

Case No. BZA 19-78 - Mid-Continent Car Rentals, Inc., request an exception to permit the establishment of unlimited janded parking for car rental storage at car rental agency on property general.

Postcard
4-28-78
[Signature]
E.I.V.
MAD
4-5-78

ACTION

BZA H COMMITTEE Approved DATE 5-23-78

M.A.P.C. _____

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

Map No. 5146
 Sec. 26
 Twp. 27
 Range 1W

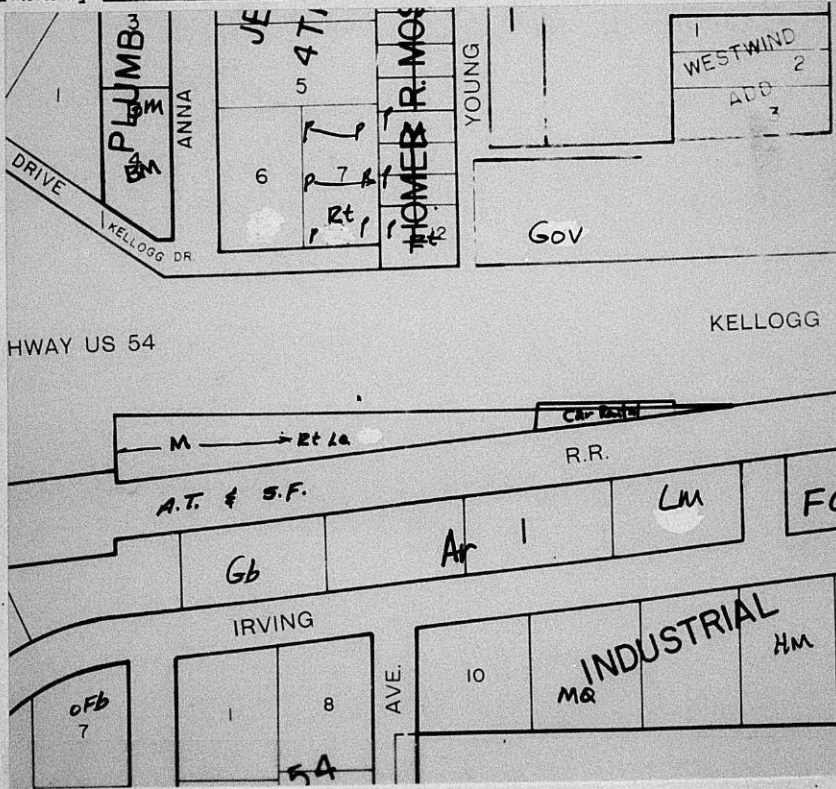
BZA- 19-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.21 (50 ft. by 350 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East US-54 HI-WAY South RAILROAD TRAC
 West Motel/Liquor Store North KELLOGG-HS-54
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: Car Rental
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



Standard
 No. 2-153C
 Manufactured by Standard Map Co. Inc. U.S.A.

RESOLUTION NO. BZA 19-78

WHEREAS, Mid-Continent Car Rentals, Inc., Suite 430, R. H. Garvey Building, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District and legally described as follows:

A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 246.64 feet; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

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 May 23, 1978, 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 a car rental agency on property zoned the "LC" Light Commercial District subject to the conditions outlined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 246.64 feet; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

subject to the following conditions:

1. This approval shall supercede Resolution No. BZA 26-77, making it null and void.
2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material and shall be paved within 45 days from this date of approval or this Resolution shall become null and void.
3. No string-type lighting shall be permitted.

4. Signs shall comply with the sign regulations of the zoning ordinance.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1978.


James Richardson, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

June 6, 1978

T. Michael Wilson
Suite 430
R.H. Garvey Building
Wichita, KS 67202

Subject: Case No. BEA 19-78
Request for Exception

Dear Mr. Wilson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 23, 1978, in connection with your request for an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District and generally located on the south side of U.S. 54 Highway in an area between West Street and the I-235 By-Pass (4601 W. Kellogg).

