

BZA 24-88-Patrick M. Chapman requests an  
EXCEPTION to estab. used car sales lot  
on prop. zoned LC Lite Commercial on so.  
side of 13th bet. Mkt & Bdway.

*File not complete with  
required time limit.*

---

*NO*

*See  
12/1/88  
12/1/88  
12/1/88*

Z-2891

# ACTION

B.Z.A. 24-88 *Defer 1 month* 6/28/88  
DATE

Approved 7/26/88

✓

VOID

*Did not comply within  
required time limit.*

*Sept 84 - 3 requests  
11/84 - platting complete*

BZA 24-88-Patrick M. Chapman requests an  
EXCEPTION to estab. used car sales lot  
on prop. zoned LC Lite Commercial on so.  
side of 13th bet. Mkt & Bldway.

DATA SHEET

MAP NO.: 5448A

CASE NO. BZA 24-88

(CPO 1A, 6/21/88)

REQUEST: Exception to permit the establishment of a used car sales lot

EXISTING ZONING: Partially zoned "LC" Light Commercial District and the balance approved for "LC" Light Commercial District

GENERAL LOCATION: South side of 13th Street between Market and Broadway

APPLICANT: Patrick M. Chapman  
 ADDRESS: 221 E. 13th St.  
 Wichita, KS 67214

PHONE: 263-3301

*3-17-89  
 number has been  
 disconnected*

APPLICANT: ~~None~~ Herbert K. Dodd, 901 N Broadway 67214

PHONE: 262-5103

AGENT: ~~None~~

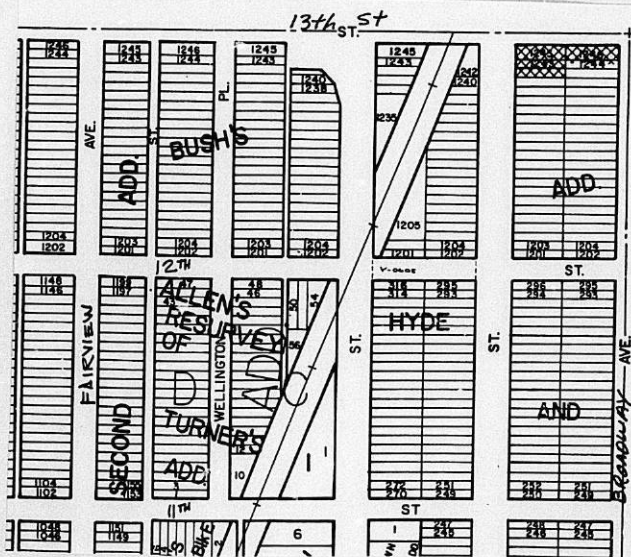
APPLICANT: W.R. Kenney, 2548 N. Fountain 67220

AREA DATA

Acres: .5 (~~93 ft.~~ by 144.5 ft.)

Adjacent Zoning and Land Use:

North "C"  
 South "B" & "LC"  
 East "LC"  
 West "LC"



Standard  
 No. 2-153C  
 HASTINGS, MN  
 LOS ANGELES, CHICAGO, LOGAN, OR  
 McREGOR, TX, LOCUST GROVE, GA  
 U.S.A.

WICHITA SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

May 12, 1989

Patrick M. Chapman  
221 E. 13th Street  
Wichita, KS 67214

Re: BZA 24-88 - Exception to permit used car lot. South side of  
13th Street between Market and Broadway.

Dear Mr. Chapman:

As you will recall, on July 26, 1988, the Board of Zoning Appeals approved the above-captioned case subject to a number of conditions. Two of those conditions were required to be completed by April 26, 1989. One was the platting of the property so that light commercial zoning would become effective (see Z-2891); the other was the granting by separate instrument of complete access control to 13th Street from the east half of the site. Neither of these requirements was completed by the April 26 deadline and therefore, this use exception is now considered null and void. The previous exception for a used car lot (BZA 14-85) on the east half of this site remains in effect.

If you or anyone receiving a copy of this letter have any questions regarding BZA 24-88, please call me at 268-4421.

Sincerely,

*Louise Olivarez*  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO:jcm

cc: Herbert K. Dodd, 901 N. Broadway, 67214  
W. R. Kenney, 2548 N. Fountain, 67220  
Monty Robson, Superintendent, CID  
Joe Donnelly, Zoning Administrator  
Dale Rea, Deputy City Clerk

RESOLUTION NO. BZA 24-88

VOID  
See letter  
3-5-12-89

WHEREAS, Patrick M. Chapman, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 9 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

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 July 26, 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 a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for 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 used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 9 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The proposed service bay(s) shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Only those signs as permitted in the "LC" district shall be permitted on this site.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Off-street parking spaces shall be provided on the property as required by the Zoning Ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display of cars for sale.
8. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed along the perimeter to prevent parked cars from encroaching onto the sidewalks.

9. A 6- to 8-foot solid fence or wall shall be constructed along the entire south line, but shall be reduced to 3 feet in height within the east and west 20 feet.
10. The applicant shall complete the replatting of the west portion of this site in order to establish the "LC" zoning prior to release of the resolution authorizing this auto sales lot, but no later than April 26, 1989 (Requirement of Z-2891).
11. The applicant shall grant by separate instrument complete access control to 13th Street from the east half of the site prior to release of the resolution authorizing this car sales lot, but no later than April 26, 1989, or this exception request shall be considered denied and closed. (Complete access control to 13th from the west half is being dedicated on the replat, which includes only the west half of the site.)
12. The applicant shall close the two existing driveways onto 13th Street prior to occupancy of the new building, but no later than one year following release of this resolution.
13. In accordance with an agreement between this applicant and the Midtown Citizens Association, Inc., the following restrictions shall apply to the use of this site as a car sales lot:
  - a. No vending machines shall be placed out-of-doors.
  - b. No prurient sexually oriented goods or services shall be offered for sale or rent.
  - c. No trash or junk shall be accumulated, except in containers appropriate for residential areas.
  - d. No activity shall be conducted that allows to escape to the surrounding residential area any noxious odor or noise level beyond that customarily found in a commercial area.
  - e. No run-off from rainwater or automobile washing water shall be discharged onto adjacent property.
  - f. No exhausting of air shall be directed towards any residence along the south property line.
14. All site improvements required by this exception shall be satisfactorily completed within one year following release of this resolution, or the resolution shall be considered null and void.
15. Release of this resolution will make null and void Resolution #BZA 14-85.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1988.

