

BZA 12-81 - Richard L. & Jacqueline C. Hilton - requests a variance to reduce the off-street parking requirement from 63 to 0 spaces on property zoned "C" Commercial District and located on the north side of Douglas and east of St. Francis (612 E. Douglas).

SSA 1 D

10001221 10/10/81
5-7-81

200 1/4 Sec 5-7-81
Checked 5-8-81
Shot 5-13-81
Recorded 5-15-81

POSTED
4-9-81

ACTION

BZA
12-81

COMMITTEE APPROVED DATE 4-28-81

M.A.P.C. _____

B.C.C./B. CO. C. _____

received topost
5-7-81

200' A Sec *5-7-81*
Checked *5-8-81 at*
Shot *5-13-81*
Recorded *5-15-81*

5547D

BZA 12-81 - Richard L. & Jacqueline C. Hilton - requests a variance to reduce the off-street parking requirement from .63 to 0 spaces on property zoned "C" Commercial District and located on the north side of Douglas and east of St. Francis (612 E. Douglas).

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

APRIL 6, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 12-81

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 Richard L. & Jacqueline C. Hilton, 612 East Douglas, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the off-street parking requirement from 63 to 0 spaces on property zoned the "C" Commercial District. A legal description of the applicant's property is as follows:

Lots 74 and 76 on Douglas Avenue in J.R. Mead's Addition to the town of Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas & east of St. Francis Avenue (612 East Douglas).

This application has been assigned Case No. BZA 12-81. It will be considered by the Board of Zoning Appeals on April 28, 1981, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

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Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

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Jack H. Galbraith
Secretary

May 6, 1981

Richard L. & Jacqueline C. Hilton
612 East Douglas
Wichita, Kansas 67202

Re: Case No. EZA 12-81
Request for Variance

Dear Mr. & Mrs. Hilton:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1981.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

OEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 12-81

WHEREAS, Richard L. & Jacqueline C. Hilton, 612 East Douglas, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 63 to 0 spaces on property zoned the "C" Commercial District and legally described as follows:

Lots 74 and 76 on Douglas Avenue in J. R. Mead's Addition to the town of Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas & east of St. Francis Avenue (612 East Douglas).

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 April 28, 1981, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the building was constructed prior to off-street parking being required and the demand for off-street parking under the provisions of the zoning ordinance is being reduced from 73 to 63 spaces by converting the 50 hotel rooms to 20 apartments; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as it will upgrade the general area and provide an incentive for adjacent property owners to do the same; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be unable to upgrade his property as proposed; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that additional parking is being provided for a building that previously had no parking available; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the applicant is reducing the parking demand for the building in the occupancy change; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

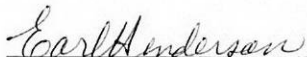
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required off-street parking spaces from 63 to 0 spaces on property zoned the "C" Commercial District and legally described as:

Lots 74 and 76 on Douglas Avenue in J. R. Mead's Addition to the town of Wichita, Sedgwick County, Kansas. Generally located on the north side of Douglas & east of St. Francis Avenue (612 East Douglas).

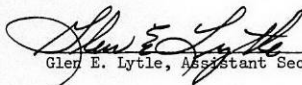
be approved to reduce the off-street parking spaces from 63 to 22 spaces subject to the following conditions:

1. The applicant shall surface the properties, leased from the City of Wichita, known as Lots 20, 22, 32 and 34, on Santa Fe, formerly Fifth Avenue, in J. R. Mead's Addition, Wichita, Kansas, by July 1, 1981.
2. The applicant shall designate not less than 22 off-street parking spaces on the above mentioned properties for use by tenants and customers of 612 East Douglas.
3. The applicant shall exercise the option to purchase the property at the termination of the lease, or obtain and provide 22 off-street parking spaces on other property within 600 feet of 612 East Douglas.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1981.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

April 30, 1981

Richard L. & Jacqueline C. Hilton
612 East Douglas
Wichita, Kansas 67202

Re: Case No. BEA 12-81
Request for Variance

Dear Mr. & Mrs. Hilton:

