

Case No. BZA 27-87 - Frank L. Carney requests a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces for the expansion of the theaters on property zoned the "LC" Light Commercial District and generally located on the east side

CPO 6/5

DATE

BZA 27-87

6047D  
*Pasted*

# ACTION

B.Z.A. 27-87 Deny 4/23/87  
DATE

Case No. BZA 27-87 - FRANK L. GARNEY requests a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces for the expansion of the theaters on property zoned the UCLC Light Commercial District and generally located on the east side

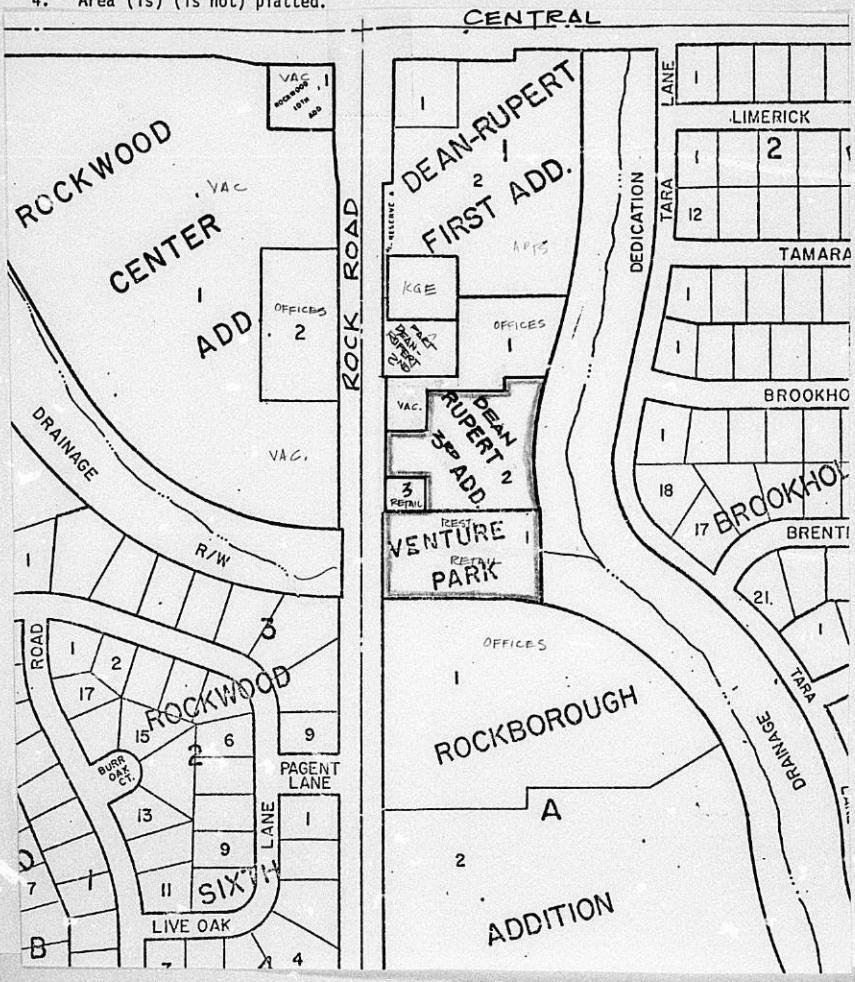
CPO 615

Map No. 6047D

BZA 27-87  
Filed 5-19-87

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ North \_\_\_\_\_
4. Area (is) (is not) platted.



**Stuart.**  
No. 2493C  
HASTINGS, MN  
LOS ANGELES, CHICAGO, LOGAN, OH  
MEMPHIS, TRULACREST GROVE, GA  
U.S.A.

THE CITY OF WICHITA  
OFFICE OF LAW DEPARTMENT

CONFIDENTIAL

DATE July 8, 1987

TO BOARD OF ZONING APPEALS  
Jack H. Galbraith, Secretary Board of Zoning Appeals  
FROM Ed L. Randels, Assistant City Attorney

SUBJECT BZA 27-87  
BZA 30-86

ISSUES

1. What is the status of BZA resolution in BZA 30-86 after the denial of the application in Case No. BZA 27-87?
2. Does the Board have authority to reopen Case No. BZA 30-86?