  
Randy Phillips, Vice President

ATTEST:

  
Louise Olivarez, Assistant Secretary

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

July 28, 1988

Patrick M. Chapman  
221 E. 13th St.  
Wichita, KS 67214

Re: BZA 24-88 - Exception to permit used car lot - South side of  
13th Street between Market and Broadway

Dear Mr. Chapman:

At the regular meeting of the Board of Zoning Appeals on July 26,  
1988, your request for an exception to permit the establishment  
of a used car sales lot was considered. It was the action of the  
Board to approve this request, subject to the following  
conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The proposed service bay(s) shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Only those signs as permitted in the "LC" district shall be permitted on this site.

FILE COPY

6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Off-street parking spaces shall be provided on the property as required by the Zoning Ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display of cars for sale.
8. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed along the perimeter to prevent parked cars from encroaching onto the sidewalks.
9. A 6- to 8-foot solid fence or wall shall be constructed along the entire south line, but shall be reduced to 3 feet in height within the east and west 20 feet.
10. The applicant shall complete the replatting of the west portion of this site in order to establish the "LC" zoning prior to release of the resolution authorizing this auto sales lot, but no later than April 26, 1989 (Requirement of Z-2891).
11. The applicant shall grant by separate instrument complete access control to 13th Street from the east half of the site prior to release of the resolution authorizing this car sales lot, but no later than April 26, 1989, or this exception request shall be considered denied and closed. (Complete access control to 13th from the west half is being dedicated on the replat, which includes only the west half of the site.)
12. The applicant shall close the two existing driveways onto 13th Street prior to occupancy of the new building, but no later than one year following release of this resolution.
13. In accordance with an agreement between this applicant and the Midtown Citizens Association, Inc., the following restrictions shall apply to the use of this site as a car sales lot:
  - a. No vending machines shall be placed out-of-doors.

July 28, 1988  
Page 3

- b. No prurient sexually oriented goods or services shall be offered for sale or rent.
  - c. No trash or junk shall be accumulated, except in containers appropriate for residential areas.
  - d. No activity shall be conducted that allows to escape to the surrounding residential area any noxious odor or noise level beyond that customarily found in a commercial area.
  - e. No run-off from rainwater or automobile washing water shall be discharged onto adjacent property.
  - f. No exhausting of air shall be directed towards any residence along the south property line.
14. All site improvements required by this exception shall be satisfactorily completed within one year following release of this resolution, or the resolution shall be considered null and void.
15. Release of this resolution will make null and void Resolution No. BZA 14-85.

The resolution setting forth the official action of the Board will be released as soon as conditions 10 and 11 have been completed. Enclosed is the document for dedicating access control to 13th Street from the east half of your site. This document should be signed by Mr. and Mrs. Kenney as owners, as well as your father or whoever is contract purchaser. All signatures must be notarized.

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

Sincerely yours,

*Louise Olivarez*  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm

cc: Herbert L. Dodd, 901 N. Broadway, Wichita, KS, 67214  
W. R. Kenney, 2548 N. Fountain, Wichita, KS, 67220  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

COMPLETE DEDICATION OF ABUTTER'S RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned \_\_\_\_\_

\_\_\_\_\_ being the owner\_ of the following described real estate in Sedgwick County, Kansas, to-wit:

The north 9 feet of Lot 1244 and all of Lot 1246 on Lawrence Avenue, now Broadway, in Bush's Addition to the City of Wichita, Kansas.

do hereby transfer and convey to the City of Wichita, Kansas, all abutter's rights of access, ingress and egress to said property from or to \_\_\_\_\_ 13th Street \_\_\_\_\_ over and across the \_\_\_\_\_ north \_\_\_\_\_ line of the above described property; to have and to hold the same forever. It being understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said property from \_\_\_\_\_ 13th Street \_\_\_\_\_.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

State of Kansas) ss.  
Sedgwick County)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me a notary public in and for the said County and State, came \_\_\_\_\_ to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

REVISED SECRETARY'S REPORT

CASE NUMBER: BZA 24-88

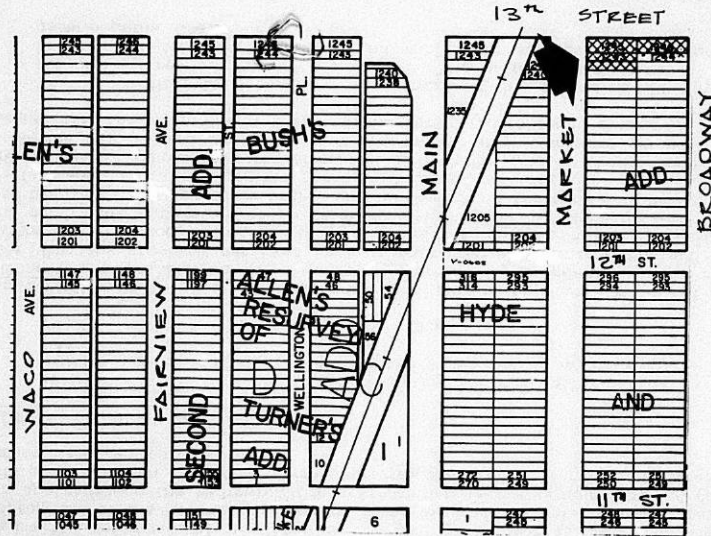
OWNER/APPLICANT/AGENT: Patrick M. Chapman (applicant)  
Herbert K. Dodd & W.R. Kenney (owners)

REQUEST: Exception to permit a used car sales lot

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 0.5 acres (20,953 sq. ft.)

LOCATION: South side of 13th between Market and Broadway



**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.

**BACKGROUND:** The applicant recently obtained "LC" zoning on the west portion of this application area, subject to replatting. The east portion is already zoned "LC" and was approved for a car sales lot for this applicant in 1985 (BZA 14-85). Since the operational plan for the east portion will change once the two properties are combined into one development, a new BZA application has been submitted for the entire site. The existing building on the east will be removed and a new building constructed, as shown on the site plan.

This application was reviewed at the June meeting and deferred so that staff could revise the recommended conditions of approval to include as many as deemed appropriate of the restrictions itemized in an executed private agreement between the applicant and the Midtown Citizens Association (See condition #13). A revised site plan has been submitted which addresses the access, parking and screening issues discussed last month.

