



MANHATTAN/RILEY COUNTY PRESERVATION ALLIANCE NEWSLETTER

August 2023, Vol. 29, Issue IV

The Long Journey to Rezone 407 Pottawatomie Avenue

Located on the southern edge of Manhattan's city limits, the property at 407 Pottawatomie Avenue was recently approved to be rezoned from RL-Low Density Residential to BC-Business Commercial after a lengthy process. The M/RCPA's interest in the rezoning request stems from an overall concern about zoning and neighborhood stability, as well as a concern about how this would affect the neighborhood, particularly the historic house immediately to the west, which was built in 1877.

First, some background information is needed about 407 and 431 Pottawatomie Avenue. According to the *Cultural Resource Survey of Wards 1 and 2, Manhattan, Kansas* completed in 2004, the house at 407 Pottawatomie Avenue was built circa 1890-1900, and the property included a newer garage believed to have been built mid-20th century. In August 2020, ownership changed hands, and the property was acquired by Midwest Concrete Materials (MCM). MCM was granted a demolition permit six months later in February 2021, and the house and garage were torn down. While it was sad this historic house was lost, the M/RCPA didn't protest its demolition, in part because there was no technical basis for an objection.

The M/RCPA's concern with the rezoning of 407 Pottawatomie Avenue was related to the historically significant property located immediately to the west at 431 Pottawatomie Avenue. The house at 431 Pottawatomie was built in 1877 by Judge John Pipher for his daughter and son-in-law, Sallie and George Brown. All



Above, 407 Pottawatomie Ave. in July 2023.

three were passengers on the steamship *Hartford*, which ran aground in June 1855 near the confluence of the Kansas and Blue Rivers. The stranded passengers joined other early settlers and became part of Manhattan's first residents. Judge Pipher was the head of the Cincinnati and Kansas Land Company, Manhattan's first mayor and first postmaster, and he helped to organize the Methodist Church while the *Hartford* was en route to Kansas. The M/RCPA's concern was if 407 Pottawatomie were permitted to be rezoned and repurposed for commercial or industrial uses, the same could befall the historically significant property at 431 Pottawatomie if this type of development were allowed to expand further into the residential neighborhood.

The saga of 407 Pottawatomie Avenue began with a request submitted to the City of Manhattan by MCM in April 2021 to vacate the unimproved right-of-way of a portion of South Fourth Street, which was adjacent to 407 Pottawatomie. The right-of-way was

established in 1856 as South Fourth Street in the Ward District Plat. The street's right-of-way farther to the south had been previously vacated in the 1960s when the levee was constructed. The request to vacate the right-of-way was approved by the City Commission, and the land was divided between the two adjacent landowners, which were MCM to the west and the city to the east where Southeast Park is located. The vacated land added a 30 ft. by 150 ft. swath to the 407 Pottawatomie property.

Next, MCM applied to have 407 Pottawatomie rezoned from single-family residential to Light Manufacturing-Service Commercial (LM-SC). MCM's main office and ready-mix plant is located at 701 South Fourth Street, and 407 Pottawatomie is diagonally across the corner to the southwest from the main office. The rezoning application indicated MCM intended to use 407 Pottawatomie for parking. The area north of the property was zoned LM-SC, Southeast Park was located to the east, agricultural land was to the south, and to the west on the south side of Pottawatomie Avenue was a residential neighborhood.

The Manhattan Urban Area Planning Board (MUAPB) reviewed the rezoning request during its meeting held virtually on May 3, 2021. During the public hearing, nearby residents expressed concerns about the impact the rezoning would have on the residential neighborhood and a potential "domino effect," meaning if 407 Pottawatomie were allowed to be rezoned, other resi-
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dential properties might similarly be acquired and rezoned. MUAPB members denied the rezoning request, citing as their reasons the potential detrimental effect on the residential neighborhood to the west, echoing neighbors' concerns about a "domino effect." Board members also mentioned the potential negative impact on the historic character of the area and that the rezoning did not conform with the Comprehensive Plan. MUAPB members noted that Pottawatomie Avenue served as a clear line of demarcation between land uses, with the north side zoned commercial and the south side residential.