OPINION

Background: On September 23, 1986, the Board approved a variance request, in Case No. BZA 30-86, to reduce the number of required off-street parking spaces so that the theater complex could expand from four to six theaters increasing the total seating capacity from 850 to 1250 seats.

However, the applicant later determined that his present capacity was in fact 1000 seats. The two additional theaters would increase that capacity to 1400 seats. As a result he filed a new application for a variance based upon the new figures. The new application was considered and denied on June 23, 1987.

What is the status of the resolution in BZA 30-86?

It is inherent that BZA Case No. 27-87 was decided in part pursuant to the provisions of Article III(D) of the Rules and Regulations of the Board of Zoning Appeals. This section establishes that the Board has no authority to consider an application where an application has been previously decided involving the same premises, except in cases where new plans or new facts are presented which show changed conditions or circumstances which materially alter the aspects of the case. The Board when it considered the new application, as stated above, inherently found that the increase in seat capacity materially altered the aspects of the case. The denial of the new application was based upon a material change, i.e., an increase in the total seating capacity to 1400 seats from the proposed 1250 seats.

There is no provision in the ordinances or regulations which declares that when an applicant applies for a new variance for property where an application has been previously decided that the new application voids the previous action. There is also no provision which states that the filing of a new application is deemed to be a

Board of Zoning Appeals  
July 8, 1987  
Page 2

withdrawal of the old application. To the contrary, according to regulation Section VII(D), it is clear that an applicant may withdraw his application at any time prior to the adoption of the resolution. There is nothing to indicate that an application may be withdrawn after the passage of the resolution.

Therefore, should the applicant desire to bring his property in compliance with the terms of the original variance he may do so. The resolution in Case No. BZA 30-86 appears to remain valid. The basis for this conclusion is the fact that the Board granted a variance when it contemplated a theater complex containing a total of 1250 seats. The fact that the applicant understated his present capacity would appear to have little material impact on the Board's decision.

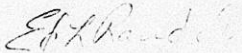
Does the Board have the authority to reopen Case No. BZA 30-86?

Section 2.12.600 of the Code of the City of Wichita prohibits the Board from reopening a case once a decision has become final unless an error in the proceedings is found within two years from the date on which the Board issued its decision.

There is little guidance given as to what kind of error is necessary to reopen a case. Generally, it should be assumed that the error must be of such nature that it materially affected the decision. As stated above, the Board appeared to grant the variance based upon the proposed theatre complex containing a total of 1250 seats. The fact that the applicant understated his present capacity has little material relationship to the total capacity contemplated. To reopen the case based upon this type of error may be arbitrary and capricious if viewed by the courts.

Further, if the case were reopened the Board would have to issue notice of hearing in the same manner as required for the original hearing and a public hearing would have to be held.

In summary there is some limited authority for the Board to reopen the case. However, in this situation it is conceivable that the courts would overturn the decision of the Board because the error in the procedure had little material relationship to the decision. Also, based upon the present rules and ordinances it appears the resolution in Case No. BZA 30-86 remains valid. As a result, if the applicant chooses to expand his facilities in compliance with its terms, he may.

  
Ed L. Randels  
Assistant City Attorney

ELR:dks

June 25, 1987

Dennis Kirkhart  
Carney Enterprises  
302 North Rock Road, Suite 210  
Wichita, Kansas 67206

Re: BZA 27-87 - Request for Variance

Dear Mr. Kirkhart:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 23, 1987.

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

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

Sincerely,

Jack H. Galbraith  
Secretary

GEL/lw

Enclosure

cc: Frank L. Carney, 302 N. Rock Rd., Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection (2)  
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 27-87

WHEREAS, Frank L. Carney, 302 N. Rock Road, Suite 210, Wichita, KS 67206, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces (more specifically from 280 theater spaces to 140 theater spaces for daytime hours only) for the expansion of the theaters on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 2, Dean-Rupert Third Addition and Lot 1, Venture Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Central (320 N. Rock Road).