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

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

Very truly yours,

Larry Dobson
Assistant Secretary

LD:vn
Enclosure

cc: Mid-Continent Car Rentals, Inc., Suite 430, R.H. Garvey
Building, 67202
Don Gisick, City Clerk
Robert Feldner, Superintendent, Central Inspection
Joe Donnelly, Housing and Zoning Administrator

May 23, 1978

Mr. T. Michael Wilson
Suite 430
R. H. Garvey Bldg.
Wichita, Kansas 67202

Re: Request for Exception
Case No. BZA 19-78

Dear Mr. Wilson:

At the regular meeting of the Board of Zoning Appeals on May 22, 1978, your request for an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District and generally located on the south side of U.S. 54 Highway in an area between West Street and the I-235 By-Pass (4601 W. Kellogg) was considered.

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

1. This approval shall supercede Resolution No. BZA 26-77, making it null and void.
2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material and shall be paved within 45 days from this date of approval or this Resolution shall become null and void.
3. No string-type lighting shall be permitted.
4. Signs shall comply with the sign regulations of the zoning ordinance.
5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.

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.

T. Michael Wilson
5-23-78

If you have any questions pertaining to this matter, please
contact our office.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Mid-Continent Car Rentals, Inc., Suite 430, R. H.
Carvey Bldg., 67202
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 23, 1978

TO Larry Dobson, Secretariat to BZA

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 19-78 (South Side of U.S. 54
Highway in an Area Between West
Street and I-235 By-Pass)

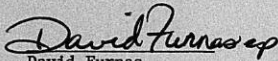
At their meeting of May 22, 1978, CPO Council "B" considered the captioned case.
The Council took no position on the case.



Bill Morris
CPO Administrative Aide

BM:rh

NOTED:



David Furnas
CPO Coordinator

Dobson

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 19, 1978

TO Larry Dobson, Secretariat to the BZA

FROM Sarah Gilbert, CPO Administrative Aide

SUBJECT BZA 19-78 (South Side of U.S. 54 Highway, Between West and I-235)

At the May 18 meeting of CPO Area "0" Council, the Council members agreed that a car rental agency is compatible with the captioned area and voted 5-0 to recommend approval of the exception.

Please advise the BZA of the Council's recommendation when the case is considered on May 23.

Thank you.

Sarah Gilbert

Sarah Gilbert
CPO Administrative Aide

SG:rh

NOTED:

DF

David Furnas
CPO Coordinator



SECRETARY'S REPORT
CASE NO. BZA 19-78

APPLICANT: Mid-Continent Car Rentals, Inc., Suite 430,
R. H. Garvey Building, Wichita, Kansas.

AGENT: Stan E. Wisdom or T. Michael Wilson, Suite
430, R. H. Garvey Building, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code
of the City of Wichita to permit the establish-
ment of a car rental agency on "LC" Light Com-
mercial property.

GENERAL LOCATION: South side of U. S. 54 Highway in an area be-
tween West Street and the I-235 By-Pass (4601
W. Kellogg).

LAND USE: Subject property contains an existing car
rental agency. A motel is developed to the
west; north across U.S. 54 is a State Highway
shop and yard; east is railroad right-of-way;
south across railroad right-of-way are a manu-
facturing firm and truck repair business.

ZONING: Subject property is zoned the "LC" Light Com-
mercial District, as is the property to the
west. North is zoned "AA" Single Family; east
is "AA"; south is "AA" zoned right-of-way and
then "E" Light Industrial.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183(2) can be complied with.

COMMENTS BY THE SECRETARY:

On June 28, 1977, the Board of Zoning Appeals approved an exception on subject property to permit the establishment of a car rental agency (BZA 28-77). However, one of the conditions of approval required that the storage and display of rental vehicles shall be limited to not more than six at any time.

At the time the above referenced exception case was approved, the applicants voiced no objection to the six vehicle limit, but since that time experience has shown there to be an actual need for an average of fifteen cars on the lot. The applicants are now requesting an exception with no limitation on the number of rental cars parked on the east portion of subject property, east of the office. Required off-street parking for the use can be provided west of the office.

The Traffic Engineer's Office has reviewed the applicant's site plan and sees no problem with permitting unlimited display or storage of rental cars on the east part of the property, much in the same manner as a new and used car lot.