At the regular meeting of the Board of Zoning Appeals on April 29, 1981, your request for a variance to reduce the required off-street parking spaces from 63 spaces to 0 was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The applicant shall surface the properties, leased from the City of Wichita, known as Lots 20, 22, 32 and 34, on Santa Fe, formerly Fifth Avenue, in J. R. Mead's Addition, Wichita, Kansas, by July 1, 1981.
2. The applicant shall designate not less than 22 off-street parking spaces on the above mentioned properties for use by tenants and customers of 612 East Douglas.
3. The applicant shall exercise the option to purchase the property at the termination of the lease, or obtain and provide 22 off-street parking spaces on other property within 600 feet of 612 East Douglas.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 23, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 12-81: North Side of
Douglas, East of St. Francis
(612 E. Douglas)

Due to the lack of a quorum at their April 21st meeting, CPO Council "I"
will not provide a recommendation on the captioned case.



Stan Scott
Administrative Aide III

SS:dm

Noted:



Sarah Gilbert
CP Coordinator

RECEIVED

APR 23 1981

METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM 20

SECRETARY'S REPORT
CASE NO. BZA 12-81

APPLICANT: Richard L. & Jacqueline C. Hilton, 612
Last Douglas, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required off-street parking spaces
from 63 spaces to 0.

GENERAL LOCATION: Subject property is located on the north
side of Douglas approximately 100 feet east
of St. Francis.

ZONING: Subject property is zoned the "C" Commercial
zoning as is the property to the east. All
other adjacent properties are zoned "E"
Light Industrial.

LAND USE: Subject property is developed commercially
as are the properties to the east, west and
north. Maftzger Park is across the street
to the south.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required off-street parking spaces from 63 to 0. The subject property is a three story building that is being remodeled for offices and a restaurant on the first floor with ten apartments each on the 2nd and 3rd floors. Based on the proposed uses, the required off-street parking will be 63 spaces. The applicant has also furnished a copy of a lease that will provide 44 spaces jointly with the property owner to the east that has previously been granted a variance to reduce the required parking from 22 spaces to 0. At the time that variance was granted, the owner did not have a lease on any property, but was attempting to secure one.

All of the buildings in this area have been in existence long before off-street parking requirements were adopted. The applicant indicates that the prior occupancy as a hotel of 50 rooms, plus the commercial area on the first floor, the parking requirement if built under the present regulations would require 73 off-street parking spaces. In the conversion to 20 apartments, office space and a restaurant, the requirement is a reduction to 63 required spaces.

It should be noted that this is part of the East Douglas renewal project area and the City has been encouraging the renovation of this area. The Urban Renewal Agency has also purchased and cleared property in the area to the north of the application in order to provide off-street parking for new uses. The joint lease agreement includes two 50-foot parcels in that area.

After reviewing the application and accompanying documents, it is the opinion of the Secretary that the reduction should not be from 63 to 0, but 63 to 22, and that the applicant be required to surface all of the land included in the lease agreement within 60 days of approval by this Board.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the building was constructed prior to off-street parking being required and the demand for off-street parking under the provisions of the zoning ordinance is being reduced from 73 to 63 spaces by converting the 50 hotel rooms to 20 apartments.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as it will upgrade the general area and provide an incentive for adjacent property owners to do the same.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to upgrade his property as proposed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as additional parking is being provided for a building that previously had no parking available.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the applicant is reducing the parking demand for the building in the occupancy change.

RECOMMENDATION:

Should the Board determine that the five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted to reduce the required number of off-street parking spaces from 63 to 22 subject to the following conditions:

1. The applicant shall surface the properties, leased from the City of Wichita, known as Lots 20, 22, 32 and 34, on Santa Fe, formerly Fifth Avenue, in J. R. Mead's Addition, Wichita, Kansas, by July 1, 1981.
2. The applicant shall designate not less than 22 off-street parking spaces on the above mentioned properties for use by tenants and customers of 612 East Douglas.
3. The applicant shall exercise the option to purchase the property at the termination of the lease, or obtain and provide 22 off-street parking spaces on other property within 600 feet of 612 East Douglas.