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 June 23, 1987, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or the applicant inasmuch as the application area and the adjacent properties contain a mixture of uses that are owned by the applicant, and the peak parking demand for the various uses does not occur at the same time; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the majority of adjacent property is occupied by offices or commercial businesses owned and controlled by the applicant or has a joint agreement for use of parking; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will not constitute unnecessary hardship upon the property owners represented in the application inasmuch as the creation of any hardship is the desire to build additional theaters for lease so is therefore self-imposed which is contrary to the conditions stated in the statutes; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the requested variance for parking reduction would magnify the existing traffic problems on and immediately adjacent to the site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired is opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the ordinance is specific in providing minimum off-street parking based on all uses established and the requested variance would provide only 50 percent of the required theater parking prior to 6:00 p.m. which is a substantial deviation from the intent of the ordinance; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has not been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces (more specifically from 280 theater spaces to 140 theater spaces

for daytime hours only) for the expansion of the theaters on property zoned the "LC" Light Commercial District and legally described as follows:

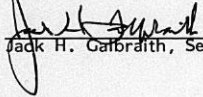
Lot 2, Dean-Rupert Third Addition and Lot 1, Venture Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Central (320 N. Rock Road).

be denied.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1987.

  
Mary Kopietz, Vice President

ATTEST:

  
Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    June 16, 1987

TO      Louise Olivarez, Principal Planner

FROM    Shirley Mast, Administrative Aide III *Sm*

SUBJECT    BZA 27-87: East Side of Rock  
            Road in an area south of Central  
            (320 North Rock Road)

On Monday, June 15th, CPO Council 2B considered the captioned case, a request for a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces to permit expansion of the theaters on property zoned the "LC" Light Commercial District at the aforementioned location. Council members were provided the notice to adjoining property owners and a map of the area. After discussion, the Council voted 5-0 to recommend that the request be approved.

Dennis Kirkhart, agent, and David A. Haines and Brenda Agan were present to explain the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 27-87 is considered at the June 23 meeting.

SM:dm

SECRETARY'S REPORT  
CASE NO. BZA 27-87

APPLICANT: Frank L. Carney, 302 N. Rock Road, Suite 210, Wichita, KS 67206

AGENT: Dennis Kirkhart, same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces to permit the expansion of the theaters.

GENERAL LOCATION: On the east side of Rock Road in an area south of Central (320 N. Rock Road).

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the north and west. To the east across the drainage channel is the "AA" One-family dwelling district and to the south is the "BB" Office District.

LAND USE: Subject property is occupied by theaters, a restaurant, and retail businesses. To the north and south are offices and retail businesses. To the east are single family houses and to the west is undeveloped land and a drainage channel.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the number of required off-street parking spaces on the total application area from 381 spaces to 285 spaces to permit the expansion of the theater complex from four theaters to six theaters which will increase the total seating capacity from 1,000 seats to 1,400 seats. No additional retail space is proposed. One year ago a similar request was made (BZA 30-86) to reduce the parking enough to permit theater expansion from 850 seats to 1250 seats and to permit 1500 square feet of additional retail space. That was approved after much discussion. The revised request is necessary because it was recently learned by the applicant that 1000 seats exist in the present four theaters, not 850 as thought last year.

The ordinance allows places of public assembly to utilize off-site parking (within 600 feet) for up to 50 percent of the required parking needs. The theaters can utilize office parking lots to the south for the balance of their required spaces but only during evening hours and weekends when those lots are not being used by the office tenants. It should be understood that the retail businesses and the restaurant on the application property provide their required parking on-site (101 spaces total). It is only the 6-theater complex which cannot provide its required parking prior to 6 p.m.