It is unknown as to how many cars can be stored on the property, but in view of the highway oriented nature of the surrounding land use, it is not anticipated that bulk storage of cars on the property would adversely affect any area property owners. The area from West Street to the I-235 By-Pass on both the north and south sides of U.S.54, is for the most part zoned "C" Commercial and "E" Light Industrial. Both of these districts would permit a car rental agency as an outright permitted use, without benefit of an exception.

It should be noted that in addition to violating the permitted number of vehicles displayed on the property, the applicants have not paved the entire area being used for storage and display of vehicles as required by Resolution No. BZA 26-77. The agent for the applicant has indicated that this will be accomplished in the near future.

RECOMMENDATION:

It is the opinion of the Secretary that this continues to be an appropriate use for this location and, therefore, recommends that the exception be approved subject to the following conditions:

1. This approval shall supercede Resolution No. BZA 26-77, making it null and void.
 2. All storage, display, circulation and parking areas shall be paved with concrete, asphalt or other comparable material and shall be paved within 45 days from this date of approval or this Resolution shall become null and void.
 3. No string-type lighting shall be permitted.
 4. Signs shall comply with the sign regulations of the zoning ordinance.
 5. No sound projecting devices or loudspeakers shall be used so as to be heard outside of any structure.
 6. No repair work shall be conducted except in an enclosed building, and further provided that no body or fender work is done.
-

CHAPIN & PENNY, ATTORNEYS

P. O. BOX 148
MEDICINE LODGE, KANSAS
ZIP CODE 67104

W. LUKE CHAPIN
GORDON M. PENNY
ALAN C. GOERING

May 1, 1978

OFFICES:

MEDICINE LODGE, KANSAS
CHAPIN BUILDING
124 E. KANSAS
TEL. (913) 886-0611
KIOWA, KANSAS
OFFICE BLDG.
TEL. 828-4188

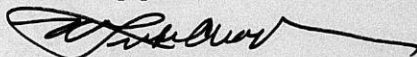
Jack H. Galbraith, Secretary
Board of Zoning Appeals
Tenth Floor - City Hall
455 N. Main
Wichita, KS 67202

Re: Case No. BZA 19-78
Mid-Continent Car Rentals, Inc.

Dear Mr. Galbraith:

As owners of Western Trails Lodge, adjacent property owner to Mid-Continent Car Rentals, Inc., we recommend the allowance of the exception to permit the establishment of a car rental agency on properties zoned the "LC" Light Commercial District and legally described in your notice dated April 27, 1978.

Sincerely yours,



W. Luke Chapin

WLC:ha
cc: Mid-Continent Car Rentals, Inc.
Suite 430
R. H. Garvey Building
Wichita, KS



11 notices sent to applicant, agent and adjacent property owners

10 notices sent to MAPC

1 notice to CPO

22 notices on BZA 19-78, 4-27-78

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

April 27, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 19-78

An application has been filed by Mid-Continent Car Rentals, Inc., Suite 430, R. H. Garvey Building, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a car rental agency on property zoned the "LC" Light Commercial District, and legally described as follows:

A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 246.64 feet; thence southerly with an angle to the left of 96°33' a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

This application has been assigned Case No. BZA 19-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 23, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time, you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

Mark takes

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Mid-Continent Car Rentals, Inc.

Mailing Address Suite 430, R. H. Garvey Bldg., Wichita, KS 67202 Phone 264-9137

Name of Authorized Agent Stan E. Wisdom or T. Michael Wilson

Mailing Address Suite 430, R. H. Garvey Bldg., Wichita, KS 67202 Phone 264-9137

Relationship of applicant to property is that of Lessee (Owner, Tenant, Lessee, Other).

and modification of condition #7 of resolution BZA-26-77

II. Application is made for an exception/as provided in Section

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of unlimited jambed parking for car rental storage at car rental agency

on property zoned

light commercial, located at 4601 W. Kellogg, Wichita, Kansas

and legally described as: _____

See Attachment

_____, 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. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. 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.

Applicant MID-CONTINENT CAR RENTALS, INC

Authorized Agent Stan E. Wisdom

5146

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:10 (a.m. (p.m.), 4/27, 1978, together with appropriate fee of \$50.00

So. side of Kellogg in an area between 1-235 and West St.