ADJACENT ZONING AND LAND USE:

NORTH	"C"	Service station and car wash
SOUTH	"B" & "LC"	Multi-family & one-family dwellings
EAST	"LC"	Church
WEST	"LC"	Doctor's office

**RECOMMENDATION:** Staff finds that the conditions of approval, as set out in the Zoning Ordinance, can be met if development occurs in accordance with the revised site plan; the proposed car sales lot is in character with other zoning and uses in the neighborhood, especially the automotive service station and car wash to the north; the subject site is suitable for a used car lot, since the east half has been a car lot for three years; and the impact on community facilities should be favorable, since two driveways onto 13th Street will be closed, thus reducing the number of points of potential conflict along this street. Should the Board determine that a used car sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The proposed service bay(s) shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Only those signs as permitted in the "LC" district shall be permitted on this site.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.

7. Off-street parking spaces shall be provided on the property as required by the Zoning Ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display of cars for sale.
8. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed along the perimeter to prevent parked cars from encroaching onto the sidewalks.
9. A 6- to 8-foot solid fence or wall shall be constructed along the entire south line, but shall be reduced to 3 feet in height within the east and west 20 feet.
10. The applicant shall complete the replatting of the west portion of this site in order to establish the "LC" zoning prior to release of the resolution authorizing this auto sales lot, but no later than April 26, 1989 (Requirement of Z-2891).
11. The applicant shall grant by separate instrument complete access control to 13th Street from the east half of the site prior to release of the resolution authorizing this car sales lot, but no later than April 26, 1989, or this exception request shall be considered denied and closed. (Complete access control to 13th from the west half is being dedicated on the replat, which includes only the west half of the site).
12. The applicant shall close the two existing driveways onto 13th Street prior to occupancy of the new building, but no later than one year following release of this resolution.
13. In accordance with an agreement between this applicant and the Midtown Citizens Association, Inc., the following restrictions shall apply to the use of this site as a car sales lot:
  - a. No vending machines shall be placed out-of-doors.
  - b. No prurient sexually oriented goods or services shall be offered for sale or rent.
  - c. No trash or junk shall be accumulated, except in containers appropriate for residential areas.
  - d. No activity shall be conducted that allows to escape to the surrounding residential area any noxious odor or noise level beyond that customarily found in a commercial area.
  - e. No run-off from rainwater or automobile washing water shall be discharged onto adjacent property.
  - f. No exhausting of air shall be directed towards any residence along the south property line.

14. All site improvements required by this exception shall be satisfactorily completed within one year following release of this resolution, or the resolution shall be considered null and void.
15. Release of this resolution will make null and void Resolution #BZA 14-85.

*Draft*  
3-17-88

AGREEMENT RESTRICTING AND  
REQUIRING CERTAIN LAND USE

*1336 North Market Street*  
*1336 North Market Street*

This agreement made and entered into this \_\_\_\_\_ day of March, 1988, at Wichita, Kansas, by and between Herbert K. Dodd and Alice Dodd, husband and wife, hereinafter referred to as seller, and Patrick M. Chapman and Shahin Chapman, husband and wife, hereinafter referred to as buyer, and Midtown Citizens Association, Inc., a neighborhood improvement association incorporated under the laws of Kansas, hereinafter referred to as MCA, and collectively seller, buyer and MCA may be referred to as the parties and individually either seller, buyer or MCA may be referred to as a party.

For and in consideration of the mutual promises and covenants hereinafter set forth, seller, buyer and MCA agree as follows:

1. This agreement shall be binding on the seller, buyer and MCA, for a term of 30 years when a signed triplicate has been given to each party; provided however, that the land use restrictions of the agreement shall not be effective until and unless the city council of The City of Wichita, Kansas, and all other necessary governmental entities shall have lawfully and completely changed the zoning use classification for the real estate described in paragraph 2. to be rezoned, which is to be sold by seller to buyer, from classification BB (multi-family residential) to LC (light commercial) with board of zoning appeals variance permitting buyer to use the property for the purposes described in paragraph 3.; and provided further that seller and buyer shall close their contract of sale and purchase for and transfer title to the real estate to be rezoned.

2. The real estate to be rezoned, and to which this agreement applies, consists of Lots 1241 and 1243, Market Street, Bush's Addition to Wichita, Sedgwick County, Kansas, commonly known now as 1336 North Market Street, Wichita, Kansas 67214; and of Lot 1245, Market Street, Bush's Addition to Wichita, Sedgwick County, Kansas, commonly known now as 211 and 215 East 13th Street, Wichita, Kansas 67214. This real estate to be rezoned is owned by seller, but buyer desires to purchase the real estate conditioned upon rezoning to permit buyer to use the property for the purposes described in paragraph 3. In addition to the real estate previously described, buyer owns the real estate at the north 9 feet of Lot 1244 and all of Lot 1246, on Lawrence, now Broadway Avenue, in Bush's Addition to Wichita, Sedgwick County, Kansas, commonly known as 221 East 13th Street, Wichita, Kansas 67214, free of any interest of either seller or MCA, but buyer is willing to permit this agreement to apply to this real estate, and not to any other real estate that buyer may own or come to own, as set forth hereinafter.

3. MCA agrees immediately to cease all opposition to the rezoning of the above property owned by seller to be sold to buyer and to actively support the rezoning of the real estate now at 211 and 215 East 13th Street and 1336 North Market Street, Wichita, Kansas 67214 from BB (multi-family residential) to LC (light commercial) with a variance to permit the business sale at retail or wholesale of vehicles such as automobiles, vans, trucks, dune buggies, recreational vehicles, boats and the like whether new or used.

*BZA request is for "used" car sales lot*

4. Neither seller nor buyer, their successors nor any person deriving an interest in the real estate described in paragraph 2., shall apply during the term of this agreement for a zoning change for this real estate from LC (light commercial) with variance. Seller and buyer agree, during the term of this agreement: (A) to not apply to any governmental entity for any zoning change, except for

residential purposes, for any other real estate fronting on North Market Street in the 1300 block south of the real estate to be rezoned; and (B) if requested by MCA, to oppose zoning changes, except for residential purposes, sought by other persons for any other real estate fronting North Market Street in the 1300 block south of the real estate to be rezoned.