Fast forward to 2023 when MCM sought to have 407 Pottawatomie rezoned again with the plan to build a training facility on the site, and what followed was a months-long process as the rezoning application worked its way through the MUAPB and the City Commission. MCM applied to rezone the property from RL-Low Density Residential to BC-Business Commercial. The rezoning matter was considered by the MUAPB during its meeting held on April 13, 2023. City staff recommended approval, citing the belief that nearby commercial and industrial uses diminished 407 Pottawatomie's continued residential use, the Comprehensive Plan identifies the area as a transition point between zonings, and Southeast Park to the east is zoned Industrial/Commercial Services, making the rezoning compatible with neighboring zoning districts. The staff report noted the proposed office use would provide a "step-down of land use intensity, or a buffer, between two otherwise conflicting land use areas."

It's worth noting that while Southeast Park to the east of 407 Pottawatomie may be zoned Industrial/Commercial Services in the event the land were ever sold and redeveloped, it has long been used as a park. Portions of the park date to 1857-1860 based on a town map from that era. Other portions of

Southeast Park date to 1951 when voters approved a bond to acquire property damaged by the 1951 flood and to add it to what was then known as Battery Park ("13 ballots defeat"). The future land use map indicates Southeast Park will continue to function as parkland, leaving one to wonder why 407 Pottawatomie needs to serve as a buffer between a residential neighborhood and a park that has been there for decades and will continue to be parkland for the foreseeable future.

Residents who spoke against the rezoning expressed concerns again about a "domino effect" and the potential harmful effect on the residential neighborhood to the west. MUAPB members voted 3-3 to approve the rezoning. A tie vote meant the motion to approve the rezoning failed. Board members who voted against the rezoning indicated they thought the request failed to meet four of the factors for rezoning. Those factors included the existing use of the property, its physical and environmental characteristics, its zoning history, and its suitability for the uses it's currently restricted to; conformity of the proposed change to the Comprehensive Plan; the character of the neighborhood, including zoning and uses of nearby property; and compatibility of the proposed zoning district with nearby property.

After the April 2023 MUAPB meeting, an error in the required notification sent to adjacent property owners was discovered. As a result, the MUAPB's tie vote had to be set aside and a new public hearing held.

The new hearing was held on May 25, 2023, and the rezoning of 407 Pottawatomie was discussed by the MUAPB for a third time. The staff report was unchanged, and residents and neighbors turned out to speak against the rezoning. Those against the rezoning reiterated some of the same comments made at the previous meeting. They mentioned 407 Pottawatomie had been a residential lot for over 100 years, was still suitable for residential use, and Manhattan needs lots to build affordable housing;



Above, 431 Pottawatomie Ave. in 2020.

expressed concerns that MCM would continue to expand and encroach into the residential area; commented that other communities are redeveloping their riverfronts; and wondered what assurances any homeowners have that zoning will protect their investments in their properties. MCM's representative indicated the business doesn't plan to expand at its south Manhattan location, the proposed building has an attractive landscape plan, and the representative stated "the city" had asked MCM to purchase 407 Pottawatomie, although it wasn't clear which officials were meant by "the city."

The MUAPB again tied 3-3 when voting on whether to approve the rezoning. The board members who supported rezoning the property didn't think the requested rezoning was incompatible with the neighborhood, thought the proposed use was a "good compromise," and recommended that neighbors create a historic district if they have concerns. Those who voted against the rezoning again felt the request failed to meet four of the factors for rezoning and expressed concerns about the impact on the residential neighborhood.

The rezoning matter advanced to the City Commission for consideration on June 6, 2023. As before, residents attended the meeting to protest the rezoning, and the staff report was the same as what had been provided to the MUAPB. Residents attended the meeting yet (continued on p. 3)

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again and expressed their concerns about the impact the rezoning would have on the residential neighborhood to the west.