A site plan submitted with the current application shows 140 spaces designated as theater parking on-site with another 140+ spaces off-site to the south in the office complex parking lot. However, there are 44 spaces on-site designated as "other on-site parking" and which the applicant's agents have said they desire to reserve for future required parking for additional offices. It would seem more appropriate to utilize all available on-site parking first to satisfy the theater needs rather than allocating some on-site parking to future off-site buildings. The overall number of parking spaces remains the same, however, with a total of 381 spaces needed for all uses on the application area (Lot 2, Dean Rupert 3rd Addition and Lot 1, Venture Park) and only 285 spaces being provided on the application area. The additional 96 spaces needed (all for the theaters) can be provided off-site during

evening and week-end hours. The variance, if approved, would apply to parking for the theaters for weekday matinees only.

Last year the applicant submitted matinee attendance figures justifying the reduced parking demand for weekday afternoon shows. Those figures still apply.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the application area and the adjacent properties contain a mixture of uses that are owned by the applicant, and the peak parking demand for the various uses does not occur at the same time. The peak parking demand for the theaters will occur in the evenings and on weekends when the offices are closed. As long as 65 percent of the total parking for the theaters is provided on site, in addition to all other required parking, the matinee patrons should be adequately accommodated.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the majority of adjacent property is occupied by offices or commercial businesses owned and controlled by the applicant or has a joint agreement for use of parking.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to provide off-street parking that would not be utilized by the businesses on the property which would be an undue expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in parking for daytime theater usage will not interfere with traffic movement on the adjacent street.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance does not take into consideration the mixture of uses on large parcels of land in one ownership, and leaves unusual situations to be decided by the Board.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The number of parking spaces on the property may be reduced to not less than 285 spaces.
2. The total theater complex seating capacity shall not exceed 1400 seats, and not less than 184 parking spaces shall be provided on-site for the theaters.
3. There shall be provided and maintained not less than 50 parking spaces for the existing restaurant and 51 parking spaces for other retail uses on-site.
4. The applicant shall submit a covenant to the Secretary for review and approval by the Department of Law that will provide not less than 96 parking spaces on the adjacent property to the south, that will be made available for evening and weekend usage as long as the theaters remain on the property. This condition shall be complied with within 60 days from the date of approval or this request shall be considered denied and closed.

5. Should at any time the theaters cease to operate, or be converted to any other use, this resolution shall become null and void, and new uses shall provide parking as required by the ordinance.

BZA CASE NO. 87-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>10</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>15</u>	TOTAL NOTICES SENT <u>6/2/87</u>

Frank L. Casey  
302 N. Rock Road, Suite 210  
Wichita, Kansas 67206

Dennis Kirkhart  
302 N. Rock Road, Suite 210  
Wichita, Kansas 67206

Karl Solomon and Luann H. Weigand  
Trustee of the Nestor R. Weigand II Trust  
c/o Nestor Weigand  
150 N. Market  
Wichita, KS 67202

Lindy Angeel  
Stanley G. Andeel  
350 N. Rock Road  
Wichita, Kansas 67206

Brookhollow Associates, LP  
8165 E. Central  
Wichita, Kansas 67206

Genwood Development Co., Inc.  
333 N. Rock Road  
Wichita, Kansas 67206

Rockwood Center  
333 N. Rock Road  
Wichita, Kansas 67206

David Haines  
302 N. Rock Road  
Wichita, KS 67206

Gary Morgan  
GRM, Inc.  
401 E. Douglas, #505  
Wichita, Kansas 67201

Joe Roskob  
GRM, Inc.  
401 E. Douglas, #505  
Wichita, Kansas 67201

Donald Chesser, CPA  
356 N. Rock Rd.  
Wichita, Kansas 67206

Alton R. Crafton, CLU  
350 N. Rock Rd.  
Wichita, Kansas 67206

Stephen Moore, DDS  
356 N. Rock Rd.  
Wichita, Kansas 67206

Max Eberhardt  
125 N. Market  
Wichita, Kansas 67202

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

June 2, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 27-87

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 Frank L. Carney, 302 N. Rock Road, Suite 210, Wichita, Kansas 67206 requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the number of required off-street parking spaces from 381 spaces to 285 spaces to permit expansion of the theaters on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, Dean-Rupert Third Addition and Lot 1, Venture Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road in an area south of Central (320 N. Rock Road).