5. The following restrictions and requirements apply to all the real estate described in paragraph 2.:

A. Don'ts No goods shall be displayed out-of-doors that do not have a reasonable fair market value of \$500.00 or more. No major repairs to motor vehicles shall be done out-of-doors. No commercial motor vehicle repairs shall be made on the real estate for the general public, but motor vehicles owned by or previously sold by buyer or by any person working on the property may be repaired. No vending machines shall be placed out-of-doors. No prurient sexually oriented goods or services shall be offered for sale or rent. No trash or junk shall be accumulated on the real estate except in containers appropriate for residential areas. No activity shall be conducted on the real estate that allows to escape to the surrounding residential area any noxious odor or noise level beyond that customarily found in a commercial area. No noisy activity shall occur out-of-doors on the real estate on Sunday or on any other day before 7:00 a.m. or after 8:00 p.m. No run-off from rainwater or automobile washing water on the real estate shall be discharged onto adjacent property, but run-off shall be drained into the appropriate public sewer. No exhausting of air shall be directed towards any residence along the south property line.

*Handwritten notes:*  
not in LC  
already in LC  
ok?  
ok?  
ok?  
already in city code  
vague  
ok  
ok?

B. Do's Lights on the real estate shall be aimed or positioned to avoid shining on neighboring residences and floodlights shall be blocked to prevent overlighting neighboring real estate. A solid screen fence shall be competently constructed and maintained along the south property line of the real estate. Buyer may continue to use the two driveways on Market Street; however, one driveway shall be restricted access. Attractive plantings shall be maintained along Market Street. All structures constructed on the real estate shall face towards 13th Street.

*Handwritten notes:*  
ok  
got it  
got it  
vague  
vague

6. MCA has reviewed and hereby approves buyer's real estate construction elevation design plans modified at the time this agreement is signed. Buyer shall submit any subsequent modifications of the plans which change the appearance or quality of the structures materially from the approved plans or which deviates from this agreement to the MCA board of directors or to such committee of MCA that its board may direct, which board or committee on behalf of MCA shall timely and promptly meet to consider such modification. MCA approval shall not be unreasonably withheld. Any modification shall be well-built, attractive and compatible with the area.

7. Prior to clearing the real estate to be rezoned, seller agrees to assist the present tenants of each house on the real estate to find another location in which to live. Each house now on the real estate to be rezoned to LC (light commercial) with variance will be given to any person who will move, at such person's sole risk, the structure to another location in the mid-town area of Wichita, Kansas in which MCA is active. Seller and buyer will pay toward the cost of moving all houses the sum of \$2500.00, which is believed to be the cost of demolition of the structures. If MCA is unable to have any structure removed within 60 days of the date the seller and buyer close their contract for sale and purchase of the real estate to be rezoned, then the buyer may demolish any remaining house or houses.

8. The parties at any time may agree in writing to modify

or to cancel this agreement. Seller shall cease to be a necessary party to this agreement for purposes of approving any subsequent modifications or cancellation of this agreement when seller shall have transferred seller's interest in the real estate to be rezoned to buyer.

9. This agreement may be enforced by any party through judicial proceedings to compel a party to undertake performance of any provision of the agreement or to enjoin any acts contrary to the agreement; provided however, such proceedings shall not be commenced without first giving to buyer personally or by restricted mail, where buyer is alleged to have breached the agreement, actual written notice specifying the alleged breach of agreement and the alleged required action to restore compliance to the agreement. Before commencing any proceedings against buyer, buyer shall have been given 30 days in which to cure any such breach. The rights of enforcement under or deriving from this agreement against buyer may only be enforced by MCA, or its lawful successor organization, and not by any other person. The prevailing party in any judicial proceeding under this agreement shall be entitled to recover reasonable attorney fees and, to the extent permitted by law, all costs and expenses.

10. This agreement shall be binding upon any heirs, assigns and/or successors of the parties or the successors in interest to the real estate.

11. This agreement and/or any modification may be recorded by any party and such party shall pay all costs and fees. If this agreement and/or any modification is recorded before the rezoning use classification to LC (light commercial) with variance to permit the use set forth in paragraph 3. has fully occurred for the real estate to be rezoned and if this real estate is not rezoned with variance as called for in agreement, then the parties agree that this agreement and/or any modification is hereby cancelled, null and void and without effect or limitation and the parties shall do whatever is necessary to remove the restrictions and limitations created by this agreement and/or any modification from all the real estate to which this agreement and/or any modification applies. If any party deems it necessary to record a cancellation, such party shall prepare such cancellation; all parties shall duly execute the cancellation; and the party deeming the cancellation necessary shall record the instrument and pay all costs and fees.

12. If the real estate to be rezoned is rezoned to a classification LC (light commercial) with a variance to permit the use set forth in paragraph 3. within \_\_\_\_\_ days, but seller and buyer do not close their contract for sale and purchase of the real estate to be rezoned, all restrictions and requirements of this agreement and/or any modification shall continue to apply to the real estate to be rezoned but those restrictions and limitations which relate to the real estate of buyer only at 221 East 13th Street, Wichita, Kansas shall be and hereby are cancelled, null and void and without effect or limitation and this agreement and/or any modification shall be cancelled of record as provided in paragraph 11; however, if buyer or any successor in interest to the real estate at 221 East 13th Street, Wichita, Kansas shall at any time later, during the period this agreement and/or any modification would have been continuously in effect, acquire the real estate to be rezoned, then this agreement and/or any modifications shall be again in full effect and continue as to the real estate at 221 East 13th Street, Wichita, Kansas, for the remainder term of this agreement and/or any modification and any party may record such restoration of effect through the procedures provided for preparing and recording cancellation. If the real estate to be rezoned is rezoned with variance as called for in this agreement and seller and buyer close their

contract for the sale and purchase of the real estate to be rezoned, the things to be done shall be done within a reasonable time after buyer undertakes the real estate improvements described or referred to in this agreement.

IN WITNESS WHEREOF, this agreement is signed and sealed the above date.