Signed Larry Dobson

T9-403

Subj. to receiving abstract list by 4/25/78

Beginning at the Northwest corner of the East Half of the Southwest Quarter of Section 26, Township 27, South, Range 1 West; thence East on the North line of said Half Section line to a point where AT&SF Railroad right-of-way intersects said line, said point being approximately 1,117 feet East of the Northwest corner of the Southeast Quarter of Section 26; thence Southwesterly along said Railroad right-of-way to the East line of the West Half of said Section 26; thence North 25 feet; thence Southwesterly 81 rods parallel to said Railroad right-of-way; thence North 14 rods 1.5 feet to point of beginning, subject to Highway right-of-way and Floodway in Southwest Quarter, all in Sedgwick County, Kansas, and

A tract of land in the South Half of the Northeast Quarter of Section 26, Township 27 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, described as follows:

Beginning at a point on the south line of said Quarter Section 164.3 feet East of the Southwest corner of said Quarter Section; thence East along said South line 837.0 feet; thence North 12.0 feet, thence West parallel to said South line 837.0 feet, thence South 12.0 feet to place of beginning. Generally located on the south side of US 54 Highway in an area between West Street and I-235 By-pass.

A tract in Sec. 26, Twp. 27-S, R-1-W, Sedgwick County, Kansas, described as beginning at a point 1001.3 feet east of the S.W. Corner of the NE 1/4 of said Sec. 26; thence north parallel with the west line of said NE 1/4, 12 feet; thence west parallel with the south line of said NE 1/4, 245.64 feet; thence southerly with an angle to the left of $96^{\circ} 33'$ a distance of 50.84 feet to the northerly right-of-way line of the A.T. & S.F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE 1/4 of said Section 26; thence west 116.5 feet to beginning. Generally located on the south side of U.S. 54 Highway in an area between West Street and I-235 By-Pass.

BEFORE THE BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

Case No. _____

STATEMENT FOR USE WITH APPLICATION FOR EXCEPTION

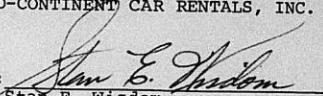
COMES NOW, the undersigned and submits the following statements in writing justifying an exception and modification of condition #7 of Resolution BZA 26-77 granted under the authority provided in Section 2.12.590.C, Code of the City of Wichita, Kansas to permit unlimited jambed parking for car rental storage at car rental agency.

1. The location of the vehicle rental agency is 4601 West Kellogg, which is presently zoned light commercial with surrounding property to the east, west, and south being industrial, and bounded on the north by U.S. 54 Highway right-of-way.
2. The proposed unlimited jambed parking is located on the east side of the existing building under lease by applicant with no other businesses, buildings, or traffic located adjacent thereto.
3. Unlimited jambed parking is practical inasmuch as the points of ingress and egress are unlimited on the north, east and south sides of the proposed parking area.
4. The previous limitation allowed only six (6) rental vehicle parking stalls which is not practical for applicant's business as experience has shown there to be a need for an average of fifteen (15) cars on the lot.
5. The overflow requirements can be handled on a lease-as-needed arrangement with a property owner nearby.
6. This Board has jurisdiction of this matter by virtue of Section 2.12.590.C of the Code of the City of Wichita, Kansas and that Section 28.04.183.2 specifically provides that

the Board of Zoning Appeals may by special permit grant exceptions and authorize the use in light commercial districts of a vehicle rental agency subject to the conditions and requirements as stated therein.

MID-CONTINENT CAR RENTALS, INC.

By:


Stan E. Wisdom
Authorized Agent



Lawyers Title Insurance Corporation

GUARANTEE TITLE DIVISION
P. O. BOX 770
400 NORTH BROADWAY
WICHITA, KANSAS 67201
AREA CODE 316/263-9124

April 27, 1978

T. Michael Wilson
Stinson, Wisdom and Lasswell
430 R. H. Garvey Building
300 West Douglas
Wichita, Kansas 67202

Dear Mr. Wilson:

The ownership list furnished you on April 25, 1978, miscellaneous #2981 lists all the owners of record within a 200' radius of the description contained in the attached copy from Baughman Co., dated July 27, 1977. There are no variances because the tract described is smaller and entirely within the descriptions in that ownership list.

Very truly yours,

J. Edward Taylor
J. Edward Taylor
Title Attorney

JET:mb

WILLIAM L. KORBER

BAUGHMAN CO.

