 W. Douglas Wichita, Kansas 67203 |

need envelope

19

20

21

Page 3

We hereby certify the foregoing to be a true and correct list
of the property owners of the hereinbefore described lots within a 200 foot radius
of:

Lots 19 and 20, Block 1, Academy Park Addition
to Wichita, Sedgwick County, Kansas.

as shown by the last deed of record of file in the Office of the Register of Deeds,
Sedgwick County, Kansas, on the 8th day of September, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Kable
By

Sr. Vice-President

Order No. 399262
jr

Nº 00347

METROPOLITAN AREA PLANNING DEPARTMENT

Description 2 BZA signs
Name Pink Trip
Address P.O. Box 3475 Tulsa, OK 74101
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount \$6.00
Date 10-4-88 Due Date 10-4-88 By LO

Form 00-000

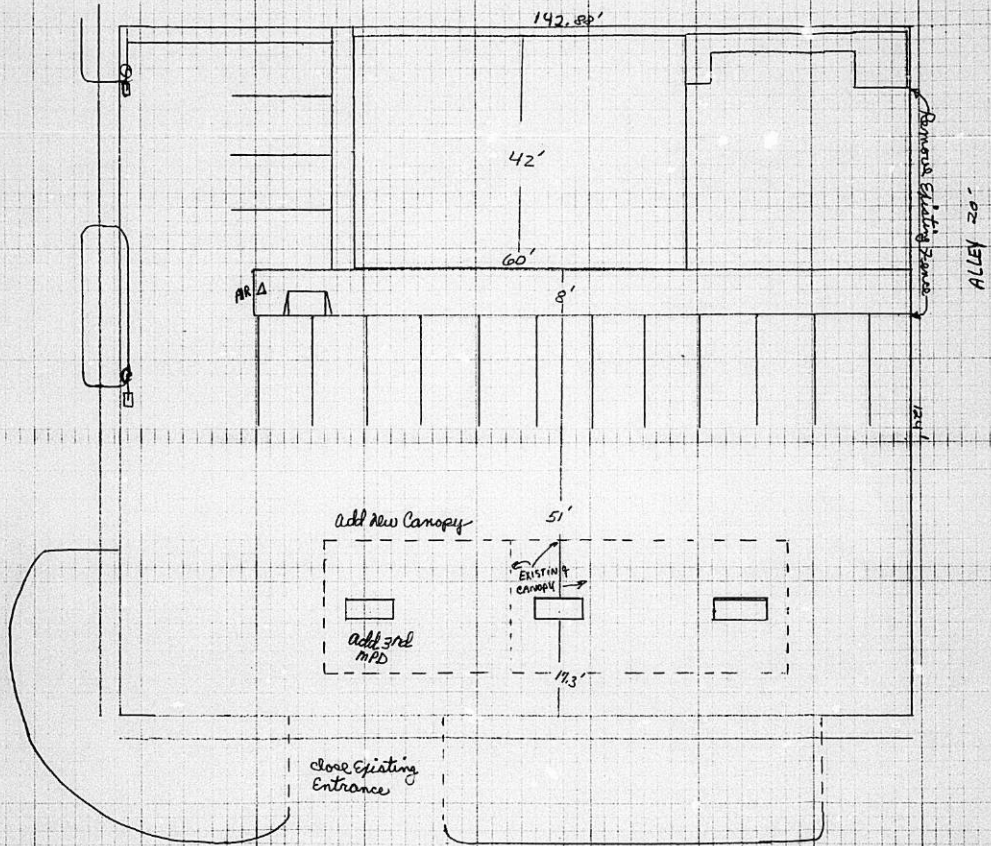
Nº 00335

METROPOLITAN AREA PLANNING DEPARTMENT

Description City BZA application (exception for parking in A)
Name Pink Trip Corporation
Address 901 N. Mingo, P.O. Box 3475 Tulsa, Okla. 74101
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount \$300.00
Date 9/21/88 Due Date 9/21/88 By Fed

Form 00-000

W. DOUGLAS

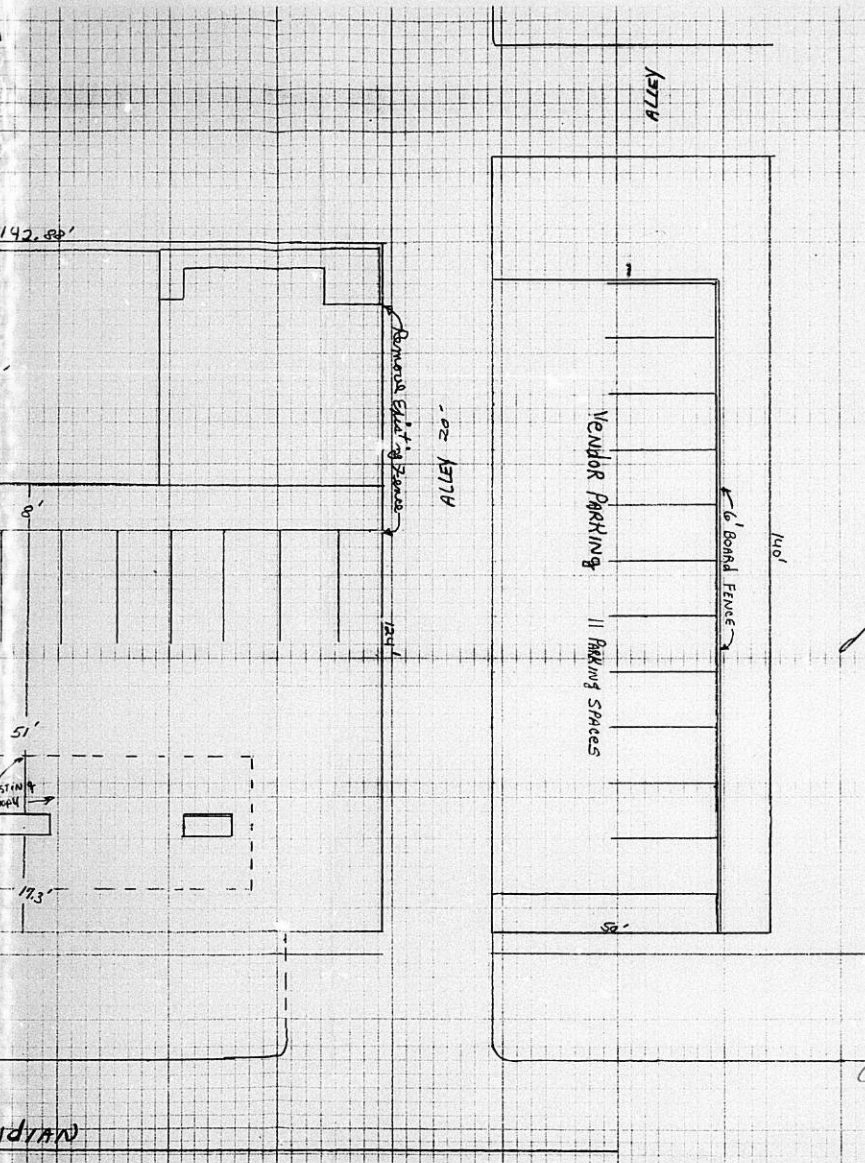


N. MERIDIAN

ALLEY 20'

Vendor Parking 11 Parking Spaces

QT#371 EXTRA PARKING
SCALE 1"=20'



Prok
 Prok meets
 10/16/88
 9/21/88
 Eul meeting

Submitted with application
~~Superseded~~
 See 10-5-88 drawings

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3