RECEIVED

APR 7 1981

METROPOLITAN PLANNING

ROUTE _____

Victoria Park
612 East Douglas
Wichita, Kansas 67202

April 3, 1981

Mr. Jack H. Galbraith
Secretary Board of Zoning Appeals
MAPD - 10th floor, City Hall
Wichita, Kansas 67202

Re: Variance of Off-Street
Parking for Victoria
Park located at 612
East Douglas, formerly
Renfro Hotel

Dear Mr. Galbraith:

Mr. Hilton and I, doing business as Victoria Park, have filed an Application for Variance of Off-Street parking spaces. This application is to be heard by the Board of Zoning Appeals at their regularly scheduled meeting on April 28, 1981. The application involves a request to vary the number of parking spaces required for the renovated Renfro Hotel, which is now Victoria Park. The original Hotel was built around 1905 before parking variances were required. Had there been parking variances the 50 rooms on the second and third floor along with the commercial area on the first floor would have required 73 parking spaces.

Victoria Park has been renovated into 20 apartments, ten on the second floor and ten on the third floor. There are eight studios and twelve one bedroom apartments. The first floor is comprised of law offices currently occupied by Mr. Hilton, Mr. Stuart Gribble and Mr. Patrick Connolly. There is an office as well as an area that does not have final plans, but we are projecting a restaurant and have figured the maximum parking spaces based on requirements for that use.

Based on the offices and the projected restaurant, only 63 parking spaces would be required, therefore really requesting

Page 2
April 3, 1981

a cut back from 73 to 63 parking spaces.

Apartments	20
Office	11
Restaurant	32
	<u>63</u>

The specific request is to vary the number of spaces from 63 to zero. Provisions of the Zoning Ordinance from which the variance is requested is, Section 28.04.141. The site plan submitted with the Variance Application provides 22 parking spaces. In addition seven on-street parking spaces would be available along the street frontage.

Based upon the above information, and the on-going facility and parking experiences of Victoria Park, the applicant believes that the utilization and operational activities of Victoria Park generate a different and lesser parking requirement that normally entailed with a typical office building or apartment house.

Should you need any additional information or in the event I can assist you please do not hesitate to contact me.

Very truly yours,

Jacqueline C. Hilton

JACQUELINE C. HILTON

JCH/dlf

cc: Mr. Glen E. Lytle
MAPD - 10th Floor, City Hall
455 N. Main
Wichita, Kansas 67202

RECEIVED

APR 7 1981

METROPOLITAN PLANNING

ROUTE 4576

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612 East Douglas
Wichita, Kansas 67202

April 3, 1981

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Jacqueline C. Hilton

JACQUELINE C. HILTON

JCH/dlf

cc: Mr. Glen E. Lytle
MAPD - 10th Floor, City Hall
455 N. Main
Wichita, Kansas 67202

BZA CASE NO. 12-81

1 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

26 TOTAL NOTICES SENT 4-6-81

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

APRIL 6, 1981

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 12-81
FILED 3-27-81

APPLICATION FOR VARIANCE

I. Name of Applicant Richard L. Hilton and Jacqueline C. Hilton
d/b/a Victoria Park
Mailing Address 612 E. Douglas Phone 265-3243
Name of Authorized Agent Richard L. Hilton or Jacqueline C. Hilton
Mailing Address 612 E. Douglas Phone 265-3243
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the off-street parking
requirement from 63 to 0 spaces
for property located on the North side of Douglas east of St. Francis
(612 E. Douglas)
and legally described as: Lots 74 & 76 on Douglas Avenue in
J.R. Mead's Addition to the town of Wichita, Sedgewick County,
Kansas

in the City of Wichita; and which is presently zoned "C".

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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. 36-596); and that the appropriate fee is herewith tendered;
 - That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Jacqueline C. Hilton
Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of
Zoning Appeals, 10:30 (a.m.-p.m.), Mar 27, 1981,
together with appropriate fee of 152.00.

Signed [Signature]

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 68	Douglas	J. R. Mead's Addition	✓ Carl Johnson 125 Woodlawn Ct 67218
Lot C	Douglas	"	✓ Herbert Moses Esther Moses 422 S. Vassar 67218
Lot D	Douglas	"	Same as Above
Lot 70	Douglas	"	✓ Otto Woermke and Erna Woermke 604 East Douglas 67202
Lot 72	Douglas	"	✓ Dick Puryear 2101 S. Santa Fe 67211
Lot 74 and 76	Douglas	"	<i>Dep.</i> Richard L. Hilton Jacqueline C. Hilton 612 E. Douglas 67202
Part of Lots 2, 4, 6, 8, & 10, described as beginning 37 feet west of the southeast corner of lot 2, then north 136 & 9/12 feet, thence west 25 feet, thence south 136 & 9/12 feet, thence east to beginning	Santa Fe	"	✓ DEN Management Co. 1611 N. Mosley 67214
Part of lots 2, 4, 6, 8, 10, described as beginning 62 feet west of the southeast corner of lot 2, thence north 136 & 9/12 feet, thence west 25 feet, thence south to Douglas Ave., then east to beginning	Santa Fe	"	Same as Above