When commissioners expressed their opinions, Commissioner John Matta thought 407 Pottawatomie was not a desirable lot for residential use because it's entrenched adjacent to industrial uses, and he thought a business use was a compromise.

Commissioner Linda Morse said the decision was difficult because she appreciated neighbors coming forward and sharing their perspective, but she didn't think the proposed use would be an intrusion into the residential area.

Commissioner Wynn Butler thought the proposed training facility wouldn't bother him if he lived next to it, but he was philosophically opposed to any rezoning request if the people who live next to it don't support it. He added that when people buy property, they have the expectation that the zoning won't change.

Mayor Mark Hatesohl didn't think 407 Pottawatomie was a desirable location for a single-family home anymore, and a well-maintained building was a better use than other options.

If commissioners wanted to override the MUAPB's recommendation to deny the rezoning request, four commissioners' votes would be needed to override. (Currently, one of the five commission seats is vacant.) Lacking four votes to override the MUAPB's decision, commissioners voted 3-1 (with Morse dissenting) to remand the rezoning item back to the MUAPB for reconsideration, noting that commissioners disagreed with the MUAPB's finding that the proposed rezoning was incompatible with neighboring property. After an item is sent to the MUAPB for reconsideration and returns to the City Commission for review, only three commissioners' votes are needed to override a MUAPB

finding.

The rezoning of 407 Pottawatomie Avenue was presented to the MUAPB on June 8, 2023, but board members declined to add the item to the agenda and did not reconsider it, noting they felt they had sufficiently discussed it previously. This meant when the item returned to the City Commission for discussion on June 20, 2023, it returned with the MUAPB's same earlier recommendation, which was a tie vote and a failure to approve the rezoning request.

At the June 20 meeting, Mayor Hatesohl wanted to limit public comment, noting there likely wasn't much new to be said as the item had already been hashed out numerous times during both MUAPB and City Commission meetings. His suggestion was to limit speakers to three minutes instead of the usual five and to limit the amount of time public comment would be accepted to 15 minutes in total. The motion to limit public comment passed 3-1, with Morse dissenting because she wanted to hear more fully from the public.

"If you care a lot about your property and what goes in around you, you'd better buy it because anybody can come and do something to the next door. So, that's kind of become my philosophy over time because you can't trust anything."

Commissioner Linda Morse

Residents who spoke expressed frustration that they had prepared for five minutes of comments and not three. The city's public comment policy states that the amount of time granted to each speaker may be reduced provided more than 10 citizens plan to speak on the same item. In this instance, the mayor recommended reducing the time limit for speakers without knowing how many citizens planned to speak.

When commissioners discussed the rezoning item, Hatesohl commented that residents' needs have to

be balanced with growth and the safety of MCM's drivers. He noted the lot had been purchased by MCM, and said, "They're either going to store crud on it because they got the land and got crud to store or will build a building of benefit to them." If the rezoning request were denied, it doesn't appear that storing "crud" on a residential lot is a permitted use to assume MCM might have used the lot in this manner. Hatesohl added that because the property is east of Temple Lane, 407 Pottawatomie is a sort of island of its own.

Matta said one could make the argument the property was still suitable for residential, but the lot has challenges because of industrial uses nearby. He thought Temple Lane could serve as a boundary between residential and commercial/industrial uses, and he didn't think the proposed building would deteriorate the neighborhood.