\_\_\_\_\_  
Herbert K. Dodd  
seller

\_\_\_\_\_  
Alice L. Dodd  
seller

\_\_\_\_\_  
Patrick M. Chapman  
buyer

\_\_\_\_\_  
Shahin Chapman  
buyer

Midtown Citizens Association, Inc. (MCA)

By \_\_\_\_\_

Attest \_\_\_\_\_

President

Secretary

STATE OF KANSAS            )  
                                  ) ss.  
COUNTY OF SEDGWICK        )

This instrument was duly acknowledged before me this \_\_\_\_\_ day of March, 1988, by seller Herbert K. Dodd and Alice L. Dodd, husband and wife.

Seal

\_\_\_\_\_  
Notary Public  
My appointment expires:

STATE OF KANSAS            )  
                                  ) ss.  
COUNTY OF SEDGWICK        )

This instrument was duly acknowledged before me this \_\_\_\_\_ day of March, 1988, by buyer Patrick M. Chapman and Shahin Chapman, husband and wife.

Seal

\_\_\_\_\_  
Notary Public  
My appointment expires:

STATE OF KANSAS            )  
                                  ) ss.  
COUNTY OF SEDGWICK        )

This instrument was duly acknowledged before me this \_\_\_\_\_ day of March, 1988, by Midtown Citizens Association, Inc., MCA, by \_\_\_\_\_, president, and attested by \_\_\_\_\_, secretary, as the officers duly authorized to make, enter into and sign the above agreement.

Seal

\_\_\_\_\_  
Notary Public  
My appointment expires:

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

June 30, 1988

Patrick Chapman  
221 E. 13th St.  
Wichita, KS 67214

Re: BZA 24-88 - Exception for car lot in "LC", *South of 13<sup>th</sup> between  
Market and Broadway*

Dear Mr. Chapman:

At the regular meeting of the Board of Zoning Appeals on June 28, 1988, the above-referenced application was reviewed. After much discussion, the Board deferred action for one month so that staff could incorporate additional conditions into the recommendation for approval. The new conditions are to be similar to ones in the recent agreement executed by you and the Midtown Citizens Association.

The revised site plan, as specified in item 13 of the staff report, should be prepared within the next few weeks so that copies can be distributed for the July meeting. We need to receive three copies of this revised plan no later than July 13 in order to meet our deadline for staff review and mailout. The "adequate aisle width for service bay ingress and egress" mentioned in item 13 is 24 feet, according to the Traffic Engineer. Your current site plan shows 22 ft. 6 inches.

This request will be on the July 26, 1988, BZA agenda. You will receive a copy of the agenda and revised staff report prior to that date. If you have any questions or wish to discuss this matter, please call.

Sincerely,

*Louise Olivarez*  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm

cc: Herbert K. Dodd, 901 N. Broadway, Wichita, KS, 67214  
W. R. Kenney, 2548 N. Fountain, Wichita, KS, 67220

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      June 27, 1988

TO      Louise Oliverez, Principal Planner

FROM      Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT      BZA 24-88: South side of 13th  
St. between Market & Broadway

On Tuesday, June 21, 1988, CPO North Central Neighborhood Council 1A considered the captioned case, a request for a zoning exception to permit the establishment of a used car sales lot on property partially zoned "LC" Light Commercial District with the balance approved for "LC" zoning. Following discussion, the Council voted 6-0 to recommend approval of the request subject to MAPD staff recommendations.

The applicant, Pat M. Chapman, was present to describe the request and respond to questions. Mr. Chapman stated that he was supportive of MAPD conditions #1-15 with the exception of #11. He stated that he was supportive of dedicating access control to 13th Street, but would not support dedication of any right-of-way.

Council members were provided the notice of public hearing, a map of the area, site plan, and MAPD staff comments. No area residents or property owners were present to address the request. Council member Dale Smith indicated that the Mid-Town Citizens Association was supportive of Mr. Chapman's plans. In voting to support the exception subject to staff conditions, the Council did not interpret condition #11 as requiring dedication of any right-of-way by Mr. Chapman - only access to 13th Street.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 24-88 is considered on Tuesday, June 28, 1988.

SJS:dm

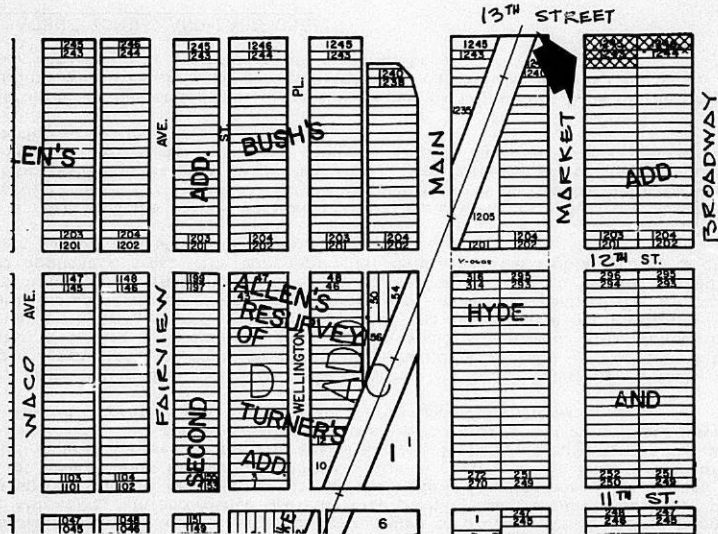
**RECEIVED**

JUN 27 1988

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT

CASE NUMBER: BZA 24-88  
OWNER/APPLICANT/AGENT: Patrick M. Chapman (applicant)  
 Herbert K. Dodd (owner)  
REQUEST: Exception to permit a used car sales lot  
CURRENT ZONING: "LC" Light Commercial  
SITE SIZE: 0.5 acres (20,953 sq. ft.)  
LOCATION: South side of 13th between Market and Broadway



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.

**BACKGROUND:** The applicant recently obtained "LC" zoning on the west portion of this application area, subject to replatting. The east portion is already zoned "LC" and was approved for a car sales lot for this applicant in 1985 (BZA 14-85). Since the operational plan for the east portion will change once the two properties are combined into one development, a new BZA application has been submitted for the entire site. The existing building on the east will be removed and a new building constructed, as shown on the site plan. The two existing driveways from 13th Street into the east half of the site (not shown on the site plan) need to be closed by reconstructing the curb. Some type of parking barrier (bumper blocks, post and chain, or curb) needs to be installed to prevent cars from overhanging the sidewalks. In accordance with the city parking code, employee/customer parking spaces must be provided on-site in the ratio of 1 space per 3,000 square feet of lot area (minus the building area), plus 1 space per 250 square feet of building area. Based on the current site plan, 16 employee/customer spaces would be required. The southwesternmost 6 display car spaces will most likely have to be deleted to provide room for some of the 16 employee/customer spaces.