S U R V E Y O R S

PHONE 316/292-7271

330 LAURA

WICHITA, KANSAS 67211

A tract in Sec. 26, Twp. 27-S, R-1-W, described as beginning at a point 1001.3 foot east of the S. W. Corner of the NE $\frac{1}{4}$ of said Sec. 26; thence north parallel with the west line of said NE $\frac{1}{4}$, 12 feet; thence west parallel with the south line of said NE $\frac{1}{4}$, 246.64 foot; thence southerly with an angle to the left of 96° 33' a distance of 50.84 feet to the northerly right-of-way line of the A. T. & S. F. Railroad; thence northeasterly along said railroad right-of-way to the north line of the SE $\frac{1}{4}$ of said Sec. 26; thence west 116.5 feet to beginning.

July 27, 1977

EXHIBIT "A"
TO CONTRACT BETWEEN
THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY,
PLANS DIVISION AND WICHITA DISTRICT

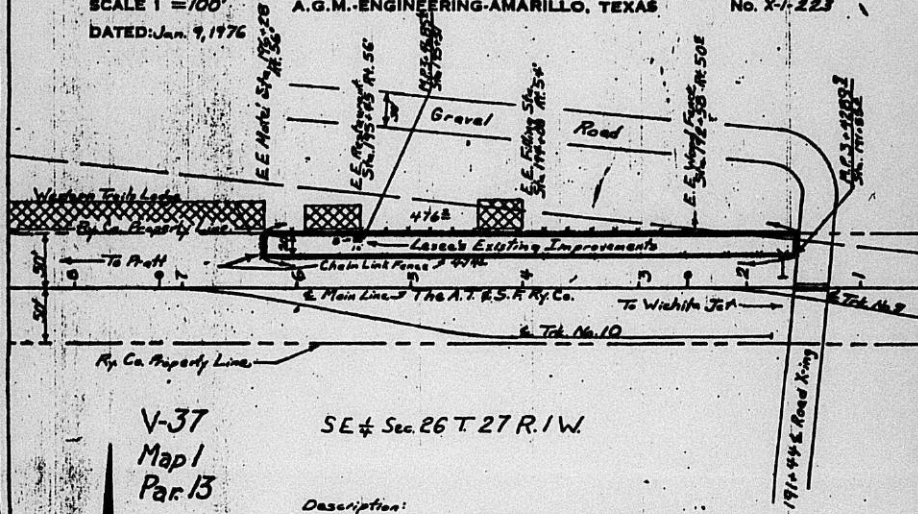
AND
W. LUKE CHAPIN AND GORDON M. PENNY
Covering Lease of Land

NEAR WICHITA, SEDGWICK COUNTY, KANSAS

SCALE 1" = 100'
DATED: Jan. 9, 1976

A.G.M.-ENGINEERING-AMARILLO, TEXAS

No. X-1-223



V-37
Map 1
Par. 13

SE 1/4 Sec. 26 T. 27 R. 1 W.

Description:
A site containing 9503 square feet for the
location of a storage building and a parking
area, as shown hereon by red coloring.

J.M.J

Form 1616 Standard
(Approved by General Statist)

LEASE OF LAND (Short Term)

THIS LEASE, Made as of the 14th day of January, 1976between THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANYa Delaware corporation (hereinafter called "Lessor"),and LUKE CHAPIN AND GORDON M. PENNY,Individuals of Medicine Lodge, Kansas

(hereinafter, whether one party or more, called "Lessee").

WITNESSETH, That the parties hereto for the considerations hereinafter expressed covenant and agree as follows:

1. Lessor hereby leases to Lessee, subject to the rights and easements hereinafter excepted and reserved, and upon the terms and conditions hereinafter set forth, the land (hereinafter called "Premises") situated at or near Wichita County of Sedgwick

State of Kansas, outlined in red coloring on the print hereto attached, No. X-1-223, dated January 9, 1976marked "Exhibit A" and made a part hereof, for a term beginning on January 1, 1976 and ending when this lease shall be terminated as hereinafter provided.