Morse said she respected the MUAPB's work, and it wouldn't be easy for her to override the board's work. She felt the property belonged more with the industrial uses in the area than the residential. She thought a building with landscaping would be better than the house that had been located at 407 Pottawatomie and better than a vacant lot. She noted, "With the loosey-goosey interpretation of the Land Use Plan, you can't hold that plan to any lot, it would seem to me, if this one can't be held to a standard." Later in the meeting when commissioners discussed an unrelated rezoning matter on Browning Avenue, Morse made a comment about the state of zoning in Manhattan that sounded like a warning of sorts to property owners. She said, "If you care a lot about your property and what goes in around you, you'd better buy it because anybody can come and do something to the next door. So, that's kind of become my philosophy over time because you can't trust anything." It's troubling to hear a commissioner imply that homeowners can't expect zoning to pro-

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vide any protection or stability for their properties, and the only way to protect one's property is to purchase adjacent properties, which is assuming one has the financial ability to do so.

Butler reiterated his previous comments that when it comes to rezoning, the people who own the adjacent property trump everyone else.

Commissioners approved the rezoning 3-1, with Butler dissenting.

Though the rezoning of 407 Pottawatomie was decided, this wasn't the end of the property's saga. During the MUAPB's meeting on June 22, 2023, board members were informed the Flint Hills Regional Council had learned during its meeting on June 16, 2023, that the organization had received a grant to conduct a "brownfield" study of south downtown for the area south of Fort Riley Boulevard and east of South Fifth Street, which includes 407 Pottawatomie and the site occupied by MCM.

According to the Environmental Protection Agency, a brownfield is a "property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." John Adam, the MUAPB's staff liaison, said the project will include community engagement and "visioning based on an environmentally degraded area." MCM's concrete plant is the "catalyst site." Catalyst sites are parcels of land that could be cleaned up, reinvested in, and revitalized to increase the local tax base, facilitate job growth, and improve the environment. Adam explained, "What this is

about is what happens if we move MCM out of there, and what does redevelopment potential [look like] for that site. Do we keep pulling downtown. You know, how do we develop that with different sorts of uses, residential, other commercial uses. MCM was on board with this. They'd be interested in seeing what redevelopment might happen."

"What this is about is what happens if we move MCM out of there, and what does redevelopment potential [look like] for that site."

John Adam, Asst. Dir. of Community Development

It's worth noting that at the time of the City Commission meeting on June 20 when the majority of commissioners approved the rezoning of 407 Pottawatomie, the June 16 Flint Hills Regional Council meeting where the brownfield study was discussed had already taken place. Yet, no city official mentioned this development during the June 20 meeting. Of course, there's no way of knowing at this early point what the outcome will be of the brownfield study, but in not disclosing this new information, city officials failed to inform citizens of the larger plans for the area and the impact they might have on 407 and 431 Pottawatomie Avenue as well as MCM. Meanwhile, since MCM was described by Adam as being "on board," MCM representatives were aware of the brownfield study while other citizens had been left in the dark as the rezoning matter worked

its way through the process.

Presumably, the next step will involve MCM's applying for a permit to construct the proposed training facility at 407 Pottawatomie Avenue.

For 431 Pottawatomie Avenue, the owners recently submitted a Preliminary Site Information Questionnaire (PSIQ) to the State Historic Preservation Office (SHPO). The PSIQ is a short form a property owner completes to provide SHPO with information about their property, which helps SHPO evaluate whether the property meets the requirements for historic registry listing. The owners have received positive feedback from SHPO that the property is potentially eligible for registry listing, and the M/RCPA will assist the owners as needed if they choose to pursue registry listing. If the property is successfully listed on the state or national registers, it would be eligible for rehabilitation tax credits and other benefits available to registered properties.

What happens next with the south downtown brownfield study is yet to be seen, and the M/RCPA plans to continue to be engaged as the situation unfolds and see what the impact may be on the historic Pottawatomie Avenue neighborhood.

"13 ballots defeat free parking lots." [Manhattan Mercury-Chronicle](#). 19 September 1951: 1.

To learn more about the historic house at 431 Pottawatomie Avenue, see the M/RCPA's June 2020 newsletter, which is available on the M/RCPA's website.