This application has been assigned Case No. BZA 27-87. It will be considered by the Board of Zoning Appeals on June, 23, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest in or objections to the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

This application, if approved, would supersede the variance for BZA No. 30-86 which was granted September 23, 1986, to reduce the number of parking spaces from 366 to 285. The new variance is needed because it was discovered that more seats exist in the present four theaters than was known at the time of last year's application. There is sufficient parking, as required by code, for the retail and restaurant uses on the site and there is even sufficient parking, as required by code, for the theaters after 6pm when off-site office parking to the south can be used. The parking reduction is necessary only for theater parking prior to 6pm.

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 "2B" will consider this case at their meeting to be held on Monday, June 15, 1987, at 7 p.m., at the Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Jack H. Galbraith  
Secretary

**IMPORTANT MESSAGE**

FOR \_\_\_\_\_  
DATE 5-27 TIME 10:55 <sup>A.M.</sup> <sub>P.M.</sub>

**WHILE YOU WERE AWAY**

Sienda Agan  
OF Carnegie Enterprises  
PHONE No. 687-4010

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE re: BPA case

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

SIGNED [Signature]

APPLICATION FOR VARIANCE

I. Name of Applicant Frank L. Carney  
Mailing Address 302 N. Rock Road, Suite 210 Phone 683-4624  
Wichita, Kansas 67206  
Name of Authorized Agent Dennis Kirkhart  
Mailing Address 302 N. Rock Road - Suite 210 Phone 683-4624  
Wichita, Kansas 67206  
Relationship of applicant to property is that of Financial Manager & owner of  
(Owner, Tenant, Lessee, Other) underlying lots

II. The variance requested is See attached

for property located 320 N. Rock Road, Wichita, Kansas 67206

and legally described as: Lot 2, Dean-Rupert Third Addition and Lot 1, Venture Park  
Addition to the City of Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned Light Commercial.

- 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. 36-596); 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, 4, and 5 of the instructions.

Applicant Frank L. Carney

Authorized Agent *Dennis L. Kirkhart*  
Dennis L. Kirkhart

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
(a.m./p.m.), 5-19, 1987, together with appropriate  
fee of 4 300<sup>00</sup>.

Signed *Laura Alvarez, Sr. Planner*

27-87

II. The variance requested is to amend BZA 30-86 which, as approved, allows for the reduction of off-street parking spaces from 366 to 285. We request that BZA 30-86 be amended such that the approved variance allows for reduction of off-street parking spaces from 381 to 285.

280 theaters  
50 restaurant  
51 retail  
381

It has been recently discovered that the actual seating count in the existing four theaters is 999 seats verses 850 seats as shown on the previous application drawings. Accordingly, Carney Enterprises requests that the resolution of BZA 30-86 be amended to read as follows:

1. The number of off-street parking spaces on the property may be reduced to not less than 285 spaces.
2. The total theater seating capacities shall not exceed 1,400 seats, and not less than 140 parking spaces shall be provided on site for the theaters.
3. There shall be provided and maintained not less than 50 parking spaces for the existing restaurant and 51 parking spaces for other retail uses on site.
4. Of the 285 parking spaces on site, only 44 may be considered for required parking spaces for offices on the property to the south provided such spaces are made available for evening and weekend theater parking.
5. The applicant shall submit a covenant to the Secretary for review and approval by the Department of Law that will provide not less than 140 off-street parking spaces on the adjacent property to the south, that will be made available for evening and weekend usage as long as the theaters remain on the property. This number may be reduced to 96 provided the 44 off-street parking spaces are maintained on site as set forth in condition number 4.
6. Should at any time the theaters cease to operate, or are converted to any other use, this resolution shall become null and void, and the new uses shall provide parking as required by the ordinance.