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
West 23 feet of lots 2, 4, 6, 8, & 10	Santa Fe	J. R. Mead's Addition	Roger M. King and Martha O. King ✓ 419 S. Crestway 67218
East 37 feet of lots 2, 4, 6, 8 & 10, and 5.3 feet adj said lots on the east	Santa Fe	"	✓ Harry Lankford 630 East Douglas 67202
East 25 feet of the west 48 feet of lots 2, 4, 6, 8, & 10	Santa Fe	"	✓ Durrell Armstrong 704 East Douglas 67202
Lots 14, 16, 18	Santa Fe	"	✓ Automotive Distributing Co. Inc. 126 N. St. Francis 67202
Lot 20 and 22	Santa Fe	"	✓ Urban Renewal Agency of Wichita 455 N. Main 67202
Lot 24 and 26	Santa Fe	"	<i>Dud</i> ✓ Harry G. Lankford 630 East Douglas
Lot 1	St. Francis	"	✓ Huber Janitor Supplies 114 N. St. Francis 67202
Lot 3	St. Francis	"	✓ Carpenter's Local Union No. 201 122½ N. St. Francis 67202
Lot 5	St. Francis	"	<i>Dud</i> ✓ Automotive Distributing Co. Inc. 126 N. St. Francis 67202
Lot 7	St. Francis	"	✓ Union Rescue Mission Inc., 130 N. St. Francis 67202
Lot 2 and south half of lot 4	St. Francis	"	✓ F. & S. Properties, Inc. % Robert Partridge Fourth Financial Center 67202

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 73, 75, 77, 79 81, 83, 85 and vacated alley adjacent on the east	Douglas	N. A. English's Addition	Board of Park Commissioners of the City of Wichita 455 N. Main, 67202
East 5 feet of lot 87, all of lots 89 & 91, and the west 20 feet of lot 93	Douglas	"	Urban Renewal Agency of Wichita <i>Duff</i> 455 N. Main 67202
East 5 feet of lot 93, all of lot 95 and 30 feet adjacent on the east	Douglas	"	Same as Above



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

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

Lots 74 and 76 on Douglas Avenue
in J. R. Mead's Addition to the
town of Wichita, Sedgwick County,
Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 24th day of February, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice President

Order No: 296258

AP

PARKING LOT LEASE

PARTIES

THIS LEASE is made this *20th* day of *January*, 1980, by and between the City of Wichita, Kansas, hereinafter called the LANDLORD, Party of the First Part, and RICHARD L. HILTON and JACQUELINE C. HILTON, and ROGER M. KING and MARTHA O. KING, called the TENANT, Party of the Second Part.

PREMISES

That the Landlord, for an in consideration of the covenants and agreements hereinafter contained, does hereby demise and lease to the Tenant, Lots 20, 22, 32 and 34, on Santa Fe, formerly Fifth Avenue, in J. R. Meads Addition, Wichita, Sedgwick County, Kansas, cleared for parking paving.

TERM

The lease term shall commence on the 1st day of December, 1980 and end at Midnight on the 30th day of November, 1982.

RENT

The Tenant hereby agrees to pay rent in the form of "Fixed Minimum Rent" as that phrase is hereinafter defined, at the office of the Landlord located at Department of Redevelopment and Rehabilitation, City Hall, 2nd Floor, Wichita, Kansas 67202, or at such other place as the Landlord may designate in writing.