Remembering Battery Park

A map created circa 1857-60 from Manhattan's earliest days shows a park running north-south along the river on the town's far eastern edge. The park extended from Pottawatomie Avenue on the south and almost as far as Poyntz Avenue on the north. The park's western boundary was Wyandotte Avenue, and the eastern

boundary was the Kansas River. The park was known as "Battery Park," and perhaps it acquired its name as a nod to Battery Park in New York (known today as "The Battery"), which is located on the southern tip of Manhattan Island, NY. During these early days, the park served as a landing area for steamships traveling

the rivers ("Why restraining order?")

By 1863, the railroad was expanding westward, and Kansas communities were competing against each other to entice the railroad to come through their towns and bring with it anticipated economic prosperity. In an effort to make Manhat- (continued on p. 5)

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tan as attractive as possible, the city council approved a resolution on Nov. 15, 1865, to offer Battery Park to the Union Pacific Railroad to use for a depot and machine shops, and railroad officials quickly accepted the offer (“Airport now”).

Though the railroad now owned a large section of the park, the city retained ownership of a portion (“Halts bridge work”). The area continued to be known as Battery Park and appeared to have developed an unseemly reputation. The park had become a dumping ground for the community’s dead livestock and pets, which resulted in a powerful stench emanating from the park (“Battery park has long been”). John D. Walters, who established the architecture program at Kansas State Agricultural College, referred to Battery Park as not only an eyesore but also a “nose-sore,” describing the southern portion as an “immense, smoking, and steaming dung heap.” Walters was also concerned about vagrants who occupied the park (Walters). Newspaper notices indicate issues with “tramps” robbing passengers waiting for the train, and a woman was arrested for “plying her trade” in Battery Park.

Apparently, these concerns motivated Union Pacific to make improvements to the park. Underbrush was removed, trees were trimmed, and walking paths were created within the park. Railroad officials urged residents to stop dumping rubbish in the park, and before long, Battery Park was described as a lovely spot to spend a Sunday afternoon (“When the Union Pacific”).

Over the years, Union Pacific permitted various entities to lease portions of Battery Park for their use. A local gun club was allowed to use the park for target practice. A creamery was located in another section. The school district leased a plot in the northern area of the park for a student gardening program.

By 1939, Battery Park was once again described as less than attractive.



Top, a circa 1857-60 map of Manhattan by the Cincinnati and Kansas Land Company, with Battery Park at the bottom of the map. Bottom, a close-up of the map’s section with Battery Park near the confluence of the Kansas and Blue Rivers. The photo of the map is courtesy of kansasmemory.org, Kansas Historical Society, copy and reuse restrictions apply.

This time it was referred to as a “jungle.” Several residents submitted a petition to the City Commission to ask that overgrown vegetation along the river in Battery Park be removed. The petitioners claimed the park had become infested with “hobos,” who they regarded as a menace, and the overgrown vegetation provided a protected spot for “hobos” to camp. As this was during the Depression, it’s likely there was a higher number of people struggling financially and experiencing homelessness. City officials noted the “hobos” weren’t causing any trouble, and they preferred to have them living in a concentrated area than scattered throughout the city (“Petitioners want officials”). It’s unclear whether any action was taken to address the concerns.

A new city park near Battery

Park was created in 1949 to honor *Hartford* passenger Judge John Pipher. Judge Pipher was the head of the Cincinnati and Kansas Land Company, Manhattan’s first postmaster, and served as the first mayor before Manhattan was officially incorporated. Named “Pipher Park,” the park encompassed a block-and-a-half in the 100 block of Pottawatomie Avenue and was later added to Battery Park (“New city park”).

The 1951 flood resulted in significant changes for Battery Park. The southeast area of Manhattan had been ravaged by flood water, and citizens were asked to approve a \$90,000 bond to acquire this damaged area and take it out of circulation. The area to be purchased was approximately five city blocks. It was noted at the time that few people remembered part of the land fronting the Kansas River was a park. Voters approved the bond in September 1951, and the purchased property was to be added to Battery Park (“13 ballots defeat”).