Any fence within the front yard setback areas may be no taller than 6 feet. The cedar fence along the south property line should be reduced in height to 3 feet within the west 20 feet of the site. This would still provide some degree of visual protection for the residential uses to the south, while not hindering the sight distance on egress from the residential driveways, particularly the one immediately south (not shown on the plan) and which, in fact, is now shared by this application area. The applicant must determine what rights he has to close all or part of that shared driveway.

To assure that the narrow east-west travel aisle which extends from Market to Broadway is used only for the occasional movement of the display vehicles and is not accessible to the general public, the 12-foot driveway off of Market and the driveway to Broadway should be chained, except when the display vehicles are entering or exiting the site.

The applicant has stated that there will be one or two service bays in the proposed building where repair work can be performed on the cars intended for sale. No other cars would be permitted to be repaired here.

ADJACENT ZONING AND LAND USE:

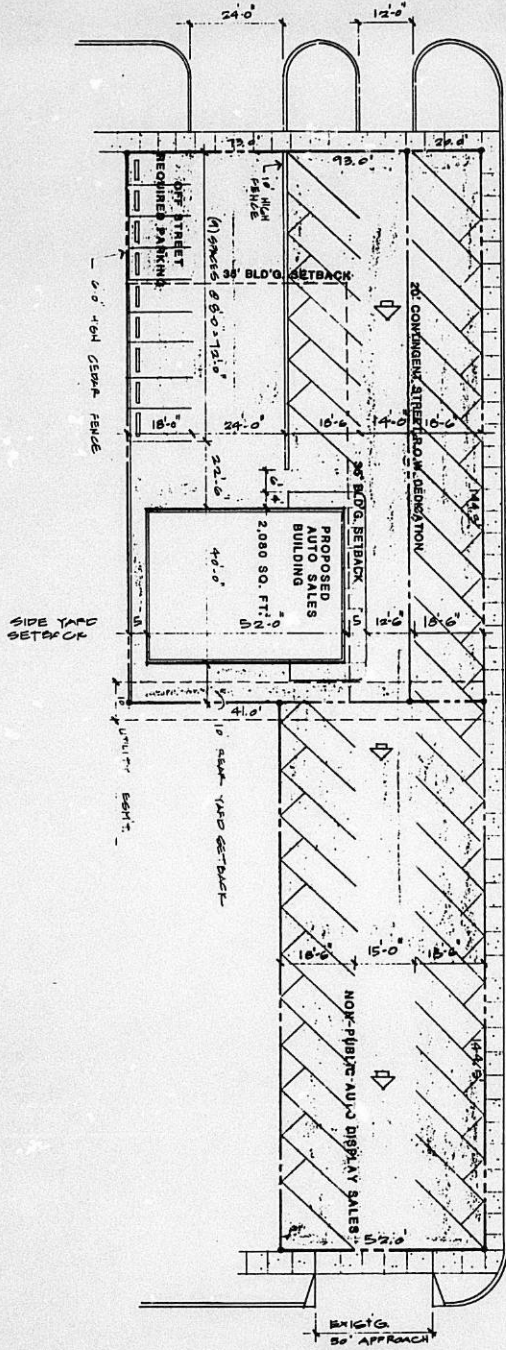
NORTH	"C"	Service station and car wash
SOUTH	"B" & "LC"	Multi-family & one-family dwellings
EAST	"LC"	Church
WEST	"LC"	Doctor's office

**RECOMMENDATION:** Staff finds that the conditions of approval, as set out in the Zoning Ordinance, can be met if development occurs in accordance with a revised site plan as discussed; the proposed car sales lot is in character with other zoning and uses in the neighborhood, especially the automotive service station and car wash to the north; the subject site is suitable for a used car lot, since the east half has been a car lot for three years; and the impact on community facilities should be favorable, since two driveways onto 13th Street will be closed, thus reducing the number of points of potential conflict along this street. Should the Board determine that a used car sales lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The automobile sales lot shall not be conducted in conjunction with any use not directly related to such a business. The proposed service bay(s) shall be used for dealer preparation of automobiles for sale and shall not be for general public use.
2. Any motor repair work shall be conducted entirely within an enclosed building and no body or fender work shall be conducted on site, unless "C" zoning is obtained.
3. All storage and display areas shall be paved with concrete, asphalt, or asphaltic concrete.
4. All lights shall be shielded to reflect or direct light away from adjoining property. No string-type lighting shall be permitted.
5. Only those signs as permitted in the "LC" district shall be permitted on this site.
6. No sound projecting devices or loudspeakers shall be used so as to be heard beyond the property lines.
7. Off-street parking spaces shall be provided on the property as required by the Zoning Ordinance (1 space per 3,000 sq. ft. lot area, plus 1 space per 250 sq. ft. building area) and in conformance with the standards established by the Traffic Engineer's office. These required customer/employee parking spaces shall be so designated and shall not be used for display of cars for sale.
8. Parking barriers of bumper blocks, curbs, or posts and chain shall be installed along the perimeter to prevent parked cars from encroaching onto the sidewalks.
9. A 6- to 8-foot solid fence or wall shall be constructed along the entire south line, but shall be reduced to 3 feet in height within the east and west 20 feet.
10. The applicant shall complete the replatting of the west portion of this site in order to establish the "LC" zoning prior to release of the resolution authorizing this auto sales lot, but no later than April 26, 1989 (Requirement of Z-2891).
11. Prior to release of the resolution authorizing this car sales lot, and within three months, the applicant shall grant by separate instrument complete access control to 13th Street from the east half of the site, or this exception request shall be considered denied and closed. (Complete access control to 13th from the west half is being dedicated on the replat, which includes only the west half of the site.)
12. Prior to release of the resolution authorizing this car sales lot and within three months, the applicant shall submit a letter of credit guaranteeing the closure of the two existing driveways onto 13th Street, or this exception shall be considered denied and closed. The driveway closures shall be completed prior to occupancy of the new building.