FIXED
RENTAL

The Tenant shall pay for each and every month of the lease term a fixed minimum rent of FOUR HUNDRED EIGHT and 32/100 DOLLARS (\$408.32), payable in advance on or before the first day of each calendar month. For any fractional calendar month the Fixed Minimum Rent shall be payable in advance on a proportionate basis. Landlord hereby acknowledges that at the signing of this lease, the Tenant has paid the Landlord the sum of FOUR HUNDRED EIGHT and 32/100 DOLLARS (\$408.32), the rent for the first month. Tenant agrees to pay all rent and other sums provided for in this lease to the Landlord without deduction of any sum for any claim or demand of any kind or nature. No payment by Tenant or receipt by Landlord of a lesser amount than the monthly rent herein stipulated shall be deemed to be other than on account of the earliest stipulated rent, nor shall the use of such payment or the cashing of any check reflecting the same be deemed an accord or satisfaction regardless of any endorsement or statement on any such check or on any letter accompanying any such check.

USE

Tenant shall occupy and use the demised premises solely for the conduct of PARKING LOT FACILITY.

Tenant may provide for the sale of any other services and commodities which would not be in violation of any municipal, state, or federal law, ordinance or regulation, provided, however, written consent of Landlord to such sales shall be first obtained, and provided further that any such sales carried out upon the leased premises shall be limited to brief occasional, festival, or promotional items. The Tenant shall conduct its customary business activity during the term of this lease throughout all normal business days and hours, unless prevented from so doing by strikes, fire, casualty, or some other comparable cause, and excepting also during reasonable periods of repairing, cleaning and decorating the demised premises.

USE
RESTRICTIONS

Tenant shall not use the premises for gambling of any kind, nor for any illegal or immoral practices.

Tenant shall not place upon the leased premises any permanent or temporary signboard, business sign, or

advertising sign except such sign as may be necessary to identify the presence of Tenant's businesses, provided, however, written consent of Landlord to such sign shall be first obtained. Any such sign to which Landlord gives consent shall be of such size, shape, and description as shall be determined by the Landlord to be compatible with the use and character of the premises and neighborhood, and any such sign shall be maintained in a good state of repair by the Tenant. Nothing herein shall prohibit the placing by Tenant without consent of Landlord such signs as are reasonable and necessary for the proper regulation of traffic and parking upon the premises.

Tenant covenants and agrees to execute and comply promptly with all statutes, ordinances, rules, orders, regulations, and requirements of state, federal, county, and city governments regulating the use of Tenant of the demised premises.

REPAIRS AND IMPROVEMENTS

When the Tenant makes repairs at its cost and expense, such repairs and improvements shall at once, when made, be deemed to have attached to the freehold and to have become the property of the Landlord unless designated otherwise in writing. Signs, electrical equipment, and other removable trade fixtures shall not be deemed structural alterations, additions, improvements or interior repairs. At the expiration of the term hereof, the Tenant, if not in default, shall remove such signs, equipment and trade fixtures which constitute its property.

PROPERTY INSURANCE

Tenant agrees to carry public liability insurance upon the premises during the term hereof, covering both Tenant and Landlord as insureds, with terms and companies as approved by Landlord, which approval shall not be unreasonably withheld, for limits of not less than \$500,000.00 for injury or death to any one person, \$500,000.00 for any one occurrence, \$200,000.00 property damage insurance and contractual liability coverage recognizing this lease. Tenant agrees to provide proof of such insurance within ten days of the date of the signing of this agreement. Tenant also agrees to carry insurance against fire and other risks as are from time to time included in standard extended coverage insurance for the full insurable value, covering all of the premises. Tenant shall also carry insurance for fire and extended coverage, vandalism, malicious mischief or other endorsements deemed advisable by Tenant, insuring the leasehold for the full insurable value thereof and with such deductibles as are reasonable. Tenant shall provide Landlord with copies of policies or certificates evidencing that such insurance is in full force and effect and stating the terms thereof. The comprehensive general liability policy of insurance shall in no way limit or diminish Tenant's liability under any other provisions of this agreement and shall be subject to increase at any time, and from time to time, following the commencement of the fifth year of the term hereof, if Landlord, in the exercise of its reasonable judgment, shall deem the same necessary for adequate protection. Within thirty days after the written demand thereof by Landlord, Tenant shall furnish Landlord with evidence that such demand has been complied with.

Nothing contained herein shall operate to prohibit Landlord from carrying such policies of insurance as it deems necessary.

TAXES AND CHARGES

Tenant shall pay promptly when due all taxes assessed and levied during the term hereof. Landlord will not apply for or seek any tax exemptions.

The Tenant agrees to pay all charges for parking lot maintenance, electricity, and trash removal used by Tenant.