By 1952, the final property had been acquired, and this southeastern area of Manhattan along with Pipher Park was incorporated into Battery Park (“City wants”). This time period in the early 1950s appears to be when Battery Park transitioned to being known as “Southeast Park.”

By the mid-1980s, Southeast Park, the former Battery Park, was in poor condition yet again and functioned essentially as a dump, although it had not been officially designated to serve as a dump, and it seemed many citizens didn’t realize it was parkland. At this time, the community was working on revitalization plans for downtown as well as plans to establish a trail encircling the city that would follow old rail lines and the levee. The plans included creating an arterial to connect Ft. Riley Boulevard with Tuttle Creek Boulevard, which involved relocating a concrete, sand, and gravel business to land in Southeast Park, which again, many didn’t know (continued on p. 6)

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was parkland. For the trail, the plans called for a main access point near the intersection of South Fourth Street and Pottawatomie Avenue, and the trail would follow the levee, which bisected “Battery Park.”

“Battery Park” was repeatedly referred to during the planning discussions, including the possibility of conducting a study of the park and rejuvenating it. But, when the local Audubon group, which supported creation of the trail, conducted its own research, the group discovered there was no longer anything named “Battery Park,” but there was a “Southeast Park.” Some citizens accused city officials of attempting to disguise the fact that the land the city proposed to sell to relocate the business was actually parkland and not a dump (Rhodes), and they questioned if city officials had a handle on what land the city owned. Ron Fehr, current city manager and forestry supervisor at the time, ad-

mitted the city wasn’t sure what land it owned south of Southeast Park (“Auduboners think”).

Because this portion of Southeast Park had been purchased with voter-approved bond funds in 1951, the sale of the land to the concrete, sand, and gravel business was subject to a protest petition (Rhodes). In the end, the sale wasn’t protested, the business moved and Midwest Concrete Materials is in this location today, and the trail encircling the city was eventually completed and is known as Linear Trail.

Today, Battery Park’s legacy carries on as Southeast Park, which encompasses approximately 35 acres with hiking trails. The southern edge of the natural park is South Fourth Street, and the park extends north along the Kansas River to the Pottawatomie County line.

The potential to develop the riverfront and reconnect Manhattan to the river popped up a few years ago, and discussions are ongoing with out-

comes yet to be seen. Should something ultimately move forward, perhaps this would be the opportunity for Battery/Southeast Park to receive the attention it’s lacked for the past 160 years and finally end the recurring cycle of sliding into neglect.

- “13 ballots defeat free parking lots.” Manhattan Mercury-Chronicle. 19 September 1951: 1.
- “Airport now, but railroads held interest back in 1865.” The Manhattan Mercury. 4 May 1939: 1.
- “Auduboners think city’s inaction on levee park is for the birds.” The Manhattan Mercury. 6 January 1985: A1, A8.
- “Battery park has long been a receptacle.” The Nationalist. 19 October 1877: 5.
- “City wants more business area.” The Manhattan Mercury. 16 April 1952: 1.
- “Halts bridge work.” The Manhattan Mercury. 21 December 1915: 1.
- “New city park to honor first Manhattan mayor.” Manhattan Mercury-Chronicle. 27 July 1949: 1.
- “Petitioners want officials to condemn ‘Hobo Hotel’ here.” The Manhattan Republic. 29 June 1939: 1.
- Rhodes, Paul. “Votes set for Kershaw move.” The Manhattan Mercury. 12 December 1984: A1, A10.
- Walters, John D. “Suggestions for the improvement of Manhattan.” The Industrialist. 28 September 1896: 2.
- “When the Union Pacific railroad company.” The Manhattan Mercury. 27 December 1899: 8.
- “Why restraining order?” The Manhattan Mercury. 22 December 1915: 1.