13. Prior to release of the resolution authorizing this car sales lot and within three months, the applicant shall submit three copies of a revised site plan which show the required number of employee/customer parking spaces; parking barriers adjacent to all streets, except at the driveway locations; correct fence heights; 10-foot utility easement, as required by the Subdivision Committee; existing or to-be-modified shared driveway on Market at south end of site; removable barriers to close off the driveways on Market and Broadway which serve the one-way vehicle display aisle; and adequate aisle widths for service bay ingress and egress.
14. All site improvements required by this exception shall be satisfactorily completed within one year following release of this resolution.
15. Release of this resolution will make null and void Resolution #BZA 14-85.

MARKET STREET



*Supervised*

13th STREET

BROADWAY AVE.

BZA CASE NO. 24-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

1 NOTICES SENT TO APPLICANT/AGENT

21 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 6-3-88

1 NOTICES SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY  
COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith  
Louise Olivarez  
Bob Young  
Karen Crook

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

June 6, 1988

**NOTICE OF PUBLIC HEARING:**

**CASE NO. BZA 24-88**

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 Patrick M. Chapman requesting an exception.

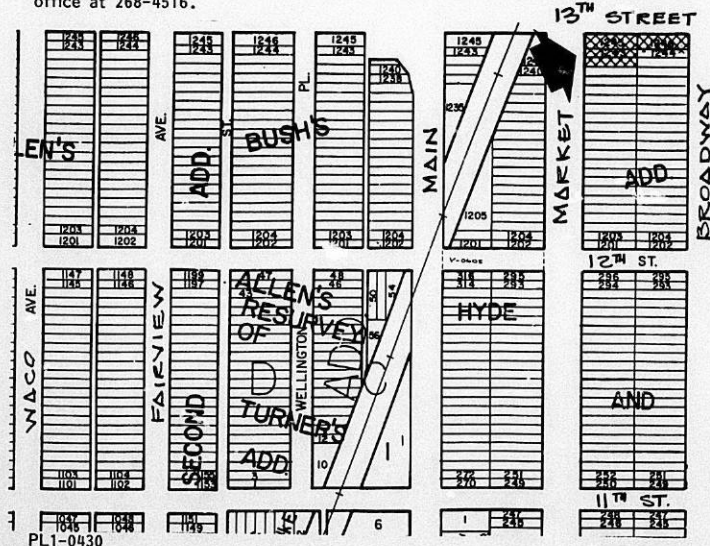
Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 9 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

This application has been assigned Case No. BZA 24-88. It will be considered by the Board of Zoning Appeals on Tuesday, June 28, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 N. Main Street, 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 Council 1A, North Central, will consider this case at their meeting to be held on Tuesday, June 21, 1988, at 7:00 p.m., at the Evergreen Recreation Center, 2700 N. Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



( \_\_\_\_\_ ) Published in The Daily Reporter, June 3, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 28th day of June, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 23-88 - John A. Van Walleghen, 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 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 13, Garden Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Tulsa and Pattie Streets (1239 Tulsa).

2. Case No. BZA 24-88 - Patrick M. Chapman, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 9 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

3. Case No. BZA 25-88 - Rocky L. and Terry L. Wilburn, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 1½ feet for a deck and reduce to 1 foot the setback for the roof over the deck on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 8, Murray's 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Pawnee Court (3860 E. Pawnee Court).

4. Case No. BZA 26-88 - John C. and Mary L. Nodgaard, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, ¼-mile south of 13th Street (1002 Lawrence Lane).

5. Case No. BZA 27-88 - Quality Child Care Centers, Inc.-Wesley Children's Center, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

The West Half of Reserve D, Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 17th Street in an area west of Oliver (4401 E. 17th).

6. Case No. BZA 28-88 - Amoco Oil Company, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a detached, single-bay automatic car wash in association with a proposed Amoco service station on property zoned the "LC" Light Commercial District and legally described as follows:

That part of Lot 1, Block 1, Amarado Estates, an addition to Wichita, Sedgwick County, Kansas, described as beginning at the S.W. Corner thereof; thence N 00° E, along the west line of said Lot 1, 175 feet; thence N 86°34'56" E, 213 feet; thence S 00° E, 184.38 feet more or less to a point on the south line of said Lot 1; thence N 79°22'53" W, along said south line of Lot 1, 38.59 feet to a deflection corner of said Lot 1; thence S 86°34'56" W, 175 feet to the point of beginning. Generally located at the northeast corner of 13th Street and Maize Road.

7. Case No. BZA 29-88 - M.H.M. Properties Inc. (Hilton Inn East), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirements from 358 spaces to 341 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 3, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

8. Case No. BZA 30-88 - Rudy Betts, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 14 and 16, Block 6, J.O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Custer in an area south of Central.

9. Case No. BZA 31-88 - Rudy Betts, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 10 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2, 4, 6, 8, 10 and 12, Block 6, J. O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Custer (3015 W. Central).

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 3rd day of June, 1988.

Jack H. Galbraith, Secretary

APPLICATION FOR EXCEPTION

I. Applicant Herbert K. Dodd  
Address 901 No. BROADWAY Zip Code 67214 Phone 262-5103

Applicant Agent PATRICK M. CHAPMAN  
Address 221 E. 13<sup>th</sup> Zip Code 67214 Phone 263-3301

Relationship of applicant to property is that of OWNER Contract purchaser  
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception to permit the establishment of USED  
CAR SALES ~~LOT~~ LOT

partially  
on property, zoned LC and the variance approved for LC which is  
93 ft by 44.5 ft (or .5 acres) in size, legally described as: 1241, 1243,

1245 No MARKET  
Lots 1241, 1243 and 1245 on Market Street

and the north 9 feet of lot 1244 and all of lot 1246 on Broadway,  
and located in Bush's Addition to The City of Wichita  
south side of 13<sup>th</sup> Street between Market and Broadway  
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 Herbert K. Dodd

Authorized Agent Patrick M. Chapman 4-26-88

OFFICE USE ONLY:

Map No. 5448 A Zoning: (N) C (S) B+LC (E) C (W) LC CPO 1A 6-21

Received in Office of Secretary, Board of Zoning Appeals, May 24, 1988, together with appropriate fee of 419.00 (a.m./p.m.).