2. Lessor hereby excepts and reserves the right, to be exercised by Lessor and by any others who have obtained or may obtain permission or authority from Lessor so to do, (a) to operate, maintain, renew and relocate any and all existing pipe, power, and communication lines and appurtenances and other facilities of like character upon, over or under the surface of the Premises; and (b) from time to time to construct, operate, maintain, renew and relocate such additional facilities of the same character as will not unreasonably interfere with the use of the Premises by Lessee for the purpose specified in paragraph 6 hereof.

3. Lessee shall pay to Lessor as rental for the use of the Premises the sum of Two Hundred Forty and No/100 Dollars (\$ 240.00)

per annum, payable in advance. Said rental shall be subject to revision at three year intervals (3)

4. Lessee covenants and warrants that Lessee either owns, or has obtained from the owner or owners thereof the right to use, any improvements now on the Premises shown or described on said Exhibit A as "Lessee's Existing Improvements." Such improvements, if any, together with any other improvements hereafter placed upon the Premises by or for account of Lessee are hereinafter called "Improvements."

5. Lessee shall pay before the same become delinquent all taxes, charges, rates, and assessments which may, during the term of this lease, be levied upon, or assessed against, or be equitably chargeable to or assessed in respect of the Improvements; and where any such tax, rate, charge, or assessment may be embraced in the general amount of taxes charged upon the Premises separately or in connection with other property of Lessor and Lessor shall pay all of said taxes, then Lessee shall promptly repay or refund to Lessor the amount or part of the tax, charge, rate or assessment equitably or fairly apportionable to the Improvements.

6. Lessee shall use the Premises exclusively as a site for storage building and parking area.

7. Lessee shall keep and maintain the Premises and Improvements in such safe, sanitary, and sightly condition as shall be satisfactory to Lessor, and, if required by Lessor, shall paint the Improvements with paints of a color approved by Lessor; and if Lessee fails or refuses within fifteen (15) days after receipt of any request by Lessor so to do, Lessor may, at its option, perform such work, and in such event Lessee shall within thirty (30) days after the rendition of bill therefor reimburse Lessor for the cost so incurred.

15. Any notice hereunder to be given by Lessor to Lessee shall be deemed to be properly served if it be deposited in the United States mail, postage prepaid, addressed to Lessee at _____
P. O. Box 148, Medicine Lodge, Kansas 67107

Any notice to be given hereunder by Lessee to Lessor shall be deemed to be properly served if the same be deposited in the United States mail, postage prepaid, addressed to Lessor's _____
Division Superintendent at 900 South Polk Street
Amarillo, Texas 79171

16. Upon the termination of this lease in any manner herein provided, Lessee shall forthwith surrender to Lessor the possession of the Premises and shall remove the improvements and restore the Premises to substantially the state in which they were prior to the construction of the improvements, and in case Lessee shall fail within thirty (30) days after the date of such termination to make such removal or restoration, then Lessor may, at its election to be exercised within thirty (30) days thereafter, either remove the improvements and restore the Premises for the account of Lessee, and in such event Lessee shall within thirty (30) days after the rendition of bill therefor reimburse Lessor for the cost so incurred, or may take and hold the improvements as its sole property.

17. If Lessee fails to surrender to Lessor the Premises, upon any termination of this lease, all the liabilities and obligations of Lessee hereunder shall continue in effect until the Premises are surrendered; and no termination hereof shall release Lessee from any liability or obligation hereunder, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or the date, if later, when the improvements are removed and the Premises restored or Lessor elects to take and hold the improvements as its sole property as hereinabove in paragraph 16 provided.

18. In the event that Lessee consists of two or more parties, all the covenants and agreements of Lessee herein contained shall be the joint and several covenants and agreements of such parties.

19. All the covenants and agreements of Lessee herein contained shall be binding upon the heirs, legal representatives, successors and assigns of Lessee, and shall inure to the benefit of the successors and assigns of Lessor.

20. It is mutually agreed and understood that this agreement supersedes and cancels that document dated June 27, 1956, Lessor's Secretary's Contract No. 107330, relating to lease of site for storage at Wichita, Sedgewick County, Kansas, together with any and all supplements and amendments thereto, are each and everyone hereby cancelled as of January 1, 1976. Also, Lessee agrees not to park vehicles or block visibility within fifty (50) feet of the center line of Tracy Street at the East end of the lease site.