Update on Cemetery Master Plans

During the City Commission work session on June 27, commissioners were provided with an update on the master plans in process for Sunrise and Sunset Cemeteries, which began in January 2023. The plans included long-term plans for both cemeteries and multiple options to consider for the associated shops. The future of the historic sexton’s house was still to be determined, and despite this uncertainty, commissioners dedicated a significant portion of the meeting to discussing the house.

Alfonso Leyva, Park Planner II, began by informing commissioners of activities since the planning process began in January. The Cemetery Advisory Board, the Historic Resources Board, and the Parks and Recreation Advisory Board had been provided with information and given the opportunity to provide input. Neighbors of the sexton’s house, which is located at 2000 Leaven-

worth Street, as well as M/RCPA members were given a tour of the sexton’s house. An open house showcasing preliminary concepts was also held in March, giving the public the opportunity to provide input.

In terms of burial space, Sunrise Cemetery is well-positioned for many years to come. The current concept for the cemetery would erect a new accessible office, add a new maintenance shop where the office currently sits, and renovate the existing shops. Leyva explained that moving the office farther away from the shops had been considered, but extending utilities to a new location would be costly. Instead, vegetation would be used to create visual separation between the office and shops.

For Sunset Cemetery, five options for the location of the maintenance shops had been developed, requiring commissioners to weigh in, and commissioners also provided feedback about the future of the sexton’s

house.

Sunset Cemetery has fewer burials these days, lessening the need for large shops and opening the possibility of building new, smaller shops. One possible location for the shops was to place them behind the Paslay Tower in the cemetery along the western boundary. Another option involved collaborating with Sunset Zoo and erecting shared shops. A third option placed the shops in Girl Scout Park along the southern edge. The two remaining options kept the shops on the existing lot, with one option renovating the building in its current location and the second option erecting a new building on the southern edge of the lot.

Commissioner Linda Morse didn’t want to see Girl Scout Park disturbed with the introduction of shops, and Mayor Mark Hatesohl agreed and suggested that the option be dropped. (continued on p. 7)

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The lot the shops is currently located on is large enough that it could be divided into two. If the shops were moved to another of the possible locations, the lot could be sold, or possibly the northern half could be sold if the shops were moved to the southern edge of the existing property. However, a water main cuts diagonally across the lot and would need to be relocated to make it feasible to build on the lot. In addition, if new shops were built on the southern edge, the sanitary sewer for the sexton's house might also need to be relocated. Morse wasn't interested in moving utilities.

If the shops stayed in their current location and were renovated, access would be created off Sunset Lane, which is a narrow road, and neighbors expressed concerns about vehicles being unable to pass each

other. A turning area at the entrance to the shops would need to be created to alleviate this issue. Leyva said there is also a drainage issue with the current location, and Commissioner Wynn Butler thought it would be possible to solve the drainage problem.

Commissioners expressed interest in the option that involved partnering with the zoo, but a challenge with this location is it wouldn't be as easy for the public to access it if there were a need to meet with cemetery employees. If the zoo partnership option were pursued, Commissioner John Matta suggested that the sexton's house could serve as the office to engage the public.

Hatesohl and Butler also liked the option of keeping the shops on their current lot. Hatesohl thought that if the shops' lot were sold, it wouldn't be worth it to potential buyers to relocate the water main. Butler noted that keeping the shops on the current lot was the cheapest option.

Commissioners also discussed the future of the Sunset Cemetery's sexton's house. Judge Sam Kimble, Jr. and his wife Cora donated the land for the sexton's house to the city in 1910, and the deed includes language to the effect of the city was to forever maintain the property, and failure to do so would result in the property's reverting to the grantors. During the meeting, it was acknowledged the situation with the house and deed is complicated, and it could take years to sort out the details.

Butler commented that his preference had been to sell the sexton's house, but in light of the legal complications, he thought repurposing the house, maintaining it, and incorporating it into the master plan should be taken into consideration.