Signed Louise Olinari

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1686



BZA 24-88

*Addressee unknown  
Return to sender*

E. F. & B. Joetta Quinn  
P. O. Box 813  
Wichita, KS 67201

**RECEIVED**

JUN 15 1988

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

Important! Notice of Meeting Enclosed



CERTIFICATE OF OWNERSHIP

REALTY 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, Sedgwick County, Kansas, of:

The North 9 feet of Lot 1244, all of Lot 1246, Lawrence Avenue, Bush's Addition to the City of Wichita, Sedgwick County, Kansas

together with all real estate lying within a 200 foot radius thereof. and together with ownership list 111678TB dated 11-16-87.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
The N 9' of Lot 1244, All of Lot 1246, Lawrence Ave, Bush's Addition	<i>dup</i> W. R. Kenney 2548 N. Fountain Wichita, Kansas 67220
Lots 320, 322, 324, exc. the W 15' for Street, on North Lawrence, now Broadway, C.L. Davidson's Addition	<i>returned</i> E.F. Quinn and B. Joetta Quinn P. O. Box 813 Wichita, Kansas 67201
Lot 326, on North Lawrence, now Broadway, C.L. Davidson's Addition	<i>dup</i> St. Paul's Methodist Church, Inc. 1356 N. Broadway Wichita, Kansas 67214
Lots 2, 4, 6, and 8, on Broadway, Wells Addition to Wichita, Kansas	Floyd F. Jantz and Ruth Marie Jantz 1339 Minisa Wichita, Kansas 67203
Lots 10 and 12 on Broadway, Wells Addition to Wichita, Kansas	Rosella Towson and June Beaver 2724 N. Dellrose Wichita, Kansas 67210
Lots 1, 2, 3, 4, 5, 6, 7 and 8 on Broadway, St. Paul Addition	St. Paul's United Methodist Church of Wichita 1356 N. Broadway Wichita, Kansas 67214

Witness our Hand and Seal at Wichita, Kansas, this 24th day of May, 1988

REALTY TITLE CO., INC.

111678TBa

BY *Judy Cachard*  
Judy Cachard, Vice President

*Con't*

CERTIFICATE OF OWNERSHIP

REALTY 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, SEDGWICK COUNTY, KANSAS, OF:

LOTS 1241, 1243 AND 1245 ON MARKET, BUSHS ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS.

TOGETHER WITH ALL REAL ESTATE LYING WITHIN A 200 FOOT RADIUS THEREOF.

*copy of list  
from 2-2891*

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
--------------------	-----------------------------

BUSHS ADDITION

BLOCK ON MARKET

LOTS

1225 AND 1227	J. G. DRALLE AND SARA A. DRALLE BOX 131 TULSA, OKLAHOMA 74101
1226	<i>Eric &amp; Susan Groves</i> <del>CHARLOTTE S. WALLIS</del> 1325 N. MARKET WICHITA, KANSAS 67214
1228 AND 1230	RALPH RAYMOND DAVILA JEAN SMITH DAVILA 1329 N. MARKET WICHITA, KANSAS 67214
1229, 1231, 1232 AND 1234	ADMINISTRATOR OF VETERANS AFFAIRS 901 GEORGE WASHINGTON BLVD. WICHITA, KANSAS 67211
1233 AND 1235	NATHAN R. EBERSOLE AND JUDY C. EBERSOLE 1332 N. MARKET WICHITA, KANSAS 67214
1236 AND 1238	MAMIE A. WINTERS 1345 N. MARKET WICHITA, KANSAS 67214
1237 AND 1239	FLOYD B. PHILLIPS SUSIE M. PHILLIPS 1334 N. MARKET WICHITA, KANSAS 67214
1240 AND 1242	HARRY W. SANBORN 1359 N. MARKET WICHITA, KANSAS 67214
1241 AND 1243	FERD T. BROOKS AND <del>EDNA A. BROOKS</del> <sup>(dec)</sup> C/O HERBERT K. DODD 901 N. BROADWAY WICHITA, KANSAS 67214

1245

HERBERT K. DODD AND ALICE L. DODD  
656 COURTLEIGH DR. 901 N. Broadway  
WICHITA, KANSAS 67214

BLOCK ON LAWRENCE (BROADWAY)

LOTS

1226, 1228, 1230, 1232, 1234 AND S½ 1236

W.R.K.  
CONSTANCE M. KENNEY  
2548 N. FOUNTAIN  
WICHITA, KANSAS 67220

N½ 1236, 1238 AND 1240

HENRY L. NORTON AND MARY D. NORTON  
1339 N. BROADWAY  
WICHITA, KANSAS 67214

1242 AND S16' 1244

L. ANNE RATCLIFF  
1343 N. BROADWAY  
WICHITA, KANSAS 67214

*part of application* 1244 AND 1246

W. R. KENNEY  
2548 N. FOUNTAIN  
WICHITA, KANSAS 67220

HARTLE ADDITION

LOTS

4 AND 5

L. D. DIAMOND AND W. FAYE DIAMOND  
1629 W. 27TH NORTH  
WICHITA, KANSAS 67204

6

C & D CAR WASH, INC.  
224 E. 13TH  
WICHITA, KANSAS 67214

7

WILLIAM F. COCHRAN, III AND MARGARET  
WHITMER COCHRAN, CO-TRUSTEES OF WILLI  
F. COCHRAN, III LIVING TRUST U/I/D 7/2  
8425 SHANNON WAY  
WICHITA, KANSAS 67206

HOOVERS ADDITION

BLOCK ON 13TH

LOTS

11

CITY OF WICHITA  
455 N. MAIN  
WICHITA, KANSAS 67202

13 AND 15

UNION PACIFIC RAILROAD COMPANY  
2645 N. NEW YORK  
WICHITA, KANSAS 67219

WITNESS OUR HAND AND SEAL AT WICHITA, KANSAS, THIS 16TH DAY OF NOVEMBER, 1987 AT  
7:00 O'CLOCK A.M.

REALTY TITLE CO., INC.

*Judy Cachard*  
BY: JUDY CACHARD, VICE PRESIDENT

111687TB

Nº 00195

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA sign  
Name Pat Chapman  
Address 221 E. 13th  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount 3<sup>00</sup>  
Date 6-7-88 Due Date 6-7-88 By X.O.

Form 00-000

Nº 00171

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA description  
Name Patrick Chapman  
Address 221 E. 13th 67214  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount 409<sup>00</sup>  
Date 5-24-88 Due Date 5-24-88 By X.O.

Form 00-000

\*

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

Roll # 3