*These 44 should not be permitted for parking for offices to the south but should be for frequent theater parking.*

*(mail to BZA tomorrow)*

ck BZA  
19-86 (Valio)  
29-86 (Ar. sent)  
30-86 (Theaters)  
32-84 (Carney offices)  
31-84 (Ar. del. e of offices)

BZA 27-87

Lyn - we also need  
to notify everyone  
who spoke or was  
notified of BZA 30-86

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN 200 FEET OF: Beginning at a point 235 feet South and 10 feet East of the Northwest corner of Lot 1, Block A, DEAN-RUPERT SECOND ADDITION to Wichita, Sedgwick County, Kansas; thence East parallel with the North line of said Lot 1, 107 feet; thence North parallel with the West line of said Lot 1, 95 feet; thence East parallel with the North line of said Lot 1, 177.68 feet; thence North parallel with the West line of said Lot 1, 20 feet; thence East parallel with the North line of said Lot 1, 90 feet to the East line of said Lot 1; thence South along the East line of said Lot 1, 312.59 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1, 241.15 feet to a point 117 feet East of the Southwest corner of said Lot 1; thence North parallel with the West line of said Lot 1, 80 feet; thence West parallel with South line of said Lot 1, 107 feet to a point 10 feet East of the West line of said Lot 1; thence North parallel with the West line of said Lot 1, 113.32 feet to the point of beginning, also known as Lot 2, DEAN-RUPERT THIRD ADDITION and Lot 1, VENTURE PARK ADDITION to Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Above described description.

Frank Carney  
302 N. Rock Road, Suite 210  
Wichita, Kansas 67206

The North 120 feet of the East 175 feet of the West 185 feet of Lot 1, Block A, DEAN-RUPERT SECOND ADDITION to Wichita, EXCEPT the West 10 feet thereof; also described as commencing at a point 651 feet South and 60 feet East of the Northwest corner of the Northwest Quarter, Section 20, Township 27 South, Range 2 East of the 6th P.M., (Said point being the Southwest corner of the 140-foot by 175 foot tract of land owned by Kansas Gas and Electric Company.) Thence South 120 feet, thence East 175 feet, thence North 120 feet, thence West 175 feet to the point of beginning.

Karl Solomon and Luann H. Weigand, Trustee of the Nestor R. Weigand III Trust, an intervivos trust created December 3, 1976, by & Between Nestor R. Weigand, Jr., Donor and said Trustee  
%Nestor Weigand  
150 N. Market  
Wichita, Kansas 67202



DESCRIPTIONS

RECORD OWNERS

That part of Lot 1, Block A, Dean-Rupert Second Addition, described as beginning at the Northeast corner thereof; thence West along the North line of said Lot 1, 242.85 feet; thence South parallel with the West line of said Lot 1, 171 feet; thence West parallel with the North line of said Lot 1, 175 feet to a point 10 feet East and 120 feet South of the Northwest corner of said Lot 1; thence South parallel with and 10 feet East of the West line of said Lot 1, 115 feet; thence East parallel with the North line of said Lot 1, 107 feet; thence North parallel with the West line of said Lot 1, 95 feet; thence East parallel with the North line of said Lot 1, 177.68 feet; thence North parallel with the West line of said Lot 1, 20 feet; thence East parallel with the North line of said Lot 1, 90 feet, to the East line of said Lot 1; thence North along the East line of said Lot 1, 176.28 feet to the place of beginning.

Lindy Andeel  
350 N. Rock Road  
Wichita, Kansas 67206

*new plat for  
as lot 1  
Dean-Rupert  
2nd Add.*



Lot 1, Block A, Dean-Rupert Second Addition, described as that part of said Lot 1, described as beginning at a point 10 feet East of the Southwest corner of said Lot 1; thence East along the South line of said Lot 1, 107 feet; thence North parallel with the West line of said Lot 1, 80 feet; thence West parallel with the South line of said Lot 1, 107 feet to a point 10 feet East of the West line of said Lot 1; thence South parallel with the West line of said Lot 1, 80 feet to the point of beginning.