21. Lessee covenants and agrees that it will, prior to using any of the leased premises, install at its own expense and thereafter maintain in good repair, a good and sufficient fence encompassing the Premises under lease, the fence to be of specifications and of such type and height satisfactory to Lessor.

Approved as to description:

Chief Engineer.

By

J. K. Kline
Assistant to General Manager

Its

By

By

Carlson
(Individuals of Medicine Lodge, Kansas)

(Lessee)

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas; within a 200 foot radius of and including the following described property, viz:

That part of the Northerly right-of-way of the Atchison Topeka and Santa Fe Railway Company lying in the Southeast Quarter (SE/4) of Section 26, Township 27 South, Range 1 West, as described in Exhibit "A" of a lease agreement between The Atchison Topeka and Santa Fe Railway Company and W. Luke Chapin and Gordon M. Penny (copy attached).

Note: Addresses are furnished as a service only and are not certified.

DESCRIPTION	OWNER/OWNER'S ADDRESS
Property known as Western Trails Lodge, described as: Beginning at the NW corner of the E/2 of the SW/4 of 26-27S-1W; thence E on the N line of said Half Section line to a point where AT&SF Railroad right-of-way intersects said line, said point being approximately 1,117' E of the NW corner of the SE/4 of Section 26; thence SWerly along said Railroad right-of-way to the E line of the W/2 of said Section 26; thence N 25'; thence SWerly 81 rods parallel to said Railroad right-of-way; thence N 14 rods 1.5' to point of beginning, subject to Highway right-of-way and Floodway in SW/4, all in Sedgwick County, Ks; and, A tract of land in the S/2 of the NE/4 of 26-27S-1W of the 6th P.M., Sedgwick County, Ks, described as follows: Beginning at a point on the S line of said Quarter Section 164.3' E of the SW corner of said Quarter Section; thence E along said S line 837.0'; thence N 12.0'; thence W parallel to said S line 837.0'; thence S 12.0' to place of beginning.	W. Luke Chapin (2/3) & Gordon Penny (1/3) Medicine Lodge, Ks 67104
<u>WEST 54 INDUSTRIAL PARK ADDITION</u>	
<u>Block 1</u>	
Lot 3, except West 63.4'	Automatic School Supply, Inc. 4424 Irving 67209 <i>not in phone book not in CD not in SD</i>
Lot 4, except East 17'	Anplyco Properties, Inc. address not available
The West 63.4' Lot 3 & the East 17' Lot 4	Board of County Commissioners Sedgwick County, Kansas
Lots 5 & 6	Paul Loyd 228 Ceymarie Circle 67209

CONTINUED ON FOLLOWING PAGE

CERTIFICATE OF TITLE

Page 2

WEST 54 INDUSTRIAL PARK ADDITION

Block 1 - Continued

Lot 7

X John P., Jr. & Betty W. Vandenburg,
Trustees under Trust Agreement
dated March 5, 1971 *not in SD*
address not available *not in CA*

Lots 8 & 9

✓ H.P., Jr. and J. Ruth Lent
2162 Bella Vista 67203 *not in SD*

PEARL MAY JONES ADDITION

Lot 1

✓ Pearl May Jones
2613 Lulu 67216

Lot 2

✓ Lawrence G. & Chelsea J. Williams
Clearwater, Ks 67026

captioned property
(shown in Exhibit "A" of attached)

✓ Fee Owner - The Atchison Topeka
and Santa Fe Railway Company
c/o Division Superintendent
900 S. Polk Street
Amarillo, Texas 79171

✓ Leasehold Owners - W. Luke Chapin
& Gordon M. Penny 67104
Medicine Lodge, Ks
(by reason of an unrecorded Lease
dated January 14, 1976)

Dated this 25th day of April, 1978.
Misc. #2981

GUARANTEE TITLE CO., INC.

Gary G. Newcome
Gary G. Newcome, President

Form 021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>P2A Extension</i>	<i>50</i>
Name _____	
Address _____	
Type _____	Due Date _____
Comments: _____	
Date _____	

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Berry
deceased
Return to Sender



Pearl May Jones
2613 Lulu
Wichita, Kansas 67216



Important!
Notice Hearing
Enclosed

*

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

Roll # 1