TOTAL OR
PARTIAL
DESTRUCTION

The damage, destruction, or partial destruction of the leased premises shall not release Tenant from any obligations hereunder. In case of damage or destruction to the premises, Tenant shall at its own expense promptly repair and restore the same to a condition as good or better than that which is provided under the terms of this lease. Without limiting such obligations of Tenant, it is agreed that the proceeds of any insurance covering such damage or destruction shall be made available to Tenant for such repair or replacement.

DEFAULT BY
TENANT

If the Tenant shall fail to pay the rent aforesaid when due, or fail to fulfill any of the covenants herein contained, then and in any event it shall be lawful for the said Landlord to re-enter, and take possession of the above rental premises, and hold and enjoy the same without such re-entering working a forfeiture of the rents to be paid and the covenants to be performed by the said Tenant for the full term of this lease.

WAIVER

The waiver by Landlord or Tenant of any breach of any term, covenant or condition contained in this lease shall not be deemed a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained. No covenant, term or condition of this lease shall be deemed to have been waived unless such waiver shall be in writing signed by the party charged therewith.

LIENS

Tenant shall pay promptly all bills for materials furnished or labor performed for Tenant, or at Tenant's instance and request in connection with any repairs, alterations, improvements, decorating, installation of fixtures and equipment on the demised premises; and hereby agrees to keep the demised premises free from all claims or liens for work, labor or materials on account thereof.

NOTICES

All notices required under this lease shall be deemed to have been properly served if delivered in writing personally or by registered mail to the Landlord at Department of Redevelopment and Rehabilitation, City Hall, Second Floor, Wichita, Kansas 67202, or to the Tenant at the premises covered by this lease, or at such other place as either Landlord or Tenant may designate in writing from time to time. Date of service of notice by mail shall be the date on which such notice is delivered.

PARKING
AREA

Tenant shall submit a parking plan to the appropriate City department for review and approval prior to paving and marking the leased premises.

Tenant shall keep the parking areas, as shown in the plot plan, Exhibit A, maintained in good repair, properly striped, clean and free from all debris, obstructions, ice and snow, properly drained, and properly illuminated.

The parking area shall remain as shown on Exhibit A, or if changed, shall not be reduced in area or convenience of location. Once the parking plan is approved, the number of parking spaces shall not be reduced without written consent of Landlord and compliance with any appropriate City regulations. Landlord shall not construct or permit to be constructed any additional buildings in the parking areas shown on Exhibit A, unless additional parking areas are provided.

SUCCESSORS
& ASSIGNS

It is agreed that the provisions, covenants and conditions of this lease shall bind and inure to the benefit of the heirs, representatives and successors of the respective parties hereto. This lease shall not be assigned by Tenant without the express written consent of Landlord.

INITIAL
IMPROVEMENTS

Tenant agrees, at its sole cost and expense, to promptly commence, and to prosecute to conclusion with all due diligence, the following improvements to the leased premises:

1. Pave the parking area.
2. Paint and mark the parking space designations.

EXPIRATION &
TERMINATION

The Tenant shall upon the expiration or the sooner termination of this lease surrender to the Landlord the leased premises, including all replacements, changes, additions and improvements constructed or placed by Tenant on the leased premises, with all equipment in or appurtenant thereto, except all movable fixtures installed by the Tenant, broom clean, free of sub-tenancies, and in good condition and repair, reasonable wear and tear excepted. Anything in the foregoing to the contrary notwithstanding, any of Tenant's improvements and any trade fixtures or personal property belonging to the Tenant or to any subtenant, if not removed at such termination, and if the Landlord shall so elect, shall be deemed abandoned, and become the property of the Landlord without payment or offset therefor. If the Landlord shall not so elect, the Landlord may remove such Tenant's improvements, fixtures or property from the leased premises at the Tenant's risk and expense. The Tenant shall repair and restore, and save the Landlord harmless from, all damages to the leased premises caused by such removal whether by the Tenant or by the Landlord.

HOLDING
OVER


Any holding over after the expiration of the term, or any extensions thereof, with the consent of Landlord, shall be construed to be a tenancy from month to month at twice the monthly rent herein specified and shall otherwise be on the terms and conditions herein specified so far as applicable.