Morse was not interested in selling the sexton's house because an entity had given the property to the city years ago, and she didn't think it was appropriate for the city to break that trust. She thought the city needs to find a way to continue



Above, the Sunset Cemetery's sexton's house with Sunset Cemetery visible in the background.

using the house in keeping with the guidelines of the deed, although she wasn't interested in investing in renovating the sexton's house. The house isn't currently accessible, so it would seem an investment would be needed to improve accessibility if the house were to continue to have a public use. Estimates to renovate the sexton's house ranged from \$130,000 to \$210,000.

Commissioner John Matta said his preference for the sexton's house would be to sell it or to turn it over to the Kimbles' heirs.

In 2018, the city received grant funds to hire a consultant to conduct a historic survey of city-owned property in the Sunset Hill area, which included the sexton's house. The survey results recommended the creation of a historic district, and the sexton's house was identified as a contributing resource to the potential district. If a historic district were established or if the sexton's house were individually listed on the state or national historic registers, it would be eligible for rehabilitation tax credits and other benefits that would help with renovation expenses, whether the city owned it or if it were privately owned.

During public comment, a Kimble descendant addressed commissioners and said she would like to see the sexton's house be returned to Kimble family members and go to someone who would preserve it.

The meeting was a work session, so commissioners took no formal action. The proposed timeline is for commissioners to accept the cemetery master plans in late summer or early fall.

Genealogy & History Fair

When: Saturday, Aug. 19, 2023
10:00 a.m. – 4:00 p.m.

Where: Pottorf Hall, CiCo Park
Includes: Information tables, classroom presentations, kids' corner, food truck.

Cost: Free and open to the public.

Manhattan/Riley County
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www.preservemanhattan.org

The Board of Directors meets the third Thursday of the month via Zoom. Members are welcome to participate in board meetings. Contact the M/RCPA if you would like to participate in a board meeting.

Newsletter editor: Kathy Dzewaltowski

All the articles in the August 2023 newsletter were written by Kathy Dzewaltowski.

M/RCPA P.O. Box 1893 MANHATTAN, KS 66505-1893
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2023 M/RCPA Membership Roster

\$35 Historic Level

Barbara G. Anderson, Steven Brewer, Charlene Brownson, Randi Dale, Mike & Jan Danenberg, Nancy Danner, David & Jana Fallin, Wanda Fateley, Richard Harris, Katharine Hensler, Lisa Caitlin Highsmith, Melanie Highsmith, Kent Kellams, Phillip & Camille Korenek, Melissa Janulis, Steve Lee & Nancy Raleigh, Dawn Munger, Bill Pallett, Allana Parker, Jerry & Martha Powell, Gloria Juhl Raney, Roger & Virginia Reitz, Linda Rice, Lauren Ritterbush, Tom & Karen Roberts, Charlie & Sharlin Sargent, Alicia Stott, Catherine Tremblay, Ronald E. Wells, Ron & Dixie West, Nancy B. Williams, Judith Willingham

\$100 Preservation Level

Mimi Balderson, BBN Architects, Mel Borst, Dede Brokesh, Diana Caldwell, Preston & Diana Chapel, G. W. Clift, Gary & Paula Ellis, Calvin & Genie Emig, Chris Fein, Joe & Janette Gelroth, Michael Grogan, Ann Kosch, John & Karen McCulloh, Dori Milldyke, Linda Morse, Philip Nel & Karin Westman, Debbie Nuss, Phyllis & Hannah Pease/Little Batch Company MHK, Mary Beth Reese, Brenda Spencer

\$125 Corporate Preservation

Colene Lind & Rex Fowles, Bruce McMillan AIA Architects PA

\$250 Landmark Level

David & Kathy Dzewaltowski, Larry & Linda Glasgow, Rick & Judy Glowiak, Mark & Ann Knackendoffel, Barbara Poresky, Kevin West & Alyn Pennington West/SNW Gallery and Custom Frames

Honorary Lifetime Members

Mel Borst, Enell Foerster (in memory of Bernd Foerster)