Lindy Andeel and  
Stanley G. Andeel  
350 N. Rock Road  
Wichita, Kansas 67206

*new plat for  
lot 3  
Dean-Rupert  
2nd Add.*

Commencing at the Northeast corner of Lot 2, Block 1, Dean-Rupert First Addition to Wichita, Sedgwick County, Kansas; thence S 0° 00' W along the East line of said Lot 2, a distance of 200 feet to the point of beginning; thence S 0° 00' W along the East line of Lot 2, a distance of 140.04 feet to a point of curve; thence along a curve to the right, said curve having a radius of 1090.00 feet and a central angle of 11° 06' 10" a distance of 211.22 feet to the South line of said Lot 2; thence N 89° 49' 45" W along said South line of Lot 2 a distance of 242.85 feet; thence N 0° 00' E a distance of 89 feet; thence S 89° 49' 45" E a distance of 20 feet; thence N 0° 00' E a distance of 261 feet; thence S 89° 49' 45" E a distance of 243.25 feet to the point of beginning.

Brookhollow Associates, LP  
8165 E. Central  
Wichita, Kansas 67206

**Fidelity Title**



COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

*part of  
affidavit*

Lot 1, Venture Park Addition,

Frank L. Carney  
302 N. Rock Road, #210  
Wichita, Kansas 67206

*newly platted  
one lot  
Rockwood Center*

All that part of Lot 1, ROCKWOOD ELEVENTH ADDITION, described as follows: Beginning at a point on the East line of said Lot 1, said point being 280.13 feet North of the Southeast corner thereof; thence Westerly, at right angles to said East line, 188 feet; thence Northerly, parallel to the East line of said of Lot 1, 339.17 feet; thence Easterly with a deflection angle to the right of 90°, 188 feet to the East line of said Lot 1; thence Southerly, along said East line, 339.17 feet to the point of beginning,

Genwood Development Co., Inc.  
333 N. Rock Road  
Wichita, Kansas 67206



*newly platted  
one lot  
Rockwood Center*

All of Rockwood Eleventh Addition, Wichita, Sedgwick County, Kansas, EXCEPT that part of Lot 1, Rockwood Eleventh Addition, described as follows: Beginning at a point on the East line of said Lot 1, said point being 280.13 feet North of the Southeast corner thereof; thence Westerly, at right angles to said East line, 188 feet; thence Northerly parallel to the East line of said Lot 1, 339.17 feet; thence Easterly, with a deflection angle to the right of 90°, 188 feet to the East line of said Lot 1; thence Southerly, along said East line, 339.17 feet to the point of beginning.

Rockwood Center  
333 N. Rock Road  
Wichita, Kansas 67206

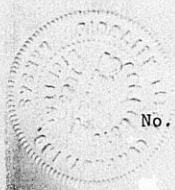
All of Reserve "A" to Dean Rupert Second Addition to Wichita, Sedgwick County, Kansas; thence from the Southwest corner of said Reserve "A", South a distance of 428.35 feet; thence East a distance of 10.00 feet; thence North a distance of 428.35 feet; thence N 89° 49' 45" W a distance of 10.00 feet to the Southwest corner of said Reserve "A". Said Reserve "A" and the aforescribed tract being dedicated for an additional 10.00 feet of Street right-of-way for Road.

Company makes note; That the above property has been dedicated for street right of way on Film "49", page 859.

Dated at Wichita, Kansas, this 18th day of May, 1987 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

*Medina L. Sutter*  
By: Administrative Secretary



No. T-35405  
# 73881



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FORM 29-21      PAYMENT NOTICE  
 City of Wichita

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

DESCRIPTION	AMOUNT
12A Insurance	310 <sup>00</sup>

NAME <i>City of Wichita</i>	
ADDRESS <i>1221 N. Broadway</i>	
FUND <i>5471</i>	DUE DATE <i>5-2-87</i>
COMMENTS	
DATE <i>5-19-87</i>	BY <i>SL</i>

\*

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

Roll # 3