OPTION TO
PURCHASE

Tenant shall have a sixty (60) day option to purchase the leased premises at the expiration of this lease for the agreed price of FORTY NINE THOUSAND DOLLARS (\$49,000.00).

IN WITNESS WHEREOF, the parties have caused these presents to be executed in a manner appropriate to each the day and year first written above.

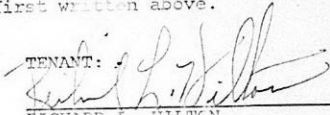
LANDLORD:


ROBERT G. KNIGHT, MAJOR

Attest:

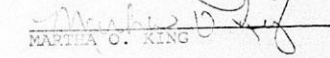

City Clerk DONALD C. GISCH

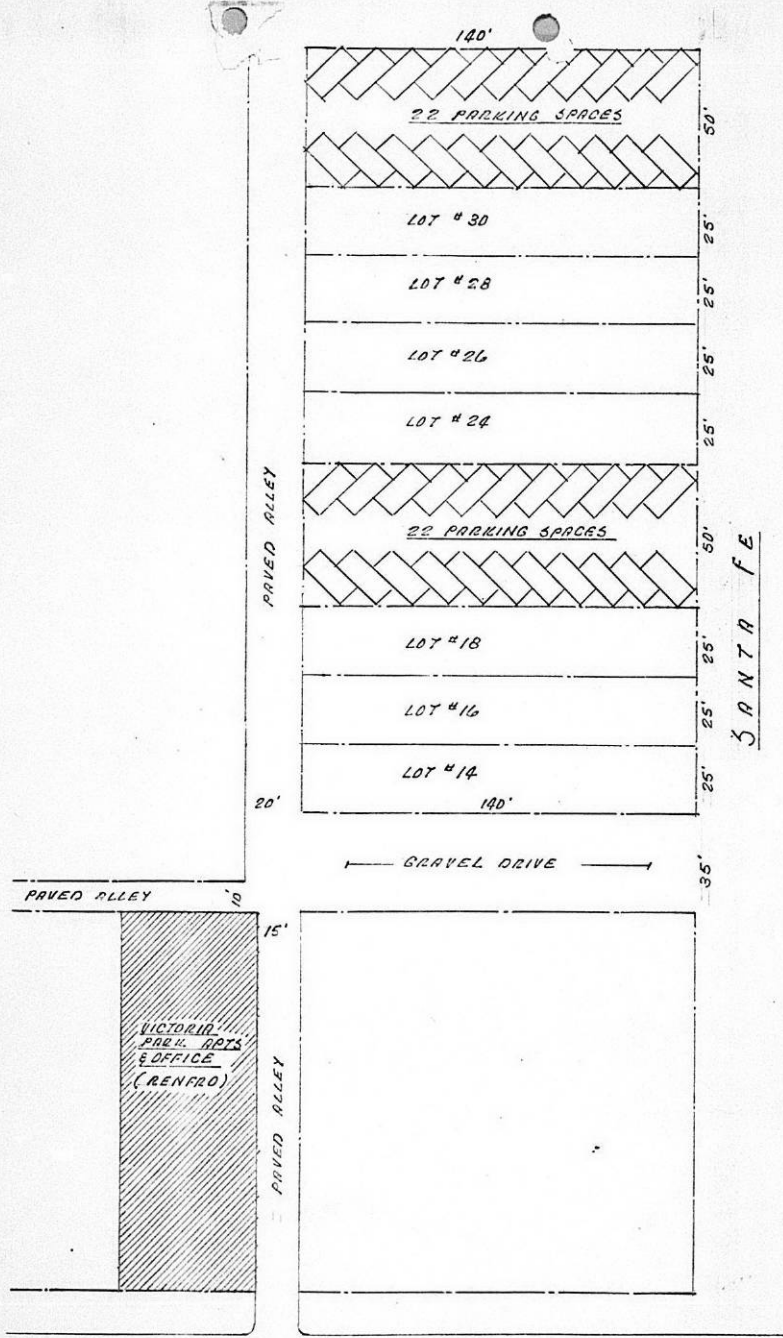
TENANT:


RICHARD L. HILTON


JACQUELINE C. HILTON


ROGER M. KING


MARTHA O. KING



SITE PLAN 1" = 40' 0"

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-0.

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY